



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, OCTOBER 5, 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:

Public Employee Performance Evaluation:

Pursuant to Govt. Code §54957 and 54957.6

Title of Employee's Position: City Manager.

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: ENERGY BOOKS TO THE BURBANK UNIFIED SCHOOL DISTRICT LIBRARY.

RECOGNITION: DENISE BANKUTI.

RECOGNITION: PEYTON-GRISMER BACK TO SCHOOL PICNIC VOLUNTEERS.

PROCLAMATION: PUBLIC POWER WEEK.

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 HEARING:

1. GREEN BUILDING AND SUSTAINABLE ARCHITECTURE ORDINANCE AND CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION ORDINANCE:

The purpose of this report is to request Council approval of the Green Building and Sustainable Architecture Ordinance and the Construction and Demolition Debris Diversion Ordinance. Both ordinances are voluntary and are designed to encourage the efficient use of building materials, use of recycled content materials, recycling of debris, maintenance of indoor air quality, energy efficiency, and water conservation. The ordinances include standards established by the Regional Water Quality Board for storm water pollution control, minimum landfill diversion rates developed by the Integrated Waste Management Board, and sustainable building practices designed by the United States Green Building Council. The Green Building Ordinance, which incorporates all three standards, establishes three levels of compliance based on the size and type of project and offers incentives to encourage homeowners and private developers to practice sustainable building practices. The ordinances will be additions to Chapter 7 of the Burbank Municipal Code. The Green Building Ordinance has been developed by the Building Division. The Debris Diversion Ordinance has been developed jointly by the Building Division and Public Works Department.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 20 TO CHAPTER 7 OF THE BURBANK MUNICIPAL CODE RELATING TO THE VOLUNTARY GREEN BUILDING AND SUSTAINABLE ARCHITECTURE PROGRAM.
REPORTING ON CLOSED SESSION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 2 and 3)

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

2. SUMMARY VACATION V-367 – 715 NORTH NIAGARA STREET (ROBERT WILSON– APPLICANT):

The applicant, Robert Wilson, is requesting to vacate a 2.5 foot portion of a 7.5 foot public utility easement along the westerly boundary of 715 North Niagara Street for the purpose of constructing a new garage and room addition. 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-367.

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 715 NORTH NIAGARA STREET, BURBANK, CALIFORNIA (V-367).

3. APPROVING THE FINAL CHANGE ORDER FOR BID SCHEDULE NO. 1154 (2003-04 COMMUNITY DEVELOPMENT BLOCK GRANT STREET, ALLEY, SIDEWALK, AND PEDESTRIAN RAMP PROJECT):

Staff is requesting that the Council approve the final change order for Bid Schedule No. 1154 – Fiscal Year (FY) 2003-04 Community Development Block Grant (CDBG) Street, Alley, Sidewalk, and Pedestrian Ramp Project.

In FY 2003-04, the Council approved an appropriation of \$803,969.30 in CDBG funds for the Public Works Department to construct streets, alleys, sidewalks and pedestrian ramps. The scope of work of this project consisted of reconstruction of Olive Avenue from First Street to Third Street, sidewalk repairs and reconstruction of pedestrian ramps along this segment of Olive Avenue. The project also reconstructed the alley west of Buena Vista Street between Burbank Boulevard and Jeffries Avenue.

Bid Schedule No. 1154 was advertised for construction bids in January 2004. A bid opening was held in March 2004. Kalban, Inc. of Sun Valley, California, submitted the lowest bid of \$598,010.88, 25.2 percent below the engineer's estimate of \$800,000. The contract was awarded to KALBAN, Inc. in April 2004, and construction took place from June through July 2004.

To increase public safety during construction and to allow better traffic circulation in the City Center, staff directed the contractor to furnish and install advanced warning signs on streets leading to the construction site, and to provide traffic detour striping on Olive Avenue, First Street and San Fernando Boulevard. In addition, as part of coordinating the sequence of construction of this project with that of the Burbank Civic Plaza, staff directed the contractor to provide lane closure and traffic control on Third Street, north and south of Olive Avenue. This allowed material deliveries to the Burbank Civic Plaza to continue uninterrupted from Third Street while the south side of Olive Avenue was under construction.

