



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, MARCH 23, 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 Real Property Negotiator:

Pursuant to Govt. Code §54956.8

**Agency Negotiator:** Community Development Director/Susan M. Georgino.

**Property:** 1250 Harvard Road.

**Parties With Whom City is Negotiating:** The Castaway Restaurant is owned and operated by Specialty Restaurants Corporation. Negotiations are with John D. Tallichet, President and David Tallichet, Chief Executive Officer, 8191 East Kaiser Boulevard, Anaheim, California 92808.

**Name of Contact Person:** Susan Georgino, Community Development Director and Barbara Lazar, Senior Planner, Community Development Department.

**Terms Under Negotiation:** Extension of lease with the City of Burbank

b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

**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, 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: POLICE DEPARTMENT PROFESSIONAL ESTEEM AWARD.

PRESENTATION: TRUST FOR PUBLIC LAND.

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. REVISION TO THE WOOD SHAKE/SHINGLE ORDINANCE BURBANK MUNICIPAL CODE SECTION 7-1-1405 AND 7-1-1503, MODIFICATION TO THE MOUNTAIN FIRE ZONE MAP AND REVISION TO THE FUEL MODIFICATION REQUIREMENTS BURBANK MUNICIPAL CODE SECTION 15-1-1103.2.4 (CALIFORNIA FIRE CODE SECTION 1103.2.4):

At the January 23, 2004 Council meeting, Fire Chief Davis made a presentation requesting modifications to the present requirements regarding fuel modification or brush clearance and wood shake/wood shingle roofs and siding in the Mountain Fire Zone be made as a result of the recent hillside and mountain fires. The Council directed that the modifications be made and brought back at a future meeting. At that same Council

meeting, additional clearance of brush on City-owned land was approved and is in progress. The proposed amendments are consistent with that new level of clearance and apply to both City and privately-owned properties within the Mountain Fire Zone. These proposed revisions were presented to the Building and Fire Appeals Board for their review and public comment on February 25, 2004. The Board recommended approval of the revisions.

The proposed changes are as follows:

1. No roof covering shall be applied over existing wood shake or wood shingle roofing;
2. Roofs with two or more layers of roof covering, in which one of those layers is wood shake or wood shingle, must be completely removed before applying a new roof covering;
3. For all property owners with currently-covered wood roofs, one or two layers, the deadline to remove and replace all the roof coverings remains August 14, 2012;
4. All exposed wood roofs in the Mountain Fire Zone shall be removed and replaced by August 14, 2005. The current deadline to remove all wood shake and shingle roofing is August 14, 2012;
5. In the Fire Mountain Zone, the allowable replacement of wood shingle siding with a one hour underlay and treated shingles or shakes is to be eliminated;
6. The Mountain Fire Zone boundary line shall be revised to include additional areas that presently have been arbitrarily excluded from the Mountain Fire Zone. The map of the Burbank Mountain Fire Zone is referred to in BMC Section 7 -1-3601 and is on file in the Office of the Building Official;
7. All City-owned property within the Mountain Fire Zone shall continue to have native brush areas modified to provide clearance from structures to a minimum of 100 feet and immediately add a fuel modification zone from 100 feet to 200 feet from all structures. This change has been approved and funded by the Council and work is in progress;
8. All privately-owned property within the Mountain Fire Zone shall continue to have native brush areas modified to provide clearance from structures to a minimum of 100 feet and shall be required to add a fuel modification zone from 100 feet to 200 feet from all structures by June 1, 2004; and,
9. Fuel modification/brush clearance must conform to the California Fair Plan Standards in all cases.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF THE BURBANK MUNICIPAL CODE RELATING TO WOOD ROOFS, WOOD EXTERIOR WALL COVERINGS, AND BRUSH CLEARANCE.

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 March 18, 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:

CONSENT CALENDAR: (Items 3 and 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.

3. MINUTES:

Approval of minutes for the regular meetings of February 3, February 10 and February 17, 2004.

Recommendation:

Approve as submitted.

4. REVISING AND RE-TITLING THE SPECIFICATION AND SALARY FOR THE CLASSIFICATION OF EQUIPMENT MAINTENANCE SUPERVISOR TO FLEET MANAGER/BURBANK WATER AND POWER:

The purpose of the proposed resolution is to revise and re-title the specification for the classification of Equipment Maintenance Supervisor/Burbank Water and Power (BWP) CTC No. 0321 to Fleet Manager/BWP CTC No. 0365. Burbank Water and Power has been undergoing departmental reorganization over the past several years in order to keep current with utility industry changes. The revisions and re-titling of this specification incorporate the management rather than supervisory designation of this position as reflected in the existing market. The Fleet Manager/ BWP will manage the fleet operations within the Department and will be responsible for ensuring that BWP's fleet is available to assist in meeting the Department's reliability standards of serving and restoring electric and water service in a timely manner. The newly-proposed title and revised specification more accurately describes the actual duties and requirements of this position. These revisions will also assist the Department as it recruits for this highly specialized field. The estimated additional costs associated with upgrading the Equipment Maintenance Supervisor/ BWP to Fleet Manager/BWP will not impact the General Fund. This position is funded by Fund 922 and there are sufficient dollars

available through salary savings in this fund to cover the additional annual salary costs of \$ 5,100. These revisions were approved by the Civil Service Board at their regular meeting on February 4, 2004.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF EQUIPMENT MAINTENANCE SUPERVISOR/BWP (CTC No. 0321) TO FLEET MANAGER/BWP (CTC No. 0365).

