



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MAY 17, 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:

- a. Conference with Legal Counsel – Anticipated Litigation (City as possible defendant):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- b. 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.

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:

RECOGNITION: YOUTH ART EXPO.

RECOGNITION: HANNAH KOLUS – 2005 CALIFORNIA STATE AWARD OF EXCELLENCE.

PROCLAMATION: PUBLIC WORKS WEEK.

PROCLAMATION: REFLEX SYMPATHETIC DYSTROPHY AWARENESS MONTH.

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 May 16, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. APPEAL OF PROJECT NO. 2004-151 CONDITIONAL USE PERMIT (3000 WEST OLIVE AVENUE):

The Planning Board, at its meeting of March 28, 2005, adopted Planning Board Resolution No. 2977, approving Project No. 2004-151, a request for a Conditional Use Permit (CUP) by Sal Ferarro to operate a restaurant with a drinking establishment and a karaoke nightclub at 3000 West Olive Avenue in the MDC-3 Media District General Business zone. The proposed business named "Dimples" is currently operating at 3413 West Olive Avenue and is being displaced by the property owner who was recently approved for a development at that site (Planned Development 2003-1, the Platt Project).

Dancing is proposed incidental to the karaoke performance and no traditional nightclub dance floor is proposed at this site. The applicant has requested that the hours of operation be from 6:00 p.m. to 2:00 a.m. The establishment would have amplified music indoors for karaoke. The applicant requests to transfer their existing Type 47 liquor license for the cocktail lounge/bar.

The proposed business at its current location has a Type 47 liquor license without any restrictions on the ratio of food to alcohol sales. This unrestricted Type 47 liquor license simply requires that the current business have food sales. The use of a cocktail lounge/bar differs from a restaurant with incidental alcohol in that more than 35 percent of gross sales can be from alcohol. The proposed application for the site requests the authorization of a drinking establishment in conjunction with a nightclub. A CUP is required for a cocktail lounge/bar and the establishment of a nightclub use.

The Planning Board approved the project with Conditions of Approval, including one that limits the sale of alcohol to 65 percent of gross sales and compliance with this condition must be met within five years of the first day of operation.

In its deliberations, the Planning Board expressed that the project was compatible with the surrounding neighborhood and was a good use of the site. There was no public opposition at the public hearing. The project was approved by a vote of 4-1.

The appellant Linda Matsumoto, a Burbank resident, is represented by attorney Philip Berlin. A letter accompanying the appeal addressed the issues in detail and stated that four of the six findings for a CUP could not be made and such is the reason for the appeal. The appellant states that there is an incompatibility between the proposed use and the surrounding neighborhood and does not believe the use to be conditionally permitted in the Media District.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2004-151 CONDITIONAL USE PERMIT (Applicant: Sal Ferraro, 3000 West Olive Avenue).

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 action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 3 through 6)

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

3. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF ASSISTANT CITY TREASURER:

With the retirement of the incumbent last year, it became evident to the Department that the specification for the classification of Assistant City Treasurer was obsolete and not reflective of the actual duties and requirements of the current position.

The specification for the classification of Assistant City Treasurer was originally established as Deputy City Treasurer in May of 1955. In July of 2003, the specification was only revised to reflect the change in the Education/Training requirements to include the “any combination” language. Prior to this revision, the specification had not been revised since June of 1969. There have been substantial changes in municipal financial, accounting technology and procedures over the years. As a result, the duties, responsibilities and requirements for this position have also changed substantially.

This classification will continue to be an Unrepresented Management (“Z” group) position, exempt from Civil Service and the Fair Labor Standards Act. This position will continue to be included in the City’s Conflict of Interest Code. The City Treasurer concurs with these recommendations.

There is no fiscal impact from the revision of this specification because the current salary range for this position will be maintained.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF ASSISTANT CITY TREASURER (CTC NO. 0054).

4. ESTABLISHING THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF YOUTH

EMPLOYMENT COORDINATOR; YOUTH EMPLOYMENT TEAM LEADER; YOUTH EMPLOYMENT JUNIOR TEAM LEADER; AND, YOUTH EMPLOYMENT ASSISTANT:

The Youth Employment section of the Management Services Department is growing and it is important to have class specifications that clearly define and describe the work being performed. In the past, classifications such as Special Project Crew Leader, Utility Worker and Work Trainee were utilized to staff the programs. However, these classifications were not descriptive of the actual duties performed.

In an effort to give all the Youth Employment employees a clear set of responsibilities and duties, the classifications of Youth Employment Coordinator, Youth Employment Team Leader, Youth Employment Junior Team Leader and Youth Employment Assistant are being established. The proposed specifications set up a clear definition of what is expected of each employee. As the programs expand, the Youth Employment section will be better equipped to take on more responsibilities with defined roles.

These classifications will be exempt from Civil Service, subject to the Fair Labor Standards Act (FLSA), and will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association will represent these classifications and has been advised of their establishment. The Management Services Director concurs with this recommendation.

