



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, DECEMBER 9, 2003
4:00 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48 hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Christy Leming v. City of Burbank, et al.
Case No.: EC035180
Brief description and nature of case: Trip and fall.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3
- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Represented: Burbank Management Association, Burbank City Employees Association and the Burbank Firefighters Association.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

- e. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 110 North Glenoaks Boulevard (Burbank Central Library-City Property) and 141 North Glenoaks Boulevard (Agency Property).
Parties with Whom City is Negotiating: Boys and Girls Clubs of Burbank, 2244 North Buena Vista Street, Burbank, CA 91504
Name of Contact Person: Alex Fey, Executive Director.
Terms Under Negotiation: Possible lease of either the current Central Library site at 110 North Glenoaks Boulevard or the Community Development Department building at 141 North Glenoaks Boulevard if either of those two sites become available.

- f. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee's Position: City Attorney.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

5:30 P.M.

CHRISTMAS TREE LIGHTING CEREMONY.

6:30 P.M.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

ANNOUNCEMENT: DARK CITY COUNCIL MEETINGS ON DECEMBER 23 AND DECEMBER 30, 2003.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. PUBLIC HEARING:

1. AMENDMENT TO PLANNED DEVELOPMENT NO. 97-4 AND AMENDMENT TO CONDITIONAL USE PERMIT NO. 2001-17 (GRACIELA HOTEL):

Planned Development (PD) No. 97-4 was approved in 1998 to allow for construction of a 119-room Homestead Village extended-stay hotel. In 1999, then-Community Development Director Robert Tague approved a substantial conformance finding to allow the 101-room Graciela Hotel to be built as it exists today. The applicant is now proposing to convert two of the hotel guest rooms on the ground floor into a single conference room with a maximum capacity of 30-35 people. The wall between the two rooms would be removed, and the bathroom in one of the rooms would be converted to a small pantry area to serve the meeting room. The other bathroom would remain. The meeting room would have fold-up beds along one wall such that the room could be used as a guest room if necessary. No additional square footage would be added to the existing building and no exterior modifications would occur. Because the existing facility is based upon the 1999 substantial conformance finding in addition to the original conditions of approval, it would be difficult to amend the PD without formally recognizing the project as it exists today. As such, the proposed conditions of approval would amend the original conditions and incorporate the as-built plans such that the PD would formally recognize the Hotel as it exists today.

A parking study was conducted to determine whether the Graciela Hotel has adequate parking to meet the expected parking demand from the existing and expanded meeting space. The study concluded that the Hotel has adequate parking capacity with the use of a valet service to accommodate the expected demand with full occupancy of the hotel, lounge area, and meeting rooms. A proposed condition of approval would limit the total number of people that could attend events at the Hotel to ensure that adequate parking is always available. Other proposed conditions of approval would require the use of a valet service and shuttle service, place restrictions on the use of outdoor areas, and place other operating standards on the Hotel to prevent impacts on the surrounding neighborhood.

In January 2002, the Council approved Conditional Use Permit (CUP) No. 2001-17 for a one-year trial period to allow the Graciela Hotel to serve alcoholic beverages in conjunction with hotel room and food service throughout the hotel, including the lounge area, and in-room self-service bars. In November 2002, the Council renewed the CUP for an additional one-year trial period, and amended the CUP to allow parties, meetings and other events at the Hotel which had been prohibited by the

original CUP. The CUP is now due to expire in January 2004. Staff is recommending that the Council act now to renew the CUP for an additional one-year trial period until January 31, 2005. This would eliminate the need for staff to bring this item back to the Council in one month.

Due to a conflict with the proposed PD conditions, staff is recommending that the Council delete one CUP condition pertaining to the maximum number of event attendees allowed at the Hotel, if the Council approves the PD amendment. Staff is also recommending that variations of several other CUP conditions be incorporated into the amended PD conditions so that ongoing operational standards are addressed by the underlying PD zoning in the event that the CUP is no longer in place. Other CUP conditions related to the hours and manner of alcohol service would remain unchanged from the current CUP.

The Planning Board held a public hearing on the PD amendment on November 10, 2003. All Board members expressed their general support for the requested PD amendment, subject to certain restrictions, and approved several changes to the staff-proposed conditions of approval. Staff is supportive of the Board's recommended changes which have been incorporated into the proposed conditions. The Board voted unanimously to recommend approval of the PD amendment and the related Development Agreement and Negative Declaration. Because renewal of the CUP is under the jurisdiction of the Council, the Board did not consider the CUP amendment. However, the Board was made aware of the need to amend the CUP conditions.

