



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, OCTOBER 18, 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)

1. **Name of Case:** McDonald v. City of Burbank

**Case No.:** EC039823

**Brief description and nature of case:** Relocation dispute relating to housing project condemnation.

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; Unrepresented, and Appointed Officials.

**Summary of Labor Issues to be Negotiated:** 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:

PROCLAMATION:            NATIONAL BREAST CANCER AWARENESS MONTH.

PROCLAMATION:            CIVIC PRIDE'S MAKE A DIFFERENCE DAY.

RECOGNITION:            VIRGIL AND FRANCES ROSS TRUST DONATION TO THE ANIMAL SHELTER.

RECOGNITION:            ANNUAL EMPLOYEE SERVICE AWARDS.

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 October 17, 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:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.  
CONSENT CALENDAR: (Items 2 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.

2. MINUTES:

Approval of minutes for the regular meetings of September 6, September 13 and September 20, 2005.

Recommendation:

Approve as submitted.

3. APPROVAL OF FINAL TRACT MAP NO. 61417 – 4125 HOOD AVENUE:

Staff is requesting Council approval of Final Tract Map No. 61417, a one-lot subdivision totaling 6,599 square feet located at 4125 Hood Avenue. The property is in the MDR-4 Media District Residential Multiple Medium Density Zone and owned by Jose Fulginiti.

In November 2003, the property owner requested City approval through a Development Review to construct a two-story, four-unit residential building with nine parking spaces. Final Map No. 61417 finalizes the conversion of a residential multi-family building into 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. 61417:

1. The tentative tract map was approved by the Community Development Director on August 25, 2004 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map);
2. The Final Tract Map contains four condominium units at 4125 Hood Avenue, which is located in the MDR-4 Media District 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; and,
4. Conditions of Approval for Tentative Tract Map No. 61417 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 BMC, the Council must approve Final Tract Map No. 61417 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 FINAL MAP OF TRACT NO. 61417 (4125 Hood Avenue).

4. ACCEPTING A DONATION TO THE BURBANK POLICE DEPARTMENT AND AMENDING THE FISCAL YEAR 2005-06 BUDGET FOR THE PURPOSE OF APPROPRIATING THESE MONIES:

Staff is requesting the Council accept monies donated to the Burbank Police Department and appropriate the monies accordingly.

On September 30, 2005, the Burbank Animal Shelter received a generous donation of \$19,310 in cash and artwork from the Virgil and Frances Ross Trust. Mr. and Mrs. Ross cared deeply about animals, especially those in need of a good home. The Ross Trust designated that a portion of the estate be distributed to various animal causes to be selected by the Trustee, Ms. Roxana Ross. The Burbank Animal Shelter was among those chosen. Staff is requesting the funds be utilized to support the ongoing kitten fostering program; public education efforts on West Nile Virus, rabies control and animal abuse; the replacement of critical field equipment; and, staff training.

Recommendation:

Adoption of proposed resolution entitled:  
(4/5 vote required)  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF ACCEPTING AND APPROPRIATING A DONATION IN THE AMOUNT OF \$19,310 FROM THE VIRGIL AND FRANCES ROSS TRUST.

5. AUTHORIZING THE ACCEPTANCE OF GRANTS FROM THE VERDUGO WORKFORCE INVESTMENT BOARD AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING THE GRANT FUNDS:

The purpose of this report is to request Council approval of two proposed resolutions that would authorize the City Manager to accept a total of \$58,100 in two grants awarded by the Verdugo Workforce Investment Board (VWIB) to the City's Management Services Department and amend the Fiscal Year (FY) 2005-06 budget by appropriating these grant funds. The grant funds include \$45,000 in National Emergency Grant (NEG) funds and \$13,100 in Workforce Investment Act (WIA) In-School and Out-of-School Youth Grant funds.

The cities of Burbank, Glendale and La Canada Flintridge formed the Verdugo Consortium by a joint powers agreement signed December 14, 1999 which is governed by the VWIB. The Department of Labor through the State's Employment Development Department awarded VWIB a NEG, as well as additional funding for the WIA In-School and Out-of-School Youth programs.

