



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 21, 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 Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Southern California Regional Railway Authority dba Metrolink, et al., vs. Personal Representative of Jacek W. Wysocki, deceased, et al.
Case No.: EC036018
Brief description and nature of case: Train accident on January 6, 2003.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: A new advertising sign (billboard) is being proposed on City property at the Recycling Center located at 500 South Flower Street which is bounded by Verdugo Avenue and Providencia Avenue.
Parties with Whom Agency is Negotiating: Ken Spiker and Associates, Inc. representing Clear Channel Outdoor, Inc.
Name of Contact Person: Ruth Davidson-Guerra
Terms Under Negotiation: Possible lease of City property to Clear Channel.

- c. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.
- 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
- e. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- f. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee’s Position: City Manager and City Attorney.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

PRESENTATION: HEARTBREAKERS GIRLS’ SOFTBALL TEAM.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

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

REPORTING ON CLOSED SESSION:

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:

1. MAGNOLIA PARK ACTION PLAN:

The purpose of this report is to: 1) outline recent activities involving the Magnolia Park Community Advisory Committee (Committee) including the consideration of an Action Plan; and, 2) consider options for filling vacancies on the Magnolia Park Community Advisory Committee.

In October 2003, staff conducted several focus group meetings to determine the present situation and future needs for Magnolia Park as perceived by key constituencies of the community. The desired outcome was to achieve a roadmap that would lead the district through a series of steps to fulfill its potential, developed by and for its own residents and businesses.

In January 2004, staff presented the findings of the focus groups meetings to the Council. At that time, the Council directed staff to share those findings with the Committee and develop an Action Plan to carry out the various findings.

After reviewing the findings of the various focus group meetings, the Committee requested that the neighboring community be surveyed to make sure that the focus group findings do in fact reflect the views of the neighborhood. The survey was sent out to approximately 3,000 households, with a return of over 400 representing a 12 percent return rate, which is considered a very high response rate. As it turned out, the results of the survey echoed the findings of the focus groups.

Based on the findings of the focus groups and the resident survey, the Committee moved forward with developing an Action Plan for the district, which defined priorities, schedules and funding sources. The Committee outlined five priorities for the Magnolia Park area with the first three considered top priority. These priorities are: landscaping and facility upgrades; retail leasing; parking; promotions and events; and, maintenance.

Many capital items have already been partially or fully funded by the City and Redevelopment Agency (Agency). The only additional capital appropriation that is being requested is \$125,000 in Agency funds for parking improvements. The Committee has unanimously agreed to study the formation of a Business Improvement District to help fund the remaining expenses. These include one-time expenses for enhanced trash receptacles and a façade improvement design guideline manual at a total cost of \$40,000. The proposed District would also include an estimated \$130,000 in annual expenses for maintenance, promotions and events. Additional expenses will need to be budgeted for staffing and administration at an estimated cost of \$70,000 per year. The total annual operating costs are estimated to be \$200,000. It is proposed that the City earmark \$40,000 towards the costs for studying the formation

of the District using previously-appropriated funds from the economic development budget. It should be noted that a District, if formed, may ultimately decide on a management plan that differs from the proposed plan as outlined.

In January 2004, the Council appointed 15 members to the Committee made up of area merchants, property owners and residents. The Committee provides a balanced voice for residents and merchants to help ensure vitality for area businesses, while remaining sensitive to quality-of-life issues for the residential community.

Although the Committee continues to maintain a quorum, three of the 15 members have resigned due to the sale or relocation of their businesses. Because all three of the Committee members who have resigned were merchant appointees, the current make up the Committee consists of eight residents and four merchants. Staff has outlined the following two options regarding filling vacancies for Council consideration.

Option 1:

The Council could choose to reduce the size of the Committee from 15 to 12 members. However, this does not address the new imbalance between merchant and resident representation.

Option 2:

The Council could choose to fill one or all of the vacancies by opening up a new application process. If this is the direction of the Council, staff would recommend that the new applicants be restricted to merchants and/or property owners to create a more balanced representation. Staff recommends Option 2.

