

TUESDAY, MARCH 28, 2006

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 4:07 p.m. by Mr. Vander Borcht, Mayor.

CLOSED SESSION

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

4:07 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 – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. Kajima Construction, et al.
Case No.: 04CC12506
Brief description and nature of case: Complaint is for water intrusion and mold damage to Police/Fire Building resulting from design defects and construction defects.
- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Pacific Gas & Electric Company, et al. v. Arizona Electric Power Cooperative, Inc., et al.
Case No.: 2-06-CV-00559 – MCE – Federal District Court
Brief description and nature of case: Breach of Contract Regarding Sales of Electrical Energy.
- c. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. Sempra Energy Trading Corporation.
Case No.: CV 05-5448 GPS – Federal District Court.
Brief description and nature of case: Breach of Contract Regarding Sales of Electrical Energy.
- d. Conference with Legal Counsel – Anticipated Litigation (City as potential plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- e. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee’s Position: City Manager and City Attorney.

- f. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: San Diego Gas & Electric Company vs. Arizona Electric Power.
Case No.: 2:06-CV-00592-WBS-DAD – Federal District Court.
Brief description and nature of case: Breach of Contract Regarding Sales of Electrical Energy.

- g. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
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 6:45 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Karen Karlsen, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Boris Markossian.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Gordon, 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
AT&T Computer Lab Grant Mayor Vander Borght presented a Certificate of Recognition to Anita Gabrielian, representing the AT&T Foundation, the philanthropic arm of SBC Communications Inc., for their generous award to the City of Burbank of \$8,000 to be used toward the procurement of technology equipment needed for the implementation of the computer lab at the Joslyn Adult Center.

3/28/06

301-1 Mayor Vander Borcht presented a Certificate of Recognition to
Harold Maxham Harold Maxim upon the celebration of his 40th year of service
– 40 Years of to the United States Postal Service in Burbank.
Service to the
Burbank Post
Office

301-1 Ani Manbelyan, representing the Teens in Action Police-Youth
Teens in Action Relations Team, introduced and recognized the following
Police Youth sponsors of the annual Ball-B-Q event: Alajian Catering; Baja
Relations Team Fresh Mexican Grill; Beverage Brothers; Big Mama's & Papa's
Ball-B-Q Pizzeria; BJ's Restaurant & Brewery; Burbank Kiwanis For Fun;
Sponsors Donitas; Hometown Buffet; Pomodoro Cucina Italiana; Porto's
Bakery; Morton's, The Steakhouse; Bob's Big Boy; David Gold
Identity Apparel; Magnolia Flowers and Gifts; The Great
Indoors; Randalls Art; Cartoon Network; Hilton Burbank
Airport & Convention Center; Café Del Rey; Domino's Pizza;
Barragan's Mexican Restaurant; Broadway Car Wash; Bump &
Jump Jumpers; Burbank Bar and Grille; Burbank Public Library;
Burbank Water and Power; Chevy's Fresh Mexican Restaurant;
Hooters; Massage Envy; Sharkey's Woodfired Mexican Grill;
The Pasadena Ice House; Toys R US; and, Winchell's.

Mayor Vander Borcht expressed appreciation to the sponsors
and presented them with Certificates of Recognition.

Request to Add Dr. Gordon requested the Council consider adding an urgency
an Urgency Item item on the agenda pertaining to the release of the confidential
memorandum on the Glendale-Burbank Interceptor Sewer
Project.

7:22 P.M. Mr. Campbell left the Chamber at this time due to a potential
Mr. Campbell conflict.
Left the
Chamber

There was no Council consensus to add the item as an
urgency matter.

7:30 P.M. Mr. Campbell returned to the Chamber at this time.
Mr. Campbell
Returned to the
Chamber

Reporting on Mr. Barlow reported on the items considered by the City Council

Closed Session	and the Redevelopment Agency during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	Mr. Vander Borgh called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	<p>Appearing to comment were: Don Elsmore, on Airport issues; Gary Garrison, on events at the AMC Theater; Rance Howard, in support of maintaining the current oral communications procedure; Eric Michael Cap, showing a videotape of portions of a Charter Review Committee meeting; John Dincher, expressing issues he has with his neighbor and requesting assistance; Irma Loose, requesting an investigation into Planning Board actions; Marjorie Colvin, on the senior transportation system; Molly Hyman, in support of maintaining the current oral communications procedure; Stan Hyman, in support of maintaining the current oral communications procedure, the purchase of the former American Red Cross Building and the ordinance prohibiting sleeping in parks; Fred Prouser, showing a videotape of proceedings at a Charter Review Committee meeting; Rose Prouser, on comments made by a member of the Charter Review Committee, requesting future meetings be televised and on Burbank being named in an energy crisis lawsuit; Esther Espinoza, on an occurrence at her home; Philip Berlin, on the Brown Act requirements related to urgency items; Howard Rothenbach, on an upcoming conference on redevelopment abuse; and, Mark Barton, on immigration reform.</p> <p>Appearing to comment on the Glendale-Burbank Interceptor Sewer (GBIS) Project were: Michael Scandiffio; Nan Christian; Mary Schindler; David Stitz; Carolyn Berlin; Frank Garcia; Liz Montgomery; Dean Kay; and, Tom Elieff.</p>
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borgh called for speakers for the agenda item oral communications at this time.
Citizen	Appearing to comment on the GBIS Project were: Dr. Charles

3/28/06

Comment Lilly; Shelley Zbornak; Marc Hauptert; Jim Lane; Rance Howard; Frank L. Zugelter; Liz Montgomery; Stan Hyman; Molly Hyman; and, Mary Schindler, who also commented on the options for reducing the length of Council meetings.

