

TUESDAY, MARCH 6, 2007

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 5:07 p.m. by Council Member Vander Borght.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon and Vander Borght.
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.

5:08 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:

Pursuant to Govt. Code §54956.9(a)
Name of Case: In the Matter of the Application of the Burbank-Glendale-Pasadena Airport Authority.
Case No.: OAH No. L2001-110412
Brief description and nature of case: Application of Burbank-Glendale-Pasadena Airport Authority made to Department of Transportation, State of California for Noise Variance.

Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. City of Los Angeles; and, City Council of the City of Los Angeles.
Case No.: BS106498
Brief description and nature of case: Glendale-Burbank Interceptor Sewer (GBIS).

Conference with Legal Counsel – Anticipated Litigation:

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 6:31 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Reverend Ross Purdy, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Tim Castillo.

ROLL CALL

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Present- - - -	Council Members Golonski, Gordon, Vander Borght, Ramos and Campbell.
Absent - - - -	Council Members None.
Also Present -	Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 Arbor Day Proclamation	Mayor Campbell presented a Proclamation in recognition of Arbor Day to Shelley Davies and Linda Silvas, representing the Civic Pride Committee.
301-1 International Women's Day and Zonta Rose Day	Mayor Campbell presented a Proclamation in honor of International Women's Day and Zonta Rose Day to Jennifer Wyatt, President of the Zonta Club of Burbank.
301-1 Burbank National Management Association 35 th Anniv.	Mayor Campbell presented a Certificate of Recognition to Betsy Dolan, President of the Burbank National Management Association, upon the recognition of their 35th Anniversary.
301-1 Annual Student Design Competition	Mrs. Georgino, Community Development Director, briefly described the Student Design Competition and commended the panel of judges which included: Tom Smith, Vice President West Coast Real Estate Group, NBC Universal; Rasa Bauza, Project Manager, Warner Bros.; and, Council Member Vander Borght. Ms. Wilson, Administrative Assistant, explained the categories and the judging criteria for the competition. Mayor Campbell presented awards to the following students: Min Young Lee; Bryan Lee; Oscar Galvan; Alexander Linder; Anesa Panusian; Erik Patrick Mahoney; Alex Ramirez; and, Heesoo Kim. Honorable Mention awardees were Tom Nguyen, Brianna Esquivel, Lilyana Morejon and Lafayette Blackmon; Most Creative category awardees were Brandon Anderson and Tim Castillo; and, Best Overall awardee was Vahe Haroutounian. Awards were also presented to the advisors; Dena Williams, John Burroughs High School and Irene Harley, Burbank High School, and to the judges.
Reporting on Council Liaison Committees	Mayor Campbell congratulated Fire Chief Pansini for receiving the Citizen of the Year Award from the Burbank Temporary Aid Center. He also announced that as Mayor, he signed a pledge to stop illegal gun trafficking. He stated that the pledge has a statement of principles that elevates the level of punishment of individuals who traffic firearms illegally.
406 Airport Authority	Commissioner Lombardo reported on the Airport Authority meetings of February 5 and 20, 2007 and March 5, 2007. He

Report stated that at the February 5, 2007 meeting, the Authority received a status update on major capital projects and the 2007 budget update. He added that at the February 20, 2007, the Authority awarded a Residential Acoustical Treatment Program contract for 28 single-family residences and one owner-occupied duplex property; and, awarded a Professional Services Agreement for Common User Terminal Equipment Systems. He also reported that at the March 5, 2007 meeting, the Authority approved the Authority Investment Policy and a contingency adjustment for the Parking Lot A Phase II site improvements.

6:48 P.M.
1211
Public Hearing
Weed Abatement Mayor Campbell stated that "this is the time and place for the hearing on the confirmation of itemized written reports of the Agricultural Commissioner/Director of Weights and Measures for the County of Los Angeles regarding the abatement of nuisances by removal of weeds, rubbish, refuse and dirt from certain real property pursuant to Resolution No. 27,420 of this Council."

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 there were no objections to the report filed in the City Clerk's Office.

7:12 P.M.
Hearing
Closed There being no response to the Mayor's invitation for objections to the report, the hearing was declared closed.

Motion It was moved by Mr. Vander Borght, seconded by Mrs. Ramos that "the following resolution be passed and adopted."

1211
Weed Abatement RESOLUTION NO. 27,424:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK, AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 27,420.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borght, Ramos and Campbell.

