



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MARCH 22, 2005
5:30 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 – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2

- b. 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 GENERAL MUNICIPAL ELECTION – APRIL 12, 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 meeting agenda of March 21, 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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. DISCUSSION OF PROPOSED STUDY SESSION ON THE CITY'S PROGRESS IN ACHIEVING AFFORDABLE HOUSING GOALS:

The purpose of this report is to provide the Council/Redevelopment Agency Board information to discuss a joint study session with the Planning Board on the City's progress toward achieving affordable housing goals. If so directed, staff will provide a comprehensive report on all of the City's affordable housing efforts, including proposed opportunities such as the development of an Inclusionary Housing Ordinance and possible modifications to the Mortgage Assistance Program.

Recommendation:

Staff recommends that the Council and Redevelopment Agency Board discuss the matter and provide direction as desired.

JOINT MEETING WITH THE HOUSING AUTHORITY:

3. PUBLIC HOUSING AGENCY FIVE-YEAR PLAN (FISCAL YEAR 2005-06 to FISCAL YEAR 2009-10) AND ANNUAL PLAN (FISCAL YEAR 2005-06):

The purpose of this report is to provide additional information necessary for the Housing Authority Board to consider: 1) the Five-Year Public Housing Agency Plan for (Fiscal Years (FY) 2005-06 – FY 2009-10); 2) the Public Housing Agency Plan FY 2005-06 (which includes an amendment to the Section 8 Program payment standard); and, 3) authorizing the Board Chairperson and the Executive Director to execute the certifications that are required by the United States Department of Housing and Urban Development (HUD). The Five-Year Plan describes the mission of the Housing Authority and the goals for achieving its mission over the next five years.

The mission of the Burbank Housing Authority is to provide affordable housing that is decent, safe and sanitary to very-low income tenants in Burbank. By implementing the Federally-funded Section 8 Program, the Housing Authority is able to take existing units in the private market and make them affordable. The primary goal of the Housing Authority is to assist the greatest number of families or households within the HUD-allocated budget, utilizing all 1,014 housing assistance vouchers available to Burbank.

On February 15, 2005, the draft Public Housing Authority Five-Year Plan and the Annual Plan were presented to the Council/Housing Authority Board for consideration. In response to the information presented (specifically a proposal to adjust Burbank's housing assistance payment standard) additional information was requested on the following: 1) update on Section 8 waiting list purge process; 2) Section 8 tenant income profile; 3) fair market rent standards; and, 4) Section 8 funding options.

The approved Section 8 Administrative Plan calls for a purge of the applicant waiting list every 24 months. The primary goal in purging the waiting list is to obtain current information on interested applicants and to remove applicants that are inaccessible or no longer interested in participating in the program. This process involves mailing letters to all applicants on the Applicant Waiting List informing them that any change in address must be sent in writing to the Burbank Housing Authority. On February 15, 2005, the Authority Board inquired whether or not the waiting list purge process should occur more frequently. The Housing Authority has an extremely low turn-over in tenants and rarely has significant numbers of openings on the program. Also, as mentioned above, the Housing Authority updates its records on an ongoing, as-needed basis whenever applicants notify the Authority of changes in addresses, phone numbers or any changes that might affect preference status. Based on these two factors (low tenant turn-over coupled with ongoing updates to keep contact and preference information current) staff opines that the frequency of the purge process (every 24 months) as currently defined in the Housing Authority Administrative Plan is adequate.

In terms of program participant incomes, the average annual household income ranges

from \$9,630 per year for a studio unit (no bedroom) to \$19,337 annually for a three-bedroom unit. This range results in an overall program average income of \$14,088.

Since 1999, the Housing Authority established the policy of setting the Section 8 payment standards at 110 percent of the fair market rents. However, in recent years the HUD allocation has not been enough to fund the program. The Burbank Housing Authority has used this generous payment standard and has still been successful in achieving its primary goal. This has been possible because the Housing Authority had a sufficient amount of reserve funding available from which to draw.

