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**NOTICE OF SPECIAL TRI-CITY AIRPORT MEETING
OF THE CITY COUNCILS OF THE
CITIES OF BURBANK, GLENDALE & PASADENA**

**GLENDALE HILTON HOTEL
TROPICO ROOM
100 WEST GLENOAKS BOULEVARD
GLENDALE, CA 91202**

**DECEMBER 4, 2002
4:00 P.M.**

NOTICE IS HEREBY GIVEN that a Special Tri-City Airport Meeting of the City Councils of the Cities of Burbank, Glendale and Pasadena will be held on Wednesday, December 4, 2002, at 4:00 p.m., at the Glendale Hilton Hotel, Tropico Room, 100 West Glenoaks Boulevard, Glendale, to discuss the items on the attached agenda.

Bill Bogaard, Mayor
City of Pasadena

I hereby certify that this notice, in its entirety, was posted on the Council Chamber Bulletin Board, Room 247, City Hall, on November 27, 2002, at 5:00 p.m., and that copies hereof were faxed or delivered to each member of the City Council and faxed to each local newspaper of general circulation, radio or television station requesting notice in writing, all of which media recipients are identified on the distribution list set forth herein below.

Josefne L. Rodriguez, CMC
City Clerk

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THE MEETING MATERIALS FOR THE MEETING OF WEDNESDAY, DECEMBER 4, 2002 FOR THE CITY COUNCILS OF BURBANK, GLENDALE AND PASADENA ARE AVAILABLE FOR VIEWING AT THE MAIN LIBRARY AND IN THE CITY CLERK'S OFFICE.

**TRI-CITY AIRPORT MEETING
COUNCIL AGENDA
CITIES OF BURBANK, GLENDALE, AND PASADENA**

**WEDNESDAY, DECEMBER 4, 2002
4:00 P.M.**

Glendale Hilton Hotel - 100 West Glenoaks Boulevard

This agenda contains a summary of each item of business that the Councils may discuss at this meeting. The written documentation relating to each item on this agenda is on file in the office of the Burbank City Clerk and is available for public inspection and review. If you have any questions about any matter on the agenda, please call the Burbank City Clerk at (818) 238-5851.

1. **CALL TO ORDER:** Glendale Mayor Rafi Manoukian
2. **ROLL CALL:** Burbank, Glendale/ and Pasadena City Clerks
3. **INVOCATION:** Burbank Mayor David Laurell
4. **PLEDGE OF ALLEGIANCE:** Pasadena Mayor Bill Bogaard
5. **ORAL COMMUNICATIONS:**

During Oral Communications, the public may comment on any Airport related matter. A speaker card must be completed and presented to the Glendale City Clerk prior to the beginning of the comment period. No cards will be accepted after the comment period has begun. Oral Communications will be 30 minutes in length. That time will be divided among all speakers to determine the amount of time per speaker, with a maximum of three minutes per speaker.

Disruptive Conduct. The Councils request that you observe the order and decorum of the meeting room by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Your participation in this meeting is welcome and your courtesy will be appreciated.

- 1, **WRITTEN REPORTS** (These reports are provided in the Agenda packet for informational purposes and no oral presentations will be made. Questions or comments would be welcomed):

- a. **ROAR Initiative and Litigation**

On Oct. 9, 2001, the voters of Burbank, by a vote of 11,096 in favor and 7,949 opposed, approved an initiative measure known as Measure A. Measure A required the City to obtain a two-thirds affirmative vote of the electorate before giving final approval for financing or construction of an Airport terminal. In addition, Measure A prohibited the City from consenting to "the acquisition or rezoning of any new land for Airport use" or consenting to "the financing or construction of any new, rebuilt, relocated or expanded Airport facility" before the Airport Authority satisfied 12 conditions, most of which concerned implementation noise abatement and mitigation measures.

