



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, AUGUST 9, 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 – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** City of Burbank v. State Water Resources Control Board.  
**Case No.:** Court of Appeal No. B150912/Superior Court Case No. BS060960  
**Brief description and nature of case:** A challenge to State and Regional Water Quality Control Board's ability to impose wastewater limits on NPDES Permits without considering the economic impact on cities and a possible petition to U.S. Supreme Court.
  
- 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:** Contracts and Retirement Issues.
  
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 1

- d. Conference with Real Property Negotiator:  
Pursuant to Govt. Code § 54956.8  
**Agency Negotiator:** Community Development Director/Susan M. Georgino.  
**Property:** Approximately two acres of land adjacent to Empire Avenue, which is part of the Burbank Empire Center.  
**Party With Whom Agency is Negotiating:** Ben Reiling, Zelman Retail Partners, Inc.  
**Name of Contact Person:** Susan Georgino, Community Development Director/Greg Herrmann, Assistant Community Development Director – Transportation and Planning.  
**Terms Under Negotiation:** Environmental Conditions.

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 Cherye Cunnigan, Magnolia Park United Methodist Church.  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PRESENTATION: BURBANK SISTER CITY EXCHANGE STUDENTS.

RECOGNITION: TOMOKO SERIZAWA.

COMMENDATION: POLICE DEPARTMENT REX ANDREWS SCHOLAR, COMMENDATIONS AND PROFESSIONAL ESTEEM AWARD.

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 August 1, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PLANNED DEVELOPMENT NO. 2004-97 WITH DEVELOPMENT REVIEW – 2128 NORTH GLENOAKS BOULEVARD (FORMER UNOCAL 76 SITE):

The applicant, Farhad Simhab, is requesting approval of a Planned Development to construct a mixed-use project consisting of 34 residential units and approximately 2,632 square feet of retail/office space on the site of a former Unocal 76 gasoline station located at 2128 North Glenoaks Boulevard. The site is presently zoned C-2, R-4, and R-1.

On May 23, 2005 and June 27, 2005, the Planning Board conducted public hearings regarding the proposed project. At the completion of the public hearing, the Board recommended that the Council deny the application by a vote of 2-1.

Since the Planning Board hearings, the applicant has modified the project in an attempt to address the concerns raised by the Planning Board and members of the community. These changes included removing four units, resulting in a total of 34, modifying the parking structure from a semi-subterranean structure to a fully subterranean structure in order to reduce the height, and eliminating a third level of residential above the commercial space.

The proposed project will be three stories along Glenoaks Boulevard and Keeler Street and two stories along the side facing the adjacent dry cleaners and residential uses along Scott Road. The project will include 83 parking spaces, consistent with Burbank Municipal Code requirements for both the residential and commercial components.

Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared for the project. The Negative Declaration indicates that the project will not result in a significant impact on the environment.

Recommendation:

1. Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION (KIMIA'S PROPERTIES, INC. - PROJECT NO. 2004-97).
2. Introduction of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2004-97 AND A DEVELOPMENT AGREEMENT RELATED THERETO (KIMIA'S PROPERTIES, INC. - 2128 NORTH GLENOAKS BOULEVARD).

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:**

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

**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. **MINUTES:**

Approval of minutes for the regular meetings of February 1, February 8, February 15 and February 22, 2005.

Recommendation:

Approve as submitted.

4. **PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC.**

Staff is requesting Council approval to enter into a \$74,900 Professional Services Agreement (PSA), with Orsa Consulting Engineers, Inc. (Orsa) to provide engineering services and consultation for electrical utility relocations at the Hollywood Way, Alameda Avenue and Pass Avenue bridges, as the next phase in the Westbound State Route (SR) 134 On-Ramp Project. The City will be fronting the contract cost, and will be reimbursed by the California Department of Transportation (Caltrans) upon completion.

Staff has been working with Caltrans to complete the local tasks that will permit Caltrans to begin construction of the new SR 134 Westbound Ramp Project, which will improve freeway access and address congestion problems in the Media District. Specifically, the ramp will alleviate the existing heavy left-turn movement of northbound Hollywood Way traffic by allowing traffic to turn east (right) onto Alameda Avenue to access the westbound SR 134 freeway. To date, both the Hollywood Way electrical sub-station and the Alameda Avenue off-ramp have been relocated, which satisfies the City's local match

portion of this project. Utilities remain throughout the Hollywood Way, Alameda Avenue and Pass Avenue bridges that need to be relocated and modified before Caltrans can begin construction of the new on-ramp.

