



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MAY 18, 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 (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- 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: 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.

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: HIGH SCHOOL SERVICE RECOGNITION AND SCHOLARSHIP AWARDS.

PROCLAMATION: PUBLIC WORKS WEEK.

COMMENDATION: BURBANK ANIMAL SHELTER VOLUNTEER.

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:

AIRPORT AUTHORITY MEETING REPORT:

1. 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 May 17, 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 2 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.

2. MINUTES:

Approval of minutes for the regular meeting of April 6, 2004.

Recommendation:

Approve as submitted.

3. BURBANK WATER RECLAMATION PLANT BIOLOGICAL NUTRIENT REMOVAL IMPROVEMENTS PACKAGE B (BID SCHEDULE NO. 1160) CONTRACT AWARD AND CONSTRUCTION MANAGEMENT SERVICES:

Staff is requesting Council approval of contract documents and award of contracts for construction, and a Professional Service Agreement (PSA) for Construction Management Services related to the Burbank Water Reclamation Plant (BWRP) Biological Nutrient Removal Improvements (BNR) – Package B , Bid Schedule No. 1160.

In December 2001, the Council approved the BWRP BNR - Package A to convert the BWRP to a nitrification and denitrification (NDN) facility. This upgrade included significant modifications to the aeration basins and the secondary clarifiers. The NDN process provides for the removal of ammonia from the effluent. This upgrade was necessary to comply with future ammonia discharge limits that will be imposed by the Regional Water Quality Control Board.

This recently completed upgrade, BNR – Package A, has been successful. Ammonia concentrations in the effluent have gone from an average of 18 milligrams per liter (mg/L) to below 0.5 mg/L. The success of this upgrade will allow the City to meet an upcoming ammonia discharge limit of 2.2 mg/L. The BNR – Package A upgrade was the first step in a two-step upgrade to convert the biological and chemical operations at the BWRP. Package A completed the majority of the work on the biological conversion, and the majority of Package B consists of the conversion of the chemical system.

The BNR – Package B upgrade includes the conversion of the disinfection process, modification of the return activated sludge pump system, construction of a new chemical storage building, modifications to an existing chlorine contact chamber, and electrical demolition, relocation and replacement.

Bid Schedule No. 1160 was advertised for construction bids on February 21 and 25, 2004. A bid opening was held on April 13, 2004, and three contractors submitted bids ranging from \$3,421,299 to \$3,491,780. The bid results were as follows:

Bidder's Name	Bid Amount
Abhe & Svoboda Inc.	\$3,421,299.00
Griffith Company	\$3,489,509.50
Nissho Iwai American Corp./ Turboflo Engineers L.P.J.V.	\$3,491,780.00

Abhe & Svoboda Incorporated (ASI) submitted the lowest bid which is 14 percent below the engineer's estimate of \$4,000,000. The number of bids and the similarity in bid amounts reveals that there was a good project understanding by the bidders and that competitive bids were received for a complex project.

Staff evaluated ASI's bid proposal and determined that the company has the requisite qualifications to satisfactorily complete this project. Construction of this project is planned to occur between June 2004 and March 2005. The work is to be completed within 270 calendar days.

Due to the aggressive construction schedule, staff recommends using a consultant for construction management and inspection services. In order to maintain continuity on the project, staff recommends that Kennedy/Jenks Consultants be awarded a contract for construction management services. Having completed the design on the project, any discrepancies between design and actual field conditions can be quickly resolved by Kennedy/Jenks Consultants. Therefore, staff recommends approving the attached PSA with Kennedy/Jenks Consultants for \$469,550 and dispensing with another competitive proposal process. This proposed amount is competitive for a project of this technical complexity and schedule compression.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR BURBANK WATER RECLAMATION PLAN BIOLOGICAL NUTRIENT REMOVAL IMPROVEMENTS – PACKAGE B, BID SCHEDULE NO. 1160.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KENNEDY/JENKS CONSULTANTS.

4. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH LARRY WALKER ASSOCIATES TO PERFORM A STUDY OF COPPER AVAILABILITY IN THE BURBANK WESTERN CHANNEL AND LOS ANGELES RIVER:

Staff is requesting that the Council approve a Professional Services Agreement with Larry Walker Associates (LWA) to perform a study of copper availability in the Burbank Western Channel and Los Angeles River. The study will be on a time-and-materials basis not to exceed \$146,133.

The California Regional Water Quality Control Board (CRWQCB) is developing more stringent limits on copper for the Burbank Western Channel and Los Angeles River. These new limits may require the City to upgrade the Burbank Water Reclamation Plant (BWRP) in order to achieve compliance.

The new limits will be created using both the California Toxics Rule (CTR) and the State Implementation Plan (SIP). These documents set numeric water quality criteria for priority toxic pollutants and other provisions for water quality standards to be applied to waters in the State of California. These water quality standards become National Pollution Discharge Elimination System (NPDES) permit limits imposed by the CRWQCB.

Additionally, the CRWQCB is promulgating other regulatory documents known as Total Maximum Daily Loads (TMDLs). These TMDLs evaluate the amount of a pollutant that a water body, such as the Los Angeles River, can contain before beneficial uses are detrimentally impacted. The CRWQCB is currently drafting a metals TMDL for the Burbank Western Channel and the Los Angeles River. The result of this TMDL, which is done in accordance with the CTR and SIP, will be more stringent limits on the concentrations of metals entering the Los Angeles River.

The creation of these regulations allow two types of adjustments to account for local receiving water environmental conditions when calculating freshwater copper criteria, a hardness adjustment and a water effects ratio (WER) adjustment. Also, the SIP procedures allow an additional local environmental factor, the copper translator, to be accounted for when calculating copper effluent limits in NPDES permits.

The study proposed by LWA is to determine the amount of copper that is potentially toxic to sensitive aquatic life. This study will insure that the future limits are fully protective of the aquatic habitat while not imposing an overly stringent requirement that cannot be validated by sound science. Once this study has been fully approved by the CRWQCB, the results of this study will be reflected in future permit limits.

LWA has extensive experience completing this type of work for other cities and has worked successfully for the City in the past on similar projects. In 2002, LWA performed

a site specific objectives study for ammonia in the Burbank Western Channel and Los Angeles River. The conclusion from this study was an adjustment to the ammonia limit that allows the BWRP to operate with more flexibility and maintain consistent compliance.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH LARRY WALKER ASSOCIATES TO PERFORM A STUDY OF THE COPPER AVAILABILITY IN THE BURBANK WESTERN CHANNEL AND LOS ANGELES RIVER.

5. APPROVAL OF THE FINAL CHANGE ORDER FOR BID SCHEDULE NO. 1124, INSTALLATION OF VEHICLE AND PEDESTRIAN DETECTION SYSTEMS AT VARIOUS INTERSECTIONS:

Staff is requesting the Council approve the final change order for Bid Schedule No. 1124, Installation of Vehicle and Pedestrian Detection Systems at Various Intersections.

The Council approved two traffic signal improvement programs in Fiscal Year 1999-00 to modernize existing older traffic signal installations. The first project provided \$175,000 per year for the installation of pedestrian pushbuttons and pedestrian signal heads at approximately three locations, and the second project allocated \$150,000 per year for the installation of about four vehicle detection systems (detector loops) each year. Both programs were funded with Gas Tax monies, and the improvement programs were projected to require five to six years to completely upgrade the signal systems. The programmed improvements were needed to improve the traffic signal flexibility and improved response times to serve constantly growing, variable traffic demand.

When completed, this project will modernize ten existing traffic signal systems to enable improved traffic signal timing to reduce motorist stops and delays on three major travel corridors, Hollywood Way, Olive Avenue and Victory Boulevard. The modernized signals will also improve pedestrian safety, need a lower level of preventative maintenance and have fewer malfunctions. The following are the intersections in which these improvements were made:

1. Hollywood Way and Jeffries Avenue	6. Olive Avenue and Lake Street
2. Hollywood Way and Clark Avenue	7. Olive Avenue and Third Street
3. Hollywood Way and Oak Street	8. Victory Boulevard and Keystone Street
4. Hollywood Way and Pacific Avenue	9. Victory Boulevard and Fairview Street
5. Olive Avenue and Keystone Street	10. Victory Boulevard and Maple Street