There is no fiscal impact to the Department as the currently-budgeted positions have sufficient funds to cover the salaries of the newly-established positions. As such, the salary ranges will be: \$2,286-\$2,855 for Youth Employment Coordinator; \$1,906-\$2,380 for Youth Employment Team Leader; \$1,516-\$1,893 for Youth Employment Junior Team Leader; and, \$1,343-\$1,677 for Youth Employment Assistant.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT COORDINATOR (CTC NO. 0981) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT TEAM LEADER (CTC NO. 0983) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT JUNIOR TEAM LEADER (CTC NO. 0982) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING

THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT ASSISTANT (CTC NO. 0980) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

5. APPROVAL OF FINAL TRACT MAP NO. 60768 (1015 SPAZIER AVENUE):

Staff is requesting Council approval of Final Tract Map No. 60768. The property covered on Final Tract Map No. 60768 is a one-lot subdivision totaling 8,440 square feet and is located at 1015 Spazier Avenue. The property is in the R-4 Multiple Family Medium Density Residential zone. The property is owned by William J. Jelliffe, Audelia Jelliffe, David M. Guillod, George King and Carolyn Z. King.

Final Tract Map No. 60768 converts an existing 11-unit apartment building into a condominium subdivision. All Conditions of Approval and requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 60768:

1. The tentative tract map was conditionally approved by the Community Development Director on July 14, 2004 pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains 11 condominium units at 1015 Spazier Avenue, which is located in the R-4 Multiple Family Medium Density Residential zone.
3. Conditions of Approval will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division. All other requirements as set forth in the tentative tract map conditions for purposes of Final Tract Map No. 60768 have been satisfied.
4. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15268(b)(3). This Class 1 Categorical Exemption applies to the division of multifamily structures into common interest ownership.

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 60768 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting when received, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL MAP OF TRACT NO. 60768 (1015 SPAZIER AVENUE).

6. AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS TO PROVIDE FOR AN INCREASE IN THE FINANCIAL SERVICES DIRECTOR'S SALARY RANGE:

Staff is requesting Council adoption of a resolution amending Resolution No. 21,732 to provide for an adjustment to the Financial Services Director's salary range. Staff recently began the negotiation process with each of the City's bargaining groups for Fiscal Year (FY) 2005-06. As part of that process, staff looks at agreed-upon survey cities to ascertain the equity in the marketplace. A survey was recently completed for the Financial Services Director position using the salary comparisons from the cities of Anaheim, Garden Grove, Glendale, Huntington Beach, Long Beach, Pasadena, Riverside, Santa Ana, San Bernardino, Santa Monica and Torrance. This survey resulted in the salary for this position being 7.19 percent below the average of the comparable survey cities. It is recommended that salary range be adjusted from \$9,282 - \$11,278 to \$9,950 - \$12,089. This proposed adjustment will bring the position to the average of the 11 comparable survey cities.

The change in this salary range will impact the budget by 7.19 percent. However, this increase will be absorbed this fiscal year through salary savings and will be appropriately budgeted for in the FY 2005-06 Budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS REVISING THE SALARY RANGE FOR THE FINANCIAL SERVICES DIRECTOR.

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

REPORTS TO COUNCIL:

7. NBC MASTER PLAN FIRST STEP:

On April 19, 2005, the Council requested that staff bring back a discussion of the NBC

Master Plan and potential sale of the Catalina Street property as a one-step two-step process. This is the first step to determine if the Council would like staff to bring back a report and what that report should include.

Staff has provided a summary of the NBC Master Plan which was approved in March 1997 and is valid for 20 years.

Recommendation:

Staff recommends that the Council determine whether the matter be placed on a future agenda and direct staff on what information is desired for that report.

8. FISCAL YEAR 2005-06 BUDGET STUDY SESSIONS (City Council Office, City Manager's Office, Fire Department, Police Department, Management Services Department, Financial Services Department and Burbank Water and Power):

As indicated at the initial Budget Study Session on April 19, 2005, staff has prepared a schedule for the Fiscal Year (FY) 2005-06 Department Budget Study Sessions to be held on Tuesday nights. This integration of the Study Sessions into the regular Council meetings has been accomplished by scheduling the sessions over the course of three Council meetings. The Department Budget Study Sessions were scheduled for May 10, May 17 and May 24, 2005. During these sessions, each department will have an opportunity to fully disclose the details of proposed changes related to their respective department contained in the FY 2005-06 Proposed Budget. This includes proposed budget reductions, proposed fee changes, and any new positions or upgrades, and Materials, Supplies and Services exceptions. During this time, the Council will have the opportunity to review and inquire about any of the recommended budget proposals.

The following is the Budget Study Session schedule:

BUDGET STUDY SESSION SCHEDULE	
May 17, 2005	May 24, 2005
City Council Office	Overflow Items
City Manager's Office	Final Decision Making
Fire Department	
Police Department	
Management Services Department	
Financial Services Department	
Burbank Water and Power	

Recommendation:

Staff recommends that the Council review the proposed budget materials and direct staff to incorporate any necessary changes into the June 7, 2005 public hearing report.

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**