



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JANUARY 17, 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:

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:

ANNOUNCEMENT: SPECIAL ELECTION AND DARK MEETING ON JANUARY 24, 2006.

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 January 17, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2005-141 ZONE TEXT AMENDMENT – SINGLE-FAMILY DEVELOPMENT STANDARDS CLEAN-UP ORDINANCE:

On May 31, 2005, the Council approved new development standards for the R-1 and R-1-H single-family residential zones. The Council requested that staff return several months after the new standards took effect with a status report on any issues or problems that had arisen from the new standards. Specifically, the Council was interested in the floor area ratio (FAR) incentive program, which allows property owners to build over the maximum 0.4 FAR limit up to a maximum of 0.45 when certain design features are incorporated into a house project.

In administering the new R-1 standards, staff has identified typographical errors, omissions and items in need of clarification. In addition to these “cleanup” items, staff is also recommending that the Council consider two minor but substantive changes to the new standards dealing with side yard setbacks and with the FAR incentive program. In

order to address these issues as soon as possible, staff has initiated the subject Zone Text Amendment (ZTA) and is bringing it forward to the Council for consideration in conjunction with the requested status report on the R-1 standards. Aside from the cleanup issues discussed in the report, staff has not experienced any problems with the new standards and no major issues have arisen. Staff has found that homeowners have been able to build their desired new homes or additions to effectively meet their space needs, and that the new standards are not overly restrictive. Staff has received very little to no complaints about problems with any specific standards or any design difficulties that have resulted from any specific standards.

One unintended side effect of the FAR incentive program is that only two-story homes are able to provide the needed incentives. The Code requires five incentives from a list of eight to be incorporated into a house project in order to qualify for the increased FAR. However, it is only possible to include four of the eight incentives in a single-story house; the remaining four incentives can be applied only to a second story. To address this issue, staff recommends that the number of incentives required for a single-story home be reduced to three. Since four of the existing incentives could apply to a single-story home, a homeowner would be required to provide only three of those four to qualify for an increased FAR of up to 0.45. Staff believes that this approach would be a good way to retain the FAR incentive program in its current form, while expanding it to incorporate single-story homes.

Staff has also found that the new side yard setbacks based on a percentage of lot width can be difficult to provide. Homeowners and builders accustomed to dealing with whole-number setbacks have had difficulty in providing a setback that is measured in inches and fractions of inches rather than feet. Such dimensions cannot be shown to a precise degree on plans and cannot be accurately verified in the field. Staff proposes to change the requirement such that the percent requirements would be retained, but the minimum required setback would be rounded down to the nearest whole number, or whole foot. Staff believes that this approach would be consistent with the intent of the Council's desire to require houses on wider lots to provide wider side yard setbacks, but would make it easier for applicants to comply with the requirement.

Although not part of the R-1 standards, staff is also seeking input from the Council on a related issue. Staff has received a number of inquiries and complaints from residents of single-family neighborhoods regarding the construction hours in the R-1 and R-1-H zones. Although construction within 500 feet of a single-family zone is restricted to certain days and hours, construction within the single-family zones is not restricted. Staff recommends that the Council consider changing the permitted hours of construction within R-1 and R-1-H zones to be more consistent with the restrictions in other zones, in conjunction with other changes to the noise ordinance now being studied. Staff is not recommending any immediate changes to the construction hours, and is only seeking input from Council at this time to include any desired changes in the forthcoming noise ordinance amendments.

The Planning Board considered the proposed ZTA at a public hearing on November 14,

2005. The Board voted 5-0 to recommend that the Council adopt the ZTA as proposed by staff.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO R-1 and R-1-H SINGLE FAMILY RESIDENTIAL ZONES (PROJECT NO. 2005-141).

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 through 6)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

3. APPROVING CONTRACT DOCUMENTS AND AWARD OF A CONTRACT FOR BID SCHEDULE NO. 1198, BURBANK LANDFILL NO. 3 STORM DAMAGE REPAIR PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule (BS) No. 1198, Burbank Landfill No. 3 Storm Damage Repair Project. During the January 2005 storms, a large drainage pipe was damaged at the Burbank Landfill causing excessive erosion along the perimeter slopes of the site. This damage was reported to the Federal Emergency Management Administration (FEMA) as part of the City's disaster recovery efforts.