Commenting on the options for reducing the length of Council meetings were: Michelle Feather; Kevin McCarney; Esther Espinoza; Eden Rosen; Carolyn Berlin; Philip Berlin; Rose Prouser; Fred Prouser; Howard Rothenbach; David Piroli; and, Mark Barton, who also commented on the military banner program.

Also, Gary Olson and Barbara Beckley, commented in support of the military banner program; and, Linda Maxwell and Jose R. Quintanar, on funding for the Mayor's Youth Task Force.

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

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

Minutes Approved The minutes for the regular meetings of November 22 and November 29, 2005, the adjourned meeting of November 29, 2005, and the regular meetings of December 6, December 13, December 20 and December 27, 2005 were approved as submitted.

804-3
907
Seat Belt
Compliance
Campaign
RESOLUTION NO. 27,210:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2006 CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING FUNDS.

804-3
AT&T Grant
For Computer
Lab at Joslyn
Center
RESOLUTION NO. 27,211:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE PARK, RECREATION AND COMMUNITY SERVICES DIRECTOR TO EXECUTE A GRANT AGREEMENT WITH AT&T, TO ACCEPT GRANT FUNDS AND TO AMEND THE FISCAL YEAR 2005-2006 BUDGET.

203
RESOLUTION NO. 27,212:

Mayor's Youth Task Force Program A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MAYOR'S YOUTH TASK FORCE RECOMMENDED PROGRAMS AND AUTHORIZING FUNDING FROM THE YOUTH SERVICES HOLDING ACCOUNT.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Gordon (abstaining on the minutes), Ramos and Vander Borght.

Noes: Council Members None.

Absent: Council Members None.

10:01 P.M. Mr. Campbell left the meeting at this time due to a potential
Mr. Campbell conflict with the following item.
Left the Meeting

911 Mr. Andersen, Principal Civil Engineer, Public Works
DEIR Regarding Department, reported that the City has so far sent three letters
The GBIS to the City of Los Angeles in response to the Draft Environmental Impact Report on the proposed Glendale-Burbank Interceptor Sewer Project. He noted that: the first letter made strong technical arguments against the northern alignment and its significant adverse impacts; the second letter regarding the hybrid-alignment requested additional data and comment time; and, the third letter expressed the City's opposition to the hybrid alignment. He stated that staff was presenting a draft of the fourth letter, requesting the City of Los Angeles to further explorer an alignment alternative under the Los Angeles River, west of the Barham Shaft site.

Mr. Andersen noted that originally, the letter was responding to Los Angeles Council Member LaBonge's email regarding the hybrid alignment; however, staff has now obtained a copy of a report prepared by the City of Los Angeles that rejected the alignment under the Los Angeles River. He stated that the report claims that an alignment under the Los Angeles River is not feasible due to constructability concerns, real estate issues, and future development and revitalization efforts along the river. He noted that the most significant of the concerns is constructability, which anticipates boulders being encountered in the river, thereby hindering tunnel construction, and increasing costs and construction time. He revealed that in order to evaluate these assertions, staff has hired a geologist to comment on their validity and the draft

3/28/06

letter presented indicates that the geologist believes that there is no greater likelihood of encountering boulders under the current alignment or side of the Los Angeles River than an alignment hundreds of feet away. He requested the Council consider the letter and provide direction as desired.

Following discussion, the Council directed that: the beginning of the letter reiterate the City's opposition to the hybrid and northern alignments; the letter reference the recently-received report from the City of Los Angeles Department of Public Works rather than the email correspondence from Councilman LaBonge; the letter clarify that the City was not suggesting an alignment that runs underneath the river but in the river easement; and, Councilman LaBonge, Council Member Greuel and the Los Angeles Board of Public Works be copied on the comment letter and another letter be sent to Councilman LaBonge subsequent to Mr. Vander Borght and Mr. Golonski meeting with his staff on Friday.

10:35 P.M.
Mr. Campbell
Returned to the
Meeting

Mr. Campbell returned to the meeting at this time.