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Noes: Council Members None.
Absent: Council Members None.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting. He stated that Mr. Campbell recused himself from discussions regarding the Glendale-Burbank Interceptor Sewer Project and that Mrs. Ramos was unable to attend 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: Whit Prouty, making various comments on the Primary Nominating Election; Gary Garrison, on the Joslyn Adult Center karaoke program; Elementary school students – Karla Lopes, Hunter Chaney, Nicholas Coanette, Joseph Leone and Michael Kim, on their class project on the importance of assisting seniors; Don Elsmore, commending the Council for the rejection of the Whole Foods Market project; Gary Bric, reporting on the February 2007 meeting of the Traffic and Transportation Committee; Molly Hyman, in support of the removal of Airport Commissioner Brown; Robert Phipps, on secondhand smoke issues and in support of smoking regulations; Anna May Nelson, announcing a video presentation by Burbank Neighbors for Peace and Justice; Esther Espinoza, on traffic issues; Eden Rosen, on encroachment on public rights-of-way; Elizabeth Montgomery, requesting status of the Glendale-Burbank Interceptor Sewer lawsuit; and, Detective Michael Pavelka and Lieutenant Pat Lynch, urging the removal of Airport Commissioner Brown.

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 consideration of the removal of Airport Commissioner Brown were: Eugene Taylor; Esther Espinoza; James Schad; Mark Barton; Michael Parrinello, President of the Burbank Police Officers Association; Molly Hyman; Officer Chris Canales; Detective Ron Cervenka; Michael Marcosa; Christine McGrath; Lieutenaunt Lynch; Mike Nolan; and, David

Piroli.

Also appearing to comment were: Stan Hyman, on a Burbank Housing Corporation property transaction; Charlie Lombardo, clarifying an issue addressed by a speaker on helicopters at the Airport; and, Bob Olson, on the City Treasurer's Investment Policy, and in support of an appointed City Treasurer and the requirement for a majority vote on budget items.

Staff
Response

Members of the Council and staff responded to questions raised.

Item Taken
Out of Order

Mr. Golonski requested that Item No. 10 regarding "Continuation of Service of Airport Commissioner" be taken out of order. The Council concurred.

406
Consideration of
continued service
as Airport
Commissioner-
Don Brown

Mr. Barlow, City Attorney, reported that at the February 13, 2007 meeting, Council Member Ramos requested the Council discuss the continued service of Airport Authority Commissioner Don Brown. He stated that pursuant to the Council's policy, this is the first step of a two-step process to determine if there is majority interest in considering this matter at a subsequent Council meeting.

Mrs. Ramos thanked the speakers and all those who have contacted her in regards to this matter. She noted that she has read the entire 72-page court transcript and that after reading the Burbank Leader article which describes Judge Walter's comments that Commissioner Brown provided "glowing recommendations" about Scott Schafer and reading the response letter from Commisiner Brown, she continues to have very serious reservations about his ability to make good judgment. She acknowledged the issue of free speech but noted that as elected and appointed governmental officials, the responsibility in the choice of words is very powerful. She urged her colleagues to support the removal of Commissioner Brown and expressed her preference that he resign.

Mr. Golonski acknowledged the reasons as to why the Police Department and members of the Pavelka family were upset but noted the fact that members of boards and commissions have a right to express their opinions, whether the Council agrees with them or not. He also stated that he read the entire 72-page court transcript but does not know the exact statements made by Commissioner Brown and would not support his removal.

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Mr. Vander Borcht stated that just because the Council does not like a position taken by individuals does not grant them the right to have the individuals removed from service. He also stated that he read the entire court transcript in which the the judge not only considered Commisioner Brown's comments but also many other reasons. He stated that he did not feel it was appropriate to consider removing Mr. Brown from his position for this reason, as painful as it was.

Dr. Gordon inquired as to the status of the Pre-Sentencing Report request. He stated that he read the court transcript as well and has listened to the comments, but had reservations proceeding without knowing the facts.

Mr. Campbell noted that there are a lot of unanswered questions such as how the Probation Officer was directed to Commissioner Brown, how the questions were posed, how the issue of charitable donations came up, the Commissioner's affiliation and/or communication with Mr. Schafer's attorney and noted the lack of the Pre-Sentencing Report and some inconsistencies between Commissioner Brown's response letter and the Court transcript. He expressed his preference for Commissioner Brown's presence to set the record straight.

Motion
It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried that "if the United States Attorney's Office receives no response for their request for the Pre-sentencing Report, the City Attorney's Office make a request to the Court to release a portion of the Pre-sentencing Report that specifically speaks to the comments given to the Probation Officer by Retired Lieutenant Don Brown."

