



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 8, 2005
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

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.

ANNOUNCEMENT: ALL MAIL BALLOT PRIMARY NOMINATING ELECTION –

FEBRUARY 22, 2005.

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 special meeting agenda of January 31, 2005 and the regular meeting agenda of February 7, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN ACCORD ENGINEERING AND THE CITY TO PROVIDE ENVIRONMENTAL MANAGEMENT OVERSIGHT AND REMEDIATION EFFORTS FOR THE ROBERT R. OVROM PARK PROJECT, PHASE I:

Staff is requesting Council approval of a Professional Services Agreement (PSA) between Accord Engineering, Inc. (Accord) and the City for \$89,068 to provide environmental management oversight and remediation efforts to abate non-hazardous waste for the Robert R. Ovrom Park Project, Phase 1.

The Department of Toxic Substances Control (DTSC) was awarded Federal funds from the United States Environmental Protection Agency to select a limited number of Brownfield sites in California that would receive services to conduct Targeted Site Investigations (TSI). TSI funds provide state and local governments, school districts, and redevelopment agencies an opportunity to gain more information about a site's condition. Selected sites receive no cost services to conduct on-site investigations.

The DTSC informed staff that TSI funds were available and staff submitted an application. The DTSC approved the Robert R. Ovrom Park Project as a grant funding recipient in November 2003. In January 2004, the Council accepted the DTSC grant

funding to complete a Preliminary Endangerment Assessment (PEA) of the project site. The City retained Accord as an approved DTSC service provider to complete the PEA and a subsequent Supplemental Site Investigation (SSI). As a consequence of the SSI results, the DTSC directed Accord to prepare a Removal Action Work Plan (RAW) to remediate the arsenic contaminated soil that encompassed an area approximately 50 square feet within the property site formerly known as 140 East Providencia Avenue. This PSA represents Accord's final phase of the remediation effort to abate approximately 200 tons of non-RCRA (Resource Conservation and Recovery Act) hazardous waste and 250 tons of non-hazardous waste. Only a very minute portion of the soil is comprised of arsenic with the quantity of soil removal being very conservatively estimated to maximize assurance of its entire removal. This translates to a total of about 300 cubic yards or 30 dump truck loads and represents a conservative quantity.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ACCORD ENGINEERING, INC.

3. REQUEST TO AUTHORIZE A VERDUGO FIRE COMMUNICATIONS SERVICE AGREEMENT WITH THE CITY OF MONTEREY PARK:

The purpose of this report is to request authorization to approve an agreement between the Verdugo Fire Communications Center and the City of Monterey Park. The proposed agreement will authorize the Verdugo Fire Communications Center to commence contract dispatching services for the City of Monterey Park. It is anticipated that dispatching will commence on March 1, 2005.

The Verdugo Fire Communications Center provides fire and Emergency Medical Service dispatch services to the member agencies of Burbank, Glendale and Pasadena. Additionally, the Center contracts with six other cities (Monrovia, Arcadia, South Pasadena, Sierra Madre and San Marino) to provide dispatching services for a set fee, the revenue from which supplements the Center's reserve for equipment replacement. All fees are paid to and are administered by the City of Glendale as the coordinating agency of the Verdugo Fire Communications Center.

Staff believes that the participation of the City of Monterey Park in the Verdugo system will significantly enhance service to the public and help provide the revenue to keep Verdugo among the finest dispatching operations in the country. The Monterey Park City Council has approved the agreement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE VERDUGO FIRE COMMUNICATIONS SERVICE AGREEMENT BETWEEN THE CITIES OF GLENDALE, BURBANK, AND PASADENA AND THE CITY OF MONTEREY PARK.

END OF CONSENT CALENDAR

REPORT TO COUNCIL :

4. PLANNED DEVELOPMENT NO. 2003-1 – PROPERTY BOUNDED BY ALAMEDA AVENUE, LIMA STREET, OLIVE AVENUE AND PROPERTY ADJACENT TO THE SR 134 FREEWAY OFF-RAMP – APPLICANT: PW, LLC (aka: The Platt Companies):

The purpose of this report is for the Council to consider the second reading of an ordinance to approve a mixed use development in the Media District.

On December 7, 2004, the Council held a public hearing to consider a proposal by PW, LLC to construct a mixed used project. After public testimony, rebuttal from the applicant and Council deliberation, the Council voted 4-1 to adopt the Water Supply Assessment, certify the Environmental Impact Report, amend the General Plan for this site, conditionally vacate the street and alleys, conditionally approve the vesting tentative tract map and complete a first reading to adopt the ordinance approving the Planned Development with accompanying Development Agreement and conditions.

The Council made these approvals subject to modifications to the project which include: reducing the height of the tallest building to 103 feet (from 133 feet); reducing the number of residential units to 250 (from 298); eliminating the health club; requiring the project be built in one phase if possible or a maximum of two; and, other changes. The second reading of the ordinance was scheduled for January 11, 2005 when another public hearing was held to discuss these project modifications. After the public hearing, the Council deliberated and again suggested modifications to the proposed project. Although never voted on, the general discussion concerned reducing the height of the tallest building to 93 feet and reducing the number of units to 220. Additionally, the Council discussed defining height as a maximum envelope requiring all mechanical equipment and roof features to be within the envelope thereby lowering the height of all buildings which are traditionally measured only to the ceiling.

The Council ultimately agreed to continue the second reading to allow the applicant time to develop a massing model that would allow the Council to better visualize the project especially in relation to other residential development within the area.

An Addendum to the Environmental Impact Report that was certified by the Council has been prepared which states that the modifications made to the project at the December 7, 2004 and January 11, 2005 public hearings have been adequately studied and do not result in new or greater significant impacts than those already identified. Additionally, should the Council move a second reading of the ordinance, staff has prepared a resolution modifying the California Environmental Quality Act findings to more accurately depict the modified project.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MODIFYING THE FINDINGS OF ENVIRONMENTAL EFFECT OF THE BURBANK MEDIA CENTER PROJECT (PW LLC, APPLICANT).
2. Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2003-1 AND A DEVELOPMENT AGREEMENT RELATED THERETO (BURBANK MEDIA CENTER PROJECT – PW LLC, APPLICANT).

ADOPTION OF PROPOSED ORDINANCES:

5. PLANNED DEVELOPMENT NO. 2003-3 – BURBANK MEDICAL PLAZA:

The developer, Pacific Medical Buildings, is requesting approval of a Planned Development (PD) to construct two medical office buildings totaling 155,000 square feet. The proposed project involves the construction of a 55,000-square foot cancer center, a 100,000-square foot medical office building and associated parking garages. The site is currently developed with a 72,000-square foot medical office building. Additionally, a Zone Text Amendment (ZTA) is proposed to eliminate the MDC-3(M) Media District General Business – Commercial - Medical Zone from the Burbank Municipal Code.

Pursuant to the California Environmental Quality Act, a Mitigated Negative Declaration has been prepared for the project. The Mitigated Negative Declaration indicates that, with the proposed mitigation measures, the project will not result in a significant impact on the environment.

On November 29, 2004, the Planning Board conducted a public hearing regarding the proposed amendment. At the completion of the public hearing, the Board recommended approval of the application to the Council by a vote of 4-0.

These ordinances were introduced at the February 1, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

1. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2003-3 AND A DEVELOPMENT AGREEMENT RELATED THERETO (BURBANK MEDICAL PLAZA).
2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE TO ELIMINATE THE MDC-3(M) ZONE (PROJECT NO. 2004-177 – ZONE TEXT AMENDMENT).

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

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

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

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

ADJOURNMENT.

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