



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 12, 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 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: Contracts and Retirement Issues.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code § 54956.8
Agency Negotiator: Community Development Director/Susan M. Georgino.
Property: Opportunity Site #5-Bounded by Olive Avenue, First Street, Angeleno Avenue and the back of businesses along San Fernando Boulevard.
Party With Whom Agency is Negotiating: Alex Wong, Trammel Crow Residential, 949 South Coast Drive, Suite 400, Costa Mesa, CA 92626.
Name of Contact Person: Jennifer Mack.
Terms Under Negotiation: Sale of properties.

- c. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
1. **Name of Case:** McMurray v. City of Burbank.
Case No.: B173230
Brief description and nature of case: Plaintiff alleged employment discrimination.
 2. **Name of Case:** Cities of Burbank, Glendale and Pasadena v. Bonneville Power Administration (BPA).
Case No.: Department of Energy Board of Contract Appeals (EBCA Nos. C-0303364, C-0303365 and C-0303366).
Brief description and nature of case: Breach of contract case involving the Electrical Power Sales and Exchange Agreement between Burbank and BPA. The other cities have joined because of similar issues with their agreements with BPA.

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: Reverend Tania Kleiman, Olive Branch Ministries.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

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 July 5, 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 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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. BURBANK HOUSING CORPORATION CHILDCARE CENTER (COTTAGES CHILDCARE DEMONSTRATION PROJECT):

In March 2004, the Burbank Housing Corporation (BHC) opened its childcare center at 2300 North Ontario Street in partnership with the Burbank Redevelopment Agency (Agency). The center was developed due to the lack of quality and affordable childcare services in Burbank.

As part of the center's development, the Agency required that 18 of the 92 childcare spaces (20 percent) have reduced tuition rates. For example, market tuition rates for infants and toddlers are \$231 per week, while the affordable spaces are \$200 per week representing a 15 percent difference. The Agency has historically wanted to enhance or provide a greater level of affordability in the tuition rates, unfortunately, the economics of operating a childcare center has limited the Agency and the BHC from offering even more affordable tuition rates.

At the same time, it has also been recognized that demand for childcare comes from both residents of Burbank as well as employees of Burbank businesses. Early in the planning stages of the center, staff had sought corporate sponsors to help pay for the cost of developing the childcare facility. Unfortunately, there had not been any strong corporate interest at the time of development. However, there have been some changing business dynamics within the City in the immediate vicinity of the center, particularly with the continued development of the Media Studios North office project. Just recently, WMC Mortgage relocated nearly 1,000 employees into the Media Studios North project and Yahoo! (Overture) plans to begin relocating up to 1,800 employees to Burbank in November 2005. Staff now sees an opportunity for companies to provide corporate sponsorship that would in return provide greater discounts for the 18 affordable spaces and ultimately have ability to create more affordable spaces.

Over the last several months, staff has worked with the BHC, Knowledge Learning Centers (the operator of the facility) and the City's Childcare Committee to allow for corporate sponsorship. In developing a plan, staff had to balance the desire to make the spaces available to both Burbank residents and corporations, and be flexible enough to

allow several corporations to become corporate sponsors. The plan that has been developed would require corporations to pay a fee to obtain priority enrollment. A portion of that fee would then be used to lower tuition rates for the 18 affordable spaces or spread the tuition reduction across a larger number of spaces.

However, there is already a significant waiting list at the center and staff felt that it would not be appropriate to allow corporations to move up on the existing waiting list. On the other hand, a corporation would not want to pay a fee and still not be able to get any of their employees' children into the center within a reasonable amount of time. Taking this into consideration, it is recommended that there would be a minimum two-year agreement with a first year fee of \$5,000, which would then increase up to \$10,000 in the second year. The fee would be paid for a block of 12 spaces and corporations would not be able to reserve more than 48 of the 92 spaces in the center. A portion of this fee would be used to pay for administrative costs with the rest for tuition reduction. It is estimated this would reduce the tuition rates for the 18 affordable spaces on average by \$20.83 per month (this represents a 10 to 14 percent reduction depending on the age group) for each block of 12 spaces. If two blocks of 12 spaces are reserved, the discount on the 18 affordable spaces would be \$41.66 (this represents a 20 to 28 percent reduction of tuition rates). If three or four blocks of 12 spaces are reserved, it is recommended that the number of affordable spaces be increased from 18 spaces. Thus, if three blocks of 12 spaces are reserved, the number of affordable spaces will increase by nine spaces for a total of 27 spaces. Accordingly, if four blocks of 12 spaces are reserved, there would be 36 affordable spaces in the 92-space center.

