



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, AUGUST 10, 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.

b. Conference with Real Property Negotiator:

Pursuant to Govt. Code §54956.8

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

Properties: 111-245 East Magnolia Boulevard, 401-761 North First Street, 200 East Cypress, 601-800, 801, 805, 851, 875, 877, 891 North San Fernando Boulevard, 228 East Burbank Boulevard. The 41 acre site (excluding IKEA) generally bounded by Magnolia Boulevard, Third Street, Burbank Boulevard, and Interstate 5 (Media City Center Mall). Parcels 2460-023-045 through and including 2460-023-062.

Party With Whom City is Negotiating: Crown Realty and Development Inc.

Name of Contact Person: Jack Lynch, Senior Redevelopment Project Manager.

Terms Under Negotiation: Negotiation for the sale of the fee title in regards to the improvements on the above mentioned parcels.

- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

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.

ANNOUNCEMENT: CHANDLER BIKEWAY RIBBON CUTTING AND COMMUNITY CELEBRATION.

COMMENDATION: 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).

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 August 9, 2004. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. RECONSIDERATION OF APPEAL 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 reconsider an appeal of the Planning Board's decision to deny a variance application. The request by Gevorg Piramzyan, applicant, appellant and homeowner, is to approve a reduced side yard setback for the first floor of a single-family home at 1062 East Magnolia Boulevard.

The project was originally approved by staff for an addition to and remodel of an existing single-family home. These plans were approved in accordance with the Burbank Municipal Code which states that "where a developed lot has a substandard side yard that was lawful when created, such side yard may be maintained along the entire depth of said lot as long as the structure which created the substandard side yard remains." However, during construction, all portions of the structure, including walls and foundations, were removed. The Code, therefore, requires that the new structure be built in conformance with the current Code including five foot side yard setbacks.

The subject property is presently developed with a two-story single-family dwelling which is partially constructed (framing near complete). It was at this stage that development was halted in order for the applicant to apply for the variance.

The Planning Board, at their regular meeting of May 10, 2004, voted 5-0 to deny the variance application based on their inability to meet the required findings. The applicant filed an appeal and the Council, on June 22, 2004, also voted 4-0 to deny the request. However, on July 13, the Council voted to reconsider the appeal as the applicant eliminated his request for a variance for the substandard garage.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE DECISION OF THE PLANNING BOARD AND DENYING PROJECT NO. 2004-34, A VARIANCE (1062 East Magnolia Boulevard).

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 9)

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 meeting of July 20, 2004.

Recommendation:

Approve as submitted.

4. REVISING THE SALARY AND SCHEDULE FOR THE CLASSIFICATION OF POLICE RECRUIT:

The purpose of the proposed resolution is to revise the salary and schedule for the classification of Police Recruit, CTC No. 0653 to 62 U 1275 (\$3,866), retroactive to July 1, 2004 and to provide a mechanism for future adjustments by benchmarking the salary of the Police Recruit to 90 percent of the salary range for a Police Officer.

Applicants for the position of Police Officer are initially hired as Police Recruits. Upon successful completion of the initial Police Academy (16-week training), these recruits are promoted to the rank of Police Officer. In January 2002, a resolution was adopted that adjusted the Police Recruit salary annually based on a five-city survey. This has created a skewed salary relationship between Police Recruit and Police Officer because the Police Officer salary range has not necessarily been adjusted annually based on the five-city survey. To remedy this situation, the proposed resolution will create a mechanism which will benchmark the salary of a Police Recruit to the salary range of a Police Officer.

The proposed salary for the Police Recruit was established at 90 percent of the Police Officer's current salary range, a fixed amount of \$3,866/month. Any current incumbents in the classification of Police Recruit will be "Y" rated at the current fixed monthly salary of \$4,411 for the remainder of their 16-week training period.

The change in the salary for Police Recruit will result in a slight salary savings for the Police Department in this year's budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR POLICE RECRUIT (CTC No. 0653).

