



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JANUARY 10, 2006
5:30 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: Chan v. City of Burbank

Case No.: EC040714

Brief description and nature of case: Trip and fall.

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:

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).

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 1 through 11)

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.

1. YOUTH BOARD APPOINTMENT:

As currently structured, the Youth Board is comprised of school representatives and at-large members. A school representative is designated for each high school and middle school within Burbank. The school representatives include both the public and parochial schools in the City. All school appointments are for two-year terms.

Due to a resignation, there is a school representative vacancy at Monterey High School which requires a mid-term appointment. Staff has received an application for the vacancy. There is no fiscal impact as a result of the recommended action.

Recommendation:

Based on the submitted application and recommendation from Monterey High School, it is staff's recommendation that the Council confirm the mid-term appointment of Sara Salas as the Monterey High School representative on the Youth Board.

2. APPROVAL OF A JOINT RESOLUTION OF ALL INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM (ICIS) MEMBERS DECLARING ICIS AS A PRIORITY AMONG HOMELAND SECURITY AND FEDERAL APPROPRIATIONS REQUESTS:

In October 2003, the City of Burbank joined with several other cities including Glendale

as founding members of the Interagency Communications Interoperability System Joint Powers Agreement (ICIS JPA). Currently, the cities of Beverly Hills, Burbank, Culver City, Glendale, Montebello, Pomona and Torrance are members of the ICIS JPA. Together, the member cities represent more than 700,000 residents and thousands of businesses.

ICIS is the technical buzzword for seamless radio communications, which enables first responders (police, fire, emergency medical) to quickly communicate with each other across jurisdictional boundaries.

The ICIS Board met last month and recommended that all participating cities request their respective councils to consider signing on to a Joint Resolution recognizing ICIS as a proven solution for the Los Angeles region and that it be a priority for Federal appropriations. It is anticipated that a Joint Resolution would carry more weight in the pursuit for Federal and State funding.

Recommendation:

Staff recommends that the Council approve the joint ICIS Resolution and authorize the Mayor to sign the document declaring ICIS a priority among Homeland Security and Federal Appropriations requests.

3. REVISION OF THE SALARY AND SPECIFICATIONS FOR THE CLASSIFICATIONS OF DEPUTY BUILDING OFFICIAL, PRINCIPAL PLAN CHECK ENGINEER AND SENIOR PLAN CHECK ENGINEER:

The Community Development Department's Building Division processed 1,032 plan checks in Fiscal Year 2004-05. Many of these plan checks include highly-technical mechanical, electrical, plumbing, architectural or structural elements. Of the 1,032 plan checks, only 663 were reviewed by staff. The remaining 369 plan checks, most of which included highly-technical elements in the areas listed, necessitated outside review by a consultant. Historically, the Building Division has outsourced the more technical plan checks to consultants. However, the Building Division believes that by increasing the level of in-house expertise, a large number of the plans currently being outsourced can be reviewed internally.

These classifications will remain subject to Civil Service Rules and the City's Conflict of Interest Code. In addition, they will remain exempt from the Fair Labor Standards Act. The Burbank Management Association will continue to represent these classifications and has been advised of these revisions. The Community Development Director concurs with these recommendations. The Civil Service Board reviewed these revisions at their regular meeting on December 7, 2005.

The new salary ranges for the Deputy Building Official, Principal Plan Check Engineer and Senior Plan Check Engineer classifications were determined by comparison with similar positions in Burbank's survey cities. The new Deputy Building Official salary

range will be \$6,886 to \$8,367. The new Principal Plan Check Engineer salary range will be \$5,937 to \$7,213. The new Senior Plan Check Engineer salary range will be \$5,162 to \$6,272. Overall, there will be an annual salary increase of \$20,472 to the Division, which will be offset this fiscal year by salary savings. The recurring cost for this increase will be included in next year's budget.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY AND SPECIFICATION FOR THE CLASSIFICATION OF DEPUTY BUILDING OFFICIAL (CTC No. 0256).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY AND SPECIFICATION FOR THE CLASSIFICATION OF PRINCIPAL PLAN CHECK ENGINEER (CTC No. 0683).
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY AND SPECIFICATION FOR THE CLASSIFICATION OF SENIOR PLAN CHECK ENGINEER (CTC No. 0832).
4. APPROVAL OF CONTRACT DOCUMENTS AND AWARD OF A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1174, OLIVE AVENUE AND ALAMEDA AVENUE IMPROVEMENT PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule (B.S.) No. 1174, and approval for appropriation of additional funds in the amount of \$818,309 for the Olive Avenue and Alameda Avenue Intersection Improvement Project.

