

TUESDAY, JANUARY 10, 2006

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:38 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski and Vander Borght.
Absent - - - - Council Member Ramos.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:38 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9
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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:38 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Sally Kinarthy, Unity Church of Burbank and North Hollywood.

Flag Salute The pledge of allegiance to the flag was led by Dennis Barlow, City Attorney.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos and Vander Borght.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Reporting on Council Liaison Committees Mr. Campbell reported on the Southern California Association of Governments meeting he attended.

Mrs. Ramos reported on the Memorial Stadium Oversight Committee meeting she attended with Mayor Vander Borght.

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

Initial Open Public Comment Period of Oral Communications Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were: Frank Kaden, on cable service; Amy Lawrence, Don Elsmore, Stan Hyman, Rose Prouser, Theresa Karam, Esther Espinoza, LaVerne Thomas and Phil Berlin, on the upcoming Special Election; and, Floran Frank and Michael Scandiffio, on the proposed construction of a sewer line by the City of Los Angeles through the Rancho area.

Also appearing to comment were: Molly Hyman, on the allegation of domestic violence by a Council Member; Gene Moffett, in opposition to the Home Depot day laborer center; Eden Rosen, on caregiver services; Mark Barton, on the City logo; Jacquelyn Wilson, in opposition to the Home Depot day laborer center; Eloise Roop, requesting a four-way stop at Groton Avenue and Scott Road, and on the Home Depot day laborer center; Dink O'Neal, in support of random drug testing for Council Members; David Piroli, on a recent Metrolink accident; Anna May Nelson, announcing an upcoming community event on the Patriot Act; and, James Roop, on the Home Depot day laborer center and in support of a candidate in the Special Election.

Staff Response Members of the Council and staff responded to questions raised.

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Agenda Item Oral Communications Mr. Vander Borght called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment on the Catholic Charities Agreement were: David Gerred; Chris Newman; Robin Hvidston; Chelene Nightingale; Dean Dusi; Don Silva; Esther Espinoza; Tony Dolz; Jacquelyn Wilson; Frank Kaden; Melina Mendez-Quiroga; Frank Barneyburg; Mark Barton; Dink O'Neal; Irene Easton; and, Steve Luport.

Commenting in support of random drug and alcohol testing for Council Members were: Stan Hyman; Mark Stebbeds; Gordon Bohn; LaVerne Thomas; Eden Rosen; Rose Prouser; Phil Berlin; and, David Piroli who also commented on the Catholic Charities Agreement.

Also, Bob Olson commented in support of the Chandler Boulevard study and the agreement with Catholic Charities for operation of the Home Depot day laborer center.

Staff Response Members of the Council and staff responded to questions raised.

Motion It was moved by Mr. Campbell and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

202-10 Youth Board Appt. A report was received from the Park, Recreation and Community Services Department, requesting that the Council confirm the mid-term appointment of the Monterey High School representative on the Youth Board. The report indicated that as currently structured, the Youth Board is comprised of school representatives and at-large members, with a school representative designated for each high school and middle school within Burbank. It was indicated that due to a resignation, there is a school representative vacancy at Monterey High School which requires a mid-term appointment.

Based on the submitted application and recommendation from Monterey High School, the Council confirmed the mid-term appointment of Sara Salas as the Monterey High School representative on the Youth Board.

1507
 Jt. Reso. of all
 ICIS Members
 for Homeland
 Security and
 Federal
 Appropriations
 Requests

A report was received from Burbank Water and Power requesting Council approval of the Joint Interagency Communications Interoperability System (ICIS) Resolution and authorization for the Mayor to sign the document declaring ICIS a priority among Homeland Security and Federal Appropriations. It was stated that in October 2003, the City of Burbank joined with several other cities as founding members of the ICIS Joint Powers Agreement (JPA). Currently, the cities of Beverly Hills, Burbank, Culver City, Glendale, Montebello, Pomona and Torrance are members of the ICIS JPA, representing more than 700,000 residents and thousands of businesses.

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

The Council approved the Joint ICIS Resolution and authorized the Mayor to sign the document declaring ICIS a priority among Homeland Security and Federal Appropriations requests.

1007-1
 1009-1
 Revise Spec. for
 Deputy Building
 Official

RESOLUTION NO. 27,138:
 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).

1007-1
 1009-1
 Revise Spec. for
 Principal Plan
 Check Engineer

RESOLUTION NO. 27,139:
 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).

1007-1
 1009-1
 Revise Spec. for
 Senior Plan
 Check Engineer

RESOLUTION NO. 27,140:
 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).