The per-household subsidy is based on the HUD-established fair market rent standards. As that component increases, the gap between what the tenants pay (Section 8 subsidy) also increases. With rental standards on the rise, the local standard of paying 110 percent above the HUD fair market rents has negatively impacted the Authority's budget. As mentioned, the Authority has been fortunate to have had reserve funds available to bridge the gap between HUD funding and the 110 percent payment standard. However, these funds are finite and if conditions are left unchanged, the Housing Authority reserve funds will be exhausted in less than 12 months.

In an effort to avoid reducing rental vouchers or depleting all reserves, staff is recommending a program administration amendment to the payment standard from the fixed rate of 110 percent above the fair market rents to 90 percent of the fair market rents. Based on program statistics as of February 2005, setting the payment standards at 90 percent of the fair market rent would ultimately result in an average per-household subsidy decrease of \$104 per month for approximately 34 percent of the program participants (roughly 340 households). While this amount represents the average monthly impact, the actual range is \$70 to \$157. In accordance with HUD guidelines, a local Authority must provide a two-year notice period to the affected tenants. In the meantime, households new to the program and tenants that move would be assisted at the new payment standard of 90 percent.

With this reduction the Housing Authority will be able to continue serving the maximum number of households (1,014) possible, thereby, providing the highest level of service and assistance to the greatest number of people while staying within the annual budget (without reliance on the General Fund for assistance).

Staff was asked to investigate the possibility of using other funding sources to augment the Section 8 HUD allocation. While the Federal HOME Program guidelines allow for rental subsidies and California Redevelopment Law also allows the Agency to exercise any or all of its powers to provide affordable housing (including the provision of rental subsidies), in accordance with the HUD Section 8 guidelines, the "layering" of other funds with the Section 8 Federal allocation is prohibited. However, as mentioned, both Federal HOME Program guidelines and California Community Redevelopment Law have provisions that allow rental subsidy programs. Such a program would have to be structured and administered separately from the Section 8 program.

Recommendation:

Adoption of proposed Housing Authority resolution entitled:

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF BURBANK APPROVING THE FIVE YEAR PUBLIC HOUSING AGENCY PLAN AND THE PUBLIC HOUSING AGENCY ANNUAL PLAN FOR FISCAL YEAR 2005-06 AND AUTHORIZING THE CHAIRPERSON AND EXECUTIVE DIRECTOR TO EXECUTE THE CERTIFICATIONS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

CONSENT CALENDAR: (Items 4 and 5)

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

4. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR THE PARTIAL FINAL CLOSURE OF THE FRONT FACE AREA OF BURBANK LANDFILL NO. 3 – BID SCHEDULE NO. 1175:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1175, Partial Final Closure of the Front Face Area of Burbank Landfill No. 3.

The Burbank Landfill No. 3 is a Class III, non-hazardous waste landfill located within an unnamed canyon in the northern portion of the City. The landfill is regulated under several permits issued by the Los Angeles Regional Water Quality Control Board (RWQCB), the California Integrated Waste Management Board, the South Coast Air Quality Management District Board, and the County of Los Angeles Department of Health Services. The landfill also operates under Conditional Use Permit (CUP) No. 2000-16, approved by City of Burbank Planning Board Resolution No. 2802 adopted on November 13, 2000.

In compliance with the landfill's permits, filled areas that have reached final grade are to be covered with soil and vegetated to blend with the surrounding terrain. The front slope (face) of the landfill located adjacent to Bel Aire Drive, has reached final grade and is now ready for final closure (the remainder of the landfill will continue to operate, having an estimated 50 to 60 years of refuse capacity). The final cover for the front face consists of an alternative evapotranspiration (ET) cover comprised of a 4-foot-thick monolithic soil layer planted with native, drought resistant vegetation.

Bid Schedule No. 1175 was advertised in the Burbank Leader on January 19, 2005 and January 22, 2005. Four copies of the bid were provided to potential bidders and two

attended the mandatory job walk. Lee Construction Company submitted the only bid of \$357,791.50.

Recommendation:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE PARTIAL FINAL CLOSURE OF THE FRONT FACE AREA OF BURBANK LANDFILL NO. 3, BID SCHEDULE NO. 1175.