Staff believes that the required PD design review criteria and CUP findings can be made for the PD and CUP amendments. With the proposed conditions of approval, the conversion of two hotel guest rooms into a meeting room would have little impact on the overall operation of the existing Hotel, and would not result in any impacts on the surrounding neighborhood. The Graciela Hotel has been serving alcoholic beverages for about two years and no adverse effects on either the Hotel itself or surrounding properties have resulted. Renewing the CUP to allow the Hotel to continue serving alcoholic beverages is not expected to result in any negative impacts or incompatibilities with surrounding uses.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AND AMENDING CONDITIONAL USE PERMIT NO. 2001-17 AND APPROVING A NEGATIVE DECLARATION RELATED THERETO (Graciela Hotel--322 Pass Avenue, Belvedere Hotels and Resorts LLC/Pass Avenue Associates, LLC, Owner/Applicant).

2. Introduction of proposed ordinance entitled: (motion and voice vote only)
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
PLANNED DEVELOPMENT ZONE No. 97-4 AND APPROVING THE FIRST
AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PLANNED
DEVELOPMENT NO. 97-4 (Graciela Hotel--Applicant: Belvedere Hotels and
Resorts, LLC/ Pass Avenue Associates LLC).

REPORTING ON CLOSED SESSION:

AIRPORT AUTHORITY MEETING REPORT:

2. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of December 1, 2003. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 3 through 10)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

3. MINUTES:

Approval of minutes for the regular meetings of November 18, November 25 and December 2, 2003.

Recommendation:

Approve as submitted.

4. AUTHORIZING EXECUTION OF A SUPPLEMENTAL FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDS FOR THE MEDIA DISTRICT INTELLIGENT TRANSPORTATION SYSTEM PROJECT:

Staff requests Council authorization to execute a Supplemental Funding Agreement with the California Department of Transportation (Caltrans) to receive \$1,428,000 in Federal funds for the Media District Intelligent Transportation System (ITS) Project.

In March 2000, the Council approved Resolution No. 25,717 authorizing the submittal of a grant application for the Media District ITS Project. In January 2001, the Council approved Resolution No. 25,922 authorizing the City Manager to enter into a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority for the Media District ITS funding. The California Transportation Commission has programmed funding for the project, and staff has submitted and received approval from Caltrans of all forms and processes needed to receive the Federal funds.

On November 4, 2003, the Council awarded the construction contract for Bid Schedule No. 1125, Construction of Media District ITS Project to Dynaletric. The bid schedule combined the Media District ITS Project with two other grant funded projects, Regionwide Incident Management Strategies (RIMS) and Advanced Traveler Information System (ATIS) projects.

The final step in the funding process for the Media District ITS grant is to approve a Supplemental Agreement that will modify Administering Agency-State Agreement No. 07-5200 between Caltrans and the City. This master agreement identifies invoicing procedures and requirements to receive the grant funds, and is amended each time a federally-funded project is authorized.

The lowest bid for Bid Schedule No. 1125, Construction of Media District ITS Project was \$1,878,184.36 from Dynaletric. A total of \$1,951,351.67 is currently available for this project and the RIMS and ATIS projects. By executing the Supplemental Funding Agreement, the City will receive reimbursement of \$1,482,000 in Federal funds for the Media District ITS portion of Bid Schedule No. 1125.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SUPPLEMENTAL FUNDING AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION.

5. APPROVAL OF FINAL TRACT MAP NO. 53799 FOR THE PURPOSE OF CONVERTING EXISTING PROPERTIES TO A CONDOMINIUM SUBDIVISION:

Staff is requesting Council approval of Final Tract Map No. 53799. The property covered on Final Tract Map No. 53799 is a one-lot subdivision totaling 15,249 square feet. Located at 620 East Palm Avenue, the property is in the R-4 Residential Multiple Medium Density zone. The property is owned by Alex Kuiumdjian, Alexander Lu, and John Wu.

The existing properties were a triplex on 612 East Palm Avenue and a duplex on 618 East Palm Avenue. In February 2002, the property owner requested City approval to convert the existing lots into one and construct a new three-story 15-unit condominium

complex with semi-subterranean parking. The 15 condominium units are currently under construction. Final Tract Map No. 53799 finalizes the conversion of the existing properties to the condominium subdivision.