5. SUMMARY VACATION V-366, 701 NORTH NAOMI STREET (J. SMALL – APPLICANT):

The applicant, James Small, is requesting to vacate a 2.5 foot portion of a 7.5 foot pole line easement along the westerly boundary of 701 North Naomi Street for the purpose of constructing a room addition. The room addition will be attached to a detached garage, but will be separate from the garage (no direct access from the garage). The proposed vacation has been submitted to all appropriate City departments and outside public utility companies and there are no public utilities within the area to be vacated. Staff has not received any opposition to this vacation request and recommends the Council approve Summary Vacation V-366.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 701 NORTH NAOMI STREET, BURBANK, CALIFORNIA (V-366).

6. SUMMARY VACATION V-363, 100 NORTH EVERGREEN STREET (M. SILAH – APPLICANT):

The applicant, Mike Silah, is requesting to vacate a 2.5 foot portion of a 7.5 foot public utility easement along the northeasterly boundary of 100 North Evergreen Street for the purpose of constructing a 244 square foot room addition. The room addition will be attached to an existing detached garage and will be used as storage and office space. The proposed vacation has been submitted to all appropriate City departments and outside public utility companies and there are no public utilities within the area to be vacated. Staff has not received any opposition to this vacation request and recommends the Council approve Summary Vacation V-363.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 100 NORTH EVERGREEN STREET, BURBANK, CALIFORNIA (V-363).

7. SUMMARY VACATION V-365 – 1448 NORTH NIAGARA STREET (M. DELBARIAN – APPLICANT):

The applicant, Mike Delbarian, is requesting to vacate a 2.5 foot portion of a 7.5 foot public utility easement along the westerly boundary of 1448 North Niagara Street for the purpose of constructing a new 1,000 square foot detached garage. The proposed vacation has been submitted to all appropriate City departments and outside public utility companies and there are no public utilities within the area to be vacated. Staff has not received any opposition to this vacation request and recommends the City Council approve Summary Vacation V-365.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 1448 NORTH NIAGARA STREET, BURBANK, CALIFORNIA (V-365).

8. AMENDING THE FISCAL YEAR 2004-05 BUDGET BY APPROPRIATING 2001 AND 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST:

Staff is requesting that the Council appropriate \$58.66 of unexpended funds resulting from accumulated interest during prior fiscal years for the 2001 Police Local Law Enforcement Block Grant (LLEBG) and \$2,493.67 of unexpended funds resulting from accumulated interest for the 2002 LLEBG.

The purpose of the Department of Justice LLEBG program is to provide funds to units of local government for projects that reduce crime and improve public safety. In January 2002, the City received \$91,129 in 2001 LLEBG funds for the following purposes: cable programming, the equestrian unit, computer equipment, crime prevention and education programs, and miscellaneous police equipment. In September 2002, the City received \$67,922 in 2002 LLEBG funds for similar purposes.

During Fiscal Years 2002-03 and 2003-04 the City accumulated \$5,233.48 in LLEBG interest earnings for the 2001 grant, but with the timing of grant reporting \$58.66 was not appropriated so this report will clean up and finalize the 2001 LLEBG. The 2002 LLEBG has accumulated a total of \$2,493.67 in interest earnings that must also be appropriated in order to spend the funds prior to the grant deadline. According to the grant provisions, the accumulated interest must be spent or returned to the Department of Justice.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET TO APPROPRIATE UNEXPENDED FUNDS RESULTING FROM ACCUMULATED INTEREST FROM 2001 AND 2002 POLICE LOCAL LAW ENFORCEMENT BLOCK GRANTS.

9. REQUEST FOR CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2003-04 TO FISCAL YEAR 2004-05:

The purpose of this report is to request approval to carry over continuing appropriations from the Fiscal Year (FY) 2003-04 to the FY 2004-05 budget for the City, Redevelopment Agency (Agency) and Youth Endowment Services (YES) Fund.

