

TUESDAY, OCTOBER 24, 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 6:42 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 Linda Oseransky.

ROLL CALL

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

Absent - - - -       Council Members None.

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

301-1  
Civic Pride's  
Make A  
Difference Day       Mayor Campbell presented a proclamation in honor of Make A Difference Day to Linda Silvas, Chair of the Burbank Civic Pride Committee.

301-1  
Charter Review  
Committee           Mayor Campbell commended the 15 members of the City's Charter Review Committee, who were charged with the task of reviewing the Charter and recommending changes to the Council for placement before the voters on the April 2007 General Election ballot. Certificates of Recognition were presented to the following members in attendance: Carolyn Jackson; David Ahern; Claudia Bonis; Chris Carson; Celeste Francis; Robert Frutos; Vic Georgino; Hagop Hergelian; Lynn Kronzek; Bob Olson; Susan Robles; Vincent Stefano; and, Garen Yegparian.

301-1  
Employee  
Service  
Awards               Mayor Campbell and Ms. Alvord, City Manager, recognized City employees for their dedicated efforts to provide Burbank residents with outstanding municipal services and honored employees who have reached significant service anniversaries of 20, 25, 30, 35 and 40 years.

The following employees were recognized for 20 years of service: Juli Scott; Jack Lynch; Thoma O'Malley; Elaine Pease; William Weyandt; James Baldridge; Michael Boufford; Alan Burgess; Timothy Doppenberg; Daryl Isozaki; Dennis Kenehan; Patrick Latham; Ruben Mercado; Kevin O'Neill; Ronald Pearlman; Frank Riha; David Schmitt; Diane Wilson; Guillermo Taylor; Brian Ginley; Victoria O'Neill; Kelly Frank; Clotilde Jacobellis; Michelle

McCord; Rick Medlin; Matthew Miranda; Todd Mofford; Edgar Penaranda; Darin Ryburn; Rita Smith; Joseph Cordero; Charles Henry; Raul Martinez; Brian Mole; Clarence Steese; Alan Stone; Homayoun Bozorgmehri; Fredrick Fletcher; Chris Friesen; and Kirk Jensen

Employees recognized for 25 years of service included: Felicidad Malana; Kelly Chulick; James Finerty; Jeffrey Howe; Robert Lanning; Kenneth Macnew; Alan Moore; Bruce Smentek; Lew Stone; Guy Thompson; Robert Trowbridge; Tina Larsen; Harvey; Fukumoto; Brian Hannick; Carol Mercado; Gayle Migden; Cynthia Beebe; Steven Buteyn; Ronald Caruso; Joseph Dean; Dale Ferency; Michael Gibbons; Laurence Hill; Jay Jette; Tommy Kister; Brian Llewellyn; Scott Moody; Robert Quesada; Barbara Roe; Gary Seymour; Kathlyne Speirs; Craig Varner; Jerry Anderson; Anthony Carbono; William Carson; Stephen Dziadkowiec; David Flores; Alfred Johnson; Arnold Peterson; Ronald Vincent; Elliot Azus; Dev Birla; Gina Floyd; Ramez Hamoui; Jeffrey Hancock; Gaye Mains; Joseph Meythaler; Linda O'Connell; Keith Orduno; Bruce Redmann; Crisanto Sanchez; and, Salvatore Sinardi.

Also recognized were the following employees for their 30 years of service: Alan Buckley; Ralph Constanzo; Charles Honnold; William Kinzel; Charles LeRoy; Janice Lowers; Brian Matthews; Ernestine Padilla; Cheryl Panikowski; George Reed; Robert Sheffield; and, Patrick Thomas.

In addition, the following employees were recognized for achieving 35 years of service: James Castro; Emilio Gonzalez, Jr; Louise Paziak; Mary Jo Watkins; and, Guy Zink III.

Proclamations were presented to Mickey de Palo and Linda Oseransky for achieving 40 years of service to the City.

Reporting on  
Council Liaison  
Committees

Dr. Gordon expressed appreciation to staff for their service and requested Mr. Barlow to elaborate on a confidential memorandum sent to the Council regarding the Glendale-Burbank Interceptor Sewer Project.

Mrs. Ramos also expressed appreciation to staff and the Charter Review Committee and reported on her participation as the League of California Cities' representative on the Los Angeles Children's Planning Council.