The work described in BS No. 1198 includes removing the damaged pipe and replacing it with an open-channel shotcrete drainage structure. The eroded slopes and benches will be re-graded, and new down drains will be installed along adjacent slopes. BS No. 1198 was advertised for bids on October 19 and October 22, 2005. A bid opening was conducted on November 15, 2005, at which two bids were received in the amounts of \$215,500 and \$225,700. Lee Construction Co. of Simi Valley, California submitted the lowest bid of \$215,500, which is 66 percent below the engineer's estimate of \$324,000. Lee Construction Co. has previously performed similar work for the City with satisfactory results. Construction of this project is planned to occur between February and April 2006. The work is to be completed within 45 consecutive calendar days.

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 BURBANK LANDFILL NO. 3 STORM DAMAGE REPAIR PROJECT, BID SCHEDULE NO. 1198, TO ADJUL CORPORATION COMPANY DBA LEE CONSTRUCTION COMPANY.

4. APPROVAL OF MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND

THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 18–
UNIT 50 AND THE BURBANK CITY EMPLOYEES ASSOCIATION FROM JULY 1, 2005
TO JUNE 30, 2008 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR
2005-06:

The purpose of this report is to request Council approval of the proposed resolutions adopting the Fiscal Years (FY) 2005-08 Memoranda of Understanding (MOU) between the City and the International Brotherhood of Electrical Workers (IBEW) Local 18– Unit 50 and the Burbank City Employees Association, as well as amending the annual budget for FY 2005-06.

In early 2005, the City began negotiations with the IBEW and the BCEA. For many years, the City has adhered to the following four cornerstones when considering compensation issues for its employees: the condition of the economy reflected by the Consumer Price Index (CPI); the capacity of the City's approved budget; the City's commitment to pay for performance; and, equity in the marketplace as determined by survey.

While the economic climate in the State and the City has shown some improvement, the City still faces serious economic challenges, and staff negotiated these agreements with full consideration of the City's financial interests in mind. These three-year agreements include salary adjustments effective July 1, 2005, that range from 3.71 percent to 9.10 percent for the IBEW and from 2.40 percent to 19.39 percent for the BCEA. Salaries for the IBEW unit as a whole, in the first year, will be increased by an average of approximately six percent (\$586,908) to be consistent with the average of the market survey. Salaries for the BCEA unit as a whole, in the first year, will be increased by an average of four percent (\$1,303,836). The BCEA agreement also includes pay for lead abatement and certified mobile crane assignments, as well as on-call pay for Animal Shelter and Crime Scene Investigation (Forensic) staff. In years two and three of the MOUs, the salaries for both units will be increased by up to four percent based on the market surveys.

Both agreements provide for an increase in cafeteria/medical premiums in each year. However, the cost for this benefit is offset by a new provision that gives a reduced cafeteria amount to new employees. Effective July 1, 2006, a vision plan will be provided to the IBEW employees at no cost and effective July 1, 2007, a dental plan will be available to the employees of both unions who work more than 30 hours per week. Additionally, effective July 1, 2007, the City will contribute \$44 per month to a retiree medical account (i.e. Retire Health Savings Plan or other plan) for each IBEW employee.

The major issue in these negotiations was a change to the City's retirement formula. The negotiations resulted in a commitment to implement an enhanced retirement formula from two percent @ 55 to 2.5 percent @ 55 provided that all miscellaneous groups agree to this change and the City's financial liability is capped at 2.5 percent. This enhanced retirement formula will be effective June 16, 2008 should all miscellaneous groups reach an agreement. The IBEW has agreed to not only split the cost of this benefit based on an

actuarial report that indicated the cost to be 4.8 percent, but they also agreed to pre-fund their portion of 2.40 percent beginning July 1, 2005. The BCEA has also tentatively agreed to this cost arrangement contingent upon the final approval of their membership on January 17, 2006. The City is still in negotiations with the Burbank Management Association (BMA). In the end, an agreement must be reached by all unions in order for the City to be in a position to amend its contract with the Public Employees Retirement System (PERS) for the enhanced retirement.