In addition to the above items, this change order includes extra costs involved in: removal and reconstruction of 3,069 square feet of asphaltic concrete at First Street and Third Street intersections; excavation, removal and disposal of an additional six inches of concrete encountered beneath the existing concrete at the San Fernando Boulevard intersection; repair of existing traffic detector loops conduit prior to installation of new loops; and, the final as-built quantity adjustments of the project.

This change order results in a total increase of \$72,156.10 in the contract price (12.1 percent above the original contract amount), for a revised contract amount of \$670,166.98, which is 16.2 percent below the engineer's estimate.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A CHANGE ORDER IN THE AMOUNT OF \$72,156.10 FOR THE 2003-2004 CDBG STREET, ALLEY, SIDEWALK, AND PEDESTRIAN RAMP PROJECT, BID SCHEDULE NO. 1154.

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

REPORTS TO COUNCIL:

4. YOUTH BOARD APPOINTMENTS:

The purpose of this report is to make recommendations to the Council for the approval and appointment of this year's Youth Board candidates.

As currently structured, the Youth Board is comprised of 17 members. A representative is designated for each high school and middle school within Burbank. The school representatives include both the public and parochial schools in the City. The remaining six positions are designated as at-large members. All appointments are for two-year terms, with the school representatives and the at-large positions alternating expiration dates.

At this time, the six at-large positions are due for appointment. In addition, due to resignations or graduation of certain members, there are six school representative vacancies, which require mid-term appointment. For the vacant high school and middle school positions, each school was contacted and requested to provide the name of their respective representative. Each school has responded and staff has received applications for the vacancies. For the at-large positions, nine applications were received for the six vacancies. In past years, when the number of at-large applications has exceeded the number of vacancies, there has been occasion when the Council has appointed additional at-large members.

There is no fiscal impact as a result of the recommended action.

The following are recommended High School and Middle School one-year mid-term appointments:

Burbank High School	Steven Ferguson
John Burroughs High School	Joanna Tripet-Diel
Jordan Middle School	Winnie Hobbs
Muir Middle School	Brandon Barbello
Luther Burbank Middle School	Bethany Daniels
St. Robert Bellarmine School	Dietrich Diller

The following are applicants for a two-year appointment for the six at-large positions:

Elisabeth Coleman
Santosh Desai
Rachel Freeman
Anthony Galvez
Ashley Kurges
Jeffrey Kurges
Vanesa Mendez
James Nagy
Aliza Vecchiarelli

Recommendation:

Staff recommends the Council approve the school representative recommendations for one-year mid-term appointments, and appoint six at-large members for two-year terms.

5. ESTIMATED COST FOR CANDIDATES' STATEMENTS FOR THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to present the Council with the estimated costs for the candidates' statements for the 2005 Municipal Elections. Staff is also requesting that the Council determine whether the City will subsidize the statements' cost.

Pursuant to Section 11-1206 of the Burbank Municipal Code (BMC), each candidate for an elective office in the City may prepare a candidate statement on an appropriate form provided by the City Clerk. The Council is required to determine, by resolution, whether charges shall be levied against candidates for the cost of sending the candidates' statements to the registered voters.

The cost of the statements may be paid either partially or entirely by the candidates or the City. The cost for a half-page candidate statement has been estimated to be \$650 (including tax) by the election vendor, Martin & Chapman Co. The estimated cost is based on the number of registered voters to whom the Sample Ballot and Voter Information Pamphlet (Sample Ballot) is sent.

