

TUESDAY, DECEMBER 5, 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, Ramos, Vander Borgh and Campbell.
Absent - - - - Council Member Gordon.
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 Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Yoo v. BWP
Case No.: LA 04-29031-SB
Adv. No.: 06-1906-SB
Brief description and nature of case: Trustee's Action to Avoid and Recover Alleged Preferential Transfers.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:33 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Reverend Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Don Farquhar.

ROLL CALL
Present- - - -

Council Members Golonski, Gordon, Ramos, Vander Borgh and

12/5/06

Absent - - - - Also Present -	Campbell. Council Members None. Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 Dennis Bomar - 40 Year Employee	Mayor Campbell presented a proclamation in honor of Dennis Bomar, recognizing his 40 years of service with the City of Burbank.
301-1 Alzheimer's Disease Awareness Month	Mayor Campbell presented a proclamation in honor of Alzheimer's Disease Awareness Month to Dr. Lauren Fox, representing CAPS Burbank Adult Day Services and Rudy Nos, a caregiver.
301-1 Pearl Harbor Remembrance	Mayor Campbell presented a proclamation in honor of Pearl Harbor Remembrance, commemorating the 65th anniversary of the attack on Pearl Harbor, to Don Farquhar, representing the Veterans Commemorative Committee.
Reporting on Council Liaison Committees	Mr. Vander Borcht reported on attending the Transit Services Task Force and the Five Points Intersection Art Committee with Mr. Campbell. Mr. Campbell reported on attending Assembly Member Dario Frommer's farewell function with Mrs. Ramos.
406 Airport Authority Report	Commissioner Brown reported on the Airport Authority meeting of December 4, 2006. He stated that the Authority approved the submittal of an application to the Federal Aviation Administration to use approximately \$38 million of the Passenger Facility Charge revenue as reimbursement for the cost of purchasing the 26-acre Star Park lot. He also reported that the Authority hired a company that provides traffic control for major events throughout Southern California to aid with Airport traffic during the holiday season.
7:07 P.M. 1702 Hearing CSB Project	Mayor Campbell stated that "this is the time and place for the continuance of the public hearing of the Council of the City of Burbank on matters related to the Community Services Building. This public hearing was initially opened on November 14, 2006 with

presentations by staff and comments from the public. Deliberations were continued to November 21st and again to this evening. A report from Kaiser Marston was requested by the Council.”

Staff Report

Ms. Teaford, Public Works Director, presented the findings of a third-party review of the Guaranteed Maximum Price (GMP) for the proposed Community Services Building (CSB) Project. She reported that on November 21, 2006, staff was directed to contract with Keyser Marston and Associates (KMA), a real estate advisory firm with offices throughout California, to take an independent review of the construction cost of the project and to assess its reasonableness.

Ms. Teaford informed the Council that the summary report provided by KMA stated that based on their review, the project management process for the CSB Project appears to be adequate and appropriate given the type of project, scope and scale. With regard to the GMP or construction cost portion, she reported that KMA reviewed 13 other municipal and public projects, eight of which had gone through the construction bid process and five that are still in design but with current construction estimates. She noted that of the 13 projects, the cost per square foot for construction only ranged from \$392 to \$776. She noted that the CSB Project’s construction cost is approximately \$400.45 per square foot. In comparison to the eight projects with construction bids, she stated that the projects ranged from \$423 to \$776 per square foot for an average cost of \$552 per square foot.

Ms. Teaford summarized that KMA concluded that based upon their review of the GMP process, proposal and in comparison with other budget projections and actual construction bids for City administrative building and other municipal buildings, the GMP appears to be reasonable and competitive, given the nature of the project and scope.

7:06 P.M.
Hearing
Closed

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

Council
Deliberations

Mr. Golonski stated that the third-party review has provided him a greater level of comfort that the process used reflects the true cost in the market place.

Mr. Vander Borcht stated that the KMA report summarizes the findings of the CSB Subcommittee and expressed support for the

project moving forward, acknowledging the concern over the escalated cost.

Dr. Gordon noted his meeting with Ms. Teaford and requested clarification regarding the KMA review. He stated that KMA was to compare the project's \$38.1 million budget estimate yet \$28,979,000 was considered, a difference of \$10 million in cost. He also noted a difference between the budget estimates and construction costs of the project. Ms. Teaford responded and noted that the \$38.1 million is the total project cost including demolition, design and geo-technical costs; however, the \$28.9 million is the actual construction cost. Dr. Gordon suggested adding two additional floors on the building to accommodate future space needs.