In addition, the affordable spaces must first be reserved for households whose income is at or below moderate income levels. First priority for these lower rates would also be given to households in BHC or City/Agency-sponsored affordable housing projects.

In order to allow for the flexibility in allowing corporate sponsors to participate, it is recommended that the Agreement Pertaining to the Improvement, Use and Operation Agreement of Childcare Center be amended to change the existing priority enrollment system to allow for corporate sponsorship.

Recommendation:

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING AND AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE BURBANK HOUSING CORPORATION PERTAINING TO THE IMPROVEMENTS, USE AND OPERATION OF THE CHILD CARE CENTER OF THE HOUSING AND CHILDCARE DEMONSTRATION PROJECT.

CONSENT CALENDAR: (Items 3 through 8)

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. APPROVAL OF FINAL TRACT MAP NO. 60727 (629 EAST ANGELENO AVENUE):

Staff is requesting Council approval of Final Tract Map No. 60727. The property covered on Final Tract Map No. 60727 is a one-lot subdivision totaling 7,633 square feet located at 629 East Angeleno Avenue. The six-condominium subdivision will consist of a two-story condominium building over a semi- subterranean garage. The property owner is Areg Baghdassarians.

In March 2003, the property owner requested City approval through a Development Review to demolish a single-family dwelling with a two-car garage to construct a six-unit apartment building. Final Tract Map No. 60727 finalizes the conversion of apartments to a condominium subdivision.

All 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. 60727:

1. The tentative tract map was approved by the Community Development Director on August 31, 2004, pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains six condominium units at 629 East Angeleno Avenue, which is located in the R-4 Residential Multiple Medium Density Zone.
3. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(3) relating to approval of final subdivision maps.
4. Conditions of Approval for Tentative Tract Map No. 60727 have been cleared by the Planning Division for purposes of Final Tract Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant cannot record the CC&Rs until this tract map is approved by the Council and recorded at the Los Angeles County Recorder's Office).

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. 60727 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, 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. 60727 (629 East Angeleno Avenue).

4. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION
CONTRACT FOR BID SCHEDULE NO. 1180 – SIDEWALK REPAIR PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1180- Sidewalk Repair Project. This is the second year of the City's 10-year sidewalk repair program. This program is designed to repair the sidewalks within two of the City's 20 sections every year.

Bid Schedule No. 1180 was advertised on April 27 and April 30, 2005. A bid opening was conducted on May 17, 2005. Three contractors submitted bids ranging from \$496,100 to \$564,325, Olivas Valdez, Inc. of Covina, California, submitted the lowest bid of \$496,100, which is 4.6 percent below the engineer's estimate of \$520,000. This contractor has previously performed work similar to the scope of work in this project for the City with satisfactory results. Construction of this project is planned to occur between August and October, 2005.

Recommendation:

Adoption of proposed resolution entitled:
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 SIDEWALK REPAIR
PROJECT TO OLIVAS VALDEZ, INC. BID SCHEDULE NO. 1180.

5. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION
CONTRACT FOR BID SCHEDULE NO. 1134 – ALLEY RECONSTRUCTION
PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1134– Alley Reconstruction Project. The scope of work of this project includes reconstruction of three alleys. Bid Schedule No. 1134 was advertised for construction bids on May 7 and 11, 2005. A bid opening was held on May 31, 2005. Four contractors submitted bids ranging from \$136,985 to \$216,863. KALBAN Inc. of Sun Valley, California, submitted the lowest bid of \$136,985 which is 44.5 percent below the engineer's estimate of \$247,000. This contractor has performed work similar to the scope of work in this project for the City with satisfactory results. Construction of this project is planned to occur in August and September 2005.

Recommendation:

Adoption of proposed resolution entitled:

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 TO KALBAN, INC. FOR THE ALLEY RECONSTRUCTION PROJECT, BID SCHEDULE NO. 1134.

6. AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2005 CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN:

Staff is requesting Council approval of a proposed resolution that authorizes the City Manager to accept a grant from the California Office of Traffic Safety (OTS) for the 2005 California Seat Belt Compliance Campaign.

The goal of the California Seat Belt Compliance Campaign is to increase seat belt use statewide to 92 percent by July 2005. Through the combined efforts of State and local enforcement, a seat belt enforcement campaign was conducted for a 21-day period in May and June 2005 in support of the **Click It or Ticket** national mobilization. Burbank Officers participated in this enforcement campaign and wrote a total of 1,784 seat belt citations over the three-week period. The funds provided from this OTS grant will provide reimbursement for enforcement hours on an overtime basis for first line supervisors, officers and administrative time to meet grant reporting requirements. The City has been approved for \$38,830 in grant funding.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING 2005 CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN GRANT PROGRAM FUNDS IN THE AMOUNT OF \$38,830 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY.

7. ESTABLISHMENT OF THE SPECIFICATION FOR THE CLASSIFICATION OF VETERINARY TECHNICIAN:

Federal regulations require the Animal Shelter to have a Drug Enforcement Agency (DEA) license to procure Schedule 4 narcotics for euthanasia. In order to earn a DEA license, shelters must employ a Veterinarian or Veterinary Technician. The Shelter has been utilizing Veterinary Technicians from local veterinarians. However, this is no longer

permitted by the DEA which now requires that a Veterinarian or registered Veterinary Technician be on staff. This role is currently being handled on a temporary basis by a retired Veterinarian volunteer. To be in compliance with the new DEA policy, a staff Veterinary Technician is required.

This classification 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 (BCEA) will represent this classification and has been advised of this establishment. The Police Chief concurs with this recommendation.

The salary range for Veterinary Technician will be \$2,803-\$3,500. This position has been included in the proposed Fiscal Year 2005-06 budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF VETERINARY TECHNICIAN (CTC No. 0984) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

8. APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE BURBANK POLICE OFFICERS ASSOCIATION FOR FISCAL YEAR 2005-07 AND EQUITY ADJUSTMENTS FOR POLICE CAPTAINS:

The purpose of this report is to request Council approval of the compensation package for the Burbank Police Officers Association (BPOA) for Fiscal Years (FY) 2005-06, 2006-07, as well as equity adjustments for incumbents occupying the classification of Police Captain. Staff has adhered to the City's compensation policy which includes the consideration of the condition of the economy as reflected by the Consumer Price Index (CPI); capacity in the City's approved budget; commitment to pay for performance; and, equity in the market place.

Staff has been negotiating with the BPOA since March 2005. In June 2005, the City and the BPOA reached a tentative agreement on a two-year package. The BPOA members ratified this agreement and staff is now requesting Council approval. This settlement took into consideration the significant retention and recruitment problems the City is facing for sworn police personnel. The Police Department has been attempting to fill its vacant positions for over a year. Although some headway has been made, there are still 12 vacant Police Officer positions. Market competitiveness and a dwindling applicant pool have made recruitment efforts very difficult.

In order to determine market comparability, the City and BPOA used a ten-city (Anaheim, Garden Grove, Glendale, Huntington Beach, Inglewood, Long Beach, Pasadena, Santa Ana, Santa Monica and Torrance) survey. The survey indicated that the salaries for the

City had fallen below the total compensation paid to Police Officers in these survey cities by approximately 10 percent. As such, staff is proposing a two-year agreement with a nine percent salary increase effective July 1, 2005 and a six percent increase effective July 1, 2006. In addition, the package includes increases for Field Training Officer, Motor, and Pilot assignment pay, as well as P.O.S.T. certificate pay which equals an additional 1.5 percent for a two-year package totaling 16.5 percent.

If the BPOA classifications receive a nine percent salary adjustment, this creates a compaction between the BPOA positions and Police Captain. This compaction does not encourage promotion or the development of qualified candidates for future upper management roles. Since the Police Captains have historically received salary adjustments that are at least equal to what the BPOA negotiated, staff is proposing that the Police Captain classification receive this same nine percent adjustment effective July 1, 2005. This adjustment will maintain the internal alignment between ranks and compensate BPOA members and Police Captains at the market average.