Even before it was adopted, there were questions about the legality of Measure A. Shortly after the adoption of Measure A, the Airport Authority sent a letter to the City asserting that Measure A was illegal and threatening to file suit if the City attempted to enforce Measure A. This placed the City in an immediate legal dilemma: enforce Measure A against any of the several then-pending (or contemplated) Airport projects and face litigation by the Airport Authority, or refuse to enforce Measure A and fail in its duty to enforce duly enacted City law. The City therefore filed suit in Los Angeles Superior Court against the Airport Authority seeking a declaration on the validity of Measure A,

Subsequently, the Airport Authority failed to file a formal defense to the lawsuit, allowing the City to file a motion for default judgment. At about the same time, a Burbank resident, Michael Nolan, intervened in the suit to defend the legality of Measure A. The City funded his intervention in order to insure that the position passed by the Burbank voters was defended.

On August 23, 2002, Judge Richard Montes of the Los Angeles County Superior Court issued a comprehensive opinion finding that Measure A was illegal on all counts.

On October 25, 2002, Mr. Nolan appealed Judge Montes⁷ decision, and the case is now on appeal in the California Court of Appeal, Second Appellate District. Briefs will be filed later this winter. No date for oral argument has been set, and a decision is not expected before late 2003. The City will not fund the appeal.

b. TSA Security Improvement Protect

On November 19, 2001, the President signed into law the Aviation and Transportation Security Act (ATSA), which among other things established a new Transportation Security Administration (TSA) within the Department of Transportation. The ultimate goal of TSA Service is to create an atmosphere that aligns the needs of the passengers to be secure while ensuring the freedom of movement for people. The TSA Security Improvement Project at Burbank-Glendale-Pasadena Airport consists of: providing additional space for ticket lobby and baggage screening/handling, relocating and enlarging security checkpoints/creating space for screening in holdrooms and relocating holdroom space into the hallway, installing complete fire/life safety systems, relocating and widening the existing hallway, creating additional space for TSA personnel, creating additional space for the relocation of airline personnel, providing blast-resistant walls, relocating restrooms, relocating concessions, and creating new space to accommodate additional airport police.

c. PERC Report

The Plan Evaluation and Review Committee (PERC) is a sixteen member committee, made up of a cross-section of the community. Members were appointed to the PERC by the Burbank City Council and were charged with reviewing the issues surrounding the development of a replacement terminal on the B-6 property. Throughout this past summer, the PERC met on 16 separate occasions. During the course of the meetings, the committee had the opportunity to hear from a range of speakers and presenters. On September 12, 2002, during the final meeting of the PERC/ the committee unanimously approved a report outlining their key findings and recommendations. At the regular City Council meeting of October 1, 2002, a subcommittee of the PERC presented the final report to the Burbank City Council.

d. Part 161 Study

In order to obtain a curfew, federal law requires the Airport Authority to prepare a detailed study, known as a Part 161 Study, and submit it to the FAA for approval. The Part 161 Study must include, among other things, consideration of alternatives to a curfew and a detailed cost-benefit analysis of the proposed curfew and the alternatives. Based on the Part 161 Study, the FAA will decide whether to approve or disapprove the curfew. Burbank Airport is the first airport in the nation to prepare a Part 161 Study for a curfew since the federal law that requires FAA approval went into effect in 1990.

In January 1999, the Airport Authority retained the aviation consulting firm Landrum & Brown to prepare a Part 161 Study for a curfew. Formal work on the substance of the Part 161 Study began in April 2000. At that time, the Authority projected that the Part 161 Study would be completed in about two years, with a final FAA decision expected in late 2003. Phase I, which includes a forecast of future Airport operations and other baseline data, was originally projected to be completed in early 2001. Phase I took longer than planned, and work on Phase I was completed in the early summer of 2002.

The Airport Authority recently authorized Landrum & Brown to begin Phase II of the Part 161 Study, Phase II will encompass the substantive analysis of the curfew and the alternatives. In this part of the Study the Airport Authority will complete the rigorous cost-benefit analysis of the curfew. Following the completion of Phase II, the Airport Authority will finalize its application and submit it to the FAA for approval. Airport Authority President Chris Holden recently announced that he expected it would be at least another two years before the Part 161 Study is completed.

e. **PUC Noise Variance**

Every three years, the Airport Authority is required by law to obtain a noise variance from the California Department of Transportation (Caltrans⁷). The purpose of the noise variance process is to ensure that the Airport is taking good faith measures to the best of its ability to reduce, and eventually eliminate, the "noise impact area," which is the area surrounding an airport that is exposed to noise levels that the State Legislature has deemed to be excessive. In California, this Airport Noise Standard is 65 decibels CNEL. Because thousands of Burbank residents are exposed to high levels of noise from Airport operations, Burbank has participated in the noise variance hearings to ask Caltrans to include conditions on the noise variance designed to ensure that the Airport Authority implements measures to reduce the size of the noise impact area.