At the end of each fiscal year, departments review their budgeted appropriations and submit requests for manual carryovers (unencumbered funds) to the Financial Services Department. Parallel to the manual carryover process, departments also submit requests to the Purchasing Section of the Financial Services Department to keep requested purchase orders (encumbered funds) open with the funds carried forward to the next fiscal year. This report addresses those appropriations which have not been encumbered by the departments for goods or services and are considered necessary.

A summary document was put together based on the Request for Carryover Forms submitted by each department. Staff compiled a list of requests and began the process of determining funds availability, as well as the legitimacy of the request. A final list was developed and distributed to the departments for final review and follow-up. The Executives then reviewed the final list and determined what carryover requests would be submitted to the Council/Agency/YES Fund Board for consideration. Keeping in mind the budgetary constraints, the Executives are satisfied that the requested carryover dollars are necessary.

Carryover appropriations are requested on an annual basis by the departments for a variety of reasons, but are most commonly in the following general areas: ongoing capital projects; delayed program implementation; continuing operations, including projects and studies; and, restricted dollars for a specific purpose. Some of the major carryover requests are for **ongoing capital projects** and include: the Avon Street Connector – Empire Beautification Project; street improvements for bid schedules that have been awarded and the work may or may not have yet commenced; building improvements such as the work associated with the Development and Community Services (DCSB) Building; and, park projects such as the Robert R. Ovrom Park.

Delayed program implementation may relate to deferrals of training, postponement of program implementation, or a delay in completing a Request for Proposal (RFP) that necessitates a request for carryover funds. Some departments have submitted requests that focus on **Continuing Operations**. These types of requests encompass the following items: completing studies or design services; continued projects associated with the Sister City Committee, Tournament of Roses Association and Burbank Athletic Federation; and, projected additional costs for items such as maintenance and repair of City-owned buildings. **Restricted Dollars** may refer to appropriations to grant recipients awarded by the City, such as middle school grants; dollars received by the City such as Public Library Funds, Local Law Enforcement Block Grants and Drug Asset Forfeiture Funds; or, donations appropriated for a specific purpose. In terms of City-awarded

grants, not all grants were paid out within FY 2003-04, as some programs run on a calendar year basis.

A summary carryover list designates each General Fund, other governmental fund, Enterprise Fund, and Internal Service Fund requests by department, account number and name, amount requested and a justification. The following chart identifies the anticipated total amounts to be carried over.

**SUMMARY OF FUND REQUESTS
FISCAL YEAR 2003-04 CARRYOVER**

<u>FUND DESCRIPTION / NUMBER</u>	<u>AMOUNT</u>	<u>SUBTOTAL</u>
<u>Governmental Funds</u>		
General - Fund 001	\$ 4,950,850	
Proposition A - Fund 104	138,901	
Proposition C - Fund 105	216,789	
General City Grants - Fund 121	110,245	
CDBG Fund - Fund 122	747,814	
Drug Asset Forfeiture - Fund 124	1,094,338	
Gas Tax - Fund 125	729,318	
Disaster Relief - Fund 126	11,426	
Developmental Impact Fees - Fund 127	7,248,168	
HOME Funds - Fund 128	790,861	
Youth Endowment Services (YES) - Fund 130	313,000	
Golden State Capital Projects - Fund 301	825,300	
City Centre Capital Projects - Fund 302	1,984,014	
So. San Fernando Capital Projects - Fund 304	13,007	
Low-Moderate Income Housing - Fund 305	7,106,764	
Capital Projects - Fund 370	41,392,033	\$ 67,672,829
<u>Enterprise Funds</u>		
Water Reclamation and Sewer - Fund 494	5,703,840	
Golf - Fund 495	1,860,097	
BWP - Electric - Fund 496	328,630	
BWP - Water - Fund 497	196,716	
Refuse Collection and Disposal - Fund 498	257,025	\$ 8,346,308
<u>Internal Service Funds</u>		
General Liability Insurance - Fund 530	63,268	
Vehicle Equipment Replacement - Fund 532	2,298,107	
Equipment Replacement - Fund 533	306,169	
Municipal Building Replacement - Fund 534	1,185,990	
Computer Equipment Replacement - Fund 537	2,608,706	\$ 6,462,240
TOTAL	\$ 82,481,377	\$ 82,481,377

