



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, FEBRUARY 3, 2004  
5:00 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:** Solares v. City of Burbank.  
**Case No.:** BC304382  
**Brief description and nature of case:** Allegations of wrongful termination.
- 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 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 City Employees Association and Burbank Management Association; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Current Contracts and Retirement Issues.

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. TRAFFIC AND TRANSPORTATION STUDY SESSION

The Study Session will provide additional information and analysis on issues discussed at the prior Traffic and Transportation Study Session conducted on October 7, 2003, and several staff responses to Council questions that were not discussed due to time limitations. The items to be addressed include:

- Effects of level-of-service standards on intersection design;
- Status and design of the Empire Interchange project;
- Neighborhood traffic management;
- City input into Metropolitan Transportation Authority bus service;
- Feasibility of a noon-time shuttle service;
- Concept and operation of car-sharing programs; and,
- Feasibility of an internal shuttle service at the Empire Center.

The information is intended to serve as a backdrop to the Council discussion of traffic and transportation issues.

### Recommendation:

Direct staff as appropriate.

## 6:30 P.M.

INVOCATION: Reverend Sally Kinarthy, Saint Joseph's Medical Center.  
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.

PRESENTATION: ACCEPTANCE OF BICYCLE FOR POLICE DEPARTMENT BIKE PATROL FROM CUSTOM PROTECTIVE SERVICES.

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. CALIFORNIA DEPARTMENT OF TRANSPORTATION FREEWAY AGREEMENT UPDATE FOR STATE ROUTE 134:

The California Department of Transportation (Caltrans) is requesting that the City enter into a new Freeway Agreement for State Route 134 (Ventura Freeway). A Freeway Agreement is required by Caltrans of any municipal government that is traversed by a State freeway. The Freeway Agreement outlines the alignment of the freeway and describes its connections to the local street network, designating the ramps, overpasses, and underpasses that connect the facility to the street system. This proposed revision updates the original Ventura Freeway Agreement executed in 1957 by the City and the State of California, and reflects the changes in access to the facility that will result from the construction of the new on-ramp at Hollywood Way. The new Agreement also adds a reference to the previously executed Cooperative Agreement No. 07-4526 between the City and Caltrans, which designates construction costs and right-of-way responsibilities pertaining to the new ramp construction. Other than noting the additional access provided by the new ramps and including the provisions in the Cooperative Agreement, the new Freeway Agreement does not significantly differ in language from the previous Ventura Freeway Agreement. The update of this agreement is necessary before Caltrans can begin work on the new State Route 134 on-ramp. State law requires that the Council hold a public hearing prior to entering into a Freeway Agreement.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FREEWAY AGREEMENT BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA.

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 special meeting agenda of January 23, 2004 and the regular meeting of February 2, 2004. 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:**

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:**

3. **2004 INVESTMENT POLICY:**

The 2004 Investment Policy for the Investment Pool comprised of the City, Redevelopment Agency, Parking Authority, Youth Endowment Services, and separately for the Housing Authority is being presented for approval.

The only recommended change this year is the monthly liquidity requirement which has increased from \$60 million to \$67 million due to Burbank Water and Power reserves being higher for Fiscal Year 2003-04.

The 2003 Investment Policy was submitted to the Association of Public Treasurers of the United States and Canada last year and it was certified as a comprehensive written investment policy that meets the criteria set forth by the Association's Investment Policy Certification Committee. This is the first time that the City's Investment Policy has been certified.

**Recommendation:**

Staff recommends that the Council approve the 2004 Investment Policy as submitted.

**RECESS** for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings.

**RECONVENE** for the City Council meeting.

**CONSENT CALENDAR:** (Items 4 through 7 )

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.

4. **TREASURER'S REPORT:**

The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending December 2003.

Recommendation:

Note and file.

5. REVISION OF FISCAL YEAR 2003-04 FEE SCHEDULE:

Staff is requesting Council approval of fee revisions for the Burbank Police Department and an amendment to the Fiscal Year (FY) 2003-04 Burbank Fee Schedule.

The following fees have been reviewed and staff is requesting two revisions and one new fee. The first fee revision relates to the impounding of dogs in Article IV Shelter Fees, Section 1(A). Staff is requesting that an asterisk be placed behind each amount for dog impounding with a footnote stating that a State surcharge will be added to this fee per the California Food and Agricultural Code, Section 30804.7. The shelter has been charging this fee per State law, but it has not been reflected in the fee schedule.

The second revision is to Article V Miscellaneous Police Services, Section 8(E) - Firearm Storage Fee. Staff is requesting that language be revised to state that firearm storage fees are payable upon delivery, which will allow the City to collect the money up-front or bill individuals based on the time period for storage indicated by the court.

