

TUESDAY, JUNE 20, 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 5:31 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

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.

5:31 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: Dresser v. City of Burbank.
Case No.: EC040122
Brief description and nature of case: Trip and fall at the Starlight Bowl.
- b. 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: Burbank Firefighters Association.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mr. Campbell, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by John Hames.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Girls Basketball
Teams

Mayor Campbell recognized two girls' basketball teams for their athletic achievements and the fine example of sportsmanship they set on the court in representing the City of Burbank during the season. Certificates of Recognition were presented to the team members of Got Skool'd, Third and Fourth Grade Division, as follows: Dakota Briseno; Teeana Cotangco; Isabelle Maumus; Alexandra Milora; Emma Pineiro; Leaf Rickard; Paige Roberts; and, Coaches Carmen Roberts, Tracy Rickard and Matt Roberts.

Mayor Campbell also presented Certificates of Recognition to the team members of the Burbank Magic, Seventh through Ninth Grade Division, as follows: Melanie Asti; Sarahi Belmont; Katie Burton; Amy Clarke; Kelsey Merchant; Milena Popovic; Mileva Popovic; Erika Rivera; Emily Tubert; Sarah Tubert; and, Coaches Jason Buttress, Jason Dyer and Melissa Popovic.

301-1
Childhood
Cancer
Awareness
Week

Mayor Campbell presented a proclamation in honor of Childhood Cancer Awareness Week to Lourdes Moya and her daughter, Melissa. Mayor Campbell also presented a Certificate of Recognition to Melissa Moya who was honored with the "Courageous Kid Recognition Award" from the Kids Cancer Connection.

301-1
2007 Rose
Parade Float
Rendering

John Hames, President of the Burbank Tournament of Roses Association, presented the 2007 Rose Parade float rendering entitled, Free Dog Wash, noting the float was designed by Burbank resident Adam Ostegard.

Reporting on
Council Liaison
Committees

Mayor Campbell reported on attending the 2006 American Public Power Association's national conference. He also reported that he attended the retirement function of Dr. Alexis Sheehy, Burbank Unified School District's Deputy Superintendent, with Mrs. Ramos.

Mrs. Ramos commented on a meeting she previously had with staff concerning the Glendale-Burbank Interceptor Sewer (GBIS) Project and noted the need to respond to a letter dated June 13, 2006 from the Manager of the City of Los Angeles'

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Wastewater Engineering Services Division, regarding a recommendation for the GBIS hybrid alignment along Pass Avenue. There was Council consensus that staff draft a response letter for the Council's signature.

406
Airport Authority
Meeting Report

Commissioner Brown reported on the Airport Authority meeting of June 19, 2006. He stated that the Authority adopted the Fiscal Year 2006-07 Budget in the amount of \$107 million; approved contract amendments for parking management services in the amount of \$166,000; awarded a development ground lease to Avjet Corporation for a new hangar; authorized a \$5,100 change order to a recent contract for demolishing the prior valet drop-off center; and, voted to engage KPMG to provide professional auditing services for the Fiscal Year ending June 30, 2006.

Dr. Gordon requested more specifics regarding Avjet Corporation's ground lease and its compliance with the Development Agreement; and, whether the City is considering any Airport construction projects that are related to the current Airport terminal.

The Council noted and filed the report.

7:14 P.M.
Hearing
1500
Olive Ave.
Underground
Utility District
No. 1

Mayor Campbell stated that "this is the time and place for the hearing on formation of the proposed Olive Avenue Underground Utility District No. 1."

Meeting
Disclosures

There were no meeting disclosures.

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 communication had been received.

Staff
Report

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), requested the Council adopt a resolution ordering formation of the Olive Avenue Underground Utility District No. 1 (UUD) and the removal of all poles, overhead wires and associated overhead structures located therein. He noted that

the Council previously directed staff to: leverage its \$360,000 per year within the BWP budget for aesthetically-driven undergrounding; identify view corridors along major streets where undergrounding would have maximum impact; and, use the mechanism of UUDs so that other utilities must underground their lines when the City undergrounds its utility overhead lines.