At year-end, all unencumbered appropriations revert to available fund balance and can be appropriated for other purposes. As the Council is aware through the FY 2004-05 budget adoption process, staff continues to be mindful of Burbank's budget problems as well as the budget crisis at the State level. As of the writing of this report, the carryover amount is only an estimate as the balances may change as financial activities in the accounts continue until the fiscal year is officially closed. Staff will be presenting the first quarter financial report in November which will include a summary of FY 2003-04.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET FOR THE PURPOSE OF CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2003-2004.

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

REPORTS TO COUNCIL :

10. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1046, BURBANK BOULEVARD/VICTORY BOULEVARD INTERSECTION REALIGNMENT PROJECT, PHASE 3:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1046, Burbank Boulevard/Victory Boulevard Intersection Realignment Project, Phase 3 [RPSTPL-5200 (019)].

On June 13, 2000, the Council adopted Resolution No. 25,768 approving the Environmental Impact Report (EIR) for the Burbank Empire Center and Costco development. This EIR identified several traffic improvements to mitigate impacts created by the project. These improvements included modifying five intersections on Buena Vista Street and Empire Avenue (completed in 2002), and realigning the old "Five Points" intersection at Burbank Boulevard, Victory Boulevard and Victory Place into a conventional four-corner intersection.

The City's Five Points Intersection Realignment Project consisted of three phases:

Phase 1: Utility relocation/replacement, property acquisition, and intersection realignment design (Completed in 2001)

Phase 2: Relocation of the West Victory Boulevard connection to Burbank Boulevard, and widening the remaining four intersection legs – the mitigation measure

required by the Empire Center/Costco EIR (Completed in 2001)

Phase 3: Widening the Burbank Boulevard Bridge from North Victory Boulevard to the Interstate-5 Freeway

Phase 2 of the intersection realignment project provided interim relief to the increasing traffic demands created by the opening of the Empire Center and Costco. Before these retail centers opened, the Five Points intersection had peak demand signal cycle lengths of up to four minutes or longer. Today, with the intersection realignment, signal cycle times during peak demand periods are no longer than 120 seconds (two minutes maximum).

The Public Works Department had originally intended to begin construction of Phase 3 in January 2003. However, due to delays in receiving approvals from the California Department of Transportation (Caltrans), the project was not able to go out for bid until late June 2004. Completion of the Phase 3 bridge widening improvement will provide three additional traffic lanes on Burbank Boulevard, which will further reduce traffic congestion in the area. Phase 3 includes:

- One east-bound lane on each side of the Victory Boulevard intersection;
- One west-bound lane on the bridge west of Lake Street; and,
- One left-turn lane pocket on each side of the Victory Boulevard intersection.

On June 26 and 30, 2004, the City's Purchasing Division advertised for Phase 3 construction bids and on July 27, 2004, three contractors submitted bids, ranging from \$4,469,032 to \$4,826,104. Banshee Construction Co., Inc., of Colton, California, submitted the apparent low bid of \$4,469,032, then subsequently withdrew it on July 29, 2004, due to a significant unit price error in their bid proposal. Therefore, D. W. Powell Construction, Inc. is the apparent low bidder, having submitted a bid of \$4,545,181, which is 12 percent above the engineer's estimate of \$4 million. Banshee Construction's bid withdrawal and the 12 percent over the engineer's estimate are considered reflective of the recent market escalation in numerous construction materials (concrete, steel, asphalt, lumber, etc.) over the last six months. Public Works staff has investigated this contractor's references and has received comments of satisfactory work in completing similar projects.