The total maximum cost of the three-year IBEW package is 20.46 percent (\$2,001,356). The total maximum cost of the package for the BCEA over the three fiscal years is 16.95 percent (\$7,030,116). The total cost may be less than these amounts based on the results of the salary surveys in years two and three. It should be noted that these maximum costs include the 2.4 percent City contribution for the PERS 2.5 percent @ 55 retirement enhancement formula.

In addition to these economic issues, the City and the unions have agreed to form a Joint Labor/Management Committee to review the City's Employee Assistance Program and Workers' Compensation Program to ensure that program efficiencies and effectiveness are being met. Both the IBEW and the BCEA also agreed that prior to and during any work action it would provide employees to maintain the essential services necessary to ensure the health, safety and welfare of the community.

The IBEW members ratified their proposed agreement on December 20, 2005. The BCEA members ratified their proposed agreement on December 2, 2005. The adoption of these resolutions will conclude both the IBEW and the BCEA negotiations for the three fiscal years beginning July 1, 2005 and ending June 30, 2008.

Recommendation:

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

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND LOCAL 18, UNIT 50 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) FROM JULY 1, 2005 TO JUNE 30, 2008 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2005-2006.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK CITY EMPLOYEES ASSOCIATION (BCEA) FROM JULY 1, 2005 TO JUNE 30, 2008 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2005-2006.

5. APPROVAL OF AN AGREEMENT WITH THE ICMA RETIREMENT CORPORATION TO ESTABLISH A RETIREE HEALTH SAVINGS PLAN FOR UNREPRESENTED

MANAGERS AND EXECUTIVES:

The purpose of this report is to request Council adoption of a resolution to approve an agreement between the City and the ICMA Retirement Corporation for a Retirement Health Savings (RHS) plan for Unrepresented Managers and Executives.

Health care costs across the nation continue to increase at a rapid rate each year. Last year alone, the Consumer Price Index (CPI) reported a rise in health care costs of 4.64 percent. While this continued rise in health care costs affects every employee, it is especially burdensome to retirees on a fixed income. As such, the International Brotherhood of Electrical Workers (IBEW), Burbank City Employees Association (BCEA) and the Burbank Management Association (BMA) formed a coalition in 2003 to establish the Burbank Employees Retirement Medical Trust (BERMT) to help offset future medical costs for retirees beginning in 2008. All miscellaneous employees, as well as the City, contribute \$20 per pay period to this Trust. In addition, the Burbank Police Officers Association (BPOA) established a Voluntary Employee Beneficiary Association (VEBA) in 1998 where each member contributes 1.5 percent of their salary to offset future medical costs. The Burbank Fire Fighters (BFF) have also agreed to establish a VEBA on behalf of their members. In addition to the above- mentioned retiree health care plans, all represented groups except the BCEA, have additional plans in place that help to offset the cost of health care for their retirees. These plans provide contributions from the City ranging from \$44 to \$60 per month per employee. Unrepresented Managers expressed interest in establishing an RHS plan in order to offset future retirement health care costs as no other retirement medical plan is available to this group except for the BERMT or the mandatory PERS allocation (currently \$64.60) for those employees who select PERS health plans upon retirement.

The ICMA Retirement Corporation has developed a plan that will provide City employees the opportunity to set aside money or leave time on a pre-tax basis to help offset the cost of health insurance premiums when the employee retires. Monies set aside by the employee in this RHS plan can be used to pay for health care premiums on a pre-tax basis once the employee has retired.

There is no financial obligation incurred by the City. This is a voluntary program funded by the individual employees with no contribution being made by the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT WITH THE ICMA RETIREMENT CORPORATION TO ESTABLISH A RETIREE HEALTH SAVINGS PLAN (RHS) FOR UNREPRESENTED MANAGERS AND EXECUTIVES.

6. AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST:

Staff is requesting that the Council appropriate \$1,830.38 of interest accumulated during prior fiscal years for the 2003 Police Local Law Enforcement Block Grant (LLEBG). The purpose of the Department of Justice LLEBG program is to provide funds to units of local government for projects that reduce crime and improve public safety. In August 2003, the City received \$51,381 in LLEBG funds for the following purposes: cable programming; crime prevention and education programs; motor officer communication equipment; computer equipment; Special Response Team ballistic vests; and, other miscellaneous police equipment.