Motion
Carries
It was moved by Mr. Golonski, seconded by Dr. Gordon and carried with Mrs. Ramos voting no that "the report be noted and filed."

Item Taken
Out of Order
Mr. Campbell requested that Item No. 11 regarding "Review of the City's Financial Status as of December 31, 2006 and Approval of Mid-Year Adjustments to the Fiscal Year 2006-07 Budget Including Prepayment of the City's Other Post Employment Benefits Liability" be taken out of order. The Council concurred.

801-2
Mr. Torrez, Financial Services Director, presented the mid-year

Mid Year Adjustments and Five-Year Financial Forecast

budget report. He stated that through December 2006, General Fund revenues are performing better than the adopted budget and noted that most of the projected increases are attributable to the Transient Occupancy Tax and contributions from other funds such as the Gas Tax fund. He highlighted the major revenue categories of Sales Tax, Property Tax, Utility Users Tax, Transient Occupancy Tax and Transient Parking Tax. He reported that with the revised recurring balance estimated at \$482,628 and the non-recurring balance estimated at \$2,139,662, the total available fund balance on June 30, 2007 would be \$2,622,290. He also highlighted the available one-time resources and the mid-year appropriation requests for the General Fund and other non-General Funds.

With regard to the Five Year Financial Forecast, Mr. Torrez reported that a budgetary gap is still projected for Fiscal Year 2010-11 although it has significantly reduced from \$6 million to \$2 million. He then noted that the budget parameters for Fiscal Year 2007-08 included: no departmental reductions; no new positions or upgrades unless offset and/or result in significant benefit; no allowable increases in Miscellaneous, Supplies and Services accounts with any exceptions having to be beyond the department's control; and, no new requests for capital outlay unless approved by the Executive Team. He also stated that staff is proposing rate increases to water, sewer and refuse rates, and noted that as a result of a recent Court decision, water, sewer and refuse rate increases must be approved by the affected rate payers at a public hearing with the rate payers noticed no less than 45 days prior to the hearing date. He stated that the hearing is being scheduled to coincide with the annual budget hearing and stated that the fee increases will not affect the Lifeline customers.

Motion

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

801-2
Mid Year Adjustments and Five-Year Financial Forecast

RESOLUTION NO. 27,430:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET OF FISCAL YEAR 2006-2007 FOR THE PURPOSE OF MID-YEAR ADJUSTMENTS.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borgh,

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

Motion
Carries

It was moved by Mr. Golonski, seconded by Mr. Vander Borcht and carried with Dr. Gordon voting no "to appropriate \$250,000 to the Youth Services Holding Account and \$250,000 to the transportation holding account for the purchase of a clean air bus."

9:49 P.M.
Mr. Campbell Left
the Meeting

Mr. Campbell left the Chamber at this time.

9:50 P.M.
802-1
Joint Mtg with
Agency, Hsg,
Prkg and YES
2006 Qtr End
Rep and 2007
Investment Policy

Ms. Anderson, City Treasurer, presented the December 2006 Quarter End Investment Report and 2007 Investment Policy for the Investment Pool comprised of the City, Redevelopment Agency, Parking Authority, Youth Endowment Services Fund Board and separately for the Housing Authority for approval. She elaborated on the following recommended changes: the Investment Philosophy to incorporate new language revised by the State of California; increase in the monthly liquidity from \$61 million to \$69 million and increase in the maximum allowed to invest between five to ten-year maturities from \$10 million to five percent of the portfolio; percentage of the pool that may be invested in commercial paper issued by any one corporation was decreased from 10 percent to two percent; rating to be by a nationally-recognized rating service; a decrease from 10 percent to five percent the amount of the pool that may be invested in notes issued by one corporation; adding qualified regional dealers to the language for clarification; change to the List of Qualified Brokers from Jason Hamblen to Countrywide Securities, and adding Joe Alan Sexton, First Tennessee, and Don Collins, Brookstreet Securities; and, Commercial Paper changed to 25 percent Legal Limit and the first and last lines under other constraints. She noted that these changes are governed by the State of California Statutes applicable to municipal investments.

Motion
Carries

It was moved by Mr. Golonski, seconded by Dr. Gordon and carried with Mr. Campbell absent "to approve the December 2006 Quarter End Investment Report and 2007 Investment Policy."

10:21 P.M.

