



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, AUGUST 17, 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 Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** Sandra Ross v. City of Burbank.  
**Case No.:** EC033862  
**Brief description and nature of case:** Trip and fall on sidewalk upheaval.
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 1
- d. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)

**Number of potential case(s): 2**

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:            MERITORIOUS ACT BY MIKE CISNEROS.

COMMENDATION:            COMMUNITY SERVICE AWARD - STELLA ARBELAEZ.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. PUBLIC HEARINGS:

1. APPEAL OF CONDITIONAL USE PERMIT NO. 2003-28 – BEER AND WINE SALES FOR OFF-PREMISES CONSUMPTION AT 3701 RIVERSIDE DRIVE:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to deny a Conditional Use Permit application. The request by Bob Kashani, applicant, appellant and business owner, is to allow the sale of beer and wine for off-premises consumption at an existing Chevron gas station and food mart located at 3701 Riverside Drive.

The Planning Board, at their regular meeting of June 14, 2004, voted 4-1 to deny the project stating that the project did not meet the required finding for public convenience or necessity. In addition, the Board stated that the site had many existing uses including the gas station and food mart and that this additional retail sale use would increase the impact on circulation on the site and in the area.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PLANNING BOARD'S DECISION AND DENYING CONDITIONAL USE PERMIT NO. 2003-28 WITH DEVELOPMENT REVIEW NO. 2002-32 (3701 Riverside Drive, Bob Kashani, Property Owner).

2. CERTIFYING COMPLIANCE WITH THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL IMPLEMENTATION REPORT:

Staff is requesting that the Council approve the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP) and submit the Local Development Report (LDR) for the 2003-04 reporting period as required by the CMP. Continued eligibility for Proposition 111 State Gas Tax revenues is contingent upon the City's conformance with CMP requirements, including submitting an annual report documenting net new commercial and residential development impacting the transportation system. Unlike prior CMP years, this year the traditional "credit" and "debit" method of tracking development versus transportation improvements has been suspended while the MTA conducts a nexus study on the feasibility of implementing a County-wide congestion mitigation fee in lieu of the debit-credit system. Thus, the 103,590 point surplus accrued under the Program from prior years remains fixed pending the result of the study. The City remains in compliance with the remaining requirements of the CMP and, with the approval of the proposed resolution and submittal of the LDR as required, will continue to be eligible for Proposition 111 State Gas Tax revenues as well as other transportation funding sources that require CMP compliance.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089.

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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:

3. TREASURER'S REPORT:

The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending June 30, 2004.

Recommendation:

Note and file.

CONSENT CALENDAR: (Items 4 and 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.

4. ESTABLISHING THE SPECIFICATION AND SALARY FOR THE CLASSIFICATION OF SANITATION LEADWORKER:

The Street and Sanitation Division of the Public Works Department has undergone reorganization to provide more efficient and cohesive work crews. Many of the crews (concrete, asphalt, sewer and street maintenance) currently employ leadworkers. The establishment of this classification will allow the Division more flexibility as it continues to reorganize the operations while providing career opportunities consistent with the other crews within the Division. The Sanitation Leadworker will lead and provide the sanitation crews with the functional daily supervision needed. The proposed title and specification accurately describes the actual duties and requirements for this type of position.

This classification will be a Civil Service position, represented by the Burbank City Employees Association (BCEA), and subject to the Fair Labor Standards Act (FLSA). This position will not be included in the City's Conflict of Interest Code. The Civil Service Board approved the establishment of this specification at their regular meeting on August 12, 2004.

The salary range for the Sanitation Leadworker was established by comparing the salary relationship between the supervisors and subordinates in the concrete, asphalt, sewer and street maintenance crews, as well as the comparables in Burbank's survey cities and their salary relationships between supervisors and subordinates. As such, the Sanitation Leadworker position's salary range is proposed at \$4,001 to \$4,996. This position is being established by downgrading a vacant Sanitation Supervisor position. The Department will realize a salary savings of approximately \$8,928 annually.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF SANITATION LEADWORKER (CTC No. 0736) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

5. AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL:

On July 28, 2004, the City Clerk received claims from James and Deborah McMurray alleging that the Burbank City Attorney's Office had filed a false claim of misconduct against James McMurray with the Los Angeles Police Department. Staff is requesting that the Council authorize the City Attorney's Office to retain the services of the law firm of Bannan, Green, Frank & Terzian LLP to represent the City and the Chief Assistant City Attorney in this matter.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL.