Mr. Simay informed the Council that staff has identified two street segments: Olive Avenue, including curbs and sidewalks, from 30 feet west of the Western Flood Control Channel (near Flower Street) to 30 feet west of Victory Boulevard; and, Lake Street, including curbs and sidewalks, from 20 feet south of Olive Avenue to Magnolia Boulevard. With the aid of a PowerPoint presentation, he illustrated the visual impact of undergrounding utility lines with and without the UUD. He explained that staff chose this area for several reasons, including: being a view corridor and as such, undergrounding would have a strong visual impact; having minimal impact to customers; and, critical capital improvements to the electrical system occurring in the vicinity of Lake Street and Olive Avenue. He also noted that with the construction of the new Burbank Replacement Station, heavy equipment will have to be located on-site which will interfere with the overhead utility lines. He noted that without the UUD, the City would incur expenses of approximately \$300,000 to underground a portion of these utility lines.

Mr. Simay summarized that creating the UUD is an opportunity to leverage the City's investment, noting that the portion of the undergrounding that is not related to the critical capital improvements is \$980,000 and in the absence of the UUD, the City would spend approximately \$300,000 for undergrounding the overhead utility lines to provide access to equipment for the Burbank Replacement Station, resulting in a net expense of \$680,000, which is less than five percent of the capital improvements in the area. He also noted that the communication utilities will spend approximately \$823,000 on undergrounding their utility lines as well.

Citizen
Comment

Appearing to comment was David Piroli, on the challenge of servicing undergrounded wires.

7:39 P.M.
Hearing
Closed

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

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Council
Deliberations

Mr. Vander Borght noted that creating the UUD would be a great opportunity for the City to leverage its funds in addition to requiring other utility service providers to underground their utility lines as well.

Dr. Gordon expressed concern with making the finding for public necessity, health, safety or welfare; noted there was no urgency in creating the UUD in light of the pending budget adoption with proposed utility rate increases; stated that based upon staff's presentation it was not clear what portion of the cost would be offset by development in the immediate area; stated he had trouble with the concept of aesthetics which seems to be the main drive behind the UUD even though the aesthetic component of the staff report seemed to be a relatively small portion of the whole project; noted there was no high urgency for aesthetics considering the surrounding businesses while there is a high urgency in not going ahead with the utility rate increases; and, stated that while this is a good idea, the timing is not right and he would be disinclined to support the UUD at this time.

With regard to the timing issue, Mr. Campbell noted that the reason why the City is moving forward is because there is an opportunity to do the project collectively, and noted that Olive Avenue is a major component to Burbank. He alluded to the before and after pictures shown in the presentation which depicted a tremendous improvement.

Mrs. Ramos stated that she could make the findings for the creation of the UUD and noted that this would be a good opportunity for the City to leverage its funds.

Motion

It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

1500
Ordering the
Formation of
Olive Ave.
Underground
Utility District
No. 1

RESOLUTION NO. 27,255:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING FORMATION OF OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1 AND THE REMOVAL OF ALL POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES LOCATED THEREIN.

Adopted	The resolution was adopted by the following vote: Ayes: Council Members Golonski, Ramos, Vander Borgh and Campbell. Noes: Council Member Gordon. Absent: Council Members None.
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. Campbell 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 summer activities; Nancy Winogradow, in support of the Magnolia Park Property-Based Business Improvement District (PBID); Mark Barton, on the military banners; Anna May Nelson, announcing an upcoming program at McCambridge Park; Eden Rosen, on fireworks activity at a local park, trucks with idling engines and garage sale items blocking sidewalks; Rose Prouser, on the Glendale Chamber of Commerce; Fred Prouser, on the Underground Utility District and the Magnolia Park PBID; Paul Dyson, in opposition to Assembly Bill 1699; David Piroli, on the Airport Authority report; Howard Rothenbach, encouraging the City to find a location for Genio's Restaurant; and, Esther Espinoza, reading an article on litigation due to a Metrolink accident.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Ira Lippman and Sam Asheghian, in support of the Magnolia Park Property-Based Business Improvement District; Mark Barton, on the Art In Public Places Committee; Fred Prouser, on benefactors of utility undergrounding and campaigning during oral communications; Esther Espinoza, on the Prevention and Intervention Program; Rose Prouser, David Piroli and Howard Rothenbach, on

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campaigning during oral communications; and, Eden Rosen, on restoring park ranger positions and campaigning during oral communications.

Staff
Response

Members of the Council and staff responded to questions raised.