All conditions of approval and requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 53799:

1. The tentative tract map was conditionally approved by the Community Development Director on July 3, 2002, pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains 15 condominium units at 620 East Palm Avenue, which is located in the R-4 Residential Multiple Medium Density zone.
3. Conditions of approval will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division. All other requirements as set forth in the tentative map conditions have cleared the Planning Division for purposes of Final Tract Map No. 53799 approval.
4. The Public Works Engineering Division has cleared all conditions of approvals for the tentative tract map for purposes of Final Tract Map No. 53799 approval.
5. This project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301(K). This Class 1 Categorical Exemption applies to condominiums.

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 53799 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 53799 (620 EAST PALM AVENUE).

6. SUMMARY VACATION OF A PORTION OF A 15-FOOT PUBLIC UTILITY EASEMENT AND A FIVE-FOOT PUBLIC UTILITY EASEMENT ON REDEVELOPMENT AGENCY-OWNED PROPERTY BOUNDED BY THIRD STREET, EAST OLIVE AVENUE, SOUTH SAN FERNANDO BOULEVARD AND ANGELENO AVENUE (OPPORTUNITY SITE NO. 2 – V-360):

The purpose of this report is to provide information to the Council to consider the adoption of a resolution to summarily vacate a portion of the Public Utility Easement (PUE) located within the previously vacated alley between Third Street and San Fernando Boulevard along with a five-foot PUE affecting Lot 3 of Tract 150 (124 South San Fernando Boulevard), an Agency-owned property within Opportunity Site No. 2. The vacations are necessary to convey the property to Olson Urban Housing, LLC for a mixed-use residential project known as Burbank Village Walk and to Cusumano Real Estate Group for the Burbank Civic Plaza project, a 90,000 square foot mixed-use office complex across from City Hall.

On July 20, 1999, the Council adopted a resolution conditionally vacating alleys bounded by Olive Avenue, Third Street, Angeleno Avenue, and San Fernando Boulevard (V-325). This vacation included the north/south alley, 12 feet wide, between Third Street and South San Fernando Boulevard, and the east/west alley, 15 feet wide, between the east/west alley and Angeleno Avenue. The east/west alley runs mid-block between the former Police headquarters property and South San Fernando Boulevard including a portion used as a paseo.

The two PUEs being vacated by the proposed resolution were not included in V-325. The 15-foot PUE extending approximately 150-feet easterly to Third Street within the former east/west alley, is a remnant interest left over from a previous alley vacation required to construct the former Police headquarters building. Now that the lot is vacant this remnant can be vacated. At the time V-325 was adopted, the Agency did not own Lot 3 and the easement was a private easement needed to serve the building at 124 South San Fernando Boulevard and the Radio Shack building at 100 South San Fernando Boulevard. The utility lines contained in a 5-foot PUE affecting the northeasterly portion of Lot 3 have been relocated and are no longer necessary.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF TWO PUBLIC UTILITY EASEMENTS BETWEEN THIRD STREET AND SAN FERNANDO BOULEVARD (V-360).

7. CORRECTION TO LEGAL DESCRIPTIONS FOR PLANNED DEVELOPMENT NOS. 2002-1 AND 2002-3:

The purpose of this report is to correct the legal description of Planned Development (PD) Nos. 2002-1 and 2002-3 to correspond with the actual projects and deeds.

In February and March 2003, the Council approved the PDs for the Olson and Cusumano projects, respectively. Subsequent to the date of the entitlements, the legal descriptions have been refined. Since the new descriptions vary slightly from those in the ordinance, the Council is required to correct the record.

The correction will reduce the property allocated to PD No. 2002-1 to accommodate footings of the Radio Shack building which are currently encroaching on Agency-owned lots and will adjust PD No. 2002-3 by eight-tenths of a foot also to accommodate the existing footings of the Radio Shack building adjacent to the planned development zones. The intent of the Council to create two planned development zones to effectuate the respective projects has not been changed by the refinement of the legal descriptions.

A Mitigated Negative Declaration was prepared for both of these projects. An Addendum has been prepared to make the appropriate corrections to the site location.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A NUNC PRO TUNC ACTION TO CORRECT THE RECORD WITH RESPECT TO THE LEGAL DESCRIPTIONS OF ORDINANCE NO. 3618 (WHICH APPROVES PLANNED DEVELOPMENT NO. 2002-1, THE OLSON COMPANY) AND ORDINANCE NO. 3619 (WHICH APPROVES PLANNED DEVELOPMENT NO. 2002-3, BURBANK CIVIC PLAZA, LLC).