Construction of this project is planned to occur between January and November 2005. A contract time of 300 calendar days is established for completion of all contract work, and an interim contract time of 230 calendar days for completion of opening the additional traffic lanes designed for Burbank Boulevard.

The following incentives are provided for the Contractor to attain an earlier opening of the additional traffic lanes:

- The City will pay all additional expenses for inspection services outside the hours of a standard workday (7:00 a.m. to 3:30 p.m.), including weekends and holidays.
- The Contractor is entitled to an early completion bonus of \$5,000 for each calendar day (maximum \$50,000) that the added lanes are open to traffic earlier than the interim contract time of 230 calendar days. However, the contractor will be penalized \$5,000 per day for each day that the added lanes are *not* open to traffic after the 230-day interim contract period. There is with no maximum total amount of this disincentive penalty.

A public outreach program will be employed throughout the project to inform the public and businesses of the bridge widening construction, traffic delays due to lane reductions and recommended alternative routes. Street and freeway signage will also be posted to notify motorists.

The Public Works Department is currently evaluating proposals from consultants to provide construction management services for this Phase 3 construction project. Following a selection of the most qualified firm and receiving Caltrans' approval, staff will return to request Council approval to award a Professional Services Agreement in approximately October 2004.

Funding for the apparent low bid of \$4,545,181 for Phase 3 construction is available in Project No. 13557 (Burbank Boulevard Bridge Widening). As with the previous two phases of work, Phase 3 is eligible for 100 percent Federal/State reimbursement through a Metropolitan Transportation Authority grant of \$8,768,000 for the Burbank Boulevard/Victory Boulevard Intersection Realignment Project.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ALLOWING WITHDRAWAL OF THE LOWEST BID AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE BURBANK BOULEVARD/VICTORY BOULEVARD INTERSECTION REALIGNMENT PROJECT – PHASE 3 [RPSTPL-5200(019)], BID SCHEDULE NO. 1046.

11. COUNCIL MEMBER CAMPBELL'S REQUEST TO CONSIDER ADOPTION OF ENGINE IDLING RESTRICTIONS:

The City is in receipt of an opinion from the Attorney General regarding the City's ability to regulate engine idling in conjunction with the implementation and enforcement of transportation control measures (TCM) as set forth in Health and Safety Code § 40717. Council Member Campbell has requested that the Council consider the adoption of an engine idling ordinance. This is step one in the process established by the Council for

adding items to the agenda.

Recommendation:

The Council should direct staff as they deem appropriate. Should the Council decide to move to step two in this process, it would be helpful to have the appropriate staff first determine what the costs of such a program would be, including costs for additional staff, consultants, experts, possibly air quality monitoring equipment, hearings, California Environmental Quality Act compliance, etc.

12. WORK PROGRAM AND PERFORMANCE INDICATOR PRESENTATIONS – FINANCIAL SERVICES DEPARTMENT; LIBRARY SERVICES DEPARTMENT; CITY MANAGER:

The purpose of this report is to provide the Council with the proposed Fiscal Year (FY) 2004-05 Annual Work Program and Departmental Performance Indicators.

The Annual Work Program is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2004-05 Annual Work Program contains over 350 work items that have been identified by each department and suggested by the Council during the past year and the annual Budget Study Sessions.

The FY 2004-05 Departmental Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met.

Each Department Manager will present their proposed FY 2004-05 Annual Work Program and Performance Indicators for the Council's review per the following schedule:

Financial Services Department Library Services Department City Manager's Office	August 10, 2004
Management Services Department Park, Recreation and Community Services Department City Treasurer	August 17, 2004
Burbank Water and Power Community Development Department Fire Department	August 31, 2004

Recommendation:

Review and provide direction as desired.

RECONVENE the Redevelopment Agency and Youth Endowment Services Fund Board meetings for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT.

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