In the 1991 and 1993 elections, candidates paid for their own statements. The Council, by Resolution No. 24,350, approved a subsidy of \$200 for each candidate statement in the 1995 Elections. Since 1995, each candidate has paid an estimated pro rata share of the total costs as a condition for having his or her statement included in the Sample Ballot. For the 1997 Elections, the Council adopted Resolution No. 24,893 which approved a subsidy of \$300 for each candidate statement submitted to the City Clerk. For the 1999 and 2001 Elections, the Council adopted Resolution No. 25,397 and Resolution No. 25,855, respectively, approving a \$380 subsidy for each candidate statement. Also, the Council adopted Resolution No. 26,342 in October 2002 which approved a \$350 subsidy for each candidate statement in the 2003 Municipal Elections.

The City is required to translate the entire ballot, which must be available upon request in the City Clerk's Office. Therefore, translation costs have historically been absorbed by the City. A candidate who chooses to have their statement printed in another language in the Sample Ballot must pay for the entire cost of that statement. However, in the last several elections, no more than two candidates have chosen to have their statements translated into other languages. For the 2003 Municipal Elections, the City Clerk's budget incurred a total cost of \$21,745.26 for printing candidate statements.

BMC Section 11-1206 requires the Council to make a decision on the charges, which shall not be revoked or modified after the seventh day prior to the opening of the nominating period. The nomination period for the 2005 Municipal Elections opens on November 1, 2004 and closes on November 29, 2004. The last Council meeting at which the charges can be established is October 19, 2004.

At the April 20, 2004 meeting, staff presented a report on the all mail ballot election option for Council consideration. At that meeting, staff indicated that the estimated cost for the 2005 Municipal Elections was approximately \$212,767.12, excluding the cost of subsidizing candidate statements (cost unknown at this time) and paying for the return postage (estimated at \$20,000). Currently, \$224,336 is budgeted in the Materials,

Supplies and Services account for the 2005 Municipal Elections. However, the following options are being presented for Council consideration:

Option A:

The Council may set a pre-determined subsidy to be applied to the cost of each candidate statement. The candidates would be required to pay a pro rata share of the actual remaining costs.

Option B:

A flat fee could be required of any candidate submitting a candidate statement. The City would pay any costs above the fee.

Option C:

The City could pay the entire cost for the candidate statements.

Option D:

The candidates could pay the entire cost for their candidate statement.

Recommendation:

It is recommended that the Council consider the various options and determine whether or not the City will subsidize any of the cost for the candidates' statements for the 2005 Municipal Elections and direct staff to prepare the appropriate resolution.

6. DESIGN DEVELOPMENT PHASE PROGRAM FOR THE DEVELOPMENT AND COMMUNITY SERVICES BUILDING PROJECT AND REQUESTING AUTHORITY TO PROCEED WITH THE CONSTRUCTION DOCUMENTS PHASE PROGRAM AND DEVELOPMENT OF THE GUARANTEED MAXIMUM PRICE:

Staff is presenting the results of the Design Development Phase Program for the Development and Community Services Building (DCSB) Project and requesting authority to proceed with the Construction Documents Phase Program and to develop the Guaranteed Maximum Price (GMP).

On January 24, 2003, the City placed the DCSB Project on hold in response to cost cutting measures due to potential fiscal impacts on City funding resources by the California State budget crisis. On October 14, 2003, the Council approved a Professional Services Agreement (PSA) on with Leo A. Daly (Daly) as the new Project Architect substituting for WWCOT. The Project was officially resumed on November 6, 2003. The Council approved a PSA amendment with Daly on March 2, 2004 based on the feasibility study results and benefits in performing an Abbreviated Design Development Phase effort. In addition, the Council initiated its own cost reduction measures directing staff to reduce the construction budget by \$600,000. This revised the Project budget from \$25.14M to \$24.54M.

