



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 13, 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 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.

RECOGNITION: REX ANDREWS POLICE SCHOLAR 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).

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 July 6, 2004. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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:

CONSENT CALENDAR: (Items 2 through 5)

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 June 8, 2004 and the adjourned meeting of June 14, 2004.

Recommendation:

Approve as submitted.

3. APPROVING A PROFESSIONAL SERVICES AGREEMENT AMENDMENT BETWEEN THE CITY AND TURNER CONSTRUCTION COMPANY FOR ADDITIONAL PRE-CONSTRUCTION SERVICES FOR THE DEVELOPMENT AND COMMUNITY SERVICES BUILDING PROJECT:

Staff is requesting Council approval of a Professional Services Agreement (PSA) amendment between the City and Turner Construction Company (Turner) for additional pre-construction services for the Development and Community Services Building (DCSB) Project.

On July 22, 2001, the Council adopted a Fixed Fee, Guaranteed Maximum Price (GMP) delivery method for the DCSB project. A detailed pre-qualification and selection process resulted in the January 2002 award of pre-construction services to Turner for the new DCSB Project. During the 2002 calendar year, Turner provided pre-construction services for the City in conjunction with the project's normal design process. The project architect at that time was Widom Wein Cohen O'Leary & Terasawa (WWCOT).

However, the City placed the DCSB Project on hold on January 24, 2003 in response to cost cutting measures across all City departments to position itself against potential fiscal impact the California State Budget crisis could eventually impose on City funding resources. The project was subsequently resumed on November 6, 2003 under the auspices of a new project architect, Leo A. Daly Architects (Daly). The City implemented an important project decision when it officially changed architects from WWCOT to Daly in October 2003. This decision was based on financial and design benefits that would ultimately be in the City's best long term interest.

Based on design recommendations, Daly was authorized in March 2004 to proceed with an Abbreviated Design Development program that resulted in some of the following primary changes that translated into real cost savings:

1. Community Development Department's Business Development Center – program increase;
2. Public Information Office's Master Control Room – program increase;
3. Overall building reduction of 4,000 gross square feet – same building efficiencies;
4. Building perimeter simplification by relocating the atrium to the building center;
5. Reduction of structural steel tonnage; and,
6. Reduction of mechanical equipment tonnage.

Staff also recognized that there would be an added expense to perform additional, yet essential, pre-construction service to develop a new construction budget commensurate with Daly's Abbreviated Design Development program. When the project was placed on hold during January 2003, Turner had just submitted an initial draft of the construction budget based on WWCOT's completed Design Development phase effort. With the exception of having to implement any subsequent City review comments, Turner had contractually completed the construction budget estimate for the Design Development

phase.

Turner's additional scope of services for the DCSB Project include:

- Conceptual pricing feasibility request for parking and parking structure options;
- Conceptual pricing request for master site plan improvements;
- Conceptual pricing request for Leadership in Energy and Environmental Design (LEED) certification;
- Design Development budget estimate for the Daly design; and,
- Focused special pricing studies related to Daly's Design Development phase.

The first three bullet points listed above were the direct result of expanding the DCSB Project's initial program early in the design phase effort to include: 1) parking alternatives for the DCSB block; 2) master site planning for the area bounded by San Fernando Boulevard to the west, Glenoaks Boulevard to the east, Angeleno Avenue to the south, and Palm Avenue to the north; and, 3) LEED certification for the DCSB.

The final two bullet points are the direct consequence of Daly's Abbreviated Design Development program. This added project expense is a critically important estimating function to ensure the current design program appropriately reflects market conditions that have substantially changed over the last 18 months.

The project schedule will be impacted by approximately four to six weeks as a direct result of providing additional pre-construction services to complete the construction budget for Daly's Abbreviated Design Development program. Based on staff's last Project report to the Council on March 2, 2004, the DCSB Project occupancy was scheduled for August 2006 and may shift to late September 2006 as a result of this additional service.

There is no fiscal impact if the Council approves this PSA amendment for additional pre-construction services. Staff is committed to incurring additional professional services, such as those rendered by Daly, with the specific understanding that a redesign effort would result in overall project savings. Sufficient funds remain available at this time to afford these additional professional services.

However, there is the potential for fiscal impact due to current market conditions within the construction industry for materials such as structural steel, drywall and concrete, as well as limited labor resources. If warranted, this issue will be brought to the Council's attention when staff seeks approval of the Design Development phase.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND TURNER CONSTRUCTION FOR ADDITIONAL PRE-CONSTRUCTION SERVICES FOR THE DEVELOPMENT AND COMMUNITY SERVICES BUILDING PROJECT.