The purpose of the NEG is to temporarily employ workers to clean up, repair and restore public lands and structures in Glendale, Burbank and La Canada Flintridge that were damaged in the storms this past winter. The VWIB awarded the City a NEG grant (\$404,550) as an amendment to the Burbank's Workforce Connection contract. Although the NEG temporary employees will be working for Burbank, all wages/benefits and Worker's Compensation coverage (\$359,550) for the 30 temporary workers will be paid by the City of Glendale. The recruitment for these employees will be coordinated by the City of Glendale through the Verdugo Jobs Center and the City's Workforce Connection. Workers may be retained by Burbank until May 31, 2006 to clear brush and debris, as well as repair concrete, parks and open space areas damaged by erosion and excess growth and vegetation as a result of the storms. The workers cannot earn more than \$12,000 in wages or work more than 1,000 hours. The City of Burbank will receive \$45,000 in grant monies to fund program coordination, safety equipment and supplies.

The purpose of the WIA In-School and Out-of-School Youth programs is to provide gainful employment and training to at-risk youth. VWIB awarded the City a WIA grant (\$26,970) for the Fall 2005 youth programs. Although the youth participants will be working for Burbank, Glendale will administer the payroll and Worker's Compensation coverage for the six in-school and three out-of-school youth workers (\$13,870). As such, Burbank will receive \$13,100 in grant monies to fund program coordination and supplies. The Management Services Department will utilize existing staff, resources and expertise to operate the program. The WIA In-School program was successfully operated in 2001 and the CalWORKs Youth Jobs Program operated during the summers of 2004 and 2005, and had excellent results. Based on the City's past success in operating youth programs and funds available for the region, there is a chance that additional funds will be available in the future.

Accepting the two grants will have no fiscal impact on the City of Burbank.

Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING NATIONAL EMERGENCY GRANT FUNDS FROM THE VERDUGO WORKFORCE INVESTMENT BOARD (VWIB) IN THE AMOUNT OF \$45,000 FOR THE PURPOSE OF COORDINATING TEMPORARY EMPLOYMENT FOR DISLOCATED WORKERS TO REPAIR DAMAGE CAUSED BY THE 2005 WINTER STORMS AND APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CITY OF GLENDALE RELATING TO THE WORKFORCE CONNECTION.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF ACCEPTING AND APPROPRIATING \$13,100 IN WORKFORCE INVESTMENT ACT IN-SCHOOL YOUTH AND OUT-OF-SCHOOL YOUTH GRANT FUNDS TO IMPLEMENT THOSE PROGRAMS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS OF AN AGREEMENT WITH THE CITY OF GLENDALE RELATING TO THOSE PROGRAMS.

6. TERMINATION OF THE LOCAL EMERGENCY DUE TO THE WILDFIRES:

On Thursday, September 29, 2005, the Director of Emergency Services proclaimed a local emergency due to the wildfires in the hills of the City, in accordance with Burbank Municipal Code (BMC) Section 10-106. The Council ratified that action on October 4, 2005. Additionally, at that meeting, the Council reviewed the local emergency. The Director of Emergency Services, the City Manager, now recommends that the Council terminate the local emergency.

In accordance with Government Code Section 8630, the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant. The Council is being requested to terminate the local emergency at this time.

BMC Section 10-102 defines an emergency as an "...actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as ... fire...which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat." The situation resulting from said conditions of extreme peril is now deemed to be within the control of the normal protective services, personnel, equipment and facilities of said City of



Burbank. At this time there is no actual or threatened existence of any conditions rising to the level of an emergency.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

7. REVIEW OF LANDSCAPE PLANS FOR BURBANK MEDICAL PLAZA:

When the Council approved the Burbank Medical Plaza project (Planned Development No. 2003-3), a Condition of Approval was placed on the project to require that the landscape plans be reviewed and approved by the Council prior to the issuance of building permits for subsequent phases. The Council placed particular focus on the treatment of the frontage along Buena Vista Street.

Landscape plans were previously reviewed by the Council on September 27, 2005. At that time, the Council indicated that enhanced landscape treatment was needed for the Buena Vista Street frontage. Since that meeting, the landscape plans have been modified to increase the size and number of trees along that frontage.

Recommendation:

Staff recommends that the Council review the landscape plans and offer recommendations as necessary.

