



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, NOVEMBER 8, 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; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
 Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

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:

Sally Kinarthy, Unity Church of Burbank and North Hollywood.
 The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION: WORLD WAR II VETERANS.

PROCLAMATION: WORLD TOWN PLANNING DAY.

PROCLAMATION: BURBANK TEMPORARY AID CENTER WEEK.

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 November 7, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2005-51 ZONE MAP AMENDMENT AND GENERAL PLAN AMENDMENT – 1112-1118 WEST BURBANK BOULEVARD:

The applicant, David Augustine, requests approval of a Zone Map Amendment (ZMA) and a General Plan Amendment (GPA) to allow a zone change for a section of the property at 1112-1118 West Burbank Boulevard (three lots) from Limited Industrial (M-1) to Burbank Center Commercial Manufacturing (BCCM) and a General Plan designation change from Restricted Industry to Mixed Commercial/Office/Industrial. The applicant

proposes to build a new 5,884-square foot retail building with 21 parking spaces.

The proposed zone change is needed to permit the proposed retail use. The retail building cannot be built on the lot with the current M-1 zoning designation. The General Plan designation change is needed to preserve General Plan consistency.

On October 10, 2005, the Planning Board voted 4-0 to approve the applicant's request for a Development Review to construct a 5,884-square foot retail building with a 21-space parking lot and recommended approval of the ZMA and GPA. At the public hearing, no one spoke in favor of or against the project. The Planning Board approved the project contingent upon approval of the ZMA and GPA.

Recommendation:

1. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ZONE MAP AMENDMENT FOR PROJECT NO. 2005-51 (1112-1118 West Burbank Boulevard; Applicant: David Augustine).

Adoption of proposed resolutions entitled:

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR PROJECT NO. 2005-51 GENERAL PLAN AMENDMENT AND ZONE MAP AMENDMENT.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING GENERAL PLAN AMENDMENT RELATING TO PROJECT NO. 2005-51.

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral

Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on action items on the agenda for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

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

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 3 and 4)

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 October 11 and October 18, 2005.

Recommendation:

Approve as submitted.

4. APPROVING THE RENEWAL OF THE WEED ABATEMENT SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES DEPARTMENT OF AGRICULTURAL COMMISSIONER/WEIGHTS AND MEASURES:

Staff is requesting Council approval of the renewal of a five-year service agreement between the City and the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for weed abatement services. In order to continue weed abatement contract services with the County of Los Angeles, the renewed agreement must be approved by the Council and received by the County of Los Angeles by November 23, 2005.

The County of Los Angeles has provided weed abatement services for the City since July 1, 1996, under a renewable five-year weed abatement services agreement between the two agencies. The purpose of the weed abatement program is to remove the nuisances created on certain private properties by weeds and debris. Each year, the County provides the City with a list of properties that declares weeds and debris on these properties a nuisance and require abatement. A public hearing is then conducted and the Council orders the abatement of the weeds and authorizes an assessment of costs incurred for abatement work performed by the County of Los Angeles.

The proposed five-year renewal would be the second renewal of the contract, which was first renewed in December 2000. This contract contains the following new provision: "The County shall perform the work contemplated with resources available within its own organization and no portion of the work shall be subcontracted with the following exceptions: County may subcontract specialized equipment and/or services pursuant to County procurement procedures using a competitive bidding process." The previous agreement stated: "All persons employed in the performance of such services and functions for said City shall be County Employees." Staff believes this clause will not significantly affect the overall weed abatement program.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE RENEWAL OF A FIVE-YEAR WEED ABATEMENT SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES DEPARTMENT OF AGRICULTURAL COMMISSIONER/WEIGHTS AND MEASURES.

END OF CONSENT CALENDAR

REPORT TO COUNCIL :

5. APPOINTMENT TO A VACANCY ON THE BOARD OF LIBRARY TRUSTEES:

The purpose of this report is to request the Council make an appointment from the qualified applicants to fill one unexpired term on the Board of Library Trustees ending on June 1, 2007.

On September 20, 2005, the City Clerk's Office began advertising and accepting applications for the above vacancy created by the resignation of Mrs. Susan Bowers due to relocation from the City. Notice was sent to the newspapers and placed on the City's website and the Channel 6 Scroll in order to obtain qualified candidates. As of the Monday, October 31, 2005 deadline, the City Clerk's Office received two applications from: John J. Kossakian and Nancy Anne Lacher.