Mr. Vander Borcht commended staff and the Charter Review

Committee and reported on the DeBell Clubhouse, Community Services Building and Burbank Boulevard Beautification Project Subcommittee meetings he attended with Mr. Campbell.

Mr. Golonski noted the dedication of all City employees and expressed appreciation to the Charter Review Committee.

7:44 P.M.  
203  
Ordinance Calling  
a Special Election  
to Approve New  
Charter

Mayor Campbell stated that "this is the time and place for the hearing on the report of the Charter Review Committee on whether to place the proposed new Charter before the voters."

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 two pieces of written communication had been received.

Staff  
Report

Ms. Alvord, City Manager provided the history and background of the Charter Review Committee and introduced the Committee Chair, Ms. Carolyn Jackson.

Ms. Jackson introduced Dr. Sonenshine, the Committee's consultant, and the Charter Review Committee members. She reported that the Committee was tasked with reviewing the City Charter and returning with recommendations. She gave an overview of the Charter review process including the number of meetings held, the opportunities for public comment, and elaborated on the public outreach efforts.

Ms. Jackson informed the Council that the Committee requested their proposal be placed as one measure on the 2007 General Election ballot for voters' consideration. She described the Charter as the City's Constitution, which sets forth ways in which the City is governed and can only be changed by a vote of the people. She stated that in reviewing the Charter, the Committee pursued the following values; efficiency, responsiveness, accountability, simplicity and accessibility.

Ms. Jackson then discussed the following proposed Charter amendments: adding a preamble; reorganizing the Charter to make it more user-friendly; requiring the Council to meet at least twice per month as opposed to once per week, without precluding the Council from meeting more frequently; adding a provision

encouraging public participation in the decision-making process; requiring a three-fifths vote as opposed to a four-fifths vote for budget adoption and appropriations, to avoid blocking passage of the budget or delay in appropriations needed to respond to the public's need for service should one Council Member not be present at a meeting; allowing the Council to set threshold for competitive bids by ordinance as opposed to the \$100,000 limit set by the current Charter, in an effort to allow the amount to follow inflationary trends; replacing the departments listed in the Charter with a list of municipal functions to be provided by the City in a timely, efficient and professional manner; retaining the Police Chief, Fire Chief and Burbank Water and Power in the Charter and all departments continuing as currently structured unless altered by ordinance; retaining all Boards and Commissions in the Charter and adding the Burbank Water and Power Board and Police Commission, including the associated powers and duties of the Police Commission; recommendation that the City Clerk and City Treasurer positions be appointed and removed by the City Manager rather than being elected; amending the Charter to state that a Council vacancy occurs if a Council Member fails to attend meetings for 60 consecutive days without Council permission, with no Council vote required to declare the vacancy; requiring that a Council vacancy be filled by an appointment until the next regularly-scheduled election and not the entire unexpired term and subsequently, the newly-elected member would only serve the unexpired term of the Council seat; including the voters advisory vote in 2003 stating that the Council may hold all elections by mail ballot; and, adding a provision for the Council to appoint a five-member committee every five years to advise the Council as to whether a full Charter review is needed.

Ms. Jackson also commented on the major provisions preserved and items reviewed but not amended. She noted that the Committee unanimously voted to recommend that the proposed Charter be placed on the ballot as a single measure.

Citizen  
Comment

Appearing to comment were: Bob Olson; Irma Loose; Don Elsmore; Eric Michael Cap; Gary Olson; David Holtzman; Lynn Serpe; Frank Schindler; Frank Kaden; Mary Schindler; Kevin McCarney; Esther Espinoza; Fred Prouser; Mark Barton; Rose Prouser; Mark Stebbes; David Piroli; Eden Rosen; James Schad; Howard Rothenbach; and, Celeste Francis.

9:50 P.M.  
Hearing  
Closed

The hearing was declared closed at this time.

Council  
Deliberation

Mr. Vander Borcht commended the Committee for their service and noted the need to review the Charter periodically. He stated his preference for the Charter amendments to be placed on the ballot by item as opposed to one measure. He expressed support for changes to the four-fifths vote requirement which is too onerous, and approved of the appointment of the City Clerk and City Treasurer positions, noting that the positions are professional. He expressed preference for maintaining the current provisions with regard to filling Council vacancies.