8. APPROVAL OF GRANT APPLICATION FOR THE MURRAY-HAYDEN URBAN PARKS AND YOUTH SERVICE PROGRAM AND URBAN PARKS ACT OF 2001 UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION BOND ACT OF 2002:

Staff is requesting Council approval of two resolutions for the grant application to the California Department of Parks and Recreation through the Murray-Hayden Urban Parks and Youth Service Program and Urban Parks Act (Urban Park Act) of 2001 under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act (Bond Act) of 2002 for the Robert R. Ovrom Park (Ovrom Park) project.

The Murray-Hayden Urban Parks and Youth Service Program will award up to \$2,500,000 for a variety of purposes that would be contained in the Ovrom Park project. The grant funding is intended for capital projects including park facilities, environmental enhancement projects, youth centers, and environmental youth service centers that employ neighborhood residents and at-risk youth, and are within immediate proximity of a neighborhood identified as having a critical lack of parks and open space, shortage of services for youth, significant poverty, and significant unemployment. This includes acquisition and development of parks, recreation areas,

and facilities in neighborhoods currently under served by park and recreation providers. The total amount of funds available from this Bond Act to the State of California is \$46,675,000.

The Urban Park Act will award up to \$3,000,000 for a variety of purposes that would be contained in the Ovrom Park project. Funding can include acquisition and development of new urban parks, new recreation facilities, or new multipurpose facilities in neighborhoods currently under served by park and recreation providers. These neighborhoods are often the same areas that suffer from high unemployment and destructive or unlawful conduct by youth. The total amount of funds available from this Bond Act to the State of California is \$130,690,000.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE MURRAY-HAYDEN PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN PACK ACT OF 2001 PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002.

9. ESTABLISHING THE SPECIFICATION AND SALARY FOR THE CLASSIFICATION OF FLEET SUPERINTENDENT:

The purpose of the proposed resolution is to establish the specification for the classification of Fleet Superintendent (CTC No. 0355). One of the recommendations from the 1999 Spectrum Consultants, Inc. study was to consolidate the supervision of the light and heavy duty sections of the Equipment Division in the Public Works Department. This consolidation will result in a significant change in the way business has been conducted in the past. Therefore, for the successful implementation of this recommendation as well as future major programs (i.e. fleet management software information system, Compressed Natural Gas fuel station, construction and operation of a hydrogen fuel station, and a vehicle utilization study), a high level of dedicated project management knowledge will be required. It is proposed that a new position of Fleet Superintendent be established by upgrading one of the existing Equipment Maintenance Supervisor positions. As the two current supervisory positions provide day-to-day supervision of mechanical personnel and work scheduling, it is necessary to establish a single mid-management classification that will be responsible for complex program planning, development, implementation, and control over these programs.

On August 7, 2002, the Civil Service Board approved the establishment of a new Fleet Superintendent position. This exempt classification will be represented by the

Burbank Management Association. Based on the City's 12-city survey, it is proposed that the salary range for Fleet Superintendent be established at \$5,689-\$7,104 per month. This increase will be funded by Fund 532, Vehicle Equipment Replacement Fund, and will not have an impact on the General Fund.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF FLEET SUPERINTENDENT (CTC No. 0355), PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

10. AMENDING RESOLUTION NO. 22,795 RELATING TO SALARIES FOR UNREPRESENTED MID MANAGEMENT EMPLOYEES TO ALLOW AN ELIGIBLE MID-MANAGEMENT EMPLOYEE TO PARTICIPATE IN THE VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION:

The purpose of this report is to request Council approval of a proposed resolution that would amend Resolution No. 22,795 to allow an eligible Mid-Management employee to participate in the Voluntary Employee Beneficiary Association (VEBA).

In 1997, as part of the Burbank Police Officers Association labor negotiations, the City agreed to the establishment of the VEBA. The VEBA, an employer-sponsored welfare benefit plan, is authorized under Section 501 (c)(9) of the Internal Revenue Code. This type of IRS-approved trust allows employees on a collective basis to accumulate funds in a tax-deferred account for the purpose of paying for retiree medical benefits, life insurance, and employee or dependent education benefits.

In October 1998, the Council approved the participation of the Executives and Mid-Management employees in the VEBA. VEBA contributions consist of one-half of the dollar value of sick leave. The eligible participants must be 50 years of age and have a minimum of five years of service with the City.