The increases in construction cost were due to unforeseen utility conflicts, abandoned street light foundations, concrete pavement, irrigation, and rocky soil conditions that were in the way of the installation of the new foundations, conduits and pull boxes. These obstructions delayed the schedule of the project and increased the total construction cost of the project. Additional tasks were incorporated into the project that also added to the construction costs. The following tasks were added at the intersection of Olive Avenue and Third Street:

1. Installation of 610 linear feet (LF) of 3" Rigid Galvanized Conduits (RGC) with sweeps and No. 6 Pull Box (PB) for a future Fiber Optic Communication cable that would tie-in with the planned Traffic Management Center (TMC) at the future Development and Community Services Building (DCSB).
2. Installation of 200 LF of 2" RGC with sweep and a No. 5 PB for a future systems detector along Olive Avenue.
3. Installation of 170 LF of 2" RGC with sweep and a No. 5 PB for a future CCTV installation.
4. Installation of 600 LF of 2" RGC with sweeps and 4 - No. 5 PB for the relocation of the Electrical Power source of the traffic signal and street lighting which is a task in the DCSB project (Project No. 11915 task 205C).

The final change order resulted in an additional cost of \$83,887.49, which increased the original contract of \$816,905 by 10.27 percent. The total cost of the project with the change orders is \$900,792.49.

The project manager has compared the cost of the proposed change order to similar construction previously completed, and against industry standards for these types of projects and concluded that the cost of the change order is reasonable and competitive.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL CHANGE ORDER IN THE AMOUNT OF \$83,887.49 FOR THE INSTALLATION OF VEHICLE AND PEDESTRIAN DETECTION SYSTEMS AT VARIOUS INTERSECTIONS, BID SCHEDULE NO. 1124.

6. APPROVAL OF AN APPEAL AND DENYING DEVELOPMENT REVIEW NO. 2003-27, 637 NORTH FAIRVIEW STREET:

The purpose of this report is for Council to adopt a resolution confirming their decision of April 20, 2004.

On March 9, 2004, the Council held a public hearing on an appeal of the Planning Board's approval of the above referenced project. The hearing was continued to April

20, 2004 at which time the Council completed their deliberations. The Council ultimately voted four to zero to approve the appeal and deny the proposed project.

The Council must formally take action on a resolution in accordance with their deliberations. Enclosed is the resolution which was prepared given the Council's comments on their inability to meet findings in order to approve the project.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING DEVELOPMENT REVIEW NO. 2003-27 AND UPHOLDING THE APPEAL OF THE PLANNING BOARD DECISION (637 North Fairview Street).

7. FUEL SALES AGREEMENT BETWEEN THE CITY AND THE BURBANK UNIFIED SCHOOL DISTRICT:

As part of the City/Burbank Unified School District (BUSD) Collaborative Ventures Matrix, the selling of fuel to the BUSD was one area viewed as a possible savings for the District. As of January 16, 2004, the City and BUSD have been operating a pilot program in order to assess the feasibility of this arrangement. The pilot program consisted of a sample of BUSD's ground vehicles as well as their warehouse truck. The pilot program was seamless and worked well for both parties, so it was the consensus of both City and BUSD staff to recommend formal adoption of an agreement by both governing bodies. BUSD staff presented this agreement and received approval from the Board of Education on May 6, 2004.

The basic terms of the agreement are:

1. The price for any fuel BUSD purchases from the City shall be the City's actual cost, which shall include the costs of the fuel, plus all applicable Federal and State fuel taxes, plus a five percent administrative fee.
2. The City will invoice BUSD monthly and such invoices shall be net payable 30 days upon receipt. There will be a one percent per month late fee for all payments made after 30 days.

The BUSD's annual fuel usage is approximately 24,000 gallons, and it is projected that the BUSD will average savings of 15 to 20 cents per gallon. With this additional 2,000 gallons per month volume, the City may be able to receive increased discounts on our fuel purchases, which will benefit both the City and BUSD.