Jt. Mtg. with
Redev. Agency,
Housing
Authority,
Parking
Authority and
YES Fund Board
801-2
804-2
Adoption of FY
2006-07 Annual
Budget, Citywide
Fee
Schedule and
Appropriations
Limit

Mr. Torrez, Financial Services Director, requested the Council, Redevelopment Agency Board, Housing Authority, Parking Authority and Youth Endowment Services Fund Board adopt the Fiscal Year 2006-07 Citywide budget, Fee Schedule and Appropriations Limit. He stated that the proposed resolutions incorporate all the changes that the Council has directed during the several budget study sessions and the public hearing held on June 6, 2006. He elaborated that the changes included additions to the recurring and non-recurring budgets, a reduction of the green curb striping fee and the smoothing of sewer and refuse rate increases. He also added that per Council direction, Lifeline customer rates will be maintained and noted that the Council has received a report with staff's recommendations regarding the allocation of the additional \$1 million to the infrastructure reserve fund.

Following Council deliberation, there was consensus to approve staff's recommendation regarding the allocation of the additional \$1 million in the infrastructure reserve fund, with direction that staff find alternate funding for the Police/Fire Headquarters repairs and allocate the associated \$300,000 to the sidewalk repairs and street resurfacing category.

Dr. Gordon expressed support for the budget with the exception of the utility rate increases.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following resolutions be passed and adopted:"

801-2
Adopting FY
2006-07
Budget

RESOLUTION NO. 27,256:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2006-2007, AND MAKING APPROPRIATIONS FOR AMOUNTS BUDGETED.

801-2

RESOLUTION NO. 27,257:

Establishing the City's Appropriations Limit for FY 2006-07	A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING AND ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006-2007.
804-2 Adopting the Burbank Fee Resolution	<u>RESOLUTION NO. 27,258:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BURBANK FEE RESOLUTION.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2160 Adopting the Budget for Fiscal Year 2006-2007 was adopted.
Housing Authority Reso. Adopted	Housing Authority Resolution No. H-190 Adopting the Budget for Fiscal Year 2006-2007 was adopted.
Parking Authority Reso. Adopted	Parking Authority Resolution No. P-70 Adopting the Budget for Fiscal Year 2006-2007 was adopted.
YES Fund Board Reso. Adopted	Youth Endowment Services Fund Board Resolution No. Y-45 Adopting the Budget for Fiscal Year 2006-2007 was adopted.
Adopted	The resolutions were adopted by the following vote: Ayes: Council Members Golonski, Ramos, Vander Borght and Campbell. Noes: Council Member Gordon. Absent: Council Members None.
10:14 P.M. Dr. Gordon Left The Meeting	Dr. Gordon left the meeting at this time due to a potential conflict with this item.
Jt. Mtg. with Parking Authority 1202-6 Magnolia Park PBid	Ms. Stewart, Downtown Manager, Community Development Department, requested the Council and Parking Authority accept the submission of a petition from Magnolia Park property owners and authorize initiation of proceedings to form the Magnolia Park Property-Based Business Improvement District. (PBID). She reported that in October 2003, staff conducted several focus group meetings to determine the present and

future needs for Magnolia Park as perceived by the residents, property owners, merchants and other stakeholders. She explained that the desired outcome was to achieve a road map that would allow the area to fulfill its potential, developed by and for its residents and businesses. She added that in January 2004, the focus group findings were presented to the Council and staff was directed to share the findings with the Magnolia Park Community Advisory Committee (CAC) and develop a strategy to carry out the various components of the findings. She added that the Magnolia Park CAC requested that the neighboring community be surveyed to ensure that the focus group findings reflect the views of the neighborhood. She reported that in September 2004, staff presented the Magnolia Park Action Plan (Action Plan) that included the results from the five survey groups, a 3,000-resident survey and input from the Magnolia Park CAC. She added that the Action Plan findings recommended numerous improvements and programs such as retail leasing, parking, promotions and events, and other miscellaneous improvements. These various activities were recommended to be funded by a PBID.

Ms. Stewart informed the Council that a Steering Committee (Committee) was subsequently formed to work with staff and Downtown Resources to develop the Magnolia Park Management District Plan. The Committee met monthly and numerous property owner meetings were conducted to develop a Draft Management Plan. In addition, she stated that three large-group public meetings were conducted with property owners to share the Draft Plan and receive feedback and subsequently, a Final District Plan was made available to the property owners as well as a bullet point brochure outlining the improvements in the Plan. Also, she stated that two public meetings were held in the petition drive and a letter with the accompanying petition was sent to the property owners on two occasions.

Ms. Stewart reported that property owners representing more than 50 percent of the proposed District have signed a petition to initiate the special assessment proceedings. She then identified and discussed the: District boundaries which include commercial properties along Burbank Boulevard and Hollywood Way, bounded by Chandler Boulevard to the North, Clark Avenue to the South, the City limits to the west and Buena Vista Street to the East; proposed service and improvements; total District budget of \$250,000 per year with a maximum three percent increase per year; and, assessment formulas for Zones 1 and 2, noting that the residential and tax-exempt properties are not subject to the assessment.

