

TUESDAY, NOVEMBER 7, 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 4:36 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Vander Borght and Campbell.  
Absent - - - - Council Member 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.

4:36 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:

Conference with Legal Counsel – Anticipated Litigation:  
Pursuant to Govt. Code §54956.9(b)(c)  
**Number of potential case(s): 1**

5:11 P.M. Ethics Study Session Assembly Bill 1234 Ethics Training Study Session.

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell.  
Absent - - - - Council Members None.  
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

5:11 P.M. AB 1234 Ethics Training Study Session Ms. Scott, Chief Assistant City Attorney, conducted the State-mandated Assembly Bill 1234 Ethics Training Study Session. The required curriculum for the training was established by the Fair Political Practices Commission and the California Attorney General. Pursuant to those requirements, the training covers ethics laws and general ethical principals relating to public service.

The objectives of the training include: assisting public officials in better understanding and being alert to the kinds of financial interests, relationships and/or activities that may be prohibited, may require disclosure or even disqualification; and, advising public officials of the legal and other consequences of violating the ethics laws.

The public service ethics laws covered include: laws relating to personal financial gain by public officials, including bribery and conflict of interest laws; laws relating to office-holder perks,

11/7/06

including gift and travel restrictions, personal and political use of public resources and prohibitions against gifts of public funds; governmental transparency laws, including financial disclosure requirements and open government provisions including the Brown Act and Public Records Act; and, laws relating to fair processes, including public contracting requirements, bias and due process.

Regular Meeting  
Reconvened in  
Council  
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Mr. Campbell, Mayor.

Invocation

The invocation was given by Bob Kramer, Community Assistance Coordinator.

Flag Salute

The pledge of allegiance to the flag was led by Boy Scout Troop 50.

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  
World Town  
Planning Day

Mayor Campbell presented a Proclamation in honor of World Town Planning Day to Greg Herrmann, Chief Assistant Community Development Director/City Planner.

301-1  
BTAC Month

Mayor Campbell presented a proclamation in honor of Burbank Temporary Aid Center (BTAC) Month to Barbara Howell, Executive Director. Ms. Howell presented Certificates of Appreciation to business sponsors who assisted with the BTAC Month activities.

301-1  
Teens In Action  
Emmy Award

Mayor Campbell acknowledged the award of a 2005 Los Angeles Area Emmy Award in the Public, Municipal and Operator Produced Cable Category to the City's Teens in Action group for a show entitled, "Violence: What's Love Got To Do With It?" Certificates of Recognition were presented to the following members of the production crew: John Calderon; Ryan Cates; Fred Kaplan; Sean Murray; Colleen Duffy-Felix; and, Vickie O'Neill.

301-1  
Military  
Service

Mayor Campbell introduced the families of the following members of the armed forces who are currently serving in the military and are being honored through the City's Military Banner Program: Senior Airman Adam Baumgarten, United States Air Force; Airman Joseph Paysinger, United States Air Force; Airman Richard Perez, United States Air Force; Private First Class Aaron M. Richardson,

United States Army; Petty Officer First Class Joseph Torrance, United States Navy; and, Lance Corporal Cheyne R.White, United States Marines.

Reporting on  
Council Liaison  
Committees

Mr. Vander Borcht reported on attending the Infrastructure and Memorial Field Subcommittee meetings with Mrs. Ramos. He announced a Southern California Association of Government's meeting at the Buena Vista Library on the area growth forecast and encouraged the public to participate. He also reported on attending a Burbank Water and Power and Recycling Center workshop and commended staff for the workshop's success.

Mr. Campbell reported on the Arroyo-Verdugo Subregion meeting.

Mrs. Ramos reported on attending the Arroyo-Verdugo Subregion meeting, the City's Focus Neighborhood event and the Kids Community Dental Clinic event.

406  
Airport Authority  
Meeting Report

Commissioner Lombardo reported on the Airport Authority meeting of November 6, 2006. He stated that the Authority: approved two new modules of the sound insulation program for approximately 60 residential units; awarded a purchase order for radio communications and consulting services in the amount of \$138,536; awarded a contract for taxi lane asphalt repairs in the amount of \$107,410; and, received a presentation on solicitation regulation at the Los Angeles International Airport.