Mrs. Ramos stated that re-designing the project will take a long time and the GMP bid prices will expire while the costs continue to escalate. She also noted that KMA has determined that the City is within comparable costs with other municipal projects and expressed support for the project moving forward.

Mr. Campbell stated that the CSB Project has undergone its due diligence and staff has repeatedly made efforts to achieve the best value. He noted that the building is designed as a Leadership in Energy and Environmental Design (LEED) building that will save energy, increase productivity and serve the community for decades. He expressed concern that the continuing construction cost escalation may have an impact in the future and supported moving forward with the project.

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

1702
Amending FY
2006-07 Budget
Appropriating
funds to Capital
holding for future
infrastructure
projects

RESOLUTION NO. 27,366:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING \$20,043,855 TO THE CAPITAL HOLDING FUND FOR FUTURE INFRASTRUCTURE PROJECTS.

1702
Redev Agency
pay for a portion
of the CDB
Building and
approving a

RESOLUTION NO. 27,367:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSENTING TO THE REDEVELOPMENT AGENCY PAYMENT OF A PORTION OF THE CONSTRUCTION COSTS OF THE COMMUNITY SERVICES BUILDING, AMENDING FISCAL YEAR 2006-07 BUDGET IN THE AMOUNT OF \$33,802,716 AND

cooperation agreement APPROVING A COOPERATION AGREEMENT RELATED THERETO.

1702 RESOLUTION NO. 27,368:
 Approving a GMP A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 for the CSB APPROVING AND ADOPTING THE PLANS AND
 Building with SPECIFICATIONS, AND AUTHORIZING EXECUTION OF A
 Swinerton GUARANTEED MAXIMUM PRICE CONSTRUCTION (GMP)
 Builders AGREEMENT FOR THE COMMUNITY SERVICES BUILDING
 BS 1098 (CSB) (BID SCHEDULE 1098) BETWEEN THE CITY OF
 BURBANK AND SWINERTON BUILDERS, INC.

1702 RESOLUTION NO. 27,369:
 Approving PSA A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Smith-Emerly APPROVING THE PROFESSIONAL SERVICES AGREEMENT
 Labs BETWEEN THE CITY OF BURBANK AND SMITH-EMERY
 CSB Building LABORATORIES.

Substitute Motion Dr. Gordon's substitute motion to place the matter before the voters
 Failed died due to lack of a second.

Original Motion The resolutions were adopted by the following vote:
 Adopted
 Ayes: Council Members Golonski, Ramos, Vander Borght and
 Campbell.
 Noes: Council Member Gordon.
 Absent: Council Members None.

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

Initial Open Mr. Campbell called for speakers for the initial open public
 Public Comment comment period of oral communications at this time.
 Period of Oral
 Communications

Citizen Appearing to comment on the proposed outdoor smoking ban ballot
 Comment measure were: Robert Phipps; Eric Michael Cap; Malcolm
 Klugman; and, Esther Espinoza.

Commenting on the proposed recreational vehicle ballot measure
 were: Ron Bax; Michael Napolitano; and, Mary Whittle.

Also appearing to comment were: Vicki Kirschenbaum, on the Intermountain Power Project (IPP) Agreement renewal; Marva-Lea Kornblatt, on the Rancho Master Plan; Carolyn and Phil Berlin, announcing their candidacy for the City Council; Mary Schindler, in support of renewing the IPP Agreement; Howard Rothenbach, on Citywide Wi-Fi; Garen Yegparian, in opposition to placing additional measures on the April ballot due to the fact that the Charter Amendments will appear on that ballot and urging the Council to make decisions relative to the proposed ballot measures; Mark Barton, on a candidate representing a City employee; Michelle Feather, on the length of the agenda and in support of Citywide Wi-Fi; Fred Prouser, in opposition to putting the proposed ballot measures on the April ballot; and, Eden Rosen, on issues regarding a local senior housing development.