5. AUTHORIZING EXECUTION OF A PROGRAM SUPPLEMENT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE FUNDING OF BID SCHEDULE NO. 1144 – MAGNOLIA BOULEVARD IMPROVEMENT PROJECT CALTRANS PROJECT NO. STPL 5200(018):

Staff is requesting Council authorization to execute a Program Supplement Agreement with the California Department of Transportation (Caltrans) for the funding of Bid Schedule No. 1144, Magnolia Boulevard Improvement Project. This project will resurface Magnolia Boulevard between Keystone Street and Clybourn Avenue. The scope of work also includes the repair of concrete improvements and pedestrian ramp upgrades.

Caltrans has approved the project and staff has received “Authorization to Proceed with Construction” documentation. In order to secure the available funds and receive construction reimbursement on this project, the City must execute Program Supplemental Agreement No. M012 to Administering Agency-State Agreement for Federal-Aid Projects No. 07-5200 dated June 15, 2004.

This program provides an 88.6 percent reimbursement of construction costs. The engineer’s estimate for construction of this project is \$1,039,038 of which \$919,860 will be reimbursed by Caltrans (Federal funds). Construction of the project is planned to start in October 2005 and be completed in early December 2005.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING EXECUTION OF A PROGRAM SUPPLEMENT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE FUNDING OF BID SCHEDULE NO. 1144 (MAGNOLIA BOULEVARD IMPROVEMENT PROJECT).

END OF CONSENT CALENDAR
REPORTS TO COUNCIL:

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6. TRAFFIC AND TRANSPORTATION COMMITTEE VACANCY APPOINTMENT:

The purpose of this report is to request the Council make an appointment from the qualified applicants to one vacancy of an unexpired term on the Traffic and Transportation Committee, ending on June 1, 2006.

The Traffic and Transportation Committee consists of ten members, with five members appointed by the Council and the remaining five members appointed as follows: one representative each from the City Manager's Office, Public Works Department, Police Department, Community Development Department and the Superintendent of the Burbank Unified School District. There is currently one vacancy on this Committee for an unexpired term ending June 1, 2006, created by the resignation of Board Member Christopher Wiard. The City Clerk's office began advertising for this vacancy with the issuance of a press release on January 18, 2005. Notice was also placed on the City's website and the Channel 6 Scroll. As of the Friday, March 11, 2005 deadline, applications were received from: Joseph M. Spaulding; Gregory B. Scher; and, Donald D. Farquhar.

It should be noted that all Board, Commission, and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. In addition, any person appointed to be a member of a Board, Commission, or Committee must be an elector of, and actually reside in, the City of Burbank.

Recommendation:

Staff recommends that the Council consider the three applications submitted and make one appointment to the unexpired term on the Traffic and Transportation Committee ending June 1, 2006.

7. CHARTER REVIEW COMMITTEE:

In April 2002, the Council directed staff to advertise for a Charter Review Committee comprised of 11 members. Staff followed up this initial advertisement with a significant outreach program in July 2003 to attract additional applicants. To date, the City has received 21 applications.

Staff is now requesting Council direction regarding the appointment and structure of a Charter Review Committee. Should the Council decide to convene a Charter Review Committee, staff recommends that the Committee be made up of one member selected from among all qualified electors by each Council Member for a total of five plus six members selected from the applicant pool through a vote of the Council following applicant interviews to be held at an upcoming Council meeting.

Staff also recommends that the Council appoint the Committee Chair at the same time

the Council selects and/or votes on the Committee membership and that the quorum of the Committee be adjusted in the event that members leave so as to allow the Committee to continue its work while the Council seeks replacements.

Finally, staff recommends that the City select a qualified consultant to assist the Committee with its work and to assist staff in compiling proposed Charter amendments into a work plan that will be reviewed and evaluated by the Committee. Such a work plan will provide initial direction and structure to the Committee meetings.

Recommendation:

Staff recommends that the Council provide direction regarding the convening of a Charter Review Committee.

RECONVENE the Redevelopment Agency and Housing Authority meetings for public comment.

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

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

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

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

ADJOURNMENT.

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