



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 14, 2004
4:30 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 – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3
- 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 – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Nolan v. Alvord.
Case No.: BS092136

Brief description and nature of case: Injunctive relief.

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.

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 September 7, 2004. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. INTERIM DEVELOPMENT CONTROL ORDINANCE FOR R-1, R-1-E AND R-1-H SINGLE-FAMILY RESIDENTIAL ZONES:

Over the past two years, the City has witnessed a high volume of single-family residential remodeling and rebuilding projects. The scope of single-family projects has ranged from modest single-story additions to complete teardowns and replacements with new two-story homes of up to 3,500 to 4,000 square feet or more. This latter type of development has sparked a great deal of concern across the community, as many residents believe that the scale of these homes is out of character with the surrounding single-family neighborhoods. In January 2004, the Council appropriated \$25,000 to hire a consultant and directed staff to begin a study of single-family development standards.

Staff and the City's consultant hosted two community meetings on May 20, 2004 and July 14, 2004 at the Buena Vista Library. Input was received from residents at both meetings regarding the current standards and draft standards proposed by staff to address the concerns about single-family development. Recognizing the still-increasing levels of concern across the community about on-going single-family remodeling and rebuilding, staff is bringing this issue forward at the earliest opportunity and is recommending that the Council take immediate action by adopting an Interim Development Control Ordinance (IDCO).

Staff's recommended interim standards for the R-1, R-1-E, and R-1-H zones are based upon draft standards that will be proposed as permanent standards for these zones. The interim standards are not intended to address every aspect of single-family development. They instead address those areas that most significantly affect the size and character of single-family homes. The final ordinance to be presented by staff at a future date will include a complete and comprehensive set of new development standards addressing all aspects of single-family development. These standards will likely include changes to numerous Burbank Municipal Code sections. The interim standards, however, are intended only as a stopgap measure to address the most critical aspects of the single-family standards:

- Height of main dwelling: be reduced from 27 feet to 22 feet for ceiling and from 35 feet to 29 feet for top of roof
- Height of accessory structures: be reduced from 27 feet to 18 feet for ceiling and from 35 feet to 25 feet for top of roof
- Grade: change manner in which grade level is determined
- Number of stories: limit homes to two stories (currently no limit)
- Size of second story: restrict second floor area to 75 percent of first floor area (currently no limit)
- Front yard setback: maintain existing 25 feet but require additional five-foot setback for garages
- Rear yard setback: be increased from five feet to 25 feet with detached accessory structures allowed to cover up to 50 percent of rear yard area

- Interior side yard setback: maintain existing five feet but further limit permitted encroachments
- Street-facing side yard setback: maintain existing ten feet but further limit permitted encroachments
- Accessory structure setbacks: be increased from zero setback to three-foot minimum interior side and rear setbacks (five-foot setback for detached second dwelling units); setback for decks and balconies on accessory structures be increased to ten feet
- Lot coverage: be reduced from 60 percent to 45 percent and include non-enclosed structures in calculation (non-enclosed structures such as patios are not currently included)
- Floor area ratio: be reduced from 0.6 to 0.4 but do not include garages in calculation (garages are currently included)
- Parking: reduce cut-off for increase to three required off-street spaces from 3,600 square foot house to 3,000 square foot house

Staff recommends that any home that would not comply with the interim standards be subject to the variance process. The goal of the interim standards is to restrict single-family development so as to stop projects that may be in conflict with the upcoming revised standards. Since the proposed interim standards are likely to be recommended by staff to become the permanent standards, staff believes that it is important to require those projects occurring during the IDCO period to comply with the IDCO standards unless some extraordinary circumstance prevents such compliance.

For applicability of the interim standards, staff is recommending that plan check submittal be used as the cutoff, meaning that any project submitted for plan check by or before the day the IDCO is adopted would be subject to the old requirements and not be required to comply with the IDCO. Staff considered a phased-in approach, whereby applicants that have already spent time and money preparing drawings, but have not yet submitted them for plan check on the effective date of the IDCO, could still be subject to the current regulations. However, given the difficulty in using such a standard, the urgency surrounding this matter, and the desire expressed by the Council and the community to stop out of character single-family development as soon as possible, staff is recommending that the effective date of the IDCO be used as the absolute cutoff. Any project not submitted for plan check would be required to comply with the interim regulations.