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 on the proposed ballot measure regarding banning outdoor smoking were: Robert Phipps; Maureen Tamuri, City of Calabasas; Stephanie Warren, Chair, Calabasas Chamber of Commerce; Martin Barbera-Martinez, American Cancer Society; Angela Wilson, American Heart Association; Carey January, Girls Club of Los Angeles; Colleen Callahan, American Lung Association of California; Esther Schiller, Executive Director, Smoke-Free Air For Everyone; Michelle Feather; Eric Michael Cap; Mark Barton; and, Fred Prouser, who also commented on aircraft emissions.

Commenting on the proposed ballot measure regarding recreational vehicles were: Gary Bric; Tom Strasser; Tony Wade; Mal Kelman; Roland Kaali; Phil Saleen; Rick Hyman; Douglas A. Bowman, Jr.; John Caruso; Dennis Hooper; and, Mike Duncan.

Also appearing to comment were: Jim Stewart, Co-Chair of the Global Warming Committee, Sierra Club and Delphine Trowbridge, on the Intermountain Power Project (IPP) Agreement; Esther Espinoza, on the proposed smoking regulation and recreational vehicles ballot measures and the Lake-Alameda Neighborhood Enhancement Strategy; Gail Romero, on the proposed ballot measures; Rose Prouser, on the Community Services Building Project, the smoking ban and Charter Amendments on the April ballot; Eden Rosen, on the Lake-Alameda Neighborhood Enhancement Strategy and the proposed ballot measures; David

Pirola, on the proposed ballot measures; Jay Hernandez, in support of the Lake-Alameda Neighborhood Enhancement Strategy; Garen Yegparian and Frank Schindler, on the IPP Agreement; and, Jan Maurer and Jerry Crimeni, on the proposed ballot measures.

Staff
Response

Members of the Council and staff responded to questions raised.

10:11 P.M.

1208

1102

Joint Meeting
with the Redev
Agency
Lake Alameda
Focus
Neighborhood
Enhancement
Strategy

Ms. Leyland, Senior Redevelopment Project Manager, Community Development Department, provided an overview of the Lake-Alameda Neighborhood Enhancement Strategy and requested consideration of a budget amendment and design contract for further implementation of the strategy. She reported that in May 2006, staff outlined the possibility of creating a landscaped access path along the Los Angeles County Flood Control Channel (Channel) right-of-way from Alameda Avenue to Victory Boulevard. She stated that staff explained that improvements to the Channel were already being considered as part of a larger neighborhood enhancement strategy. She noted that staff was directed to continue with their efforts and begin developing the proposed access path.

Ms. Leyland identified the Focus Neighborhood which is located between Alameda Avenue and the eastern City border with Glendale, bounded by the Interstate 5 Freeway and Victory Boulevard to the south and bisected by Lake Street, with the dominant feature being the Channel. She stated that staff assessed the issues facing the neighborhood through public outreach and noted that residents were very supportive of the project. She reported that the main issues identified include: infrastructure improvements; Code enforcement; public safety; lack of neighborhood amenities; and, traffic and parking control. She added that subsequently, the Neighborhood Enhancement Strategy was developed based on these needs and categorized into short and long term goals. She explained that the short term goals consisted of minor infrastructure improvements, general public maintenance, safety concerns, parking issues, property maintenance, providing additional landscaping and public education. She noted that the long term goals included improvements along the Channel right-of-way, sidewalk improvements and creating open space.

Ms. Leyland stated that the most complex and largest challenge facing the neighborhood is improving the Channel. She noted that this area is a popular route for the neighborhood and is a quicker way for the residents to reach the main corridors of Alameda Avenue and Victory Boulevard. She explained the schematic design and main features of the Channel's improvements, including: a concrete pathway along the east side of the Channel;

12/5/06

colorful drought-resistant landscaping; pedestrian-oriented non-obtrusive lighting; access points at Spazier, Elm and Linden Streets; decorative hardscape at intersection cul-de-sacs; and, amenities such as trash receptacles, signage, ballads and fencing.

Ms. Leyland noted that staff worked with the County of Los Angeles during the schematic design process and the County has committed to funding landscaping on the west site of the Channel. In addition, she stated that the County is open to undertaking the construction phase of project and if so directed, a use agreement outlining terms, conditions and requirements for the project will be brought back for Council approval.