Mrs. Ramos commended the Committee, stated she would prefer placing the provisions of appointing the City Clerk and City Treasurer, and declaring and filling a Council vacancy separate from the entire Charter amendment on the ballot. She also expressed preference for maintaining the four-fifths vote requirement with a provision that in the event of a four-member Council then three votes would be required for budget adoption and appropriations. She was agreeable with the requirement to meet at least twice a month, and approved of adding the preamble and reorganizing the Charter to make it more user-friendly.

Mr. Golonski also commended the Committee, stated his preference to place the appointment of the City Clerk and City Treasurer positions as separate ballot measures, and remarked that the four-fifths vote requirement is burdensome but workable. He added that the current provision on filling Council vacancies was agreeable to him and was not supportive of eliminating the bid requirement amount from the Charter. He also suggested that the Committee reconvene and provide additional input on their recommendations, taking into consideration the Council's suggestions.

Dr. Gordon thanked the Committee members and staff. He stated that he did not attend the meetings, but listened to all the tapes and reviewed the minutes. He noted that the Committee's minutes do not accurately reflect what occurred at the meetings. He expressed a major issue with the process, stating that there was failure of process because the Committee had a very definite charge by the Council from which it strayed. He expressed opposition to the proposed changes to the four-fifths vote requirement, and the declaration and filling of a Council vacancy. He stated that the Charter review process was flawed.

Mr. Campbell commended the Committee and staff for their hard work and disagreed that the process was flawed. He stated his preference for the amendments to be placed on the ballot item by item as opposed to one measure.

Motion Failed

Mr. Golonski's motion to "modify the Charter provision regarding

10/24/06

contracting such that rather than state that the Council set the amount by ordinance it be expressed as one-tenth of a percent of the General Fund budget” died due to lack of a second.

Motion It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried with Dr. Gordon voting no that “staff be directed to come back with a package separating the issues of: the appointment rather than the election of the City Clerk; the appointment rather than the election of the City Treasurer; the majority vote versus a four-fifths vote on budget adoption and appropriations; and, the process for declaring a Council vacancy and filling that vacancy.”

11:10 P.M. Recess The Council recessed at this time. The meeting reconvened at 11:21 p.m. with all members present.

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: Eric Michael Cap, on a proposed smoking ban in the City of Santa Monica and on smoking in public areas in general; Esther Espinoza, on the Development Agreement Transfer for Planned Development No. 2004-64; Rose Prouser, on the Charter Review Committee (CRC) meetings and requesting access to any material provided to CRC members; Mark Barton, on oral communications criteria; Don Elsmore, on the CRC; Eden Rosen, announcing that November is National Family Caregivers Month and on disrepair of the parking lot on Clark Avenue at John Burroughs High School; Mark Stebbeds, requesting clarification on the redline version of the Charter provided to the CRC and on specific amendments to the Charter; and, Irma Loose, in opposition to the proposed Charter amendments.

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: Eric Michael Cap, on the Charter Review Committee (CRC) discussions and requesting a legal

opinion on campaigning in churches; Esther Espinoza, on the Development Agreement Transfer for Planned Development No. 2004-64 and child care providers; Mark Barton, on the CRC; Rose Prouser, playing a portion of the last CRC meeting discussion on supporting the passage of the Charter amendments; Mark Stebbeds, on the poor audio quality of the CRC meeting tapes; and, David Piroli, on the CRC's discussion on supporting Charter amendments.

Staff  
Response

Members of the Council and staff responded to questions raised.

Item removed  
from Consent

The item regarding "Development Agreement Transfer-Planned Development No. 2004-64" was removed from the consent calendar for the purpose of discussion.

Motion

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

203-6  
Child Care  
Committee  
Appointments

A report was received from the Park, Recreation and Community Services Department requesting Council approval and appointment of the 2006-07 Child Care Committee (Committee) members. It was stated that pursuant to the by-laws of the Committee, appointments are recommended by Committee members and forwarded to the Council for approval. Appointments are for a one-year term and include representation of those in the City whose cooperation in the child care effort is needed, including the Burbank Unified School District, private business employers, child care providers and parent users of child care service.