Pursuant to the California Government Code, the Council must make specific findings in adopting or extending an IDCO, that there is a current and immediate threat to the public health, safety, or welfare posed by the continued development of single-family homes under the current development standards. Staff believes that the required findings can be made for this situation. The IDCO must be adopted as an urgency ordinance by a four-fifths vote of the Council and may initially be in effect for 45 days. At the conclusion of the 45-day period, the Council would have the option of holding another public hearing to consider extending the IDCO for up to an additional 22 months and 15 days.

Recommendation:

Introduction and adoption of proposed ordinance entitled:
(4/5 vote required)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING INTERIM DEVELOPMENT CONTROLS IN THE R-1, R-1-E, AND R-1-H SINGLE FAMILY RESIDENTIAL ZONES, TO ALLOW THE COUNCIL TIME TO STUDY AND CONSIDER ENACTMENT OF ZONING MEASURES PERTAINING TO SINGLE-FAMILY DEVELOPMENT WITHIN THESE ZONES.

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 3 through 10)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

3. **MINUTES:**

Approval of minutes for the regular meetings of August 3, August 10, August 17 and August 24, 2004.

Recommendation:

Approve as submitted.

4. **ACCEPTING A DONATION TO THE BURBANK POLICE DEPARTMENT AND AMENDING THE FISCAL YEAR 2004-05 BUDGET FOR THE PURPOSE OF APPROPRIATING THESE MONIES:**

Staff is requesting Council approval and appropriation of monies donated to the Burbank Police Department by Micheal Cunningham.

The Police Department recently received a second donation from Micheal Cunningham in the amount of \$3,000. The Department would like to appropriate this money for the Youth Academy and Explorer programs. Funding will provide each participant with the necessary program supplies.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2004-2005 BUDGET ACCEPTING MICHEAL CUNNINGHAM'S DONATION OF \$3,000 FOR THE CITY'S YOUTH ACADEMY PROGRAM.

5. **AMENDING THE FISCAL YEAR 2004-05 DRUG ASSET FORFEITURE FUND**

BUDGET:

Under the Federal Drug Asset Forfeiture Law, the City has received funds from the State and Federal Government in the amount of \$92,208.17, which represents the City's share of drug cases involving the Burbank Police Department Narcotics Detail and accumulated interest for Fiscal Year 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 2003-2004 BUDGET TO APPROPRIATE UNEXPENDED FUNDS RESULTING FROM ACCUMULATED INTEREST FROM UNEXPENDED ASSET FORFEITURE FUNDS (\$53,858.24) AND RETURNED ASSET FORFEITURE CHECKS FROM THE STATE AND FEDERAL GOVERNMENTS (\$38,349.93).

6. REVISION OF THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF RISK MANAGEMENT ASSISTANT TO LIABILITY CLAIMS COORDINATOR:

Over the past year, the Management Services Department has been consolidated and reorganized. As part of this reorganization, duties have been shifted and/or reassigned. To accurately reflect these shifting responsibilities, it is necessary to revise and re-title the specification for the classification of Risk Management Assistant. The specification for this classification was revised in July 2003 to include the "any combination" language.

This language allows for a flexible combination of education and/or experience to substitute for specific education/experience requirements to give the Department the ability to consider a larger range of candidates for the position. Prior to this revision, this specification had not been revised since it was established in June 1992. Over the past two years, the duties and responsibilities of this position have changed significantly. This position is no longer basically a clerical position and has assumed the responsibilities associated with the City's general liability claims procedures. The revisions to this specification reflect the existing market conditions and more accurately describe the actual duties and requirements for the position. These revisions will also assist the Department in recruiting for this highly specialized field.

This classification will continue to be a Civil Service position, represented by the Burbank Management Association (BMA), and subject to the Fair Labor Standards Act (FLSA). This position will be included in the City's Conflict of Interest Code. The Civil Service Board approved the re-titling and revision of this specification at their regular meeting on August 12, 2004.