Motion Following Council deliberation, it was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following resolutions be passed and adopted:"

1208 RESOLUTION NO. 27,370:
1102 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
PSA with David APPROVING A PROFESSIONAL SERVICES AGREEMENT
Evans for Lake- BETWEEN THE CITY OF BURBANK AND DAVID EVANS AND
Alameda ASSOCIATES, INC. FOR THE DESIGN OF THE LAKE-ALAMEDA
Landscape LANDSCAPED ACCESS PATH.

1208 RESOLUTION NO. 27,371:
1102 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Amend FY 2006- AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET BY
07 Budget APPROPRIATING \$1,527,265.27 TO THE LAKE-ALAMEDA
Appropriating FOCUS NEIGHBORHOOD FOR PUBLIC FACILITY
funds to the IMPROVEMENTS AND AUTHORIZING THE FILING OF AN
Lake-Alameda AMENDMENT TO THE FINAL STATEMENT OF COMMUNITY
focus DEVELOPMENT OBJECTIVES AND PROJECTED USE OF
neighborhood FUNDS.

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.

10:50 P.M. The Council recessed to permit the Redevelopment Agency to
Recess continue its meeting. The meeting reconvened at 10:59 p.m. with all
members present.

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

1208-1 RESOLUTION NO. 27,372:
Relocation Plan A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
for 1730 Elliot Dr. APPROVING A RELOCATION PLAN FOR THE RELOCATION OF
RESIDENTS DISPLACED AS A RESULT OF THE ACQUISITION
OF 1730 ELLIOTT DRIVE.

804-3 RESOLUTION NO. 27,373:
907 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Amending FY AMENDING THE FISCAL YEAR 2006-07 BUDGET FOR THE
2006-07 Budget PURPOSE OF APPROPRIATING STATE CITIZEN'S OPTION
Appropriating FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE
Grant Funds for AMOUNT OF \$208,026 AND ACCUMULATED INTEREST FROM
COPS PREVIOUS GRANT FUNDS IN THE AMOUNT OF \$5,661.07
FROM THE STATE OF CALIFORNIA.

804-3 RESOLUTION NO. 27,374:
907 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Amend FY 2006- AMENDING THE FISCAL YEAR 2006-07 BUDGET FOR THE
07 Budget PURPOSE OF RECEIVING AND APPROPRIATING
Bulletproof Vest BULLETPROOF VEST GRANT PROGRAM FUNDS IN THE
Grant AMOUNT OF \$5,496.60 FROM THE UNITED STATES
DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE
ASSISTANCE.

702-3 RESOLUTION NO. 27,375:
Amend FY 2006- A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
07 Budget AMENDING THE FISCAL YEAR 2006-07 BUDGET AND
Appropriate funds APPROPRIATING FUNDS IN THE AMOUNT OF \$42,737 TO THE
-Starlight Bowl STARLIGHT BOWL SPONSORSHIP FUND FOR MATERIALS,
Sponsor Funds SERVICES AND SUPPLIES.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon (except Reso No. 27,372), Ramos, Vander Borgh and Campbell.
Noes: Council Member Gordon (Reso No. 27,372 only)
Absent: Council Members None.

204-3 Mr. Barlow, City Attorney, reported that at the November 7, 2006
Advisory Ballot meeting, Council Member Golonski requested the Council consider
on Parking calling an advisory election during the upcoming General Municipal
Recreation Election on the issue of City regulation of the parking of

12/5/06

Vehicles Recreational Vehicles (RVs) in residential areas. He stated that staff has summarized the applicable laws and ordinances regulating the parking of RVs by the State of California, Burbank, and other communities in the staff report. He provided the Council with the following three main options: place the proposed advisory measure before the voters; direct staff to come back with an ordinance to directly impose some form of parking restrictions; or, decide not to take any action at this time.

The Council generally acknowledged that the parking of RVs in residential areas is a problem but did not deem it necessary to place the matter on the ballot.

Motion It was moved by Mr. Campbell, seconded by Mr. Vander Borght and carried with Mr. Golonski voting no that "the Traffic and Transportation Committee continue with the hearings on this issue and return with recommendations in six months".