The proposed compensation package of 16.5 percent over two years (nine percent salary increase in Year One, six percent salary increase in Year Two and a 1.5 percent increase in differentials) for the BPOA is a total cost to the General Fund of \$2,809,604. The nine percent adjustment for Police Captain will be a total cost to the General Fund of \$76,000. The proposed salary increases and equity adjustments were anticipated in the FY 2005-06 budget preparation. However, the funds were not appropriated at the time of the budget adoption. As such, budget amendments are required to appropriate the necessary funds from the Un-appropriated Fund balance.

Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK POLICE OFFICERS' ASSOCIATION (BPOA) FOR FISCAL YEAR 2005 THROUGH FISCAL YEAR 2007 AND AMENDING THE FISCAL YEAR 2005-2006 BUDGET.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO.22,795 (THE COMPENSATION PLAN FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES) RELATING TO THE SALARY FOR POLICE CAPTAINS AND AMENDING THE FISCAL YEAR 2005-06 BUDGET.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

9. DOWNTOWN BURBANK BUSINESS IMPROVEMENT DISTRICT 2005-06 ANNUAL ASSESSMENT:

As part of the Redevelopment Agency's (Agency) and the Council's efforts to improve Downtown, a Property-Based Business Improvement District was formed to fund a variety of improvements in partnership with Downtown Burbank property owners. On July 22, 2003, the Council approved the Business Improvement District and on October 28, 2003, the Council appointed the first Board of Directors for the organization now known as the Downtown Burbank Partnership, Inc.

The total annual assessment to the City and Agency is approximately \$123,000 per year; however, the Agency agreed to pay the City's and Agency's five-year share up front to help pay for capital items that could be installed sooner rather than later such as holiday decorations, wayfinding and smart signage. The remaining \$597,000 annual assessment is paid by approximately 130 property owners throughout Downtown, excluding residential and non-profit property owners.

As noted in the 2004 Annual Report presented in January 2005, a number of improvements and new programs were implemented during the last two years through Downtown Burbank Partnership Inc. This includes new holiday décor, improved maintenance and security, a Goodwill Ambassador Program and a free wireless internet access program. Marketing and promotions have been an important focus of the Downtown Burbank Partnership providing the development of a new website (www.downtown-burbank.org), a Downtown directory brochure and a monthly newsletter. A leasing packet, window decal announcements and staff-broker relations have also helped to cultivate interest from new retailers to locate in Downtown. In addition, numerous events are planned for the year including free-to-the-public summer concerts, the Downtown Burbank Fine Arts Festivals, and the award-winning 12 Days of Holiday Cheer.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ANNUAL REPORT AND LEVYING THE 2005-2006 ASSESSMENT FOR THE DOWNTOWN BURBANK PROPERTY AND BUSINESS IMPROVEMENT DISTRICT.

10. APPROVAL OF MAYOR'S YOUTH TASK FORCE RECOMMENDED PROGRAMS:

Staff requests authorization to appropriate \$175,000 from the previously-established Youth Programs Holding Account to fund the programs as proposed by the Mayor's Youth Task Force. There is currently \$250,800 in this account.

The Mayor's Youth Task Force has been meeting regularly to review and discuss updates of current programs and receive presentations for consideration for different programs that may meet the needs of the youth of Burbank. The focus has been on intervention and education for secondary students.

The Mayor's Youth Task Force is recommending funding for five programs as follows:

1. \$15,000 for Teens In Action Media Communication Team for the production of two additional shows. Four shows have been completed. The series of shows will be integrated into the Burbank Unified School District (BUSD) high school curriculum beginning in fall 2005.
2. \$75,000 for continuance of the Middle School Counseling Program on BUSD middle school campuses for the 2005-2006 school year with The Family Service Agency of Burbank as the service provider. The Mayor's Youth Task Force desires to continue the services and enter into Phase II of the program which will include a family/self-referral component.
3. \$50,000 for implementation of a High School Counseling Program on two BUSD high school campuses for the 2005-2006 school year. This proposed program will allow for continuance of care for students in need as they graduate from middle school into high school, as well as address needs of the particular school population. The Family Service Agency of Burbank will be the service provider working in cooperation with the BUSD and City.
4. \$15,000 for continuance of Teens In Action Police/Youth Relations with its primary goal of improving the relationship between the police and youth in Burbank. Facilitated by We Care for Youth, this team proposes to continue conducting activities such as the Teen Street Beat television show, community *Ball-B-Q* to include a basketball game between youth and police, campus discussion forums and participation in other community events. The program also offers team members opportunities for mentoring and coaching by responsible adults.
5. \$20,000 for Bliss Unlimited for start-up costs for tenant improvements and furnishings. Operated by We Care for Youth, Bliss Unlimited is a youth entrepreneurial academy that teaches business and life skills. It involves a youth directed and operated retail store that will sell items such as gift baskets, apparel and hand-crafted jewelry. Initially, students will be involved through a Regional Occupational Program class. The store will be located in the Burbank Town Center. Space is being provided at no charge for three years by Crown Realty and Development.