Beginning with the Media District Specific Plan traffic study, and later confirmed by traffic studies for the Warner Brothers and NBC Studio Master Plans, improvements have long been identified as necessary for the Olive Avenue and Alameda Avenue intersection to continue to operate within the City's level of service standards. Improvements to this intersection have been identified as part of the City's Infrastructure Blueprint, and the subject project has been included in the approved 2005-06 Capital Improvement Program.

The improvements included in B.S. No. 1174 will increase intersection roadway capacity. In addition to accommodating short-term traffic needs, the Community Development Department Planning and Transportation Division staff have modeled these improvements as part of the long-range traffic analysis conducted for the Mobility Element update and have determined that these improvements will accommodate the growth predicted by the 2025 Reduced Growth Land Use Forecast approved by the Council for study as part of the General Plan update.

B.S. No. 1174 was advertised for bids on October 8 and October 12, 2005. A bid opening was conducted on November 1, 2005, at which five bids were received in the amounts of \$1,383,820.78 and \$1,734,916. Sequel Contractors Inc. of Santa Fe Springs, California submitted the lowest bid of \$1,383,820.78. Construction of this project is planned to occur between March and September 2006.

Recommendation:

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

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 OLIVE AVENUE AND ALAMEDA AVENUE INTERSECTION IMPROVEMENT PROJECT (BID SCHEDULE 1174) TO SEQUEL CONTRACTORS INC. AND AMENDING THE 2005-2006 FISCAL YEAR BUDGET TO PROVIDE AN ADDITIONAL \$818,309 FOR THE PROJECT.

5. APPROVAL OF CONTRACT DOCUMENTS AND AWARD OF A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1186, TRAFFIC SIGNAL MODIFICATION PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule (B.S.) No. 1186, Traffic Signal Modification Project. The existing traffic signals at the intersections of Hollywood Way at Victory Boulevard and Riverside Drive at Olive Avenue operate without an exclusive left-turn phase in all travel directions. Due to an increase in vehicle left-turn traffic and the limited line of vision of on-coming traffic, left-turn phasing will be installed at these intersections.

B.S. No. 1186 was advertised for bids on November 16 and November 19, 2005. A bid opening was conducted on December 12, 2005, at which five bids were received ranging from \$332,058 to \$442,000. CT & F Inc. of Bell Gardens, California submitted the lowest bid of \$332,058, which is 17 percent above the engineer's estimate of \$276,620. The 17 percent difference is due to an increase in materials and labor costs. Additional funds were allocated for this project in anticipation of higher prices. CT & F Inc. was found to be qualified for this project with all required licenses and experience. Construction of this project is planned to occur between April and June 2006.

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 TRAFFIC SIGNAL

MODIFICATION, BID SCHEDULE NO. 1186, TO CT&F INC.

6. APPROVAL OF FINAL TRACT MAP NO. 61073 – 727 EAST CYPRESS AVENUE:

Staff is requesting Council approval of Final Tract Map No. 61073, a one-lot subdivision totaling 7,974 square feet located at 727 East Cypress Avenue. The property is in the R-3 Residential Multiple Low Density Zone and is owned by 727 Cypress, LLC, a California Limited Liability Company.

In October 2003, the property owner requested City approval through a Development Review to demolish existing structures to construct a two-story, five-unit residential building with a semi-subterranean parking garage. Final Map No. 61073 finalizes the 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. 61073:

1. The tentative tract map was approved by the Community Development Director on September 2, 2004 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map);
2. The Final Tract Map contains five condominium units at 727 East Cypress Avenue, which is located in the R-3 Residential Multiple Low 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. 61073 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 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. 61073 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. 61073 (727 East Cypress Avenue).

7. APPROVAL OF A HOUSEHOLD HAZARDOUS WASTE AGREEMENT BETWEEN THE CITIES OF GLENDALE AND BURBANK:

Staff is requesting approval of an agreement between the cities of Burbank and Glendale to allow continued use of the Glendale household hazardous waste (HHW) facility, known as the Environmental Management Center (EMC), by Burbank residents through June 30, 2008.

Burbank residents began to drop off their HHW at the Glendale EMC in 2000 at a cost of \$50 per vehicle to the City of Burbank. Burbank's usage of the EMC grew from an average of 70 vehicles per month in 2000 to a peak average of 90 vehicles in 2001, increasing the City's annual financial commitment from \$20,000 in 2000 to \$45,000 per year in 2001, 2002 and 2003. The City of Glendale has offered to renew the HHW agreement with the cost-per-vehicle maintained at \$50.