At the present time, there is one eligible Mid-Management employee that would like to be included as a participant in the VEBA, the Business and Land Information Systems Manager. Adoption of this proposed resolution by the Council will enable the participant to deposit one-half of the dollar value of their sick leave at the time of their retirement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 22,795 RELATING TO THE COMPENSATION PLAN FOR THE MID-MANAGEMENT EMPLOYEES.

REPORTS TO COUNCIL:

11. REQUEST TO AMEND THE BURBANK MUNICIPAL CODE RELATIVE TO CHAIR MASSAGE:

At the August 26, 2003 Council meeting, staff was directed to return with a recommendation concerning a request to amend the Burbank Massage Ordinance to “not require tub or shower facilities at businesses whose primary business is not massage, but the business provides the service of chair massage on their premises.” An example of such a circumstance would be if a beauty salon wanted to provide the additional service of chair massage.

Staff has researched this request and recommends that the Burbank Massage Ordinance be amended to: exclude such facilities from the requirement of having a tub or shower on the premises; define “chair massage” and “fully clothed”; and, add the following restrictions as part of the Burbank Massage Ordinance:

1. At all times during the massage both the massage technician and the person receiving the chair massage shall remain fully clothed in non-revealing opaque clothing.
2. At all times during the massage, the massage must take place within public view in a well lit area and shall not take place in a private area of any building, structure, or room.
3. Specified anatomical areas and anatomical parts of the body may not be touched by any part of the massage technician’s body or any mechanical device or apparatus operated by the massage technician.
4. Chair massage may not take place in any business establishment whose primary business activity is serving food, alcoholic beverage, or entertainment.

Recommendation:

It is recommended that the Council direct staff to return in February 2004 with an ordinance to amend the Burbank Municipal Code relative to chair massage. These amendments would allow businesses whose primary function is not massage the ability to provide chair massage services and not be required to have a tub or shower facility on their premises.

12. BICYCLE MASTER PLAN

This report presents the proposed City of Burbank Bicycle Master Plan (Plan) and recommends that the Council approve the proposed resolution adopting the Plan. The Bicycle Master Plan is a policy and planning document that ensures that future transportation decisions consider bicycle travel in the design of new facilities and

approval of new development projects. It serves as a policy document to guide the development and maintenance of a bicycle network, support facilities, and other programs for Burbank over the next 20 years. The Plan emphasizes regional connectivity to other bicycle routes, connections to destination centers and transit facilities, and development of bicycle parking and other end-of-trip facilities to increase commuter and recreational biking within the City. The goal of the Plan is to develop a system of routes and support facilities that will potentially reduce congestion, improve air quality, as well as provide additional recreation opportunities and offer an additional transportation option to the private automobile. Completion and approval of an updated Bicycle Master Plan also allows the City to become eligible for annual State funding opportunities for bicycle projects through the Caltrans-administered Bicycle Transportation Account (BTA) as well as enable identified routes and facilities to be more competitive for other funding sources.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BICYCLE MASTER PLAN AND CERTIFYING COMPLIANCE WITH STREETS AND HIGHWAYS CODE SECTION 891.2.

13. BURBANK WATER AND POWER MONTHLY OPERATION REPORT:

Staff has prepared the Burbank Water and Power (BWP) Water and Electric Monthly Report regarding water quality and power issues for November 2003.

WATER UPDATE

Water quality during October met or exceeded State and Federal drinking water standards.

Fiscal Year (FY) 2002-03 Year-To-Date preliminary Water Fund Financial Results as of October 31, 2003:

	<u>Year - to - Date</u>			
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>% Variance</u>
CCF	3,760,396	3,815,964	(55,568)	(1%)
Potable Revenues	6,056	6,199	(143)	(2%)
Reclaimed and Power Plant Revenues	259	223	36	16%
Purchased Water (1)	2,907	2,545	(362)	(14%)
Gross Margin	3,409	3,877	(468)	(12%)
Direct Operating Expenses	2,297	2,468	171	7%
Allocated Operating Expenses	351	433	81	19%
Operating Income	760	976	(216)	(22%)
Other Income/(Expenses)	92	83	9	11%
Income before Contr. & Transfers	853	1,059	(207)	(20%)
Contributed Capital (A.I.C)	210	412	(202)	(49%)
Transfers (In Lieu)	298	310	(12)	4%
Change in Net Assets	765	1,162	(397)	(34%)