The salary range for the Liability Claims Coordinator will be set at the same salary range

of the Risk Management Assistant. Therefore, there will be no fiscal impact as a result of the title and specification changes.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF RISK MANAGEMENT ASSISTANT (CTC No. 0728) TO LIABILITY CLAIMS COORDINATOR (CTC No. 0485).

7. REVISION OF THE SPECIFICATION FOR THE CLASSIFICATION OF WATER METER MECHANIC:

Burbank Water and Power (BWP) has been undergoing departmental reorganization over the past couple of years in an effort to keep pace with utility industry changes. The specification for the classification of Water Meter Mechanic has not been revised since 1971. Since that time, there have been significant changes to the basic skill set necessary for the position, as well as changes in the actual duties performed by the position. The revisions to the specification reflect existing market conditions and more accurately describe the actual duties and requirements for the position. These revisions will also assist the Department in recruiting for this highly specialized field.

This classification will continue to 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 revision of this specification at their regular meeting on August 12, 2004.

The salary range for the Water Meter Mechanic will not change based on these revisions to the specification and therefore, there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF WATER METER MECHANIC (CTC No. 0989).

8. APPROVING THE FINAL CHANGE ORDER FOR BID SCHEDULE NO. 1135 SIDEWALK REPAIR PROJECT:

Staff is requesting Council approval of the final change order for Bid Schedule No. 1135, Sidewalk Repair Project. Bid Schedule No. 1135 was advertised for construction bids on January 10 and January 14, 2004. At a bid opening held on February 17, 2004, KALBAN Inc. of Sun Valley, California submitted the lowest bid of \$457,493.83, which

was 24.4 percent below the engineer's estimate of \$605,000. The contract was awarded to KALBAN Inc. on March 30, 2004 and construction proceeded from May to July 2004.

Between April and July 2004, concrete prices increased dramatically. To take advantage of the low unit prices included in Bid Schedule No. 1135, Public Works staff directed the contractor to repair over 24,000 additional square feet of uplifted sidewalks using Bid Schedule No. 1135's original contract unit prices, bringing the total contract up to the budgeted amount of nearly \$605,000.

This change order results in a total increase of \$146,911.47 in the contract price (32.1 percent above the original contract price), for a revised contract amount of \$604,405.30, which is still below the engineer's estimate. Sufficient funding for the change order is available.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FINAL CHANGE ORDER IN THE AMOUNT OF \$146,911.47 FOR THE 2003-2004 SIDEWALK PROJECT, BID SCHEDULE NO. 1135.

9. AMENDING THE FISCAL YEAR 2004-05 BUDGET TO APPROPRIATE FUNDS AWARDED FROM THE GLOBAL LANGUAGE MATERIALS GRANT PROGRAM:

Staff is requesting that the Council amend the Fiscal Year 2004-05 budget to appropriate \$10,000 awarded to the Burbank Public Library for the Global Language Materials Grant Program through the Federal Library Services and Technology Act (LSTA) funds from the California State Library, effective immediately for the period ending June 30, 2005.

Between 1984 and 2002, more than 3,750,000 people have immigrated to California from outside the United States. Libraries, including the Burbank Public Library, have been hard pressed to acquire and provide adequate informational and recreational materials in native languages. The objective of the Global Language Materials Grant Program is to help libraries purchase these materials, to assist these newcomers in more fully participating in the Californian and American society, as well as improving library service throughout the Burbank community.

Based upon the Burbank Public Library's Needs Assessment, the languages targeted for the grant are Spanish, Armenian, Farsi, Russian, French and Korean. While there are 63 languages spoken in Burbank's local schools, Spanish, Armenian and Korean are predominant. Almost 40 percent of Burbank's population is Hispanic, Latino or Mexican. The Armenian population in the City is estimated to be between 8,000 and 18,000 with 15 to 17 percent of school children from Armenian heritage. Many Armenians, however, speak and read Farsi, Russian and French.

As a condition for receiving this grant award, the Library is required to obtain input from the targeted immigrant community regarding the nature of the materials to be acquired. In addition, all items purchased under this grant must be cataloged and housed at the Library for the total expected life of the materials.