The use of the Glendale EMC has declined since the 2004 opening of the Sun Valley SAFE Collection Center at 11025 Randall Street in Sun Valley (open Saturday, Sunday and Monday from 9:00 a.m. to 3:00 p.m.). Burbank residents may use this facility at no cost to the City. Staff has actively directed residents to this new facility, with significant results. In calendar year 2004, some 417 Burbank residents, or less than half the number of residents in 2003, took HHW to the Glendale EMC at a cost of \$20,850. This reduction is directly attributable to the Sun Valley Center. While staff is promoting use of the Sun Valley Center, it is an appropriate step to continue the City's contractual relationship with Glendale.

Staff budgeted \$25,000 for an average of 35 Burbank resident vehicles per month to use the Glendale EMC. Staff believes that the current funding level is sufficient and will continue to manage the City's expenses with Glendale by promoting the Sun Valley Center as a primary HHW drop-off location.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE HOUSEHOLD HAZARDOUS WASTE AGREEMENT BETWEEN THE CITIES OF BURBANK AND GLENDALE.

8. APPROVAL OF A REFUNDING BOND ISSUE FOR THE MOTION PICTURE AND TELEVISION FUND:

The purpose of this report is to request Council approval of the California Statewide Communities Development Authority's issuance of tax exempt bonds in an aggregate principal amount not to exceed \$45,000,000 for the benefit of the Motion Picture and Television Fund (MPTF). The reason for this request is that one of the MPTF's facilities,

the Toluca Lake Health Center, on Riverside Drive, is located within the Burbank city limits. The Council is therefore required to adopt a resolution approving the bond refunding, as a mere formality in order for the MPTF's bond issuance to proceed. The bond proceeds will be utilized to refinance existing bonds used for certain healthcare and long-term care treatment facilities throughout Southern California. There is no fiscal impact to the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE BENEFIT OF MOTION PICTURE AND TELEVISION FUND.

9. APPROVAL OF A FIVE-YEAR LEASE AGREEMENT WITH E-Z-GO TEXTRON FOR THE LEASE OF GOLF CARTS:

Staff is requesting Council approval of a five-year lease agreement between E-Z-Go Textron and the City for the lease of 80 new golf carts, to be used at the DeBell Municipal Golf Course. In December 2000, the City entered into a five-year lease agreement with E-Z-Go Textron to lease a fleet of 80 golf carts. The existing lease agreement expired on December 15, 2005. The golf carts are currently being leased on a month-to-month basis.

During this performance period, the golf carts have functioned extremely well. E-Z-Go Textron also provided support services in a timely and professional manner. The E-Z-Go Textron golf carts are equipped with a control system that automatically regulates the speed which a cart can obtain. This is of paramount importance given the hilly terrain of the DeBell Golf Course. The system works well and has limited the number of speed-related incidents to a minimum. In addition, the carts have proven to be very reliable and can sustain extensive and challenging use. The City has had a very successful working relationship with E-Z-Go Textron, and continues to remain very satisfied with the services provided and the quality of the golf carts.

The terms of the proposed lease agreement with E-Z-Go Textron will remain very similar to the existing agreement. This includes continuing with the same low monthly lease payments of \$50.77 per cart, or \$4,061.60 for all 80 carts. The "bumper to bumper" warranty on the golf carts will be for a period of four years, which includes both parts and labor. The warranty work will be performed on site, utilizing E-Z-Go Textron authorized repair mechanics. A separate battery warranty will also be provided for four years. In addition, E-Z-Go will provide free training to the golf course personnel. And finally, E-Z-Go will provide a semi-annual fleet inspection at no cost.

The newly-proposed agreement has been specifically designed for municipalities. It provides a number of enhancements to the City, when compared to the original

agreement. The municipal lease interest rate is 5.5 percent instead of the standard nine percent. It also offers the City the option of trading the carts at anytime during the lease. In addition, following the 60th month, the City has the option of either paying the balloon payment of \$56,000 (\$700 per vehicle) thereby owning the carts, or trading in the carts to E-Z-Go Textron for a new fleet.

The City is currently paying a monthly lease of \$4,061.60. Under the new five-year agreement, the monthly lease payment will remain the same for the entire 60-month term. This expense is budgeted annually in the golf course's operating budget; therefore, there will be no additional fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIVE-YEAR LEASE AGREEMENT BETWEEN THE CITY OF BURBANK AND E-Z-GO TEXTRON FOR THE LEASE OF GOLF CARTS.