4. REQUEST FOR APPROVAL AND AUTHORIZATION FOR THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE AN AGREEMENT WITH THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR THE SPREADING OF IMPORTED WATER AT THE PACOIMA AND LOPEZ SPREADING GROUNDS:

Staff is requesting Council authorization to execute a Spreading Agreement with the Los Angeles County Flood Control District (LACFCD) for the spreading of imported water in the Pacoima and Lopez Spreading Grounds. The LACFCD owns and operates the spreading grounds. Tributary water, local runoff of rainfall, has the first and highest priority for spreading. LACFCD will allow the use of unused capacity in the spreading grounds for imported water once all tributary water has been spread. Burbank is constructing a new Metropolitan Water District Connection, B-06, to bring imported water into the San Fernando Basin for groundwater replenishment. This agreement allows Burbank to construct a discharge outlet into the Pacoima Wash Channel to accept Burbank's imported water and obligates the LACFCD to divert the water from the Pacoima Wash into the spreading grounds. Burbank is responsible, at its own expense, to construct, own and operate any new facilities. LACFCD will allow the construction of the discharge outlet into the Pacoima Wash and take the necessary actions to accept the flow into the spreading grounds at no additional cost to Burbank. The project for constructing the facilities to import and spread water for groundwater replenishment is budgeted in the Fiscal Year 2004-05 budget at \$2 million.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE THE AGREEMENT TO SPREAD IMPORTED WATER AT THE PACOIMA AND LOPEZ SPREADING GROUNDS BETWEEN THE CITY OF BURBANK AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

5. ESTABLISHMENT OF THE SPECIFICATION FOR THE CLASSIFICATION OF ASSISTANT LIBRARY SERVICES DIRECTOR:

Since 1995, the title of Library Services Manager has been utilized for the various division head managers throughout the Library Services Department. However, in keeping with the City's succession planning efforts, the Library Services Director has recommended that the title and specification of Assistant Library Services Director be established. This establishment will properly align the Department's organizational structure and create a clear career path. The proposed specification accurately describes the actual duties and requirements to be performed by this position and will assist the Department in future recruitment. This classification will be an unrepresented, non-Civil Service management position. It will also be exempt from the Fair Labor Standards Act and included in the City's Conflict of Interest Code.

In order to maintain the internal salary relationships, the salary range for the Assistant Library Services Director is being proposed at \$6,708 to \$8,150. This position was included in the Library Services Department's Fiscal Year 2004-05 Budget which was approved by the Council on June 22, 2004.

This specification was presented to the Civil Service Board at their regular meeting on July 7, 2004.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF ASSISTANT LIBRARY SERVICES DIRECTOR (CTC No. 0070) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

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

REPORTS TO COUNCIL:

6. OVERVIEW OF THE LIFELINE AND LIFE SUPPORT PROGRAMS:

Pursuant to Council direction, staff has reviewed the Lifeline and Life Support programs to ensure that they are consistent with the industry and continue to meet the community need. The Lifeline Rate is offered to customers who are 62 years and older with limited income or those customers with limited income who support a disabled person in their household. Burbank has 2,251 Lifeline customers. The Life Support program is provided to customers who use medically-required life support equipment. Burbank has 86 Life Support customers.

In a review of local utilities, staff found that the design of Burbank's program is not only consistent with others, but is very generous and assists those customer groups who are most in need of assistance. Three key areas were considered:

1. Which customer groups receive the discount? Burbank has two criteria for program eligibility as stated above. About half of the utilities surveyed have the same design with the other half requiring customers to be low-income only, regardless of age or disability.
2. What is the income requirement? Burbank uses the same income requirement used by the City's Housing Authority for consideration of Section 8 Housing Assistance. Some utilities have adopted the State's California Alternative Rates for Energy (CARE) income standard. The two are very similar with the CARE requirements being slightly more generous with the exception of the two-person household. Since current program participants are mostly one and two-person households, staff believes it is best to stay with the current income standard so as not to harm current

participants.

3. What discounts do eligible customers receive? Burbank's discount level for the Lifeline Rate is very generous compared with other utilities. Whereas others offer about a 20 to 30 percent discount on a customer's energy bill, Burbank waives the customer service charge, offers a 50 percent discount on the energy bill and a 50 percent discount on Public Works charges.

Currently, Life Support customers are also eligible for the Lifeline Rate. However, staff believes that offering the discount to a customer group without requiring demonstration of economic need is not consistent with the overall program philosophy to help those most in need. Thus, staff recommends adding an income requirement to the Life Support Program.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 30-201 AND 30-206 OF THE BURBANK MUNICIPAL CODE PERTAINING TO LIFELINE RATES FOR UTILITY SERVICE.