The proposed budget amendment authorizes the Financial Services Director to appropriate \$10,000 from the Revenue account 001.ND000.48010.1082 to Library Services Department Expenditure Account 001.LB02A.62425.1000 (Library Resource Materials - Global Language Books).

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 \$10,000 AWARDED FROM THE GLOBAL LANGUAGE MATERIALS GRANT PROGRAM THROUGH THE LIBRARY SERVICES AND TECHNOLOGY ACT FUNDS FROM THE CALIFORNIA STATE LIBRARY.

10. EXTENSION OF AGREEMENTS WITH SOUTHLAND TRANSIT AND ARCADIA TRANSIT dba SUPER SHUTTLE FOR BURBANK LOCAL TRANSIT FIXED ROUTE AND DEMAND RESPONSIVE SERVICE:

The purpose of this report is to request Council approval of a resolution relating to a first amendment to the agreement between the City and Southland Transit and the first amendment to the agreement between the City and Arcadia Transit dba Super Shuttle. Staff requests the extension of these agreements for a period of 11 months from September 14, 2004 through July 30, 2005. Based upon the increase in the Consumer Price Index for Los Angeles/Orange County clerical workers which was 4.3 percent, the extension includes a rate increase of 3 percent for Arcadia Transit, and a rate increase of 4.3 percent for Southland Transit. These proposed rate increases are consistent with the language of the current agreement.

On July 23, 2002, the Council approved Resolution No. 26,285 to enter into agreements with Southland Transit Inc. and Arcadia Transit for the operation of the Burbank Local Transit Fixed Route and Demand Responsive Service Areas. Southland Transit and Arcadia Transit have both provided excellent service during the terms of the contract period. The Burbank Local Transit system has seen remarkable increases in ridership over the past 12 months. The Demand Responsive Service (Downtown Burbank and Airport Area) has achieved an increase in ridership of 17 percent, and the Fixed Route Service achieved an increase in ridership of 10 percent when compared to Fiscal Year (FY) 2002-03. Both Southland Transit and Arcadia Transit have worked well with City Staff; they have been very responsive to difficulties and have made adjustments in service as needed or requested.

The shuttle operations contracts are paid out of Proposition C transportation funds. The combined contract extension will not exceed \$810,000 (\$470,000 – Southland Transit, \$340,000 – Arcadia Transit) over the proposed extension period. The funds are available in the approved FY 2004-05 budget (105-PR44A-62170).

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND SOUTHLAND TRANSIT SERVICES, INC.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND ARCADIA TRANSIT INC. dba SUPER SHUTTLE.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL :

11. ISSUANCE OF WASTEWATER TREATMENT REVENUE BONDS, 2004 SERIES A :

The purpose of this report is to request Council approval of the issuance of Wastewater Treatment Revenue Bonds, 2004 Series A in an amount not-to-exceed \$21,000,000. On April 27, 2004 the Council appointed the following Financing Team to review the potential refunding the Wastewater Treatment Revenue Bonds, 1995 Series A with a bond issue that would include \$5 million of funds for planned capital expenditures:

Peter Ross, Ross Financial	Financial Advisor
Rich DeProspero, E.J. De La Rosa & Co., Inc.	Underwriter
Brian Quint – Quint & Thimmig, LLP	Bond Counsel

The advantage of refunding existing debt and issuing \$5 million in new money would be to restore available cash balances. The potential bond issue would only be issued if the net present value of the savings from the refunding of the 1995 issue was at least three percent. The current interest rate market supports the issuance these bonds. The approval of the bond resolution will allow the Financing Team to complete the bond issuance if interest rates continue to support the three percent net present value savings.

The proposed bond issue is expected to be issued with a yield to maturity of 4.43 percent with ultimate maturity on June 1, 2034. At the April 27, 2004 meeting, the Council adopted a reimbursement resolution which allows the City to reimburse itself for capital expenditures already incurred should the bonds ultimately be issued.

The current financing plan refunds all maturities of the 1995 bonds from the June 1, 2007 through June 1, 2025 (final maturity date). The refunding piece of the proposed 2004 bonds is anticipated to generate annual savings of \$120,789 over the next 21 years. The new money piece of the bonds has a final maturity date of June 1, 2034. The average annual debt service for the new money piece approximates \$325,418.