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

REPORTS TO COUNCIL:

6. BANNING COMMERCIAL ACTIVITY ON CITY-OWNED PROPERTY WITHOUT PROPER PERMITS AND APPROVAL TO AMEND ARTICLE IX OF RESOLUTION NO. 26,737; THE BURBANK FEE RESOLUTION RELATING TO PARKS AND RECREATION FEES:

The purpose of this report is to update the Council on the recommended Guidelines for Issuance of Park Permits for Commercial Uses on City-Owned Property pursuant to Burbank Municipal Code Section (BMC) 5-801.1, and to approve amending Article IX of Resolution No. 26,737, of the Burbank Fee Schedule relating to Parks and Recreation Fees.

At the May 18, 2004 meeting, the Council approved adding Section 5-801.1 to the BMC banning commercial activity on City-owned property without proper permits. At this meeting, the Council directed staff to take this issue back to the Park, Recreation and Community Services Advisory Board (Park Board) to establish a general statement of policy and criteria to best serve the recreation needs of every person who desires to lawfully utilize public park facilities, recreation areas and/or City-owned property. In addition, staff was directed to evaluate the impact of such programming on the surrounding community.

At the June 10, 2004 Park Board meeting, staff was directed to work with a subcommittee on recommending guidelines for issuance of park permits for commercial uses on City-owned property. The subcommittee's recommendations were discussed in detail at the July 8, 2004 Park Board meeting.

It is anticipated that a permit procedure will generate additional revenue from the collection of permit fees pursuant to the approved BMC Section 5-801.1. Staff has recommended that the fee include, but not be limited to, costs to the City to administer the permit system, number of hours of use, any out-of-pocket costs to the City and unusual wear and tear on the facility/site/location as a result of the proposed activity usage.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE IX OF RESOLUTION NO. 26,737, THE BURBANK FEE RESOLUTION RELATING TO PARKS AND RECREATION FEES.

7. SELECTING A CITY COUNCIL VOTING REPRESENTATIVE TO ATTEND THE ANNUAL BUSINESS MEETING AT THE LEAGUE OF CALIFORNIA CITIES 2004 ANNUAL CONFERENCE IN LONG BEACH:

The purpose of this report is to provide a forum for the Council to select a representative to vote on behalf of the City at the annual business meeting held during the League of California Cities 2004 Annual Conference in Long Beach.

The League of California Cities 2004 Annual Conference is scheduled for Friday, September 17 through Sunday, September 19, 2004 in Long Beach. One important aspect of the annual conference is the annual business meeting where the membership takes action on conference resolutions. These resolutions guide cities and the League in efforts to improve the quality, responsiveness and vitality of local government in California. The annual business meeting will take place on Sunday, September 19, 2004, at 10:15 a.m. at the Long Beach Convention Center.

The Council may designate a voting representative and an alternate who will be registered at the conference and attend the annual business meeting to vote on the City's behalf. Historically, the Council has selected the Mayor and Vice Mayor to serve as the voting representative and alternate.

Recommendation:

Staff recommends that the Council select a voting representative and alternate to attend the annual business meeting at the League of California Cities 2004 Annual Conference.

8. WORK PROGRAM AND PERFORMANCE INDICATOR PRESENTATIONS – CITY TREASURER; MANAGEMENT SERVICES DEPARTMENT; AND, PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT:

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:

|  |                 |
|--|-----------------|
| City Treasurer<br>Management Services Department<br>Park, Recreation and Community Services Department | August 17, 2004 |
| Burbank Water and Power<br>Community Development Department<br>Fire Department                         | August 31, 2004 |

Recommendation:

Review and provide direction as desired.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority 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](http://www.ci.burbank.ca.us)**