Recommendation:

Adoption of proposed City Council resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND THE CITY OF BURBANK AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET IN THE AMOUNT OF \$125,000.00 FOR THE MAGNOLIA PARK ACTION PLAN.

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND THE CITY OF BURBANK AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET IN THE AMOUNT OF \$125,000.00 FOR THE MAGNOLIA PARK ACTION PLAN.

REPORTS TO COUNCIL:

2. SHUTTLE CONNECTION TO THE METRO RED LINE STATION:

On August 10, 2004, the Council directed staff to proceed with the first step of a two-step process to determine Council support for having staff explore the feasibility of implementing a transit service between the Media District and the Metro Red Line. Staff is requesting direction on whether to proceed with a study of how this connecting service could be implemented.

Five of the Metropolitan Transportation Authority (MTA) transit lines that operate within Burbank make connections with one or both of the Valley Red Line stations at Universal City and North Hollywood. Two MTA bus lines connect the Universal City station to the Media District and to other Burbank destinations. The frequencies for the two bus lines vary between 35 and 60 minutes during commute periods. No lines provide direct connections between the North Hollywood station and the Media District.

The Council appointed the Transit Services Task Force to study existing transit services within the City and to develop a recommendation for expanding local services. The Task Force met four times, the most recent being on September 8, 2004. At that meeting, the Task Force reviewed existing Red Line bus connections, and discussed the potential for providing service to either of the two Red Line stations.

The Task Force supports in concept the implementation of a local shuttle service between the Red Line and Media District, and has reviewed various route options from both stations. Prior to any cost and feasibility analysis being done on alternative routes, the Task Force suggests that the North Hollywood station may be the preferable connection. This station would theoretically allow the shuttle to make stops through the Magnolia Park area in route to the Media District, and would also connect to the Orange Line East-West Busway when it begins operations next year.

Recommendation:

Direct staff on whether to proceed with a feasibility study for implementing a transit service connection between the Media District and the Metro Red Line.

3. CONSIDERATION OF PLACING A MEASURE ON THE APRIL 12, 2005 GENERAL ELECTION BALLOT TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX:

The purpose of this report is to request the Council to consider placing a measure on the April 12, 2005 General Election ballot that would seek voter approval of an increase in the City's Transient Occupancy Tax (TOT) rate from 10 percent to 12 percent.

The TOT, otherwise known as a "bed tax," currently is a 10 percent tax applied to the cost of occupying a room in a hotel, inn, motel, tourist home, or other lodging facility

(hereinafter referred to as “facility operators”) within the City’s limits. It does not apply to persons who use the facility as their residence, or stay in the facility for a calendar month (30 consecutive days) or more.

There are currently 16 facility operators in Burbank who remit TOT to the City, totaling \$3.5 million in Fiscal Year (FY) 2002-03, \$4.2 million in FY 2003-04, and estimated at \$4.2 in FY 2004-05.

As of FY 2003-04, the TOT represents approximately 3.7 percent of the City’s General Fund Revenue. It was initially adopted in 1964 at a rate of four percent, and eventually increased over the years to 10 percent in 1983. It has remained at 10 percent for over 20 years.

Since the TOT is paid primarily by non-residents who also use City services including public safety, public transportation and streets, it is only equitable they should also contribute to fund these services. Thus, the TOT allows the City to raise additional revenue necessary to accommodate this increased demand by taxing the actual recipients of the services.

The TOT is a general tax with the revenues collected placed in the City’s General Fund to be allocated to various General Fund expenditures including Police and Fire services. As with all General Fund revenues, the Council has full appropriation discretion and authority over how the TOT proceeds are expended.

Cities with TOTs were surveyed for comparison purposes. The comparison survey focused on those cities which Burbank routinely uses as benchmarks for various comparisons (salary, tax rates, etc.) as well as California cities surrounding airports similar to the Bob Hope Airport. The overall average TOT rate is 11.1 percent, with the comparison cities averaging 11.6 percent. Fourteen, or over half, of the 23 cities surveyed charge more than 10 percent. Clearly, Burbank is well below the survey California cities’ average.