The Public Works Department is constructing phase two of a nitrogen removal project which is estimated to cost \$5 million. This project includes the conversion of the disinfection process, modification of the return activated sludge pump system, construction of a new chemical storage building, modifications to the existing chlorine contact chamber, and electrical demolition, relocation and replacement. It will allow the Burbank Water Reclamation Plant to treat wastewater more safely and effectively.

Compensation for the Financing Team will be paid as part of the bond issuance if the bonds are issued. The debt service related to the Wastewater Treatment Revenue Bonds, 2004 Series A can be accomplished under the current plan to raise sewer rates by seven percent annually through Fiscal Year 2007-08. It should be noted that the Wastewater Treatment Refunding Revenue Bonds of 1993 Series A are due to be fully repaid on June 1, 2007 which means that the Sewer Fund will have bonding capacity for future capital projects at the Wastewater Treatment Plant.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$21,000,000 PRINCIPAL AMOUNT OF WASTEWATER TREATMENT REVENUE BONDS, 2004 SERIES A, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF A THIRD SUPPLEMENTAL INDENTURE OF TRUST RELATING TO SUCH BONDS AND AN ESCROW DEPOSIT AND TRUST AGREEMENT RELATING TO THE REFUNDING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING WASTEWATER TREATMENT REFUNDING REVENUE BONDS, 1995 SERIES A, AUTHORIZING THE SALE OF BONDS, APPROVING THE FORM, AND AUTHORIZING DISTRIBUTION, OF AN OFFICIAL STATEMENT FOR USE IN CONNECTION WITH THE SALE OF SUCH BONDS AND AUTHORIZING OFFICIAL ACTION.

12. APPROVAL OF THE GUIDELINES AND APPEAL PROCESS FOR THE ISSUANCE OF PARK PERMITS FOR COMMERCIAL USES ON CITY-OWNED PROPERTY AND AMENDING THE BURBANK FEE RESOLUTION RELATING TO PARKS AND RECREATION FEES:

The purpose of this report is to present the guidelines and criteria for the issuance of commercial park facilities use permits; establish deadlines for submitting and evaluating applications; establish an appeal process by amending Sections 5-802, 5-804 and 5-805 of the Burbank Municipal Code; and, amend Article IX of Resolution No. 26,737, the

Burbank Fee Resolution relating to parks and recreation.

On August 17, 2004, the Council provided direction to staff regarding revisions to the proposed guidelines and criteria for the issuance of commercial park facilities, the appeal process and the Burbank Fee Resolution.

In response to the Council's concerns, staff has added a provision to the guidelines and criteria to limit the length of time an individual permit can be issued to a maximum of 90 days. In addition, staff proposes to set an administrative fee for the re-issuance of a permit when there have been no adverse effects on the surrounding community or negative impacts on other uses of the facility at a substantially reduced fee of \$20 as compared to the initial application process fee of \$185. There are additional minor changes to the Fee Resolution relating to descriptive terms (i.e. changing fees for group picnics to group activities.)

In response to redesigning the appeal process, staff has provided the Council with three appeal options. The options allow either for an appeal to the Park and Recreation Board, to the Permit Appeals Panel or directly to Council.

Recommendation:

1. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 5-802, 5-804 AND 5-805 OF THE BURBANK MUNICIPAL CODE ESTABLISHING THE TIME DEADLINES FOR PARK FACILITIES USE PERMIT APPLICATIONS AND ESTABLISHING THE PERMIT APPEALS PROCESS FOR RECREATIONS AND COMMERCIAL USE PERMITS.
2. 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.

13. AMENDING THE BURBANK MUNICIPAL CODE RELATIVE TO PRIMA FACIE SPEED LIMITS ON VARIOUS STREET SEGMENTS WITHIN THE CITY:

Staff is requesting Council approval of changes to the Burbank Municipal Code (BMC), regarding maximum speed limits in certain street segments to conform to requirements established by the California Vehicle Code (CVC), the State of California Traffic Manual and the Burbank Superior Courts for the purpose of speed enforcement.