8. STATUS OF THE CITY'S SOLID WASTE DIVERSION EFFORTS:

Over the past 23 years, the City has demonstrated its strong commitment to the environment by implementing and sustaining a variety of solid waste diversion programs, which were created consistent with Assembly Bill (AB) 939. AB 939 was passed in 1989 and required all cities and counties to reduce 50 percent of their waste by the year 2000.

As required by AB 939, Burbank submitted a Source Reduction and Recycling Element (SRRE) to the California Integrated Waste Management Board (CIWMB) in 1990. The SRRE included plans for increasing the City's waste diversion through source reduction, recycling, composting, public education and special waste programs. By implementing these various programs, the City's solid waste diversion rates have been consistently

maintained above the mandatory 50 percent rate.

Burbank's historical successes were built on a combination of waste diversion programs, including:

- Curbside residential recycling and green waste collection;
- Backyard composting;
- Commercial recycling;
- School recycling;
- Material-specific programs (e.g. electronic waste, sneakers, etc.); and,
- Public education and outreach.

In November 2001, the CIWMB adopted a Strategic Plan that established as one of its goals "...to promote a 'zero-waste California' where the public, industry and government strive to reduce, reuse or recycle all municipal solid waste back into nature or the marketplace in a manner that protects human health and the environment." The CIWMB urges cities to promote zero waste and encourages and assists with programs and grants that work toward that end.

While zero waste may not be an achievable result in Burbank today, creating and expanding programs now may help the City move closer to that goal in the future. Some key approaches that staff is evaluating include the following:

- Address waste proactively (before it is created) rather than reactively;
- Maintain and expand existing programs that are effectively diverting waste; and,
- Explore options for recovering additional materials.

Address Waste Proactively: The concept of "down stream" or "reactive" waste diversion is reaching maturity. Increasingly, the concepts of zero waste, cradle to cradle design, producer responsibility, and green buildings are moving from theory to implementation in businesses regulatory agencies and local governments. Burbank residents, businesses and visitors should be encouraged to produce less waste through their everyday actions, and to reuse all materials to the ends of their serviceable lives. Producing and using less toxic and more sustainable products has been shown to be good for the environment, business, and enhances our quality of life.

Maintain and Expand Existing Programs: Burbank has demonstrated the ability to achieve results beyond State-mandated goals in waste diversion, and has gained experience in managing and adjusting effective programs under changing conditions. The City has also made substantial commitments in building out a high quality recycling infrastructure. Waste diversion capacity still remains within the current infrastructure. Staff plans to continue to promote the successful curbside recycling and backyard composting programs for residents, and has made important improvements in commercial recycling, which is expected to grow. School recycling programs have many opportunities for expansion, and staff is working side-by-side with Burbank Unified

School District staff to increase school waste diversion. The e-waste and u-waste programs are continuing to experience growth as the ever-changing electronics industry introduces new products at a remarkable pace. Some of this e-waste and u-waste growth can be expected to be handled at a new SAFE facility that the City of Los Angeles is building near the Los Angeles/Glendale border. Construction and Demolition (C&D) waste diversion could be increased by making C & D diversion mandatory, and recent legislation (AB 2176) that requires recycling at large-venue events with greater than 2,000 attendees and employees will increase recovery rates from activities such as the Starlight Bowl concerts.

Explore Options for Recovering Additional Materials: Burbank has achieved the greatest waste diversion results from the curbside and drop-off programs. These programs are familiar, easy to use and provide a high level of service to the customer. However, there is still some recoverable material currently being landfilled. According to a February 2005 report produced by the CIWMB, a statewide waste characterization conducted in 2003 (latest available at that time) indicated that 60.6 percent of California's currently disposed waste stream is recyclable, compostable, or recoverable C & D waste. Recyclables consisted of 20.1 percent of the landfilled material. Burbank's landfilled material probably contains between 10 percent and 15 percent recyclable material, based on staff's visual observations. To capture this material, the City's Burbank Recycle Center (BRC) operator, Burbank Recycling, Inc., has approached the City with the concept of possibly building an additional processing/sorting line at the BRC. Recyclable material from the curbside collection of refuse (black cans) could be pulled out on this new sorting line. Plans for this additional line are very preliminary at this time. Once conceptual plans have been developed, staff will return to the Council with recommendations.

Recommendation:

Note and file.

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, October 25, 2005 at 5:30 p.m. in the Council Chamber for a Study Session on Disaster Preparedness.

**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)**