Taking all factors into account, it is certainly reasonable for the Council to consider increasing Burbank’s TOT to 12 percent. Every half percent increase in the TOT equates to approximately \$210,000 in additional revenue to the City (based on the FY 2003-04 projected revenue). Increasing the TOT to 12 percent equates to over \$800,000 in incremental revenue to Burbank. Considering the current and future challenging budget years for the City, the State of California, and the Federal government, an increase in the TOT would help Burbank to maintain existing services and programs. The increase of the TOT has been identified as an item in the City’s Long Range Budget Balancing Plan as a potential way to increase City revenue.

Recommendation:

It is recommended that the Council consider directing staff to prepare an ordinance for Council approval that would place a measure on the April 12, 2005 General Election ballot seeking voter approval of an increase in the Transient Occupancy Tax from 10 percent to 12 percent.

4. AMENDING THE BURBANK MUNICIPAL CODE AND REVISING CITY PROCEDURE IN ACCEPTING SMALL MONETARY DONATIONS:

The purpose of this report is to outline a proposed policy and Burbank Municipal Code change to the City's current procedure of accepting small monetary contributions from the public. The modification in policy would streamline the existing process that is inefficient while at the same time still encourage public donations of all amounts to the City.

Under the current City policy, departments receiving donations must initiate an appropriation request for every monetary donation for its expenditure. As a result, each item needs to be placed on the Council agenda for approval. Staff feels that the current process is not efficient, because, in addition to the time necessary to appropriately place each item on the Council agenda, there are indirect costs involved in preparing reports and resolutions for each of the items. In some cases, the cost of preparing the appropriate materials for Council approval exceeds the donation.

Staff proposes a Code change to provide automatic appropriation authority for contributions less than \$1,000. This change will grant departments administrative authority to accept and appropriate donations of less than \$1,000. These monies would still be used for the donor's intended purpose; however, no formal Council action would be required. Staff believes this would streamline the current process by making it less burdensome and more efficient to process small monetary donations.

Recommendation:

Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-110 TO THE BURBANK MUNICIPAL CODE REVISING CITY PROCEDURE IN ACCEPTING SMALL MONETARY DONATIONS.

5. AMENDING THE BURBANK MUNICIPAL CODE TO EXEMPT IMPOUND OR STORAGE FEES CHARGED BY TOW OPERATORS FROM THE TRANSIENT PARKING TAX:

Staff requests that the Council adopt an ordinance amending Article 19 of Chapter 14 of the Burbank Municipal Code (BMC) pertaining to the City's Transient Parking Tax (TPT). The amended Code will provide that fees charged by duly licensed Tow Operators for the impound or storage of vehicles incidental to services performed by such Tow Operators

shall be exempt from the Transient Parking Tax.

The proposed ordinance would clarify that storage facilities associated with tow operations are exempt from its provisions. Although the Parking Tax was not intended to apply to this type of storage facility, the language of the current Code could be interpreted to apply. Tow storage is typically involuntary.

Currently, there are no taxes being collected from Tow Operators and the added exemption would not affect current revenue.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 19, CHAPTER 14, SECTION 14-1906 OF THE BURBANK MUNICIPAL CODE TO EXEMPT IMPOUND OR STORAGE FEES CHARGED BY TOW OPERATORS FROM THE TRANSIENT PARKING TAX.

6. WORK PROGRAM AND PERFORMANCE INDICATOR PRESENTATIONS – BURBANK WATER AND POWER, COMMUNITY DEVELOPMENT DEPARTMENT AND FIRE 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.

Recommendation:

Review and provide direction as desired.

ADOPTION OF PROPOSED ORDINANCES:

7. 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.

At the September 14, 2004 meeting, staff provided the Council with three appeal options. The options would allow either for an appeal to the Park and Recreation Board, to the Permit Appeals Panel or directly to the Council. The Council expressed support for the option of appealing to the Park and Recreation Board with an interim appeal process directly to the Council.

This ordinance was introduced at the September 14, 2004 Council meeting.

Recommendation:

Adoption 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.

8. 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.

Staff believes that the proposed revised speed limits 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.

This ordinance was introduced at the September 14, 2004 Council meeting.

Recommendation:

Adoption 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.

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

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

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

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

ADJOURNMENT.

**For a copy of the agenda and related staff reports,
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