Lastly, both City and BUSD staff feel that this agreement is a good base to build upon for future joint efforts that are mutually beneficial for both agencies.

This agreement is cost neutral to the City, although as noted above, there may be potential savings on fuel purchases due to larger volumes which would benefit both

agencies. It is projected that BUSD will save approximately \$3,000 to \$5,000 per year on fuel purchases.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FUEL PURCHASE AGREEMENT BETWEEN THE CITY OF BURBANK AND BURBANK UNIFIED SCHOOL DISTRICT.

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

REPORTS TO COUNCIL:

8. APPOINTMENTS FOR VACANCIES ON VARIOUS CITY BOARDS, COMMISSIONS AND COMMITTEES:

The purpose of this report is to identify the Boards, Commissions, and Committees with members whose terms expire June 1, 2004 and request the Council to make appointments from the qualified applicants.

On March 30, 2004, the City Clerk's Office began advertising and accepting applications for vacancies created by the June 1, 2004 term expirations on various City Boards, Commissions and Committees. Notice was also placed on the City's web site, the Channel 6 Scroll and in the March utility billing envelopes. The deadline to submit applications to the City Clerk's Office was Friday, April 30, 2004 at 5:00p.m.

It should be noted that all Board, Commission and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. If any current Board, Commission or Committee member whose term is not due to expire on June 1, 2004 is appointed to a different Board, Commission or Committee, that member must resign their current position before being installed to the new Board, Commission or Committee. In addition, any person appointed to be a member of a Board, Commission or Committee must be an elector of, and actually reside in, the City of Burbank.

PROCEDURE FOR VOTING

RANDOM DRAWING OF BOARDS/COMMISSIONS/COMMITTEES AND THE APPLICANTS:

The City Clerk's Office conducted a random drawing to select the order that the Boards, Commissions and Committees would be placed on the agenda for Council voting. In

addition, a random drawing was conducted to select the order the applicants will appear on the voting sheets.

Please note: The City's application allows each applicant to select three choices should they desire. Therefore, those applicants who applied for more than one Board, Commission or Committee have the priority selection listed next to their name.

VOTING PROCESS:

The Council votes based on the number of vacancies on the Board, Commission or Committee. For example, if there are three vacancies on the Board, each Council Member is allowed three votes. Then, the applicants receiving a majority of the votes in the first round move into the second round. The process continues for as many rounds as are necessary to attain the correct number of applicants to fill the vacancies.

It is important to point out that even though each Council Member is allowed a certain number of votes, there is no obligation to vote that specified number of times.

This process is based on past practice. The Council could certainly make any desired changes to the process. If changes should be requested, staff would recommend that the process be clarified prior to any voting.

VACANCIES BY BOARD/COMMISSION/COMMITTEE

The following is the random order of the Boards, Commissions and Committees as well as the applicants and the order in which the Council will be asked to vote:

Art in Public Places

The Art in Public Places Committee was established by Burbank Municipal Code Section 2-422. The term of office for the five members is four years. Currently, there are two vacancies for members serving at large that need to be filled by the City Council. Applications were received from the following interested individuals: [The * indicates the incumbents].

Two Vacancies

- | | |
|---|--|
| 1. Penelope Kristen Young | 5. Annie P. Hovanessian – 1 st choice |
| 2. Dink Albert O'Neal* - 2 nd choice | 6. Carole Kubasak |
| 3. Alice Asmar* | 7. Lisa Sue Lonsway – 2 nd choice |
| 4. Jody Rogers | |

Traffic and Transportation Committee

The Traffic and Transportation Committee was established by Burbank Municipal Code

Section 2-421 and consists of ten members. One representative each is designated by the City Manager, Public Works Director, Chief of Police, Community Development Director and Superintendent of the Burbank Unified School District. The five remaining members are Burbank residents appointed by the City Council. The term of office for the five members is two years. Currently, there are three vacancies. Applications were received from the following interested individuals: [The * indicates the incumbents].

