



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MARCH 16, 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 – Anticipated Litigation:
Significant exposure to litigation pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3

- b. Conference with Legal Counsel – Anticipated Litigation:
Initiation of litigation pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- c. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Coreas v. City of Burbank
Case No.: EC037720
Brief description and nature of case: Automobile accident involving City vehicle.

- b. 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.

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.

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: ORGANIZERS/SPONSORS OF THE HEARTFELT THANKS LUNCHEON.

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. CONTINUED PUBLIC HEARING:

1. APPEAL OF CONDITIONAL USE PERMIT NO. 2003-29 – 990 NORTH HOLLYWOOD WAY:

The Planning Board, at its January 26, 2004 meeting, adopted Planning Board Resolution No. 2918, approving Conditional Use Permit (CUP) No. 2003-29, which modified the Conditions of Approval established by CUP No. 2000-30. CUP No. 2000-30 authorized the establishment of a multi-tenant retail use at 990 North Hollywood Way (the Old Thrifty site, formerly 3614 West Magnolia Boulevard). The applicant, Kenneth Fisher, had requested that Conditions of Approval that limited the business hours to between 9:00 a.m. and 10:00 p.m. for all but one tenant be removed and that the project be subject to the same restrictions applied to other residentially-adjacent properties (6:00 a.m. to midnight). The Board modified the conditions to allow operation for the previously restricted tenants to begin at 6:30 a.m. instead of 9:00 a.m., but did not change the closing time.

On February 10, 2004, the Council voted 5-0 to hold a public hearing to review the Planning Board's decision regarding the project.

This item was continued from the March 9, 2004 Council meeting.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PLANNING BOARD'S DECISION AND APPROVING CONDITIONAL USE PERMIT NO. 2003-29 (990 North Hollywood Way).

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 Burbank Public Financing Authority meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Item 2)

The following item may be enacted by one motion. There will be no separate discussion on this item 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.

2. MINUTES:

Approval of minutes for the adjourned meeting of January 22, 2004 and the regular meeting of January 27, 2004.

Recommendation:

Approve as submitted.

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

REPORTS TO COUNCIL :

3. APPROVAL OF ADDITIONAL ONE-TIME FUNDING FOR THE CONTINUATION OF THE CITY OF BURBANK MIDDLE SCHOOL GRANT PROGRAM:

Staff, supported by a recommendation of the Mayor's Youth Task Force, is requesting Council authorization to fund a continuation of the Middle School Grant Program to complete the current school year. The mission of the City's Middle School Grant Program is to provide, encourage and support activities that contribute to the prevention of violence, reduction of conflict, and promotion of productive and positive experiences for Burbank Unified School District (BUSD) middle school students. If approved, the three BUSD middle schools (Jordan, Luther Burbank, and John Muir) will collectively

receive up to \$75,000 in one-time City General Fund appropriation from the previously approved Non-departmental Holding Account for the purpose of continuing the implementation of the programs and services.

The City places a strong emphasis on the provision of quality programs, services and facilities benefiting the youth of the community. For the purpose of this grant program, funding is limited to programs and activities serving the BUSD's middle school youth, collectively serving 3,835 students. Previously, the Council approved \$150,000 for the Middle School Grant Program to initiate programs and services which began in the Spring 2002-03 school year. The money allocated provided the schools an opportunity to continue programs into the 2003-04 school year. The Council directed staff to return for additional funding when the previously-approved appropriation had been expended. The purpose of this \$75,000 appropriation is to have the current programs and services continue through the remaining three months of the 2003-04 school year.

The recommendation of the Mayor's Youth Task Force is that an additional \$75,000 be appropriated to the Middle School Grant Program with the intent that each individual middle school be awarded \$25,000 to provide their students continued services.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A GRANT FROM THE CITY OF BURBANK TO THE CITY OF BURBANK MIDDLE SCHOOL GRANT PROGRAM (PEACE COLORS PROGRAM).

4. CONSIDERATION OF SETTING AN IN-LIEU OF APPEAL PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 2002-6, SIGN VARIANCE NO. 2002-1 AND DEVELOPMENT REVIEW NO. 2002-12 FOR A PROPOSED HOME DEPOT STORE AT 1200 SOUTH FLOWER STREET:

At the March 2, 2004 Council meeting, Council Member Vander Borghht requested the Council consider appealing the decision of the Planning Board to approve Conditional Use Permit No. 2002-6, Sign Variance No. 2002-1 and Development Review No. 2002-12 for a Proposed Home Depot store at 1200 South Flower Street. The Council agreed to place the matter on the Council's agenda for March 9, 2004.

This item was continued from the March 9, 2004 Council meeting.

Recommendation:

Staff recommends that the Council discuss the matter and provide direction or set a date for an in-lieu of appeal hearing.

5. APPROVING AND AUTHORIZING EXECUTION OF A LETTER OF UNDERSTANDING WITH OFFICIAL PAYMENTS CORPORATION FOR CREDIT CARD PAYMENT SERVICES:

Staff is requesting Council adoption of a resolution authorizing Official Payments Corporation to act as third-party administrator in the acceptance of credit cards by phone and over the internet for bills and/or services owed to the City.

Credit card transactions for purchases of up to \$500 were approved in 1997 for the Park, Recreation and Community Services Department and expanded to all departments in 2000. This was limited to walk-in customers only. If a credit card is not presented in person, swiped through a credit card machine, signed and verified, the fees are substantially higher. To keep the fees low, the City elected to approve walk-in transactions only in 1997 and 2000.

Credit card usage has increased significantly since 1997 and so have the fees that the City has paid. In the past year, the City has paid over \$40,000 in fees associated with the acceptance of credit cards. In comparison, a neighboring city expects to pay over \$118,000 in credit card fees this fiscal year for approximately 1,800 credit card transactions per month.

There is considerable business and consumer pressure to allow broader acceptance of credit card payments, including over the internet and telephone.

Staff researched many governmental agencies' internet sites, such as the Internal Revenue Service, State of California, Los Angeles Department of Water and Power, Los Angeles County and a few municipalities, and found that they all charge a convenience fee to accept payments by credit card on their websites, through a third-party administrator, Official Payments Corporation. The convenience fee is charged to the consumer and the amount of the fee is tiered, based on the payment amount.

Treasurer's Office staff has worked with Burbank Water and Power (BWP) staff on this matter and are in agreement with accepting Official Payments Corporation as the third-party credit card administrator. The City is ready to implement the acceptance of credit cards on the internet and over the phone for utility bills at BWP with the new Banner system which will be in use this Spring. In the future, other departments may also implement acceptance of credit card payments with a tiered convenience fee being charged to the consumer based on the payment amount.

If the Council approves contracting with Official Payments Corporation as the City's credit card third-party administrator, residential as well as commercial customers can elect to pay their water and power bills by credit card.

If Official Payments Corporation accepts the payments on behalf of the City for BWP utility bills, there will be no charge or fees incurred by the City. This will result in a savings of approximately \$18,000 to \$24,000 per year in BWP's funds alone, based on the

present walk-in credit card usage. Additional savings may be released if and when this program is implemented in other departments.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A LETTER OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND OFFICIAL PAYMENTS CORPORATION FOR CREDIT CARD PAYMENT SERVICES.

RECONVENE the Burbank Public Financing Authority 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. In memory of Casey Iversen.

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