7. DISCUSSION ON POSSIBLE RECONSIDERATION OF PROJECT NO. 2004-34 – VARIANCE FOR SIDE YARD SETBACKS AT 1062 EAST MAGNOLIA BOULEVARD:

The purpose of this report is for the Council to consider a request by Council Member Vander Borgh to discuss reconsidering the variance for the above referenced project.

On June 22, 2004, the Council denied, by a vote of 4-0, a request by Gevorg Piramzyan to approve a reduced side yard setback for a single-family home at the above-referenced address. The request was also to approve a two-car garage with smaller dimensions than required.

Subsequent to this public hearing and denial, Council Member Vander Borgh met with the applicant/appellant who offered a modified project proposal. Therefore, at the Council meeting of June 29, 2004, Council Member Vander Borgh requested that this item be added to a future agenda for Council consideration. If the Council votes to reconsider the matter, notices will be mailed to every property owner and tenant in a 1,000 foot radius plus a notice will be posted in the newspaper.

Recommendation:

Staff recommends that the Council discuss the matter and give direction as desired.

ADOPTION OF PROPOSED ORDINANCE:

8. DISPOSITION AND DEVELOPMENT AGREEMENT, PLANNED DEVELOPMENT AND RELATED DOCUMENTS FOR 700-722 SOUTH SAN FERNANDO BOULEVARD AND 206 EAST CEDAR AVENUE (FORMER LANCE SITE):

The purpose of this report is for the Redevelopment Agency (Agency) Board and the Council to consider the proposed sale of Agency property and development entitlements for the former Lance site project. The specific land use applications for the 33-unit residential project include: Planned Development No. 2004-3; Development Review No. 2004-3; Tentative Tract Map No. 60875; a Mitigated Negative Declaration; Development Agreement; and, the associated legal documents. The terms of the proposed sale of Agency-owned property are documented in the Disposition and Development Agreement (DDA).

The former Lance site is located at 700-722 South San Fernando Boulevard and 206 East Cedar Avenue and encompasses the entire east side of South San Fernando Boulevard between Cedar Avenue and Elmwood Avenue within the South San Fernando Redevelopment Project Area.

The applicant is requesting approval to construct 33 for-sale residential units on the site, including 10 units that will be designated for moderate-income buyers. The project includes 75 parking spaces. The proposed tract map will subdivide the units for condominium purposes.

The purpose of the Planned Development process is to provide an alternate process to accommodate unique developments for residential, commercial, professional or other similar activities, including modified development standards which would create a desirable, functional and community environment under controlled conditions of a development plan. The proposed multi-family residential project meets the requirements of this process. Specifically, the land use components that were considered for this project include: density; height; setbacks; parking; lot coverage; open space; landscaping; amenities; and, design.

The Planning Board, by a vote of five to zero, recommended approval of the proposed Planned Development project on May 10, 2004. The Board discussed issues related to site circulation and project design including proposed setbacks, architecture and utility undergrounding.

Since the proposed project requires the Agency to sell property to the Developer, a DDA has been negotiated to document the real estate transaction and to outline the roles and responsibilities of both the Agency and the Developer.

Pursuant to the California Community Development Law, both the DDA and 33433 Summary Report have been made available for public review immediately following the

initial publication (June 12, 2004) of the public notice.

In addition to the land sales proceeds of \$1.01 million, the South San Fernando Redevelopment Project Fund will realize Property Tax increment revenue. Based on the overall project value, the Project Area will collect tax increment revenue through 2043 (the last year in which the Agency can collect tax increment revenue) totaling about \$3.4 million in nominal terms or \$1.2 million in present value terms (using a six percent discount rate). These two revenue components yield a total anticipated Agency revenue projection of approximately \$ 4.4 million in nominal terms and \$2.2 million in present value terms.

When comparing the total Agency costs associated with the proposed project (approximately \$2.05 million) to the anticipated Agency revenue, the net revenue to the Agency is projected at \$2.4 million (in nominal terms) and \$178,000 in present value terms (using a six percent discount rate). The Agency will also potentially receive participation payments from the Developer and/or repayment of the silent second trust deeds placed on the affordable units.

The proposed project will redevelop an underutilized and blighted block into a 33-unit for-sale residential development while creating a pedestrian-friendly environment along the San Fernando Boulevard corridor. It will also enhance the economic viability of the area and provide support for existing businesses in the downtown. The proposed land use and project design are consistent with the principles of the Burbank Center Plan. Furthermore, the proposed project supports the goals of the South San Fernando Redevelopment Plan as well as provides additional residential units to the City's affordable housing inventory.

This ordinance was introduced at the June 29, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2004-3 AND A DEVELOPMENT AGREEMENT RELATED THERETO (700-722 SOUTH SAN FERNANDO BOULEVARD AND 206 EAST CEDAR AVENUE).

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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