Three Vacancies

- | | |
|---|--|
| 1. Gregory B. Scher – 3 rd choice | 5. Brian Anthony Malone * |
| 2. Michael Anthony Graves – 1 st choice | 6. Annie P. Hovanessian – 2 nd choice |
| 3. Christopher E. Wiard – 1 st choice | 7. Joseph Thomas Terranova * |
| 4. Howard Robert Barr, Jr. – 1 st choice | 8. Joe McGill Spaulding |

Civic Pride Committee

The Civic Pride Committee was established by Burbank Municipal Code Section 2-423 and consists of ten members. There are currently five vacancies on this Board. The terms of office are two years. Applications were received from the following interested individuals: [The * indicates the incumbents].

Five Vacancies

- | | |
|---|--|
| 1. Mary Alice O'Connor* | 6. Christopher Eric Wiard – 2 nd choice |
| 2. Dink Albert O'Neal – 1 st choice | 7. Rebecca Anne Chamaa – 1 st choice |
| 3. Howard Robert Barr, Jr. – 3 rd choice | 8. Shelley Joyce Davies* |
| 4. Mary Lou Wagner* | 9. Elisa Beth Freeman* |
| 5. Lisa Sue Lonsway – 1 st choice | |

Senior Citizen Board

The Senior Citizen Board was established by Burbank Municipal Code Section 2-415 and consists of seven members who shall be Senior Citizens. All Committee members are appointed to four-year terms. Currently, there are four expiring terms that need to be filled by the City Council. Applications were received from the following interested individuals: [The * indicates the incumbents].

Four Vacancies

- | | |
|--------------------------|--------------------------|
| 1. Peter Joseph McGrath* | 4. Florence Eleanor Nos* |
| 2. Gay E. Maund* | 5. Marva Murphy * |
| 3. Robert C. Jones | 6. Francine Lockett |

Heritage Commission

The Heritage Commission was established by Burbank Municipal Code Section 2-420. Five Burbank residents are appointed to four-year terms. Currently, there are two vacancies that need to be filled by the City Council: one member representing the business community and one member experienced in the field of historic preservation. Applications were received from the following interested individuals: [The * indicates the incumbent].

Two Vacancies

1. Dink Albert O'Neal – 3rd choice
2. Donald J. Baldaseroni*
3. Howard Robert Barr, Jr. – 2nd choice

Community Development Goals Committee

The Community Development Goals Committee was established December 17, 1974 to function as a liaison entity between the Community Development Department and Burbank residents on matters relevant to the United States Department of Housing and Urban Development. The nine members are appointed by the Council to serve four-year terms. There are currently five vacancies and applications have been received from the following interested individuals.: [The * indicates the incumbents].

Five Vacancies

- | | |
|--|--|
| 1. Victoria K. Torigian | 6. Cynthia Mary Wagner * |
| 2. Kirk Joseph Bowren* | 7. Rebecca Anne Chamaa – 2 nd choice |
| 3. Annie P. Hovanessian – 3 rd choice | 8. Michael Anthony Graves – 2 nd choice |
| 4. Nikki Capshaw | 9. Harold Wallace Bond II |
| 5. Gregory B. Scher *- 1 st choice | |

Transportation Commission

The Transportation Commission consists of seven members. There is currently one vacancy on this Commission for an unexpired term ending June 1, 2005. Applications were received from the following interested individuals:

One Vacancy

1. Gregory B. Scher – 2nd choice
2. Dr. Keith D. Sanneman

Also, two applications from Sonia Bedrossian Peltekian for the Community Development Goals Committee, and Robert Vincent Idavia for the Civic Pride Committee were not forwarded to the Council because they were received after the application deadline. Applications are still being accepted for the Charter Review Committee and the Downtown Parking Management Committee.

Recommendation:

Staff recommends the Council consider making the appropriate appointments to the various Boards, Commissions and Committees or give staff direction as desired.

9. COMMERCIAL USE OF PUBLIC FACILITIES:

The purpose of this report is to request Council adoption of an ordinance adding Section 5-801.1 to the Burbank Municipal Code (BMC) banning private commercial or revenue producing activities on City-owned public property without express authorization through the issuance of proper permits.