Staff recommends that a PSA be awarded to Orsa for the utility relocation design-work, based on the combination of past work experience and knowledge of the surrounding area. Orsa has been involved with this project since 2002, when they designed and provided technical supervision of the relocation of the Hollywood Way Electrical Distribution Substation, which is now located just east of the Alameda Substation near the southeast corner of the Hollywood Way and Alameda Avenue intersection. The firm has produced high quality design work, and their knowledge of the project and the technical requirements of the design work uniquely qualify them for this PSA.

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 ORSA CONSULTING ENGINEERS, INC. FOR THE SR-134 WESTBOUND ONRAMP UTILITY RELOCATION.

5. REQUEST FOR CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2004-05 TO FISCAL YEAR 2005-06:

The purpose of this report is to request approval to carry over continuing appropriations from Fiscal Year (FY) 2004-05 to the FY 2005-06 budget for the City and the Redevelopment Agency.

At the end of each fiscal year, departments review their budgeted appropriations and submit requests for manual carryovers (unencumbered funds) to the Financial Services Department/Budget Division. Parallel to the manual carryover process, departments also submit requests to the Purchasing Section of the Financial Services Department to keep requested Purchase Orders (encumbered funds) open with the funds carried forward to the next fiscal year. This report addresses those appropriations which have not been encumbered by the departments for goods or services and are considered necessary.

A summary document was put together based on the Request for Carryover Forms submitted by each department. Staff compiled a list of requests and began the process of determining funds availability, as well as the legitimacy of the request. A final list was developed and distributed to the departments for final review and follow-up. The Department Managers then reviewed the final list and determined what carryover requests would be submitted to the Council and Redevelopment Agency Board for consideration. Keeping in mind the budgetary constraints, the Department Managers are satisfied that the requested carryover dollars are necessary.

The most common reasons for manual carryover requests are for: ongoing capital projects; delayed program implementation; continuing operations (including projects and studies such as the Domestic Violence Task Force, Starlight Bowl, Burbank Athletic Federation, etc.); and, restricted dollars for a specific purpose (for example, grants awarded by the City, such as middle school grants; dollars received by the City such as Public Library Funds, Local Law Enforcement Block Grants and Drug Asset Forfeiture Funds; or, donations appropriated for a specific purpose that may cross fiscal years.)

The following is a summary of all funds that are being requested to be carried over to FY 2005-06:

**SUMMARY OF FUND REQUESTS  
FISCAL YEAR 2004-05 CARRYOVER**

<u>FUND DESCRIPTION / NUMBER</u>	<u>AMOUNT</u>	<u>SUBTOTAL</u>
<b><u>Governmental Funds</u></b>		
General - Fund 001	\$ 5,359,280	
Proposition A - Fund 104	250,790	
Proposition C - Fund 105	344,123	
Housing Section 8 Vouchers - Fund 117	33,276	
General City Grants - Fund 121	76,162	
CDBG Fund - Fund 122	453,766	
Drug Asset Forfeiture - Fund 124	1,036,684	
Gas Tax - Fund 125	706,725	
Developmental Impact Fees - Fund 127	4,758,384	
Golden State Capital Projects - Fund 301	1,410,196	
City Centre Capital Projects - Fund 302	1,340,980	
So. San Fernando Capital Projects - Fund 304	2,328	
Low-Moderate Income Housing - Fund 305	7,241,045	
Capital Projects - Fund 370	47,101,555	<b>\$ 70,115,295</b>
<b><u>Enterprise Funds</u></b>		
Water Reclamation and Sewer - Fund 494	6,147,836	
Golf - Fund 495	1,919,857	
BWP - Electric - Fund 496	66,750	
BWP - Water - Fund 497	282,250	
Refuse Collection and Disposal - Fund 498	1,285,281	<b>\$ 9,701,975</b>
<b><u>Internal Service Funds</u></b>		
General Liability Insurance - Fund 530	1,954,853	
Workers Compensation Fund Insurance - Fund 531	45,559	
Vehicle Equipment Replacement - Fund 532	1,832,371	
Equipment Replacement - Fund 533	309,368	
Municipal Building Replacement - Fund 534	1,303,094	
Computer Equipment Replacement - Fund 537	6,193,203	<b>\$ 11,638,448</b>
<b>TOTAL</b>	<b>\$ 91,455,718</b>	<b>\$ 91,455,718</b>

At year-end, all unencumbered appropriations revert to available fund balance and can be appropriated for other purposes. As the Council is aware through the FY 2005-06 budget adoption process, staff continues to be mindful of Burbank's budget problems as well as the budget crisis at the State level. As of the writing of this report, the carryover amount is only an estimate as the balances may change as financial activities in the



accounts continue until the fiscal year is officially closed. Staff will be presenting the first quarter financial report in November which will include a summary of FY 2004-05.