10. SUMMARY VACATION V-377, VACATION OF A UTILITY EASEMENT AT THE CUL-DE-SAC END OF BROOKSHIRE COURT, APPLICANT – CAYMAN BURBANK, LP:

The applicant, Cayman Burbank, LP, is requesting to vacate a utility easement which coincides with a newly-redesigned access road and placement of a new utility easement within the new road. The proposed vacation has been submitted to all appropriate City departments and outside utility companies and there are no public utilities within the area to be vacated. The Streets and Highway Code allows this vacation since the easement has been superseded by relocation and there are no other public facilities located within the easement. Staff has not received any opposition to this vacation request and recommends the Council approve this summary vacation.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 3309 AND 3310 BROOKSHIRE COURT, BURBANK, CALIFORNIA (V-377).

11. AMENDING RESOLUTION NO. 27,137 PERTAINING TO THE BUSINESS TAX PENALTY AMNESTY PROGRAM:

At the December 13, 2005 Council meeting, Resolution No. 27,137 was approved. This resolution established the official dates offered for amnesty as provided by the Burbank Business Tax Penalty Amnesty Program. When staff originally calculated the official starting and ending dates associated with the amnesty program, the dark Council

meetings on December 20 and 27, 2005 and January 3, 2006 were not taken into consideration.

As such, the effective date of the ordinance which allows Resolution No. 27,137 to become Code would not be effective until 31 days after the publication of the ordinance. The publication of the ordinance takes place after the second reading of the ordinance. Because of the three dark Council meetings, a second reading of the ordinance will not take place until January 10, 2006. Consequently, the text of Resolution No. 27,137, which establishes the timeframe for the Business Tax Penalty Amnesty Program, needs to be amended appropriately. The beginning and ending dates shall now change from beginning on February 1, 2006 and ending on April 30, 2006, to beginning on February 15, 2006, and ending on May 15, 2006.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 27,137, AUTHORIZING THE DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION OF A BUSINESS TAX PENALTY AMNESTY PROGRAM.

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

REPORTS TO COUNCIL :

12. APPOINTMENT OF A COUNCIL MEMBER AS LIAISON TO THE INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM:

The Interagency Communications Interoperability System (ICIS) Board has recommended that all the participating cities consider appointing a Council Member to serve as liaison to ICIS. Such participation would position a Council liaison to be a strong ICIS advocate to State and Federal legislators. Furthermore, ICIS delegations will carry more clout in Washington D.C. and Sacramento if they include locally- elected officials.

Recommendation:

Staff recommends that the Council appoint a liaison to ICIS.

13. INITIAL REVIEW OF CHANDLER BOULEVARD ONE-WAY PAIR:

Staff is providing preliminary information about the potential for modifying the traffic operation on Chandler Boulevard to one-way traffic flow on each side of the bike path between Mariposa Street and Pass Avenue. Staff has developed a proposed process for evaluating the potential modifications that includes: collecting additional traffic

demand data; analyzing the potential impacts; conducting public outreach; and, determining the cost of modifications.

To date, a significant amount of initial work has been completed. Traffic volume data collection is largely complete and the analysis of existing traffic operations is underway. The Transportation Commission and the Friends of Chandler Bikeway have given initial thoughts on potential issues associated with the one-way operation, and staff has prepared an address listing of potentially-affected properties in the area for the public outreach component of the project.

Recommendation:

Staff requests further direction from the Council on the scope, content and schedule of the Chandler Boulevard Operations Study.

14. APPROVAL OF AN OPERATION AND MANAGEMENT AGREEMENT WITH CATHOLIC CHARITIES OF LOS ANGELES, INC.:

Staff is requesting Council acceptance of a Grant Deed for conveyance of a temporary worker center, located at 1190 South Flower Street (adjacent to the new Home Depot), and approval of a one-year agreement with Catholic Charities of Los Angeles, Inc. for the daily operation and management of the temporary worker center.

On April 13, 2004, the Council approved Conditional Use Permit (CUP) No. 2002-6, Sign Variance No. 2002-1 and Development Review No. 2002-12 for a proposed Home Depot store at 1200 South Flower Street. Condition of Approval No. 1.Q required Home Depot to construct and transfer to the City a temporary worker center. Home Depot has completed construction of the center and provided a Grant Deed for Council acceptance in compliance with the provisions of Condition of Approval No. 1.Q. The Council also included Condition of Approval No. 1.T that required Home Depot to make an annual payment of \$94,000 to provide additional mitigation for public services related to operating the store. The fee will be paid on an annual basis, and use of the funds is reserved for the City's discretion. The City has elected to use these funds for the daily operation and management of a temporary worker center adjacent to the Home Depot store.