The City owns various public parks, playgrounds and recreation areas and currently regulates the use of these facilities through the Park, Recreation and Community Services Department's permit procedure as outlined in Chapter 5, Article 8 of the BMC. Currently, the BMC does not have a provision banning commercial activities on City-owned public parks, playgrounds and recreation areas or their adjacent parking lots. Thus, a permit is not required before a person can engage in commercial or revenue-producing activities on City-owned public property.

In past years, staff has received complaints regarding unauthorized private commercial use of tennis courts, ball fields, picnic facilities and parking lots. The unregulated commercial use of City-owned public parks, playgrounds, recreation areas and adjacent parking lots raises several areas of concern for the City, namely, concerns regarding civil liability and the fair and equitable distribution of public resources.

Creating a new provision to the BMC banning commercial activities without a permit on City-owned park facilities will enable City staff to take corrective action when commercial activities that are disruptive or not compatible with authorized uses and neighborhoods threaten to negatively impact public enjoyment of public lands.

Such an ordinance will allow the operation of activities desired by the public while regulating the time, place and manner in which such activities are carried out. City staff will have the ability to evaluate impacts on surrounding areas and neighborhoods, mitigate concerns regarding potential civil liability, determine potential interference with the use and enjoyment of public property by other persons and possible unusual wear

and damage to public property before a permit allowing commercial activity is issued.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 5-801.1 OF THE BURBANK MUNICIPAL CODE BANNING COMMERCIAL ACTIVITY ON CITY OWNED PROPERTY WITHOUT PROPER PERMITS.

10. DESIGN DEVELOPMENT PHASE PROGRAM FOR THE ROBERT R. OVROM PARK, NEIGHBORHOOD RECREATION CENTER, AND COMMUNITY DAY SCHOOL PROJECT, PHASE 1 AND REQUESTING AUTHORITY TO PROCEED WITH THE CONSTRUCTION DOCUMENTS PHASE WITH WOLFF LANG CHRISTOPHER ARCHITECTS, INC.:

Staff is presenting the results of the Design Development Phase Program for the Robert R. Ovrom Park, Neighborhood Recreation Center and Community Day School Project, and requesting authority to proceed with the Construction Documents Phase with Wolff Lang Christopher Architects, Inc.

Robert R. Ovrom Park/Community School Project - The area immediately surrounding the South San Fernando Corridor has a high residential concentration with no direct access to adequate open space and recreational facilities. When the South San Fernando Redevelopment Project Area was formed in 1997, the Plan specifically recommended development of a 10-acre recreational park facility. Since then, the Council has dedicated various funding sources for property acquisition in this area, and with the Redevelopment Agency's support, a 1.4-acre site for a community park and school was assembled.

The Burbank Unified School District (BUSD) took operational control of the existing community day school from the County of Los Angeles in 1999. As the City began assembling a site for a neighborhood park, it became apparent there was an opportunity to combine much-needed recreational amenities with the community day school at a single location. This joint-use opportunity has evolved into the subject neighborhood recreation center, community day school and park project.

The project generally includes:

- 1) A Park Program comprised of: a formal park gateway at Cedar Avenue and San Fernando Boulevard; regulation size basketball court with lighting and fencing; separate equipment play areas for 2 to 5 and 5 to 12 year old age groups; designated area for four swings, two for each age group; open turf area for passive and active play; two shade shelters and barbeque picnic areas; outdoor and

emergency storage for the District; and, other park elements such as restroom facilities, lighting, exterior security system, safety fencing, turf mounds, drinking fountains and bicycle racks.

- 2) A subterranean garage with 40 parking spaces with security access control and main electrical room, storage facilities and elevator.
- 3) A Neighborhood Recreation Center with: active and passive recreational “flex” space; 200 seating capacity and sub-dividable assembly room; other multi-use areas of 50 and 100 seating capacity; warming kitchen, staff support and custodial areas; and, main lobby, information desk, public restrooms, and equipment and storage rooms.
- 4) A BUSD Community Day School with four classrooms accommodating 75 students maximum; new vista classroom for up to 12 special needs students; computer lab with 20 stations to be shared with the public; shared data/telecom/security systems room for the City and BUSD; and, offices for administrators and counselors, staff support and workroom, separate student/public and staff restrooms, custodial and storage areas.