201-1
Options for
Reducing Length
of Council
Meetings

Ms. Dolan, Administrative Analyst, City Manager's Office, stated that at the March 7, 2006 Council meeting, Mayor Vander Borght requested that staff bring back options for reducing the length of Council meetings. She discussed the various steps that have been taken in the past to reduce the length of Council meetings, including: implementing a meeting curfew with procedures for considering items after the curfew only with the support of a majority of the Council; changing oral communications procedures; limiting comments by each Council Member in response to each period of oral communications; limiting initial comments by each Council Member for each agenda item; implementing a "last call for cards" procedure, which would prohibit the submission of speaker cards past a specified time into the oral communications period; changing the starting time of the meeting; requesting that staff refrain from placing other items on the regular agenda when a lengthy public hearing is scheduled; and, scheduling lengthy public hearings on a separate night. She also noted that informational items could be placed on the agenda before the meeting as study sessions or could be considered on another night during a special

meeting.

Council discussion centered on: limiting the number and length of presentations; scheduling lengthy public hearings on different nights; making a determination between 9:00 p.m. and 10:00 p.m. on whether other agenda items will be postponed; combining the initial and agenda item orals to one five-minute period of oral communications on any matter; reserving a front row for speakers on nights with many speakers; and, receiving concise staff reports.

Following Council discussion, staff was directed to better manage the Agenda and return with the appropriate action for changing the oral communications format to provide for one five-minute oral communications period at the beginning of the meeting.

301
Military Service
Banner Program

Mr. Nelson, Deputy Park, Recreation and Community Services Director, reported that at the March 14, 2006 meeting, staff was directed to develop a banner program honoring individuals serving in the armed forces. He noted that staff conducted a survey and has developed a program with the following elements:

Individuals would submit the name of service personnel on a registration form developed by staff. Service personnel must be a current Burbank resident, or have been a Burbank resident at the time of military enlistment;

Once processed, a formal Council recognition would be scheduled prior to a Council meeting and subsequently, a banner including the individual's name and his or her branch of military service would be hung. The banner would remain up as long as the individual remains on active duty and once discharged the banner would be presented to him or her;

The program will be a collaborative effort between the City, community organizations and individuals willing to provide sponsorships. The cost of the banner is estimated to be \$300 and staff recommended that the City fund half of the cost, and the sponsor fund the remaining \$150. The sponsor would receive a certificate of appreciation for their support; and,

A portion of Third Street, from Olive Avenue to Amherst Drive was selected as the banner placement site. In addition, he

3/28/06

stated that banners recognizing all Burbank veterans will be placed around the perimeter of McCambridge Park.

Mr. Nelson requested that the Council adopt the proposed Military Service Banner Recognition Program and authorize the use of \$30,000 from the Military Pool Holding Account.

Motion

It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried that "the Council adopt a Military Service Banner Recognition Program, and authorize the use of \$30,000 from the Military Pool Holding Account."

202-12
Amend BMC as
to the
Composition of
the
Transportation
Commission

Mr. Barlow, City Attorney, requested the Council consider an amendment to the Burbank Municipal Code to increase the number of members of the Transportation Commission from seven to eight, pursuant to Council direction on March 14, 2006. He stated that this matter arose due to Paul McKenna, Jr.'s return from active military duty with a desire to continue serving on the Commission. He noted that staff has received word of Commissioner Kathryn Cerra's desire to resign from the Commission due to personal reasons and requested that Mr. McKenna serve the remaining term.

The Council directed that Mr. McKenna be allowed to serve the remaining term, ending May 1, 2007 upon the resignation of Commissioner Kathryn Cerra.

410
Replacement for
The MTA Board
of Directors
Nomination
Meeting

Mayor Vander Borcht stated that he will not be able to attend the nomination meeting to support the nomination of Glendale Council Member Ara Najarian to succeed City of Lancaster Mayor Frank Roberts as the North County-San Fernando Valley representative to the Metropolitan Transportation Authority Board of Directors. He reported that on April 6, 2006, the Los Angeles County City Selection Committee will be holding a meeting to receive nominations and requested a Council Member attend as his replacement.

Mr. Campbell volunteered to serve as Mayor Vander Borcht's replacement.

Ordinances
Submitted

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "Ordinance Nos. 3693 and 3694 be read for the second

time by title only and be passed and adopted." The titles to the following ordinances were read:

1701 ORDINANCE NO. 3693:
Amend BMC AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Relating to AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE
Density Bonus RELATING TO DENSITY BONUS.

1701 ORDINANCE NO. 3694:
Amend BMC AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Relating to AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE
Inclusionary RELATING TO INCLUSIONARY HOUSING.
Housing

Adopted The ordinances were adopted by the following vote:

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

Final Open Mr. Vander Borght 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 were: Eden Rosen, on senior housing
Comment issues and the Phones For Life Program; and, David Piroli, on
 the lack of rules of order for Council meetings.

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

301-2 There being no further business to come before the Council, the
Memorial meeting was adjourned at 11:44 p.m. in memory of Frederick
Adjournment Dustin "Dusty" Worthen.

Margarita Campos, CMC
City Clerk

APPROVED MAY 9, 2006

Mayor of the Council
of the City of Burbank