Establishing realistic speed limits on Burbank streets is a responsibility of the Traffic Engineer. To establish those speed limits, staff follows the State-established procedure which considers: (a) the legal requirements outlined in the CVC, Sections 22348 through 22413; (b) speed zoning guidelines contained in the State of California Traffic Manual; and, (c) input from the Burbank Police Department and Burbank Superior Court.

Staff provided an overview of speed limits in Burbank at a Study Session on July 27, 2004. Topics included the process for establishing speed limits, legal requirements for the establishment of speed limits, and the necessity for changes on a number of streets. Staff conducted the necessary studies and carefully analyzed each Engineering and Traffic Survey to ensure that all relevant factors were considered to determine the appropriate recommended speed limit.

At the July 27, 2004 meeting, the Council questioned staff's recommendation to raise speed limits on Pass Avenue from Alameda Avenue to Verdugo Avenue (30 to 35 mph) and Riverside Drive from Olive Avenue to Buena Vista Street (30 to 35 mph). A re-evaluation was completed which considered the neighborhood character, driveways and road alignments. The analysis showed that the proposed speed limit on Pass Avenue is appropriate for conditions, but the speed limit on Riverside Drive should remain at 30 mph to be consistent with segments on either side.

Consequently, staff recommends that the speed limit on Pass Avenue from Alameda Avenue to Verdugo Avenue be increased to 35 mph to reflect the 85th percentile speed. Staff agrees that the speed limit on Riverside Drive from Olive Avenue to Buena Vista Street should remain at 30 mph, which is consistent with all other segments along this arterial street.

Staff believes that the proposed revised speed limits as discussed herein are justifiable and realistic according to requirements in the CVC and are reasonable based on actual engineering surveys. Speed limits established on the basis of the 85th percentile reflect the habits of motorists that drive at a reasonable and prudent speed. Speed limits set at or slightly below the 85th percentile speed provide law enforcement officers with a means of controlling the drivers who will not conform to the majority of reasonable drivers.

There is a minor fiscal impact associated with this project because of installation of new speed limit signs. Funds are available in the Public Works Traffic Division annual maintenance and operation budget for this effort.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 29-1501 AND CONSOLIDATING AND DELETING SECTIONS 29-1502 AND 29-1503 OF THE BURBANK MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF SPEED LIMITS.

ADOPTION OF PROPOSED ORDINANCE:

14. ZONE MAP AMENDMENT FOR FAIRVIEW STREET AND NIAGARA STREET, AND RELATED ZONE TEXT AMENDMENT (PROJECT NO. 2004-68):

On April 20, 2004, the Council directed staff to initiate a zone map amendment to change the zoning of Rosemary Lane, Fairview Street and Niagara Street between Verdugo Avenue and Clark Avenue from the R-3 Residential Multiple Low Density Zone (with an allowed density of one dwelling unit per 1,500 square feet of lot area) to the R-2 Residential Two Family (duplex) Zone (with an allowed density of one dwelling unit per 3,000 square feet of lot area). This direction followed the Council's consideration of a multi-family project proposed on a vacant lot at 637 North Fairview Street. The goal of the zone change would be to limit density and control future development so as to preserve the neighborhood character and help to ensure that future development is compatible with surrounding properties.

Following staff's report on August 31, 2004, it was the Council's consensus to downzone Fairview Street and Niagara Street to R-2 and maintain Rosemary Lane as an R-3 zone pending a discussion on the matter at a future Council meeting. The Council also voted to approve the related Zone Text Amendment that would allow multi-family structures made non-conforming because of a zone change to be rebuilt with approval of an Administrative Use Permit in the event they are destroyed. The amendment also adds a provision to the Burbank Municipal Code that provides for multi-family structures to not be considered non-conforming solely on the basis of having too many units.

This ordinance was introduced as amended at the August 31, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A ZONE MAP AMENDMENT AND A ZONE TEXT AMENDMENT, PROJECT NO. 2004-68 (Fairview Street, and Niagara Street between Verdugo Avenue and Clark 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. To Monday, September 20, 2004 at 6:00 p.m. in the Council Chamber for a Joint Council/Board of Education meeting.

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