Ms. Stewart noted that if approved, ballots will be sent out to

all property owners within the proposed District to vote on whether to approve the formation of the PBID and the City will be authorizing the setting of a noticed public hearing, at which meeting the Council will accept the ballots and consider final approval of the PBID. She added that should the Council approve the proposed PBID, the Parking Authority would be assessed \$1,807 per year for five years, or a total of \$9,035 for the parking lots it owns in the District. In addition, per a license agreement with the Los Angeles Department of Water and Power (LADWP), the Parking Authority is required to pay their assessment for a property used as a public parking lot in the amount of \$1,518 per year or \$7,590 over five years.

Ms. Stewart summarized that a comprehensive strategy for improvements for the Magnolia Park area will require a broad level of property and business owner support, including a dedicated funding source to be successfully implemented. She added that the proposed PBID offers a voice to owners and businesses, backed up with funding to support a vital retail area.

Mr. Golonski requested staff review the placement of tree wells on Magnolia Boulevard, noting that the tree wells are narrowing the sidewalk excessively at some locations.

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

1202-6 RESOLUTION NO. 27,259:
Forming the A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Mag. Park PBID TO FORM THE MAGNOLIA PARK PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT PURSUANT TO THE PROPERTY
AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994.

Parking Auth. Parking Authority Resolution No. P-71 Authorizing the Executive
Reso. Adopted Director to Vote in Favor of a Magnolia Park Property and
Business Improvement District Pursuant to the Property and
Business Improvement District Law of 1994.

Adopted The resolutions were adopted by the following vote:

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

10:29 P.M.
Dr. Gordon
Returned

Dr. Gordon returned to the meeting at this time.

Motion

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

Minutes
Approved

The minutes for the adjourned meeting of May 6, 2006 and regular meetings of May 9 (as amended), May 16 and May 23, 2006 were approved as submitted.

804-3
Used Oil
Recycling Block
Grant

RESOLUTION NO. 27,260:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF THE CALIFORNIA USED OIL RECYCLING BLOCK GRANT APPLICATIONS FOR FISCAL YEARS 2006-07 THROUGH 2011-12 FOR THE BURBANK RECYCLE CENTER OIL RECYCLING PROGRAM.

907
Agmt. w/County
Of LA for
Prevention and
Intervention
Program

RESOLUTION NO. 27,261:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES TO PROVIDE A PREVENTION AND INTERVENTION PROGRAM (PIP).

Adopted

The consent calendar was adopted by the following vote:

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

201

Mr. Barlow, City Attorney, reported that Council Member

- Campaigning
During Oral
Communications Ramos has requested the Council consider restricting the use of oral communications periods for certain types of political campaigning. He stated that pursuant to the Council's policy, staff has done no further work on this issue but has furnished a compilation of information that has been provided to the Council in past years. He added that should there be majority support on the Council to consider such a restriction, it is recommended that staff be directed to further research this issue and bring back a proposal for discussion by the Council.
- Motion It was moved by Mr. Vander Borgh, seconded by Mrs. Ramos and carried with Dr. Gordon voting no that "the City Attorney be directed to conduct the necessary research regarding the use of mechanical productions during oral communications and report back to the Council."
- 203-4
Ord. Amending
The Art in Public
Places
Committee Mr. Hansen, Park, Recreation and Community Services Director, requested Council approval to amend the Burbank Municipal Code relative to the composition of the Art in Public Places Committee. He stated that as currently structured, the Committee is comprised of five members: a Park, Recreation and Community Services Board member; a Planning Board member; and, three members at large appointed by the Council. He noted that at the May 23, 2006 meeting, the Council requested that the number of at-large members be increased from three to five, and appointed Carole Kubasak and Shannon Stevenson-Landon to serve on the Committee after the effective date of the amended ordinance.
- Ordinance
Introduced It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:
- 203-4
Ord. Amending
The Art in Public
Places
Committee AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE ART IN PUBLIC PLACES COMMITTEE.
- 11:01 P.M. The Redevelopment Agency, Housing Authority, Parking

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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

Adjournment There being no further business to come before the Council, the
meeting was adjourned at 11:02 p.m.

Margarita Campos, CMC
City Clerk

APPROVED JULY 18, 2006

Mayor of the Council
of the City of Burbank