The following Child Care Committee members were appointed for a one-year term ending October 1, 2007: Goldie Bemel, Burbank Unified School District; Yvette Coontz, St. Anne's Maternity Home C.F.O; Mildred Engel, Retired Educator; Regina A. Martin, Child Care Center Director; Annabelle Godwin, Retired Provider/College Instructor; Barbara Gunderson, The Walt Disney Company - Work and Family Specialist; Harkmore Lee, Burbank YMCA; Carol Miller, Pre-school Director; Deane Phinney, Retired Provider/Administrator; Nancee Rodriguez, Past Child Care Center Director; Shanna Vaughan, Boys and Girls Club Director; Helen von Seggern, Retired Educator; Tamara K. Brown, Burbank YMCA; and, Karen E. Karlson, Child Care Center Director.

10/24/06

404  
LA County Flood  
Control District-  
Storm Drain  
Improvement-  
Transfer Drain  
No. 1747

RESOLUTION NO. 27,342:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REQUESTING THE BOARD OF SUPERVISORS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID DISTRICT THE TRANSFER AND CONVEYANCE OF THE STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1747 IN THE CITY OF BURBANK FOR FUTURE OPERATION, MAINTENANCE, REPAIR, AND IMPROVEMENT, AND AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF.

1411-2  
Conditional  
Vacation V-351

RESOLUTION NO. 27,343:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF TWO ALLEYS (V-351).

1011-6  
MOU approving  
the BFF-COU for  
FY 2006-07

RESOLUTION NO. 27,344:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIRE FIGHTERS – CHIEF OFFICERS UNIT FOR FISCAL YEARS 2006-09 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2006-07.

1506  
Sponsorship  
agreement for the  
Burbank  
Tournament of  
Roses

RESOLUTION NO. 27,345:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF BURBANK, ACTING BY AND THROUGH BURBANK WATER AND POWER AND THE BURBANK TOURNAMENT OF ROSES ASSOCIATION.

1503-1  
Intermountain  
Power Project-  
renewal of power  
sales contract  
(IPP)

RESOLUTION NO. 27,346:  
APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF A RENEWAL POWER SALES CONTRACT BETWEEN THE INTERMOUNTAIN POWER AGENCY AND THE CITY OF BURBANK RENEWING BURBANK'S GENERATION AND TRANSMISSION CAPACITY ENTITLEMENTS IN THE INTERMOUNTAIN POWER PROJECT.

Adopted                      The consent calendar was adopted by the following vote:

Ayes:        Council Members Golonski, Gordon, Ramos, Vander



Borgh and Campbell.  
 Noes: Council Members None.  
 Absent: Council Members None.

1702  
 Project No. 2004-64  
 Development Agreement Transfer  
 Crown Fairfield to Casden

A report was received from the Community Development Department, presenting a request by Crown Fairfield Associates, LLC, (Developer) to transfer the Development Agreement and rights to develop the Planned Development project at 1935 North Buena Vista Street to Casden Burbank, LLC (Casden).

Staff indicated that in February 2006, the Council approved a residential development at the corner of Buena Vista Street and Empire Avenue consisting of 276 residential units, 1,000 square feet of retail space and parking for both uses. It was stated that the Developer has decided not to move forward with the project and instead transfer the property to another developer. It was noted that Casden is currently in escrow to purchase the property and wishes to construct the approved project with all Conditions of Approval imposed on the original development. In the original approval, the Council retained limited discretion to approve an assignment. Staff reported that the Council must approve the transfer if the qualifications of the replacement developer are confirmed, if they have past experience with producing high-quality mixed-use residential and retail developments, and if they have a solid current financial condition. Staff stated that Casden has demonstrated all of these qualifications.

Motion

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

1702  
 Project No. 2004-64  
 Development Agmt. Transfer  
 Crown Fairfield to Casden

RESOLUTION NO. 27,347:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE TRANSFER OF A DEVELOPMENT AGREEMENT TO CASDEN BURBANK LLC (PLANNED DEVELOPMENT NO. 2004-64; 1935 BUENA VISTA STREET).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Mr. Campbell.  
 Noes: Council Members None.

10/24/06

Absent: Council Members None.

Final Open  
Public Comment  
Period of Oral  
Communications

There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

12:13 A.M.  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 12:13 a.m. in memory of Beatrice Brownstein and to Tuesday, November 7, 2006 at 5:00 p.m. in the City Council Chamber, 275 East Olive Avenue, for an Assembly Bill 1234 Ethics Training Study Session.

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Margarita Campos, CMC  
City Clerk

APPROVED JANUARY 9, 2007

Mayor of the Council  
of the City of Burbank