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

REPORTS TO COUNCIL:

5. AN ORDINANCE AMENDING THE BURBANK MUNICIPAL CODE TO DEFINE CHAIR MASSAGE AND EXEMPT CHAIR MASSAGE FROM CERTAIN REQUIREMENTS OF MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS:

At the December 9, 2003 Council meeting, the Council directed staff to return with an ordinance amending the Burbank Massage Ordinance to....."not require tub or shower facilities at businesses whose primary business is not massage, and 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 and did not have a tub or shower facility on their premises.

The proposed ordinance 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:

- a. 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;
- b. 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;
- c. At no time may any part of the massage technician's body or any mechanical device or apparatus operated by the massage technician touch any specified anatomical areas, as defined in Burbank Municipal Code Section 8-2201(j); and,
- d. Chair massage may not take place in any business establishment which has as a primary business activity the serving of food, alcoholic beverage or entertainment.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 8-2201 AND 8-2205(b)(2) OF CHAPTER 8, ARTICLE 22 OF THE BURBANK MUNICIPAL CODE TO DEFINE CHAIR MASSAGE AND EXEMPT CHAIR MASSAGE FROM CERTAIN REQUIREMENTS OF MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS.

6. AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO ENTER INTO FIBER OPTIC SERVICE AGREEMENTS WITH TVN ENTERTAINMENT, INC.; MODERN VIDEOFILM; FOTO-KEM INDUSTRIES, INC.; PLUS 8 DIGITAL; AND, ONFIBER COMMUNICATIONS, INC.:

This item seeks authority to enter into five Fiber Optic Cable Service Agreements with the following companies: TVN Entertainment Inc.; Modern Videofilm; Foto-Kem Industries Inc.; Plus 8 Digital; and, OnFiber Communications, Inc. Each agreement will lease unused fiber optic strands (dark fiber) that are part of the Burbank Fiber Optic Network.

TVN Entertainment, Inc., a local company, requested information and a cost estimate for fiber optic services from Burbank Water and Power (BWP) in January 2003. A request to formally proceed with the project was received in a letter dated March 20, 2003, to connect two facilities located at 2901 West Alameda Avenue and 4111 West Alameda Avenue.

Modern Videofilm, a local company, requested information and a cost estimate for fiber optic services from BWP in November 2002. A request to formally proceed with the project was received in a letter dated January 20, 2003, to connect two facilities located at 4411 West Olive Avenue in Burbank and 1733 Flower Street in Glendale.

Foto-Kem Industries, Inc., a local company, requested information and a cost estimate for fiber optic services from BWP in August 2003. A request to formally proceed with the project was received in a letter dated September 16, 2003, to connect two facilities located at 2801 West Alameda Avenue and 4111 West Alameda Avenue.

Plus 8 Digital, a local company, requested information and a cost estimate for fiber optic services from BWP in September 2003. A request to formally proceed with the project was received in a letter dated October 9, 2003, to connect two facilities located at 300 South Flower Street and 111 West Verdugo Avenue.

Since May 2003, BWP and OnFiber Communications, Inc. have been developing a fiber optic service agreement. OnFiber Communications, Inc. is a telecommunications company based in Texas and provides telecommunications services similar to Pacific Bell and GTE. They represent the competition that has developed over the years following the deregulation of the telephone industry. OnFiber Communications, Inc. uses the most modern equipment and can support a broad range of communication-related services at attractive prices. The presence of such competitive suppliers encourages the development of additional telecom services and lower prices which are important to many Burbank businesses. The term of the Agreement is five years, during which time OnFiber Communications, Inc. will connect an unspecified number of buildings to the



Burbank Fiber Network at their expense so that communication services can be provided to those buildings. This is not an exclusive agreement; the City may offer similar agreements to competitors. It will help the City extend the fiber backbone and connect additional buildings at no additional cost to the City. It will also encourage competitive services and pricing for communications in the City.

Since the initial inception of the Burbank fiber optic infrastructure, BWP has maintained a policy that excess fiber would be made available to interested parties such as entertainment companies and competitive access providers. The revenue streams from leasing excess fiber would be used to help finance the network, thus avoiding the need for funding by electric and water utility customers.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND TVN ENTERTAINMENT, INC.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND MODERN VIDEOFILM.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND FOTO-KEM INDUSTRIES, INC.
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND PLUS 8 DIGITAL.
5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND ONFIBER COMMUNICATIONS, INC.

**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. To Monday, March 29, 2004 at 6:00 p.m. in the Council Chamber for a Joint Council/Board of Education meeting to discuss the following items: 1) Collaborative Cost-Saving Ventures Update; 2) Report on Subcommittee Fundraising Efforts; and, 3) Facilities Update/Memorial Field.

**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)**