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 CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2004-2005.

6. APPROVAL OF AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH UNITED WATER SERVICES FOR THE OPERATION OF THE BURBANK WATER RECLAMATION PLANT, IMPLEMENTATION OF THE INDUSTRIAL PRETREATMENT PROGRAM, AND IMPLEMENTATION OF THE ILLICIT STORMWATER PROGRAM:

Staff is requesting Council approval of a first amendment to a Professional Services Agreement with United Water Services, Inc. (UW) to operate the Burbank Water Reclamation Plant (BWRP), implement the Industrial Pretreatment Program (IPP), and implement the Illicit Stormwater Program (ISP).

In 1990, the Council approved a three-year agreement with UW (formerly called JMMOSI) to operate the BWRP and implement the IPP. The IPP is a United States Environmental Protection Agency (USEPA) mandated program that requires the City to issue and enforce permits to specific industries discharging sewage to the water reclamation plant. Since the issuance of the first agreement in 1990, subsequent agreements have added additional services and extended the term to the current expiration date of June 30, 2006. UW has continued to provide reliable service to the City while providing safe operation of the BWRP.

In addition to the operation of the BWRP, UW has implemented the City's IPP. UW is responsible for regulating the wastewater discharge from over 400 industrial users within the City limits. UW has developed the City's industrial user database, improved sampling and inspection procedures, developed local limits and assisted the City in complying with USEPA audits. UW has worked with City staff on technical issues and has supported the City with resources to handle emergency situations when requested. In particular, UW has provided technical support to the City, at no additional cost, related to planning and construction in dealing with more stringent discharge requirements imposed by the California Regional Water Quality Control Board. They have given valuable input on the recent upgrades to the BWRP. Their support during these upgrades completed in July 2005 helped make these projects a success.

Although the current contract will not expire until June 30, 2006, an amendment was pursued now to allow sufficient time to send out a Request for Proposals if negotiations

broke down. UW responded to the City by agreeing to hold constant the cost for the operations, laboratory, pretreatment and stormwater expenses to the amount paid in Fiscal Year (FY) 2004-05, foregoing the increase indicated in the current contract of \$217,252. The current contract comprises approximately 35 percent of the total Sewer Fund operating expenses in FY 2004-05. The proposed costs represent a reduction of \$217,252 from the budgeted amount of \$3,661,760 for FY 2005-06. Other changes included in this amendment consist of a modification to the cost savings incentive, a penalty for excessive personnel turnover and a modification of the future annual payments adjustment methodology.

Due to a cost-effective record of service provided by UW, reflected in the City's relatively low sewer service charges, and their knowledge and experience of the treatment systems and the IPP, staff is recommending dispensing with a Request for Proposals and signing a contract for these services for a six-year period.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH UNITED WATER SERVICES FOR THE OPERATION OF THE BURBANK WATER RECLAMATION PLANT, IMPLEMENTATION OF THE INDUSTRIAL PRETREATMENT PROGRAM AND IMPLEMENTATION OF THE ILLICIT STORMWATER PROGRAM.

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

REPORT TO COUNCIL:

7. PROPOSED FISCAL YEAR 2005-06 ANNUAL WORK PROGRAM AND DEPARTMENTAL PERFORMANCE INDICATORS (LIBRARY SERVICES DEPARTMENT, FIRE DEPARTMENT AND PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT):

The purpose of this report is to provide the Council with the proposed Fiscal Year (FY) 2005-06 Annual Work Program and Departmental Performance Indicators.

The Annual Work Program is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2005-06 Annual Work Program contains over 300 work items that have been identified by each department and suggested by the Council during the past year and the annual budget study sessions.

The FY 2005-06 Departmental Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met.

Each Department Manager will present their proposed FY 2005-06 Annual Work Program and Performance Indicators for the Council's review per the following schedule:

Library Services Department Fire Department Park, Recreation and Community Services Department	August 9, 2005
City Treasurer's Office Financial Services Department Public Works Department	August 16, 2005

Recommendation:

Staff requests that the Council review the proposed Fiscal Year 2005-06 Work Program and Departmental Performance Indicators per the proposed schedule and provide input and direction as necessary.

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, August 16, 2005 at 5:00 p.m. in the Council Chamber, to conduct Charter Review Committee applicant interviews.

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