The most recent noise variance hearing was held in May 2002. In addition to the City of Burbank, two Burbank residents also participated in the hearing. At the hearing, Burbank focused its case on seeking a variance condition to require the Airport Authority to adhere to an enforceable schedule for the prompt completion of its Part 161 Study.

In September 2002 Administrative Law Judge Samuel Reyes, who presided over the hearing, issued his recommended decision. The key legal conclusion he reached was that:

In this case, Airport Authority has not established that its good faith efforts [to reduce the size of the noise impact area] constitute the best that it can do. In particular, there have been excessive and unjustified delays in the pursuit of the Part 161 Study, which delays are not entirely explained by the Airport Authority's receipt of public input, by its desire to proceed cautiously into uncharted territory, or by forces beyond its control.

Judge Reyes recommended that Caltrans require, as a condition of the variance, the Airport Authority to develop a schedule for the completion of the Part 161 Study, including completion of key interim milestones, and to submit regular reports on whether it was meeting that schedule.

Under Caltrans procedures. Judge Reyes' decision is a recommendation only, and Caltrans may accept or reject it, in whole or in part. Historically, Caltrans has accepted the recommended decisions of the administrative law judge with only minor modifications. Caltrans' final decision is expected by early January 2003.

f

Interim Development Control Ordinance (IDCO)

On August 20, 2002, the Burbank City Council adopted an Interim Development Control Ordinance (IDCO), or moratorium, on certain development on and near the Burbank-Glendale-Pasadena Airport requiring only ministerial approvals. A copy of the ordinance is included in the agenda packet. On October 4, 2002, the City Council extended the IDCO until August 19, 2004. The IDCO prohibits the City of Burbank from issuing any development permits or other approvals to any projects that would not otherwise require discretionary approval from the City. Specific projects are exempted from the IDCO provisions, including those that are related to enhancing airport security.

While the IDCO is in effect, the City of Burbank is beginning a process to develop a comprehensive City policy on Burbank-Glendale-Pasadena Airport facilities. This process would build upon the public input received through the PERC process and ongoing airport discussions, including this tri-city meeting. The process would include the creation of a comprehensive set of policies on airport development and the drafting of an airport specific plan or similar planning document to establish greater land use controls over future airport development.

g. Airport's New "Policy Statement"

On November 4, 2002, Airport Authority President Chris Holden sent a letter to FAA Administrator Marion Blakey informing Administrator Blakey that the Airport Authority intended to announce soon after the first of the year that it "will cease its efforts to pursue a terminal relocation at the

Burbank Airport." The letter further sought clarification of the FAA's position on the need for a replacement terminal in order to guide the Authority in its decision whether or not to announce that it will no longer actively pursue a replacement terminal.

On November 8, Mr. Holden sent a letter to Congressman Adam Schiff attaching a "Policy Statement" regarding a replacement terminal. In both that Policy Statement and in a subsequent open letter to the community and a presentation to the Glendale City Council, Mr. Holden made it clear that the Airport Commission is frustrated by the failure to reach agreement on a new terminal and therefore has requested that the FAA make the decision about whether to build a new terminal. Mr. Holden has also told the press that a definitive decision from the FAA is expected shortly.

2. DISCUSSION

Where do we go from here?

In order to help facilitate an open discussion among the policy makers, the following questions have been prepared to try to serve as a catalyst for a dialog:

1. **Should we defer to the FAA and let the federal government decide whether a relocated passenger terminal should be built?**
2. **Should we discontinue pursuing a new replacement terminal?**
3. **Is there enough hope for an agreement on a replacement terminal that it would be worthwhile to redouble our efforts to reach a local resolution?**
4. **If we discontinue trying for a replacement terminal, should the B-6 property be sold/leased or should the Authority retain it for some future use?**
5. **If it is the consensus that one more effort should be made at the local level to find a resolution to the impasse over the Airport, how can communications be improved between the parties and what process can be put in place to try to develop a new approach?**

ADJOURNMENT