ELECTRIC UPDATE

The following table shows the systemwide reliability statistics through October 2003 for FY 2003-04 as compared to FY 2002-03:

Reliability Measure	Fiscal Year 2002-03	Fiscal Year 2003-04, Through Oct. 31
Average Outages Per Year	0.16634	0.1028
Average Outage Duration	91.75 minutes	81.92 minutes
Average Service Availability	99.9971%	99.9951%

Financial and Operations Update

FY 2003-04 year-to-date preliminary Power Financial Results as of October 31, 2003:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	438,516	425,381	13,135	3%
Weather Normalized NEL MWh	427,705	425,381	2,324	1%
Sales MWh	411,263	404,116	7,147	2%
Retail Revenues (1)	51,471	52,164	(693)	(1%)
Retail Power Supply Expenses	29,587	32,297	2,710	8%
Retail Gross Margin	21,884	19,867	2,017	10%
Wholesale Revenues	49,052	5,367	43,686	814%
Wholesale Expenses	46,438	4,167	(42,271)	(1015%)
Wholesale Gross Margin	2,614	1,200	1,414	118%
Gross Margin	24,498	21,067	3,431	16%
Telecom Revenues	242	267	(25)	(9%)
Operating Expenses	12,927	13,448	521	4%
Operating Income	11,813	7,886	3,927	50%
Other Income & (Expense)	(501)	(718)	217	30%
Net Inc. before Contributed Capt.	11,312	7,168	4,144	58%
Contributed Capital (A.I.C)	525	802	(276)	(34%)
Change in Net Assets (N.I.)	11,837	7,970	3,867	49%
Net Power Supply Cost - Cents/Kwh	6.56	7.70	1.14	15%

October 2003 Unit Data

Unit	Availability	Operating Hours	MWh Net	NOx, lbs.
M-5	100%	17.2	270.9	-
L-1	100%	231	7979	1384.4
O-1	100%	730	7571	602.3
O-2	55%	129	1461	1312.3
O-3	0%	0	-54	-
O-4	100%	6.883	101.8	-

Recommendation:

Note and file.

14. ANNUAL CLOSE-UP PROGRAM AND THE NATIONAL HIGH SCHOOL MODEL UNITED NATIONS PROGRAM:

The purpose of this report is to receive Council approval of a request from the Burbank Unified School District (BUSD), Providence High School and Bellarmine-Jefferson High School to aid Burbank students for the annual Close-Up Program and the National High School Model United Nations Program.

The Close-Up Program is an educational experience designed to acquaint high school students with the operation of the three branches (Executive, Legislative, and Judicial) of the Federal government. The Close-Up Program participants travel to Washington, D.C. for a week-long look at the Federal government. The National High School Model United Nations Program provides a unique educational opportunity through the simulation of United Nations committees. Students will discuss challenging topics that force them to consider conflicting viewpoints, and they will be expected to work together to develop comprehensive and creative solutions to the problems that our world leaders face today.

Both these programs have served as a tremendous learning experience for students interested in a career in government as well as those interested in community and public service. Only participants that are both Burbank residents and attend a Burbank high school are eligible for the City's contribution.

The City's Fiscal Year 2003-04 budget appropriated \$20,000 for these programs. As in prior years, staff will ensure that checks will be made out directly to the students of the participating schools.

Recommendation:

It is staff's recommendation that the Council approve a contribution of up to \$20,000, to participating Burbank Unified School District (Burbank and Burroughs High Schools) and Providence and Bellarmine-Jefferson High School students to partially fund the 2004 Close-Up Program and 2004 National High School Model United Nations Program.

15. AIRPORT AUTHORITY COMMISSIONERS REPORTS:

Several years ago at the request of Burbank's then Airport Commissioners, the Council added a regular report to the City Council agenda for the Commissioners to report on the most recent Airport Authority meetings.

On Tuesday, November 18, 2003, Council Member Golonski requested that the Council consider eliminating the regular report, and substituting it with a periodic report when determined necessary by the Commissioners. The expressed reason for this change is that the Airport Authority meetings are now regularly cablecast which allows the public to view the proceedings directly.

Staff has done no additional work on this item. If there is sufficient support on the Council to further consider this matter, staff will bring back the necessary ordinance to change the order of business for City Council meetings.

Recommendation:

It is staff's recommendation that the matter be discussed and, if there is support on the Council for this change, to direct staff to bring back an ordinance.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**