The Board of Library Trustees consists of seven members and meets every second Wednesday at 6:00 p.m. The duties of the Board include: initiating studies, investigations and surveys in the general field of public libraries and reporting its findings and recommendations to the Council; preparing and recommending rules and regulations for the maintenance and improvement of the public libraries of the City; and, acting in an advisory capacity to the Council in all matters pertaining to the public libraries of the City.

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

Recommendation:

Staff recommends that the Council consider the applications submitted and make one appointment to fill the unexpired term on the Board of Library Trustees ending on June 1, 2007.

6. AUTHORIZATION TO ACCEPT A HAZARD ELIMINATION SAFETY PROGRAM GRANT FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND TO AMEND THE FISCAL YEAR 2005-06 BUDGET:

Staff is requesting Council approval to accept a Hazard Elimination Safety (HES) Grant to improve two railroad grade crossings on Buena Vista Street and amend the Fiscal Year 2005-06 budget to include this project.

The HES Grant program provides funds for safety improvements on any public transportation facility, including roadway, bicycle, pedestrian and railroad grade crossing

systems. The program is authorized by Title 23 of the United States Code and funded by the Safe Accountable Flexible Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU). The program in California is administered by the California Department of Transportation (Caltrans) and eligible projects are solicited on an annual basis. Projects are funded up to 90 percent of the design and construction costs, with a maximum grant amount of \$360,000.

Staff applied for two HES grants to: 1) improve railroad grade crossings on Buena Vista Street at San Fernando Boulevard and Vanowen Street; and, 2) improve the traffic signal at Victory Boulevard and Hollywood Way. The railroad grade crossing improvement project was estimated at \$450,000, with a requested grant funding of \$360,000. Caltrans has notified staff that the grant application for improvements to the railroad grade crossings was approved for the total grant funding request of \$360,000.

The proposed project includes the following design elements on the Buena Vista Street crossing at San Fernando Boulevard:

- Blank-out turn prohibition signs at the traffic signal to advise drivers not to cross the tracks when a train approaches;
- Pre-signals for the southbound direction to stop vehicles prior to the tracks to prevent queuing on the tracks;
- Sidewalk improvements, removal of guardrail and installation of pedestrian barriers to increase safety of pedestrians north of and crossing the railroad tracks; and,
- Extension of the center median on the north side of the tracks to improve southbound traffic channelization.

Potential improvements for the Buena Vista Street crossing at Vanowen Street include the following:

- Blank-out turn prohibition signs at the traffic signal to advise drivers not to cross the tracks when a train approaches;
- A raised center median on Buena Vista Street north of the tracks to improve traffic channelization in the southbound direction;
- An additional traffic signal in the center median to improve visibility of the traffic control for southbound drivers;
- Additional railroad crossing protection gates for the southbound departure lanes at the tracks and the left-turn movements from Vanowen Street;
- An additional southbound right-turn traffic lane to Vanowen Street; and,
- Dual left-turn lanes on Vanowen Street to northbound Buena Vista Street.

Several factors impact the design and implementation of the two railroad at-grade improvement projects.

The California Transportation Commission (CTC) has ordered a very short implementation time frame for all new grant funded special projects in an effort to decrease the completion time for such projects. A construction contract for this project

must be awarded by September 30, 2006. Thus, the project must be designed and approved by the affected railroads and the California Public Utilities Commission by the end of this fiscal year.

Caltrans plans to begin the reconstruction of the Golden State Freeway (I-5) in early 2007, and the project will require 2½ to 3 years to complete. The freeway project includes the grade separation of the railroad tracks over Buena Vista Street. Safety improvements at this at-grade crossing will be needed until the grade separation is complete, but the City must be careful not to over design the improvements that will ultimately become obsolete.

Several other Public Works and developer-required projects affect the work scope and timing of this safety project. A project to improve the Buena Vista Street/Winona Avenue area will be ready for construction in spring 2006. The safety project at Buena Vista Street and San Fernando Boulevard will be incorporated into the Buena Vista Street/Winona Avenue construction project to reduce overall costs and to fulfill some of the grant requirements for local match.

The Fairfield residential development project, at the southwest corner of Empire Avenue and Buena Vista Street, is conditioned to widen Buena Vista Street between Empire Avenue and the railroad tracks to provide a third southbound travel lane. The design of the railroad crossing improvements must provide for this future widening of Buena Vista Street.

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 TO APPROPRIATE \$440,000 AND TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE BUENA VISTA STREET RAILROAD GRADE CROSSINGS IMPROVEMENT PROJECT.

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

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

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

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

ADJOURNMENT.

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