Reporting on  
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting. He noted that Mr. Campbell recused himself from the Closed Session meeting.

Request to  
Move Item Up  
on the Agenda

Mrs. Ramos requested that the Item regarding the "Update on the Glendale-Burbank Interceptor Sewer Project" be moved up on the Agenda. The Council concurred.

Initial Open  
Public Comment  
Period of Oral  
Communications  
Citizen  
Comment

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

Appearing to comment were: Gary Bric, updating the Council on the September 2006 Traffic and Transportation Committee meeting, announcing an upcoming community meeting on the Recreational Vehicle issue and commenting on a recent police pursuit; Molly Hyman, on video streaming issues; Eden Rosen, on separation of church and state matters; Michelle Feather, on support for those in need; Mary Schindler, commending the Council

11/7/06

on the letter sent to the Los Angeles Department of Public Works with regard to the Glendale-Burbank Interceptor Sewer (GBIS) Project; Michael Hastings, requesting City support for the 20th Anniversary for the Run for the Hungry fundraiser; Esther Espinoza, on the Ethics Training Study Session; Vickie Kirschenbaum, in opposition to the Intermountain Power Project contract renewals; Debbie Christie and Andrea Garrett, announcing the John Burroughs High School Spirit Squad's electronics recycling fundraising event; Stan Hyman, on the City's comment letter on the GBIS Project and the Family Service Agency lease agreement terms; Theresa Karam, on the case of Karam v. City of Burbank; Rose Prouser, on the grievance and relocations procedures and composition of the proposed Relocation Appeals Board; and, James Schad, requesting clarification on the Burbank Airport Hilton agreements.

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 in support of the property lease with the Family Service Agency (FSA) were: Anja Reinke; Reverend Ron Degges; Marissa Gehley Rosoff; Christine Krohn; Harkmore Lee; Bethany Veltman Baker; Laurie Bleick; Shanna Warren and Brittany Vaughan; Christine Ramos, who read a letter from Elise Stearns-Niesen; Barbara Howell; Zita Lefebvre; Charlie Lombardo; and, Judith Arandes.

Also appearing to comment were: Stan Hyman, in support of the FSA lease agreement but expressing concern with a specific term of the agreement and on the Glendale-Burbank Interceptor Sewer Project; Esther Espinoza, on the Assembly Bill 1234 ethics training; Rose Prouser, in opposition to the FSA lease; and, David Piroli, on the grievance and relocations procedures and expressing concerns with specific terms of the FSA lease agreement.

Staff  
Response

Members of the Council and staff responded to questions raised.

8:55 P.M.  
Mr. Campbell  
Leaves the  
Chamber

Mr. Campbell left the meeting at this time due to a potential conflict with the following item, noting his parents own real property in close proximity to the project area.

911

Mr. McDougal, Senior Assistant City Attorney, reported that the

GBIS Project  
Update

Council voted to hire special counsel to review the City of Los Angeles' Integrated Resources Plan (IRP) Environmental Impact Report (EIR). He noted that the law firm of Gatzke, Dillon & Ballance, LLP prepared a comment letter which was submitted to the City of Los Angeles prior to the November 1, 2006 Energy and Environment Committee of the Los Angeles City Council hearing on the IRP Final EIR. He added that at that hearing, the Committee voted unanimously to recommend certification of the Final EIR and approval of the IRP. He informed the Council that the Los Angeles City Council's consideration of this matter is tentatively scheduled for Tuesday, November 14, 2006 at 10:00 a.m. and that the City's special counsel was prepared to file one final comment letter which insists upon adequate mitigation measures without backing off on insisting that the Final EIR be made legally adequate. He stated that Mr. Mark Dillon and Rachel Cook, Associate, were available to answer any questions.

Dr. Gordon inquired as to the possibility of a change in the Hybrid alignment. Mr. Dillon responded that the letter to be submitted prior to November 14, 2006 will include a mitigation measure request to maintain the alignment in its current configuration and that any deviation be subject to the public review process.