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- 1301-3
Traffic Signal
Modification
Project
(B.S. 1186)
- RESOLUTION NO. 27,141:
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.
- 1204-1
Approval of Final
Tract Map No.
61073 – 727 E.
Cypress Ave.
- RESOLUTION NO. 27,142:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 61073 (727 East Cypress Avenue).
- 804-3
Household
Hazardous
Agmt. with City
of Glendale
- RESOLUTION NO. 27,143:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE HOUSEHOLD HAZARDOUS WASTE AGREEMENT BETWEEN THE CITIES OF BURBANK AND GLENDALE.
- 804-4
Refunding Bond
Issue for the
Motion Picture
and Television
Fund
- RESOLUTION NO. 27,144:
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.
- 704
Five-Year Lease
With E-Z-Go
Textron for
Lease of Golf
Carts
- RESOLUTION NO. 27,145:
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.
- 1205-2
Utility Easement
Vacation –
Brookshire Ct. –
Cayman Burbank
(V-377)
- RESOLUTION NO. 27,146:
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).

804-5 RESOLUTION NO. 27,147:
 Amend Reso. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Pertaining to the AMENDING RESOLUTION NO. 27,137, AUTHORIZING THE
 Business Tax DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION
 Penalty Amnesty OF A BUSINESS TAX PENALTY AMNESTY PROGRAM.
 Program

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and
 Vander Borght.

Noes: Council Members None.

Absent: Council Members None.

1301-3 A report was received from the Public Works Department
 Olive and requesting Council approval of contract documents and award
 Alameda Imp. of a construction contract for Bid Schedule (B.S.) No. 1174;
 Project (B.S. and, approval for appropriation of additional funds in the
 1174) amount of \$818,309 for the Olive Avenue and Alameda
 Avenue Intersection Improvement Project.

It was indicated that the improvements included in B.S. No. 1174 will increase intersection roadway capacity to accommodate short-term traffic needs. In addition, it was stated that the improvements were modeled as part of the long-range traffic analysis conducted for the Mobility Element update to accommodate the growth predicted by the 2025 Reduced Growth Land Use Forecast approved by the Council.

Staff stated that 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 ranging from \$1,383,820.78 to \$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.

Mr. Campbell requested clarification as to whether street widening was the only alternative in order to prevent the intersection from degrading from Level Of Service D to F by 2025. He also inquired as to whether the improvements will make the intersection more pedestrian friendly. Mr. Johnson, Assistant Public Works Director/Traffic Engineer, responded in the affirmative and stated that staff will be implementing a number of measures including left-turn and right-turn lanes that will be needed in the near future. He also added that the proposed measures will improve pedestrian safety since refuge islands will be added for pedestrians who may not be able to cross the entire length of the street in one signal cycle.

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Mr. Vander Borgh emphasized the Council's desire to enhance pedestrian safety at the intersection.

Motion It was moved by Mr. Golonski and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

1301-3
Olive and
Alameda Imp.
Project (B.S.
1174)

RESOLUTION NO. 27,148:
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.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Vander Borgh.
Noes: Council Members None.
Absent: Council Members None.

201
Appt. of a
Council Member
to the ICIS

Ms. McGinley, Legislative Analyst, Burbank Water and Power, requested the Council appoint a liaison to the Interagency Communications Interoperability System (ICIS) Board. She reported that the ICIS Board recommended that all the participating cities consider appointing a Council Member to serve as a liaison, noting that such participation would position a Council liaison to be a strong ICIS advocate to State and Federal legislators. Furthermore, she stated that ICIS delegations will carry more clout in Washington D.C. and Sacramento if they include locally-elected officials.

Motion It was moved by Mr. Golonski, seconded by Mr. Campbell and carried that "Mrs. Ramos be appointed as the liaison to the ICIS Board."

1402
Review of
Chandler Blvd.
One-Way Pair

Mr. Johnson, Assistant Public Works Director/Traffic Engineer, provided preliminary information on 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. He stated that staff has developed a 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 the modifications.

Mr. Johnson noted that a one-way pair would tend to increase the travel time for individuals using the street but will significantly reduce delay at the major intersections of Hollywood Way and Buena Vista Street.

Mr. Golonski was not supportive of proceeding with the evaluation, stating that the area residents will not be agreeable. He also noted that the congestion at the major intersections has been resolved with the re-timing of signals at Hollywood Way and Buena Vista Street.

Mr. Vander Borght, Mrs. Ramos and Mr. Campbell were supportive of proceeding with the Chandler Boulevard operations study.

1704-3
Operation and
Management
Agmt. with
Catholic
Charities

Ms. Garcia, Administrative Analyst, Park, Recreation and Community Services Department, requested 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 store; 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. She reported that 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. She noted that Condition of Approval No. 1.Q required Home Depot to construct and transfer to the City a temporary worker center. She added that 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. She stated that the City has elected to use these funds for the daily operation and management of the temporary worker center.

Ms. Garcia reported that all construction-related Conditions of Approval attached to the CUP have been complied with; construction of the temporary worker center has been completed; and, the City has received a Grant Deed for conveyance of the temporary worker center site to the City in addition to a payment of \$94,000.