Daly met its design responsibility through its Abbreviated Design Development Phase effort and the value management review process. Daly effectively modified and improved the design program without compromising quality, program, and function while reducing construction costs. In fact, more program space was accommodated within a smaller building program. Some of the primary modifications and cost savings that resulted from this redesign effort included:

1. Building Size - Exterior and interior size reductions of 7,527 gross square feet and 3,781 net square feet, respectively, resulting in net construction savings of \$910,000.
2. Heating, Ventilation and Air Conditioning Equipment - Reduction of 103 tons or approximately \$580,000 in savings.
3. Structural Steel – Reduction of 23 tons or approximately \$69,000 in savings.
4. Energy Efficient Design – A \$28,000 “Savings By Design” future reimbursement from the Southern California Gas Company for efficient building design is fully anticipated.
5. Exterior Building Skin – The exterior building skin system is \$106,000 more cost effective than the WWCOT design.

Key highlights of the Design Development Program are:

Building and Parking Program: Three stories - 72,368 gross square feet and 60,678 net usable square feet; tenants – Parks, Recreation and Community Services, Public Works, Community Development, and Public Information Office; employee capacity – 189 full and part-time positions (current and future); and, surface parking for 247 vehicles.

Other Program Features: One Stop Permit Center; Community Room with Media Control Room and storage; Traffic Management Center; and, 12 conference rooms for public and City use.

Leadership in Energy & Environmental Design (LEED): Certified Level.

Art in Public Places: A water feature at the Third Street and Orange Grove Avenue main building entrance.

Based on the Council's approval to commence the Construction Documents Design Phase efforts, the following milestone activities are anticipated:

- | | |
|--|--------------|
| 1. Construction Document Completion | March 2005 |
| 2. Construction Document and GMP Approvals | May 2005 |
| 3. Commence Construction | June 2005 |
| 4. Complete Construction | August 2006 |
| 5. Occupancy | October 2006 |

With the current high cost of construction materials as a primary contributor, the DCSB Project is faced with a potential fiscal impact above the approved \$24.54M project

budget. However, in spite of record high construction materials costs, staff remains optimistic that future costs will stabilize and may even fall, but most likely not, to the previous 2002 levels.

Although the project is currently estimated to be over budget, staff is not requesting any increase to project funding at this time. However, staff recommends the Council enable the project to maintain its forward momentum by authorizing completion of the Construction Documents (CD) Phase and development of the GMP. This provides an opportunity to test the market during the first quarter of 2005 to identify the real construction cost and take advantage of any favorable material cost reductions.

While not guaranteeing the project to be less costly in the future, another tenable option is to shelve the project for a period of two to three years. This will not substantially affect the design documents from a code enforcement standpoint. However, additional administrative and design-related costs to restart the project and projected increased costs for insurance, capital and construction labor rates should be considered as inherent future cost risks.

The Daly project budget is approximately \$3.56M or 14.5 percent over the currently approved \$24.54M budget. Staff maintains that this overage is due to the current market conditions the construction industry has been facing for more than a year and further compounded by a recent reduction to the project budget. Without changing the building's exterior design character, interior program, or significant scope reductions, the project value may remain within a narrow pricing level band for the near future.

The project scope may be modified and current funding sources increased to eliminate the current \$3.56M shortfall. Major scope reduction considerations include the removal of the LEED program and eliminating off-site street improvements along Third Street and Orange Grove Avenue. These represent approximate project values of \$1.10M and \$380,000, respectively. If these scope reductions were considered, a return of the \$600,000 withdrawn from the project budget in May 2004 with an additional \$1.5M from the Capital Project Contingency Fund will result in a fully funded project budget of \$26.63M, or about 8.5 percent over the current approved budget. At this time, staff does not recommend any further scope reductions or quality level changes that may compromise the long term quality, aesthetics and functional program requirements

Should the Council direct staff to proceed with the CD Phase effort and the resulting GMP exceeds the construction budget, the Council retains its options to shelve the project, direct that further value management opportunities be explored, and/or consider the other potential funding sources to offset any project overage identified at that time.

Recommendation:

It is recommended that the Council accept the design development phase program and direct staff to proceed with the construction documents phase program and development of the GMP.

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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City of Burbank's Web Site:
www.ci.burbank.ca.us**