All construction-related Conditions of Approval attached to the CUP for the Home Depot store have been complied with. Home Depot completed construction of the temporary worker center and the necessary identification and directional signs have been installed. The City has also received a Grant Deed for conveyance of the temporary worker center site to the City, and the Grant Deed has been reviewed and approved by the City Attorney's Office.

On March 1, 2005, a Request for Proposal (RFP) for the operation and management of a temporary worker center was released. Solicitation letters were sent out to three organizations with experience in operating temporary worker centers. Two proposals

were received by the March 28, 2005 due date from City Impact and Catholic Charities. City Impact's proposed budget was \$165,356, while Catholic Charities proposed a budget of \$95,723. Catholic Charities submitted the lowest bid, 72 percent lower than City Impact. In June 2005, Catholic Charities and staff successfully negotiated a revised budget of \$94,000.

The agreement is for a period of one year, with the option of additional one-year extensions. It should be noted that the agreement may be canceled or terminated at any time by either party without cause.

Home Depot was required to construct and transfer to the City a temporary worker center and no financial compensation is associated with acceptance of the Grant Deed for the center. The compensation for the operation and management of the temporary worker center will not exceed \$94,000. Funding for this service is revenue off-set, and has been included in the Fiscal Year 2005-06 Budget. Home Depot has submitted the first annual payment of \$94,000.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE OPERATION AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF BURBANK AND CATHOLIC CHARITIES OF LOS ANGELES, INC. FOR THE TEMPORARY WORKER CENTER.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING THE DELIVERY OF A GRANT DEED FOR THE TEMPORARY WORKER CENTER.

15. COUNCIL REQUEST TO CONSIDER DRUG TESTING FOR COUNCIL MEMBERS:

The purpose of this report is to request Council consideration of the first step, in a two-step process, which, if approved, would direct staff to conduct research and return with a policy for drug testing of Council Members. At the November 15, 2005 meeting, the Council, responding to public comment, asked staff to agendaize an opportunity for the Council to consider the issue of drug testing of Council Members.

In May 1997, a report was presented to the Council from the City Attorney's Office which concluded that based on a United States Supreme Court case (Chandler v. Miller), mandatory drug testing of elected officials was permissible only if there was a demonstrated problem of drug abuse or that drug use by office holders could not be detected through ordinary law enforcement methods.

Following the presentation of that report, the Council voted 3-2 to direct staff "to prepare an Administrative Procedure for voluntary drug and alcohol testing of elected officials, on

a random basis, and that such policy include a process for reporting the results to the public.” Subsequently in July 1997, a report was presented to the Council which included a draft voluntary random drug and alcohol testing program for the Council Members. After deliberation, the Council voted 3-2 against the preparation of such a program.

Recommendation:

It is recommended that the Council consider whether or not to direct staff to conduct further research and return with a drug testing policy for Council Members.

ADOPTION OF PROPOSED ORDINANCE:

16. BUSINESS TAX PENALTY AMNESTY PROGRAM:

At the March 1, 2005 Council meeting, staff was directed to return with an ordinance and resolution amending the Burbank Municipal Code in order for staff to conduct a Burbank Business Tax Penalty Amnesty Program. This program will provide for an amnesty period to waive penalties including late fees, interest, fines and criminal prosecution for payment of past due Business Tax owed. Staff is recommending the amnesty period be between February 15, 2006 and May 15, 2006.

The purpose of providing amnesty from penalties and prosecution is to encourage and motivate businesses, which have not registered for and paid a required Business Tax, to voluntarily register for and pay tax without fear of penalties and prosecution. This amnesty will also apply to businesses which have been paying the Business Tax, but under-reporting the taxes being paid. The Business Tax collected during the amnesty period will be for current calendar-year Business Tax owed and, if appropriate, can be collected retroactively for up to three years.

This ordinance was introduced at the December 13, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-820 TO CHAPTER 14, ARTICLE 8 OF THE BURBANK MUNICIPAL CODE TO PROVIDE COUNCIL AUTHORITY TO DEVELOP AND IMPLEMENT A BUSINESS TAX PENALTY AMNESTY PROGRAM.

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**