Mrs. Ramos requested that the mitigation requests include a notification process to area residents of street closures, time frame and the hours of construction.

The Council commended the special counsel for their diligent work on the matter.

9:06  
Mr. Campbell  
returns

Mr. Campbell returned to the meeting at this time.

9:08 P.M.  
1207  
RA 80  
RA 42  
Joint Meeting  
with the Redev  
Agency  
Real Property  
Lease – 2721 W.  
Burbank Blvd.

Ms. Davidson-Guerra, Assistant Community Development Director/Housing and Redevelopment, presented the proposed lease agreement between the City and the Family Service Agency (FSA) for the property located at 2721 West Burbank Boulevard, and requested Council and Redevelopment Agency (Agency) Board approval of necessary budget amendments and a related cooperation agreement. She stated that in May 2006, the Council approved the acquisition of real property located at 2721 West Burbank Boulevard in an effort to assist the FSA secure a permanent facility. She noted that this decision was consistent with the Council's historical commitment and support of the non-

profit service providers in Burbank. She added that the FSA was established in 1953 to strengthen families in the Burbank community by providing low and no-cost professional, clinical and psycho-educational services. She explained that the FSA provides myriad community services, including: individual, couples and family counseling; daily school-based outreach to a variety of local middle and high schools; teen substance abuse and anger management programs; family violence intervention programs; child abusers treatment programs; parenting and senior peer support programs; and, community outreach services.

Ms. Davidson-Guerra highlighted the following main points of the negotiated lease: the term of lease will be ten years with two ten-year options to extend, for a possible total term of 30 years; the lease rate will be \$1,000 per month, with a waiver of rent for the first three years; in exchange for discounted rent, the FSA will provide annual goals and performance measurements for youth, families and seniors' outreach and service; should the lease options be exercised, the rent will be adjusted per the Consumer Price Index at years 10,15, 20, 25 and 30; the FSA will fund all tenant improvements including interior Americans with Disabilities Act (ADA) requirements; the FSA will be responsible for all routine maintenance and upkeep; the City will fund and/or install an elevator for required ADA access and will ensure ADA compliance on the front and/or rear entrances to the building shell; the option for the FSA to purchase the property within the first ten years of the lease for \$2.05 million, the price the City paid for the property, \$1.95 million plus the anticipated cost of initial major systems improvements, estimated at \$100,000; in the event the FSA exercises its option to purchase the property, the City will retain a variable percentage of the property's equity; in the event the FSA exercises its option to purchase the property, a use restriction will be recorded with the grant deed, providing a 55-year restriction of use consistent with the FSA's mission; and, during the term of the lease, the City will be responsible for all major systems repairs or replacements. She recommended funding the anticipated cost of initial major systems improvements of \$100,000 by the City utilizing debt reimbursement funds from the Agency.

Ms. Davidson-Guerra summarized that the proposed lease agreement has been structured in such a way as to protect the City's investment, yet allow sufficient flexibility for the FSA to operate and strengthen the community.

Motion

Following Council deliberation, it was moved by Mrs. Ramos and

seconded by Mr. Vander Borgh that "the following resolutions be passed and adopted:"

1207  
RA 80  
RA 42  
Real Property  
Lease – 2721 W.  
Burbank Blvd.-  
Adopting  
Cooperation  
Agreement/Amen  
ding FY 2006-07  
Budget

RESOLUTION NO. 27,348  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET, APPROPRIATING FUNDS IN THE AMOUNT OF \$100,000 AND APPROVING A COOPERATION AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK.

1207  
RA 80  
RA 42  
Real Property  
Lease – 2721 W.  
Burbank Blvd. –  
Lease Agmt.

RESOLUTION NO. 27,349  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE LEASE AGREEMENT WITH OPTION TO PURCHASE BETWEEN THE CITY OF BURBANK AND FAMILY SERVICE AGENCY OF BURBANK (2721 WEST BURBANK BOULEVARD).