Together with the South San Fernando Boulevard Street Improvement Project, the Ovrom Park Project will be instrumental to the revitalization to the South San Fernando Redevelopment Project Area as well as enhancing the quality of life for the surrounding community.

Programming and Design Development - From the very beginning, the Project’s programming and Design Development process has been, and continues to be, a matter of consensus building among project stakeholders. Stakeholders include: the Project’s Oversight Committee; BUSD; general public; Planning Board; Park, Recreation and Community Services Board; and, the Council.

Design Development Phase and Budget – Pursuant to Council’s acceptance of the Schematic Design program, the project team proceeded with further design development, cost exercises and value management efforts. The program did not materially change from the Schematic Design program and the \$9.2M Project budget remains unchanged through the Design Development Phase.

Project Budget Summary Comparison – Schematic Design vs. Design Development Phase – A few points that merit notability on a comparison basis are:

- The Project unit cost decreased from \$259/square foot (sf) to \$258/sf
- The \$80,000 allowance to address potential further environmental mitigation efforts by the City and the Department of Toxic Substances Control have been eliminated pending issuance of the Preliminary Endangerment Assessment (PEA).

- Net cost “savings” from each cost category has been re-allocated to Project Contingency. However, this contingency account remains low from a total percentage basis standpoint.

Comparative Project Costs – At the January 13, 2004 Council meeting, staff shared the following comparative project cost information for projects having similar programming to the Park Project. This information reinforces the fact that the Park Project cost compares well with the anticipated \$258/square foot (sf) unit cost. These projects were not Leadership in Energy and Environmental Design (LEED) certified.

1.	Yucaipa City Hall – 22,500 sf, 2003	\$265/sf
2.	Yucaipa Gymnasium/Community Center – 24,000 sf, 2001	\$271/sf
3.	Avalon City Hall/Fire Station/Community Center - 32,000 sf,2001	\$278/sf
4.	Hawthorne “Betty Ansford” Community Center - 22,500 sf, 2000	\$242/sf
5.	Agoura Hills/Calabasas Community Center - 28,500 sf, 1998	\$249/sf

Green Building Commitment and General Strategy - The City made a commitment to obtain a LEED Silver Rated Green Building. The LEED program summary identifies a Silver Rating certification level and an estimated premium cost of \$139,512 or 1.9 percent of the construction budget.

The general strategy the project team adopted in creating a viable LEED program was to identify those program elements that could be implemented without any project cost, identify program elements that could be incorporated with minimal incremental project cost, and, identify program elements that could be incorporated with reasonable incremental project cost and represented a tangible and highly beneficial result to building occupants and/or operational cost savings over the building’s economic life.

The Project goal is a LEED Certified Silver Rating with the objective to achieve the highest certification level at the least incremental cost. Staff is still pursuing a LEED Certified Gold Rating but will continue to assess the real cost and benefits through the Construction Document Phase as more refined cost information becomes available.

Combining Projects - The Council adopted a resolution in January 2004 allowing consolidation of the construction management oversight of the Park and South San Fernando Boulevard Streetscape Projects. However, staff was allowed flexibility to segregate the projects in the event construction for either project was delayed or accelerated. The Streetscape Project is a seven-month endeavor scheduled to start construction in September 2004. Park construction is scheduled for March 2005, seven months later. The impetus to start the Streetscape Project as soon as practicable is the benefit from re-gentrifying this redevelopment area as soon as possible. Consequently, there is no project overlap and the anticipated economies cannot fully be realized. At this time, staff intends to construct each project independent of one another.

Department of Toxic Substances Control - In a January 2004 presentation to the

Council, staff asserted that the project site was environmentally free of hazardous materials and posed no environmental threats to future users predicated on staff's prior due diligence efforts to identify and mitigate the presence of identifiable and potentially hazardous materials. Since the Project includes a school component, a stricter protocol was considered necessary and beneficial to ensure all potential environmental issues were addressed.