The total amount requested for appropriation is \$175,000. If approved, the remaining balance in the holding account will be \$75,800.

Recommendation:

Adoption of proposed resolution entitled:
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROPRIATING FUNDS FOR THE MAYOR'S YOUTH TASK FORCE FROM THE CITY OF BURBANK TO THE BURBANK MIDDLE SCHOOLS COUNSELING PROGRAM FOR \$75,000; HIGH SCHOOLS COUNSELING PROGRAM FOR \$50,000; TEENS IN ACTION MEDIA COMMUNICATION TEAM FOR \$15,000; TEENS IN ACTION POLICE YOUTH RELATIONS TEAM FOR \$15,000 AND BLISS UNLIMITED PROGRAM FOR \$20,000.

11. REPORT ON COMMERCIAL MUSIC LESSONS FROM RESIDENCES:

At the May 10, 2005 Council meeting, Council Member Ramos asked staff to survey other cities to find out how they address the commercial business activity of music lessons being conducted from a residence. The City does not allow commercially-operated music lessons to be conducted from a residence as a home occupation, and it is therefore of interest to the Council to determine how other cities address this subject.

Over the course of a two-year period from 1997-98, the issues surrounding home occupations were thoroughly studied by a Council-appointed citizen action committee known as the Home Occupation Task Force. The Task Force made recommendations to the Council in 1998 which the Council adopted in the form of the Burbank Home Occupation Ordinance. This ordinance establishes standards and restrictions which determine whether or not a particular commercial business activity can or cannot be conducted from the residence. Commercially-conducted music lessons currently violate the Home Occupation Ordinance restrictions due to increased vehicular and/or pedestrian traffic, in addition to the potential of creating noise that would be disturbing to the surrounding area.

In response to the Council's request for information concerning how other cities address commercial music lessons being conducted from a residence, staff conducted a survey of numerous California cities. Twenty-four cities responded. Ten responding cities prohibited the commercial business activity of music lessons from the residence, while 14 cities allowed such commercial activity to take place from the residence. Ten of the 14 cities that allow this type of business activity to be conducted from the residence regulate the activity through such mechanisms as:

- Conditional Use Permit requirements;
- Limiting the number of lessons in a day;
- Limiting days the lessons may be given;
- Limiting the hours of operation of the business;

- Not allowing music lessons in an apartment or condominium;
- Restricting the type of musical instruments to be taught (piano lessons only, no drums, etc.); and,
- No voice lessons.

Twenty of the 24 cities that responded to the survey either prohibit, or tightly regulate, commercial music lessons from residences due to the potential noise, and increased vehicular and pedestrian traffic.

Recommendation:

Staff seeks direction from the Council regarding whether to draft an amendment to the Burbank Home Occupation Ordinance allowing commercial music lessons in residential neighborhoods.

12. SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY TO RECEIVE REAL TIME TRAFFIC INFORMATION:

Staff is requesting that the Council adopt a resolution authorizing the Deputy City Manager/Public Works and Capital Projects to execute an agreement with the Los Angeles County Metropolitan Transportation Authority (Metro) to receive real time traffic information from the Regional Integration of Intelligent Transportation Systems (RIITS).

The RIITS system is intended to disseminate traveler information to public agencies involved in transportation and public safety and to Internet Service Providers (ISP's). The Metro, California Department of Transportation, California Highway Patrol (CHP) and City of Los Angeles Department of Transportation (LADOT) were the initial participants in the program which has grown to include Los Angeles County, Port of Los Angeles, Los Angeles County Fire Department, Los Angeles County Sheriffs Department, Long Beach Transit, Santa Monica Transit and Port of Long Beach. The program will ultimately encompass all public transportation agencies in the County with the purpose of sharing traffic and transportation information. The currently available information on the RIITS website includes Caltrans freeway data, CHP incident information, and the Metro bus route and schedule information. The data base will eventually include congestion data on surface streets, Metrolink train schedules and transit information from other transit agencies.