1207  
RA 80  
RA 42  
Real Property  
Lease – 2721 W.  
Burbank Blvd. –  
Coop Agmt.

Redevelopment Agency Resolution No. R-2167 Amending the Fiscal Year 2006-07 Annual Budget in the Amount of \$100,000 and Approving a Cooperation Agreement with the City of Burbank was adopted.

Adopted

The resolutions were adopted by the following vote:

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

10:12 P.M.  
Recess

The Council recessed to permit the Redevelopment Agency, Housing Authority and Parking Authority to hold their meetings. The meeting reconvened at 10:26 p.m. with all members present.

Motion

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

11/7/06

recommended.”

- Minutes Approved The minutes for the regular meetings of August 22, August 29, and September 5, 2006 were approved as submitted, and September 12, 2006 as amended.
- 1102-2 Adopt. Grievance Procedures RESOLUTION NO. 27,350:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING GRIEVANCE PROCEDURES RELATING TO RELOCATION CLAIMS.
- 204 PSA with Martin and Chapman Co. RESOLUTION NO. 27,351:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND MARTIN & CHAPMAN COMPANY.
- 1301-3 Bid Sch. No. 1197 – Under Ground Tank Retrofit Project RESOLUTION NO. 27,352:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$134,007.88 FOR THE PUBLIC WORKS UNDERGROUND TANK RETROFIT PROJECT, BID SCHEDULE NO. 1197 AND APPROVING THE PROJECT AS MODIFIED.
- 1204-1 Final Map No. 62829 233 E. Elmwood RESOLUTION NO. 27,353:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 62829 (233 EAST ELMWOOD AVENUE).
- 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.
- 204 804-5 TOT Ballot Measure Mr. Torrez, Financial Services Director, requested the Council introduce and adopt an ordinance that would place a measure on the April 2007 General Election Ballot requesting voter approval to allow the Council to increase the City’s Transient Occupancy Tax (TOT) from 10 percent up to a maximum of 12 percent.
- Ordinance Introduced It was moved by Mr. Golonski and seconded by Mr. Vander Borght that “the following ordinance be introduced and adopted.”



|  |   |
|--|---|
| <p>204-2<br/>204-3<br/>Ordinance<br/>ordering the 2007<br/>Municipal<br/>Elections</p> | <p><u>ORDINANCE NO. 3709:</u><br/>AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL MUNICIPAL ELECTION ON APRIL 10, 2007, FOR THE PURPOSE OF SUBMITTING A BALLOT QUESTION TO THE VOTERS REGARDING AN INCREASE TO THE TRANSIENT OCCUPANCY TAX.</p> |
| <p>Ordinance<br/>Adopted</p>   | <p>The ordinance was introduced and adopted by the following vote:</p> <p>Ayes: Council Members Golonski, Ramos, Vander Borgh and Campbell.<br/>Noes: Council Member Gordon.<br/>Absent: Council Members None.</p>  |
| <p>1503<br/>1504<br/>Monthly Water<br/>and Power<br/>Operating<br/>Report</p>          | <p>Mr. Davis, General Manager, Burbank Water and Power, presented the monthly Water and Power Operating Report for the month of September 2006.</p> <p>The Council noted and filed the report.</p>  |
| <p>AB 1234<br/>Ethics Training<br/>Study Session</p>                                   | <p>There was no Council direction or discussion with regard to the Assembly Bill 1234 Ethics Training Study Session.</p>  |
| <p>10:44 P.M.<br/>Reconvene<br/>Agency,<br/>Housing and<br/>Parking<br/>Meetings</p>   | <p>The Redevelopment Agency, Housing Authority and Parking Authority meetings were reconvened at this time for public comment.</p>  |
| <p>Final Open<br/>Public Comment<br/>Period of Oral<br/>Communications</p>             | <p>There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.</p>   |
| <p>10:46 P.M.<br/>Adjournment</p>  | <p>There being no further business to come before the Council, the meeting was adjourned at 10:46 p.m.</p>  |

11/7/06

---

Margarita Campos, CMC  
City Clerk

APPROVED JANUARY 9, 2007

Mayor of the Council  
of the City of Burbank