



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 24, 2004
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: 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 Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- 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 City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts for Fiscal Year 2004-05.

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.

PRESENTATION: POLICE/YOUTH RELATIONS AND TEENS IN ACTION RECOGNITION.

RECOGNITION: FIRE FIGHTER OF THE YEAR AWARD.

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).

REPORTING ON CLOSED SESSION:

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:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 4)

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.

1. MINUTES:

Approval of minutes for the regular meeting of January 13, 2004.

Recommendation:

Approve as submitted.

2. AUTHORIZATION TO APPLY FOR A SAFE ROUTES TO SCHOOL PROGRAM GRANT:

Staff requests Council approval of a resolution authorizing the submission of a grant application to the California Department of Transportation (Caltrans) for the Fifth Cycle of the Safe Routes to School Grant Program (SR2S). The SR2S provides Federal transportation funds for construction of school bicycle/pedestrian safety and traffic calming projects to improve safety at or near elementary schools.

Proposals are granted funding based on the following factors: demonstrated needs of the applicant; potential for the reduction of child injuries and fatalities; potential for increased walking and bicycling among students; identification of safety hazards; identification of walking and bicycling routes to school; and, project support by schools, elected officials and law enforcement.

The SR2S may fund six types of projects, including:

- 1) sidewalk Improvements including new or widened sidewalks, sidewalk repairs, and curb and gutter improvements;
- 2) traffic calming and speed reduction devices such as roundabouts, traffic circles, bulb-outs, raised pavements, signs or pavement markings;
- 3) pedestrian or bicycle crossing improvements such as traffic signals, crosswalks, medians, pavement markings, flashing beacons, pedestrian signal upgrades, or bicycle sensitive signal actuation devices;
- 4) on-street bicycle facilities such as bikeways, street widening, geometric improvements, or pavement channelization;
- 5) pedestrian facilities such as bicycle or pedestrian trails, bicycle parking facilities, signs or pavement markings; and,
- 6) traffic diversion improvements such as improved pick-up or drop-off areas and traffic diversion away from school access routes.

Staff proposes to apply for grants in two program areas for this cycle. The program areas will include sidewalk construction and repair to provide safe pathways to school for elementary students, and the improvement of bicycle facilities to encourage the use of bicycles for the school trip. The proposed sidewalk improvements will involve four elementary schools and the bicycle system improvements will be used by students from six elementary schools, and four middle and high schools.

Project 1 - Sidewalk Construction

The sidewalk improvement project will construct or repair sidewalks near elementary schools that will complete gaps in the sidewalk network. The sidewalk projects are generally within two blocks of each school and are a part of a safe walking route to the school. The sections of new sidewalk construction include:

Joaquin Miller School
800-900 blocks of East Cedar Avenue (south side) – 1200 linear feet
600 block of South Kenneth Road – 1230 linear feet
800-900 block of East Providencia Avenue – 1200 linear feet

Bret Harte School
1400-1500 block of North Lima Street – 100 linear feet

William McKinley School
351 West Alameda Avenue – 100 linear feet

Thomas Edison School
2100 block of West Chestnut Avenue – 1000 linear feet
600-900 block of North Lamer Street – 1000 linear feet

Project 2 – Bicycle Detection and Safety

The bicycle detection and safety project will enhance bicycle routes to schools that are included on the new Bicycle Master Plan. The project will focus on Type III routes (on-street, signed routes) and will include bicycle detection at 11 locations, new bicycle route signing and a school-oriented safety education program. Bicycle detection may include the installation, at appropriate intersections, of detection technologies designed to detect the presence of bicycles and adjust the signal timing to compensate for the presence of the bicycles. The project will improve bicycle travel to and from various schools.

The total estimated capital cost for the sidewalk improvements is \$260,000, and the bicycle route improvements will cost \$82,000. New sidewalk will fill important gaps in the existing sidewalk network and the sidewalk will be relatively maintenance free for a useful life of about 20 to 30 years. The bicycle facilities will also be relatively maintenance free and the system has a useful life of 10 to 15 years. Existing Public Works maintenance staff will complete the routine maintenance. The construction of the improvements will begin by July 2005 and be completed by the end of the year.

The SR2S requires a 10 percent local match, or \$26,000 for the sidewalk project and \$8,200 for the bicycle project. Caltrans will evaluate projects during the summer and grant funds will be awarded in the fall of 2004. The local match of \$26,000 for the sidewalk construction will be taken from the 2004 sidewalk repair program. The local match of \$8,200 for the bicycle project will be funded out of the Proposition C Transportation Fund.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO CALTRANS FOR A SAFE ROUTES TO

SCHOOL GRANT FOR FISCAL YEAR 2004-05.

3. FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENVIRON CORPORATION FOR A PROPOSED HOME DEPOT STORE AT 1200 SOUTH FLOWER STREET:

The purpose of this report is to request Council approval of a \$155,000 amendment to a Professional Services Agreement (PSA) with Environ Corporation to cover the costs incurred to complete the Public Health and Safety section of the Draft Environmental Impact Report (DEIR) for a proposed Home Depot store located at 1200 South Flower Street, and respond to comments received during the 45-day public review period of the DEIR.

On January 21, 2003 the City approved a PSA for \$84,750 with Environ Corporation to prepare the Public Health and Safety section of the DEIR for the proposed Home Depot store. During the process of preparing the DEIR additional work was required, including field tests, an expanded analysis to incorporate the field testing data and preparation of responses to comments received during the 45-day public review of the DEIR that extended beyond the original scope of work. The applicant agreed to cover the cost for the additional work when the process was complete and the total cost could be established by the consultant.

The City will incur no costs by amending the PSA with Environ Corporation because the applicant is required to deposit the full amount with the City before the PSA is executed.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ENVIRON CORPORATION.

4. SUMMARY VACATION OF A PORTION OF A 52-FOOT WIDE PUBLIC UTILITY EASEMENT AFFECTING A PORTION OF LOT 142 OF TRACT 35035 (MARY DAVIS, APPLICANT) V-357:

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 a 52-foot wide Public Utility Easement located on the southerly half of Lot 142 of Tract 35035. The vacation is necessary to allow the abutting property owner at 3323 Clifden Lane, Mary Davis, to acquire the property from Cayman Burbank, L.P. and construct a six-foot high block wall.

On December 15, 1987, the Council conditionally approved Tentative Tract Map No. 35035 to subdivide 117 acres of hillside property in the foothills of the Verdugo Mountains, for future development of 129 single-family residences. The developer at the time, Cayman Development Company was required to provide emergency access from

the subdivision to the existing roadway leading through the Villa Cabrini Debris Basin to Scott Road. When the final tract map was filed on October 21, 1991, the Developer created a 52-foot wide easement in favor of the City of Burbank for ingress/ egress purposes and named it a "future street". In 1997, the controlling entity of Tract 35035, including the subject property, was transferred from Cayman Development Company, a California corporation, Raymond J. Rutter and Melanie Rutter, husband and wife, to Cayman Burbank, L.P., a California limited partnership.

The area to be vacated is currently improved as a dirt lot and there are no utility facilities located underground. Crushed rocks have been installed over the subject area as a dust control measure and to reduce future weed growth. Cayman Burbank, L.P. is the current owner of the subject property. The applicant, Mary Davis of 3323 Clifden Lane, is seeking to acquire the subject property from Cayman Burbank, L.P. and vacate a portion of the 52-foot wide easement in order to construct a six-foot high block wall and enlarge the size of her backyard. The subject property to be vacated is approximately 2,885 square feet in size.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 3323 CLIFDEN LANE, BURBANK, CALIFORNIA (V-357).

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

ADOPTION OF PROPOSED ORDINANCE:

5. CONSIDERATION OF SALARIES FOR ELECTED OFFICIALS:

The purpose of this report is to present for adoption an ordinance pertaining to the salaries for Council Members.

In December 2000, the Council passed an ordinance that called for a special election for the purpose of asking the electorate to vote on Council compensation. The ordinance provided for a five percent increase for Fiscal Year (FY) 2000-01 and a 2.8 percent increase for FY 2001-02 based upon the Consumer Price Index (CPI). The voters approved both these salary increases. Subsequent to this ballot initiative, in November 2002, staff was asked to present a compensation option that would provide for annual Council salary adjustments based on the CPI. However, further research determined that this was not a possible option pursuant to California Government Code §36516(c). This Code, which was adopted by reference in Burbank Municipal Code §2-202, prohibits the City from enacting a salary ordinance which would provide for automatic future increases in salary. As such, staff presented survey information to facilitate discussions regarding

a Council compensation package for FY 2003-04. A comparison of Burbank's twelve survey cities shows the Council's compensation/ benefits levels to be below the level provided in the other cities by 15.21 percent. However, it should be noted that, pursuant to California Government Code §36515(c), the Council's compensation can only be increased up to a maximum of five percent from the previous year. A five percent increase would raise the Council salary from \$951 to \$999 per month or an annual increase of \$2,880 to the General Fund. A 2.50 percent increase for the Council Members, which would be consistent with the other employee bargaining groups in FY 2003-04, would have a total annual impact of \$1,440 to the General Fund.

This ordinance was introduced at the February 17, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-202 OF THE BURBANK MUNICIPAL CODE RELATING TO COMPENSATION OF COUNCIL MEMBERS.

RECONVENE the Redevelopment Agency meeting 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**