Ms. Garcia informed the Council that on March 1, 2005, a Request for Proposal (RFP) for the operation and management of the temporary worker center was released and two proposals were received by the March 28, 2005 due date from City Impact and Catholic Charities. City Impact proposed a budget of \$165,356, while Catholic Charities proposed a budget of \$95,723. She added that Catholic Charities was selected under the condition that their budget would be revised not-to-exceed \$94,000. She stated that in June 2005, Catholic Charities and staff successfully negotiated a revised budget of \$94,000. She explained that Catholic Charities is a 501(C)3 non-sectarian organization which has been providing social services throughout Los Angeles, Ventura and Santa Barbara counties since 1919. She noted that the organization has successfully operated the temporary worker center in the City of Glendale since its opening in 1997. She further explained that the agreement is for a one-year period, with the option of additional one-year extensions. She noted that the agreement may be canceled or terminated at any time by either party without cause.

Mr. Golonski requested clarification as to the day laborer center requirement and Mrs. Georgino, Community Development Director, responded that the day laborer center was a requirement by the City recognizing that Home Depot stores generally attract work solicitors. She also responded that the City benefits from the store since the Redevelopment Agency collects tax increment and a portion of the Sales Tax proceeds goes to the General Fund which supports City services such as Police, Fire, library and parks.

Mr. Campbell requested further clarification with regard to the statistics of legal and illegal immigrants at day laborer centers, the steps taken by staff to ensure that the proposed center is successful and on enforcement of immigration laws.

Mr. Golonski noted the room for debate on Federal immigration laws but recognized the fact that Home Depot stores attract day laborers seeking work. He also noted that day laborers already exist at the U-Haul Center. He remarked that the matter becomes either having day laborers seeking work in a managed or unmanaged manner, and noted that the absence of a day laborer center will not make the day laborers cease to exist.

Mrs. Ramos articulated that it is not illegal to solicit work on public streets nor build a day laborer center. She noted that Federal legislators are struggling with immigration laws and have not been able to come up with a solution. She also noted that the day laborer issue is that of personal responsibility. She added that her responsibility is to ensure the safety of the City's

neighborhoods and noted that the center is good for the neighborhood and the adjacent business owners.

Mr. Campbell noted Home Depot’s efforts to clean up a toxic site, with an \$8 to \$10 million investment in the clean-up process alone. He added that the center is not an attempt to promote illegal immigration but to prevent a nuisance, although it is not a perfect solution.

Mr. Vander Borght noted the responsibility of implementing the best policies that will keep Burbank as safe and sound as possible. He noted the fact that a Home Depot store will be opening up in the City and the likelihood of day laborers is extremely high. He added that the day laborers will need to be managed in the best possible manner and it was his personal belief that illegal immigration is not being encouraged, but a safe facility will be provided for day laborers to seek employment.

Motion It was moved by Mrs. Ramos and seconded by Mr. Campbell that “the following resolutions be passed and adopted:”

1704-3 RESOLUTION NO. 27,149:
Operation and Management A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with Catholic Charities APPROVING THE OPERATION AND MANAGEMENT
Agreement BETWEEN THE CITY OF BURBANK AND
CATHOLIC CHARITIES OF LOS ANGELES, INC. FOR THE
TEMPORARY WORKER CENTER.

1704-3 RESOLUTION NO. 27,150:
Grand Deed for Temporary Worker Center A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
ACCEPTING THE DELIVERY OF A GRANT DEED FOR THE
TEMPORARY WORKER CENTER.

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Vander Borght.
Noes: Council Members None.
Absent: Council Members None.

201 Mrs. Sarquiz, Management Services Director, reported that at

1/10/06

Consideration of Drug Testing for Council Members the November 15, 2005 meeting, the Council requested an opportunity to consider the issue of drug testing of Council Members. She added that 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.

Mrs. Sarquiz added that 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. She stated that subsequently, in July 1997, staff presented a report as directed and after deliberation, the Council voted 3-2 against the preparation of such a program. She requested Council direction on whether or not to proceed with a drug testing policy for Council Members.

Mr. Vander Borght suggested that staff explore the possibility of the policy being applicable to all elected officials and the employees appointed by the Council.

The Council directed staff to return with a report on an alcohol and drug testing policy.

Ordinance Submitted It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3686 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

804-5 Business Tax Penalty Amnesty Program ORDINANCE NO. 3686:
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.

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Vander Borght.

Noes: Council Members None.

Absent: Council Members None.

Final Open There was no response to the Mayor's invitation for the final

Public Comment Period of Oral Communications open public comment period of oral communications at this time.

Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 10:20 p.m. in memory of Esther Bernice Christoffersen.

Margarita Campos, CMC
City Clerk

APPROVED APRIL 4, 2006

Mayor of the Council
of the City of Burbank