Although there was no legal requirement for the City to engage the Department of Toxic Substances Control (DTSC) to oversee further environmental investigations, the Development Oversight Committee deemed that the City's best long-term interest would be served in accepting the DTSC grant funding to complete a PEA.

The Council subsequently adopted resolutions approving a Cooperation Agreement between the City and BUSD for preparation of the PEA, approving an Indemnification Agreement between the City and the DTSC, and accepting the DTSC grant funding to complete the PEA. As of the date of this staff report, a draft PEA has been issued and is available for public comment. Subsequent to the results of the investigation, the DTSC may issue a "No Further Action" letter which will represent a time and cost savings for the Project. This process is expected to be completed in June 2004 when the final PEA is issued.

PROJECT SCHEDULE

At this stage of the design process, the following Milestone Schedule to achieve final occupancy include:

- Commence Construction Document Phase May 2004
- City Council Approval of a General Contractor (Const. Mgr.) May 2004
- Submit 90 percent Complete CDs to DSA and Public Agencies Sept. 2004
- Complete PEA Process June 2004
- Agency Approval of Construction Documents January 2005
- Council Approval of Complete CDs and GMP March 2005
- Commence Construction March 2005
- Complete Construction April 2006
- Final Occupancy May 2006

One schedule concern is the Department of State Architect (DSA) review and approval process and its impact on construction commencement. The Project includes a school component requiring construction documents to be reviewed and approved by the DSA. Staff anticipates that this process will take 18 weeks and approvals will be secured in late January 2005. This will support subsequent Council approval of the Project's Construction Documents and Guaranteed Maximum Price in March 2005 and enable construction to commence later that same month. Should the DSA's review and approval process extend much beyond this 18-week period, the completion date of May 2006 may be directly impacted.

The \$1.5M Natural Resources Infrastructure Fund Grant represents an important Project funding resource and stipulates project completion by June 2006. Any project delays, including the DSA review and approval process, may jeopardize this important funding resource. At this time, it is too early to request a Grant Fund extension. If the DSA process proves to be the Project's nemesis, staff anticipates some relief (project extension), due to this potential State-imposed delay.

Recommendation:

Staff recommends that the Council accept the Design Development Phase program and direct staff to proceed with the Construction Documents Phase for the Robert R. Ovrom Park, Neighborhood Recreation Center and Community Day School Project, Phase 1 with Wolff Lang Christopher Architects, Inc.

11. FISCAL YEAR 2004-05 BUDGET STUDY SESSION – LIBRARY SERVICES DEPARTMENT, PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT, FIRE DEPARTMENT, PUBLIC WORKS DEPARTMENT:

As indicated at the initial Budget Study Session on April 13, 2004, staff has prepared a schedule for the Fiscal Year (FY) 2004-05 Department Budget Study Sessions to be held on Tuesday nights. This integration of the Study Sessions into the regular Council meetings has been accomplished by scheduling the sessions over the course of three Council meetings. The Department Budget Study Sessions are scheduled for May 11, May 18 and May 25, 2004. During these sessions, each Department will have an opportunity to fully disclose the details of proposed changes related to their respective department contained in the FY 2004-05 Proposed Budget.

The following is the Budget Study Session schedule:

BUDGET STUDY SESSION SCHEDULE		
May 11, 2004	May 18, 2004	May 25, 2004
Introduction	Library Services	Police
City Attorney's Office	Park, Recreation and Community Services	Burbank Water and Power
City Treasurer's Office	Fire Department	City Council Office
City Clerk's Office	Public Works	City Manager's Office
Information Technology		Financial Services
Management Services		Overflow Items
Community Development		Final Decision Making

Staff will provide a brief Budget Overview focusing on the General Fund status, followed by each department (in the order outlined above) presenting key components and changes to the prior year's budget. This includes proposed budget reductions, proposed

fee changes, and any new positions or upgrades, and materials, supplies and services exceptions. During this time, the Council will have the opportunity to review and inquire about any of the recommended budget proposals.

Recommendation:

Staff recommends that the Council review the proposed budget materials and direct staff to incorporate any necessary changes into the June 8, 2004 Public Hearing report.

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,
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City of Burbank's Web Site:
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