The Council recessed to permit the Redevelopment Agency,

- Recess Housing Authority, Parking Authority and Youth Endowment Services Fund Board to continue their meetings. The meeting reconvened at 10:24 p.m. with all members present except Mr. Campbell.
- 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."
- Minutes
Approved The minutes for the regular meetings of October 31, November 14, November 21, November 28, December 5, December 12, December 19, December 26, 2006 and January 2, 2007 were approved as submitted.
- 1301-3
CNG Time-Fill
Station Grant
Agreement RESOLUTION NO. 27.425:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AND TO ASSIST IN THE FUNDING OF CONSTRUCTION OF A TIME-FILL FUELING STATION.
- 1503
Icon West
Construction
Agmt-Light Fleet
Building RESOLUTION NO. 27.426:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO NEGOTIATE PRICE, TERMS AND CONDITIONS OF A CONSTRUCTION AGREEMENT WITH ICON WEST, INC, FOR TENANT IMPROVEMENTS TO THE LIGHT FLEET BUILDING IN AN AMOUNT NOT-TO-EXCEED \$740,000, AND FURTHER AUTHORIZING EXECUTION OF SAID AGREEMENT.
- 1301-3
Adopt a Mit. Neg.
Dec-BWP
Reclam. Plant
Equal. Basin
Project. RESOLUTION NO. 27.427:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION (BURBANK WATER RECLAMATION PLANT EQUALIZATION BASIN PROJECT).
- 1007-1
1009-1
Title and
Classification
Comm. Tech.
Aide (CTC No, RESOLUTION NO. 27.428:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COMMUNICATIONS TECHNICIAN AIDE (CTC No. 0207) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

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0207)

1007-1
1009-1
Title and
Classification
EMS Nurse
Specialist (CTC
No. 0318)

RESOLUTION NO. 27,429:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
ESTABLISHING THE TITLE AND CLASSIFICATION OF EMS
NURSE SPECIALIST (CTC No. 0318) AND PRESCRIBING
CLASSIFICATION CODE NUMBER, SALARY AND
SPECIFICATION THEREOF.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borgh and
Ramos.

Noes: Council Members None

Absent: Council Member Campbell.

911
LA DWP
Water
Project

Mr. Forbes, Principal Planner, Community Development Department, reported that the Los Angeles Department of Water and Power (LADWP) is proposing to construct a 78-inch underground water supply pipeline, a portion of which would traverse the City beneath the Whitnall Highway utility corridor. He explained that the proposed pipeline would replace an existing underground pipeline that is part of the domestic water system for the City of Los Angeles and would enter Burbank on Burbank Boulevard at the City boundary with the City of Los Angeles, turn south at Whitnall Highway and travel through the southwest area of Burbank along Whitnall Highway in the existing LADWP utility easement. He added that the pipeline would exit Burbank south of Riverside Drive and Johnny Carson Park, near Buena Vista Street.

Mr. Forbes noted that in January 2007, LADWP issued a Notice of Preparation and Initial Study, which is the first step in preparing an Environmental Impact Report (EIR). The purpose of the Notice of Preparation is to notify affected public agencies that an EIR will be prepared and to seek input on what issues and areas of impact should be studied in the EIR. He stated that staff worked with the City Attorney's office and an outside environmental consultant with expertise in geology to prepare a comment letter to ensure that all potential areas of impact are adequately studied in the EIR.

Mr. Forbes informed the Council that once the Draft EIR has been prepared and released for public comment, the City and any interested Burbank residents or other parties will have an opportunity to submit comments regarding the quality of the

environmental analysis and the alternatives studied. He anticipated that the Draft EIR will be released in April 2007 for a minimum of a 45-day comment period, during which time any interested person may submit comments on the document.

Mr. Forbes stated that at this time, there is no further action for the City to take until the Draft EIR is released, at which time staff will review the document and prepare a comment letter. He added that staff will closely monitor the status of this project to ensure that the Council and Burbank residents are aware of the opportunity to review the Draft EIR and provide comments. He recommended the Council note and file the report.

The Council noted and filed the report.

10:36 P.M.
Reconvene
Agency
Meeting

The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time for public comment.

Final Open
Public Comment
Period of Oral
Communications

Vice Mayor Ramos called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were: Mark Barton and LaVerne Thomas, on the removal of Commissioner Brown; and, David Piroli, clarifying on comments made by a previous speaker on smoking outside City Hall.

Staff
Response

Members of the Council and staff responded to questions raised.

10:42 P.M.
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:42 p.m.

Margarita Campos, CMC
City Clerk

APPROVED OCTOBER 9, 2007

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Mayor of the Council
of the City of Burbank