Burbank's participation in the RIITS traveler information system will allow countywide travel information to be provided on the City website. Upon completion of the Burbank Intelligent Transportation System, travel and congestion information will be provided to the RIITS system, so that travelers in Burbank can determine travel times on major City streets, bus routes and schedules in Burbank, and schedules of the City's local transit systems.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY TO RECEIVE REAL TIME TRAFFIC INFORMATION.

ADOPTION OF PROPOSED ORDINANCE:

13. ZONE TEXT AMENDMENT NO. 2005-46: MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS:

Pursuant to Council direction, staff has prepared a Zone Text Amendment reducing multiple-family residential densities and implementing new multiple-family residential development and design standards. There would be no changes to the Zone Map as part of the proposed amendment; all of the changes would be to the text of the Zoning Ordinance and apply to existing zone designations. These proposed changes to the existing standards in the Zoning Code respond to the Council's concerns about multiple-family residential densities and the quality and compatibility of new residential development.

Reducing multiple-family residential densities can have a positive effect on reducing traffic and parking impacts and improving compatibility with the surrounding neighborhood. The character of Burbank's multiple-family residential neighborhoods are influenced as much by the physical attributes of development – the development standards – as by the density. Development standards are the tools that shape the physical configuration and aesthetic quality of the residential density allowed on a site. Development standards have important implications with regard to building appeal and neighborhood compatibility. However, mitigation of impacts such as parking, building mass, incompatibility of scale and style with neighboring structures, in the multiple-family residential areas, must be addressed in terms of both density and development standards.

There is a critical relationship between development standards and achievable densities; therefore, in conjunction with the proposed reduction in multiple-family densities, staff proposes several changes and additions to the multiple-family development standards that will support the new lowered densities and reduce some of the perceived impacts of the increasing build-out of the multiple-family residential areas. The goal of the new standards is to maintain the quality, integrity and distinct character of the City's multiple-family neighborhoods, while continuing to allow needed new housing development to occur.

The proposed changes to the Code include substantial modifications to existing

standards, such as: not allowing semi-subterranean garage encroachment into required side yards; no tandem parking; facade variation to achieve improved building elevations; enhanced landscaping in parking area; and, the introduction of new standards which will codify design elements such as building orientation, windows and doors, entries and porches and roof design.

This ordinance was introduced at the June 21, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (PROJECT NO. 2005-46).

14. AMENDING CHAPTER 25 (SEWERS) OF THE BURBANK MUNICIPAL CODE AND ADOPTING A NEGATIVE DECLARATION:

Staff is requesting Council adoption of an ordinance that amends Chapter 25 (Sewers) of the Burbank Municipal Code (BMC) to comply with the United States Environmental Protection Agency (USEPA) regulations and adopt a Negative Declaration. These changes were the primary reason for a Code update at this time. This article, also known as the City's Sewer Use Ordinance, provides the authority for the City to regulate the discharge from industries within the City. The article was last updated over ten years ago, and requires modifications to conform to current USEPA regulatory language.

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA), a Negative Declaration was prepared. The public review period began on May 3, 2005 and concluded on May 24, 2005. No comments were received.

On June 8, 2005, the proposed changes to Chapter 25 of the BMC were presented to the Board of Building and Fire Code Appeals (Building Board). The Building Board unanimously voted to recommend that the Council adopt the changes to Chapter 25 of the BMC as proposed.

This ordinance was introduced at the June 21, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF CHAPTER 25 OF THE BURBANK MUNICIPAL CODE RELATING TO DISCHARGES FROM PUBLICLY OWNED TREATMENT WORKS (POTWS) AND RELATING TO THE REQUIREMENTS UNDER THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S STANDARD URBAN STORM

WATER MITIGATION PLAN (SUSMP).

RECONVENE the Redevelopment Agency meeting 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. To Tuesday, July 19, 2005 at 5:00 p.m. in the Council Chamber of City Hall, for a Soccer Field Study Session.

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