204-3
Advisory Ballot
on Outdoor
Smoking
Regulations Mr. Barlow, City Attorney, reported that at the October 24, 2006 Council meeting, Mayor Campbell and Council Members Vander Borght and Gordon requested that the Council consider the possibility of imposing restrictions on outdoor smoking. He added that staff was in the process of preparing such a report when at the November 7, 2006 meeting, Council Member Golonski suggested that the Council consider calling an advisory election during the upcoming General Municipal Election on outdoor smoking regulation. He noted that the Council has been provided with copies of similar ordinances from the cities of Calabasas and Santa Monica. He then provided the Council with three main options: place the proposed advisory measure before the voters; direct staff to come back with an ordinance to directly impose additional smoking restrictions; or, take no action at this time.

The Council was not inclined to place the issue on the ballot and opted for proceeding with crafting an ordinance with as much public input as possible, including the business community, boards and commissions, non-profit councils, medical facilities and neighborhood associations.

Staff was directed to draft an outline and schedule the matter for a hearing at a future Council date.

911
Update on
Renewal Power
Sales Agt Mr. Davis, Burbank Water and Power General Manager, reported that in October 2006, the Council approved and authorized the execution and delivery of a Renewal Power Sales Contract (RPSC) with the Intermountain Power Agency (IPA), renewing Burbank's

generation entitlement share of 3.371 percent of the output of the Intermountain Power Project (IPP) and extending Burbank's existing property rights associated with IPP from 2027 through the end of the project life. He added that subsequent to receiving Council approval, IPA materially modified the terms of offer contained in the RPSC.

Mr. Davis recalled that the Integrated Resource Plan approved by the Council contained no new fossil resources for Burbank with a strategy that the City's goal be met via conservation, energy efficiency and renewables. He added that to date, the City's energy resource base of over 60 percent coal has been reduced to 45 percent, a 25 percent reduction, and noted that the agreement would over time reduce that percentage to 30 percent. He noted that any energy policy needs to consider three major components; environmental responsibility, reliability and affordability.

Mr. Davis explained that the IPA is not a coal contract but an approximately \$200 million financial investment for the City since the 1980s. He added that while it is a coal plant, it is one of the cleanest in the nation, and noted that coal provides 50 percent of the power generation in the nation. He stated that other renewable resources of wind and solar are not reliable and cannot be used as a reliable back-up.

Mr. Davis informed the Council that the new renewal offer extends the acceptance from May 2007 to January 2023. He noted that with the extended term, there is ample time to conduct the necessary feasibility studies required to support an environmental redevelopment of the project to reduce its air emissions and greenhouse gases to standards which meet or exceed those of today's cleanest fossil-fueled plants like the Magnolia Power Project. Such a redevelopment would be designed to meet the requirements of California standards. He further elaborated that the extension of the time to renew gives project participants time to realistically consider the environmental options for the project and site, and how they might be best implemented to ensure that the plant will reflect the environmental standards of the California participants. He noted that recently, the IPP participants, in addition to Burbank Water and Power (BWP), have unanimously proposed to fund studies that will explore: options to meet anticipated future environmental standards; the feasibility of sequestering carbon dioxide emissions; and, using the project's assets to improve the access to and use of renewable wind energy, and the cost/benefit of such measures.

The report was noted and filed.

Item postponed The item regarding "City-Wide Wireless Internet Access (Wi-Fi)"

12/5/06

was moved to the meeting of December 12, 2006.

Item not
Considered

The item regarding the "Advisory Election Budget Appropriation" was not considered since no advisory ballot measures were approved.

Ordinance
Submitted

It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "Ordinance No. 3712 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702
Approving Project
No. 2006-44
709 E. Cypress
Ave.

ORDINANCE NO: 3712:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
APPROVING A ZONE MAP AMENDMENT FOR PROJECT NO.
2006-044 (709 East Cypress Avenue; Applicant: Herb Young).

Adopted

The ordinance was adopted by the following vote:

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

12:36 P.M.
Reconvene
Agency
Meeting
Final Open
Public Comment
Period of Oral
Communications

The Redevelopment Agency meeting was reconvened at this time for public comment.

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

Citizen
Comment

Appearing to comment were: Gary Bric, against campaigning during Council meetings; and, Jan Maurer, using negative ion generators relative to smoking.

Staff
Response

Members of the Council and staff responded to questions raised.

12:40 A.M.
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 12:40 a.m.

Margarita Campos, CMC
City Clerk

APPROVED MARCH 6, 2007

Mayor of the Council
of the City of Burbank