The third request is for a new fee that will affect Article V Miscellaneous Police Services, Section 8. Outside agencies currently use the City's Police Shooting Range at no charge. This request will implement a Police Shooting Range Usage Fee with two categories:

Law Enforcement Range Use During Normal Range Hours – This fee would apply to law enforcement agencies that use the range during normal range hours. The Police Department recommends that the charge be \$10 per officer, per day, maximum three attempts to complete the course. If an officer is unable to complete the course in three attempts, he/she will be able to continue shooting for an additional \$10 dollars per three attempts.

Range Use Outside Normal Range Hours – This fee would apply to any approved group that requests the use of the range on a day it is closed. Range use would be for a minimum of four hours with an additional fee for each additional hour. The Police Department recommends a fee of \$400 for four hours to incorporate the Use of City Property Fee (\$200) already established in the Fee Schedule, plus the cost of labor (\$50 per hour for four hours). A \$50 fee for each additional hour will be implemented to cover the cost of the Senior Rangemaster Armorer who would be required to be present for safety issues.

The revised language for the shelter and firearm fees should not have an effect on the Department's original revenue estimates. However, the creation of Police Shooting

Range Fees should increase revenues by approximately \$7,500 a year, based on current usage.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 1(A) OF ARTICLE IV OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO THE IMPOUNDING OF DOGS.
  2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 8 (E) OF ARTICLE V OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO FIREARM STORAGE FEES.
  3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 8 (F) OF ARTICLE V OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO USE OF THE POLICE SHOOTING RANGE.
6. AMENDING THE FISCAL YEAR 2003-04 ANNUAL BUDGET FOR THE POLICE DEPARTMENT TO INCLUDE GRANT FUNDS RECEIVED FROM THE STATE OF CALIFORNIA:

Staff is requesting Council approval of an appropriation of funds already received from State Citizen's Option for Public Safety (COPS) grant funding in the amount of \$155,667, and an amendment to the Fiscal Year 2003-04 annual budget.

In 1996, Assembly Bill 3229 was enacted as part of the State budget package. This Bill established the COPS program which provides funding to local law enforcement agencies, based on population, for the purpose of ensuring public safety. To date, the City has received a total of \$1,735,884 in State COPS funding. State COPS funds must be appropriated for the purpose of providing front line police services such as personnel, equipment and crime prevention/anti-gang programs, and cannot be used to supplant the City's current law enforcement funding.

Historically this funding has been used toward the matching requirement for the Federal COPS grant, which originally awarded \$675,000 for nine additional officers. All officers originally obtained via the Federal COPS grant have now been absorbed into the Police Department budget. On November 20, 2003, the City received \$155,667 in State COPS funds to continue funding officers working in community policing positions.



Recommendation:

Adoption of proposed resolution entitled:  
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING STATE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$155,667 FROM THE STATE OF CALIFORNIA.

7. ACCEPTANCE OF A BICYCLE DONATION TO THE BURBANK POLICE DEPARTMENT:

Staff is requesting Council acceptance of a bicycle donated by Custom Protective Services to the Burbank Police Department for use in the bike patrol program.

The Bike Detail operates under the Patrol Division and promotes an atmosphere of efficient service and safety through the utilization of officers on bicycles. The primary deployment of bike officers is in Downtown Burbank, but they can be deployed for special events or in any other area as needed. These officers handle all calls for service, such as crime reports, and do both traffic and criminal enforcement. The officers are very visible in Downtown Burbank and are an effective crime deterrent.

Custom Protective Services handles the security for the AMC Theatres in Downtown Burbank and works very closely with our bicycle officers. Dennis Sebenick, President of Custom Protective Services, has offered to donate a bicycle to the Bike Detail in an effort to promote community policing and teamwork in this area. There is no fiscal impact as a result of accepting this bicycle.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING CUSTOM PROTECTIVE SERVICES' DONATION OF A BICYCLE TO THE BURBANK POLICE DEPARTMENT.

END OF CONSENT CALENDAR                    \*\*\*                    \*\*\*                    \*\*\*

REPORT TO COUNCIL:

8. APPOINTMENT OF COUNCIL MEMBER CAMPBELL TO THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S LOCAL GOVERNMENT AND SMALL BUSINESS ADVISORY GROUP:

Council Member Campbell was recently appointed to the Local Government and Small Business Advisory Group by the South Coast Air Quality Management District

(SCAQMD). Since he would serve in this capacity as a member of the Burbank City Council, Mr. Campbell has requested Council approval before he fully embarks on these responsibilities.

Recommendation:

Staff recommends that the Council approve the service of Council Member Campbell on the Local Government and Small Business Advisory Group of the SCAQMD.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings for public comment.

**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](http://www.ci.burbank.ca.us)**