During the grant period, the City accumulated \$1,830.38 in 2003 LLEBG interest earnings. According to the grant provisions, the accumulated interest must be spent or returned to the Department of Justice. On December 27, 2005, a final grant report was submitted indicating \$1,792.90 of interest earnings had been spent, therefore, \$37.48 will be returned to the Department of Justice. This report is necessary to appropriate all interest earnings and finalize this grant.

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 BY APPROPRIATING 2003 POLICE LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST.

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

REPORTS TO COUNCIL :

7. DRAFT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT REGARDING SEWER SYSTEM IMPROVEMENTS BY THE CITY OF LOS ANGELES:

The purpose of this report is to present the Council with draft comments on the Draft Environmental Impact Report (DEIR) regarding sewer system improvements proposed by the City of Los Angeles. On November 15, 2005, staff presented information regarding a sewer tunnel proposed by the City of Los Angeles that may be located in the Rancho District. This sewer tunnel, known as the Glendale-Burbank Interceptor Sewer (GBIS), is a part of a DEIR, which was released on November 30, 2005.

On December 13, 2005, staff updated the Council on the release of the DEIR and the outreach efforts being made to inform the public on how they may provide input to the City of Los Angeles. Staff has prepared a draft comment letter to the City of Los Angeles regarding the DEIR. This letter may also be used by residents to formulate their own comment letters to the City of Los Angeles.

Recommendation:

Staff requests direction from the Council on whether to proceed with sending the DEIR comment letter to the City of Los Angeles.

8. FENCE REGULATIONS AND ENFORCEMENT IN RESIDENTIAL ZONES:

On August 16, 2005, the Council considered a Zone Text Amendment (ZTA) that would have modified the standards for fences, walls, hedges and other yard features in residential zones. The Council did not adopt the proposed standards, and directed staff to return with options for additional public involvement in creating the new standards. On September 13, 2005, the Council directed staff to establish a Blue Ribbon Task Force on fence issues. On November 15, 2005, the Council directed staff to return with options for enforcement of the existing fence regulations until such time as the Blue Ribbon Task Force completes its work and its recommendations are considered by the Council. One of the options discussed included the adoption of an enforcement “moratorium” to halt enforcement of the fence regulations while the Task Force completed its work.

At any given time, the City is in the process of considering one or more changes to the Zoning Ordinance. Until new zoning standards are adopted, the previous standards typically remain in place with the full force of law, and are enforced by the City. It is not typical for the City to cease enforcement of an existing zoning regulation because a revised or new standard is under consideration. However, if the existing standard is found to be no longer consistent with the policy direction of the Council, it may be appropriate to adopt interim standards or to take immediate action to change those standards and then revisit and review their effectiveness following adoption.

Rather than adopting an ordinance to place a moratorium on the enforcement of the City’s fence standards, staff recommends that the Council proceed with adopting new fence standards that would include new enforcement provisions. The proposed standards would be substantially similar to the standards presented to the Council on August 16, 2005 but would include new enforcement provisions and discretionary processes for deviating from fence requirements in lieu of the amnesty program originally proposed. Staff envisions the standards not as interim standards, but rather as the new fence and wall standards for the City.

Regarding the Blue Ribbon Task Force, staff is concerned that the current pool of task force applicants may not fully represent the interests of the various neighborhoods in the City and may not have the varied backgrounds required to provide the wide range of input necessary for consideration of this issue. Given the relatively few applications received, staff is concerned that recruiting an adequate and balanced applicant pool may not be possible. In order to solicit the most community input from the most diverse group of Burbank residents, staff believes that community meetings are a better approach for this type of issue than a Blue Ribbon Task Force. Community meetings were used

successfully with the single-family, multiple-family and hillside development standards as a means of sharing information with the public, and soliciting input from residents. Community meetings provide an opportunity for residents from across the City to ask questions of staff and share their opinion about the standards being proposed.

Recommendation:

Staff recommends Council direction to schedule a public hearing to consider adoption of a ZTA that would put in place new standards for fences and walls as previously proposed by staff. Staff seeks direction from the Council on the scope of the public noticing for the hearing, and whether to first return to the Planning Board for further review. Staff also recommends Council direction to conduct a series of community meetings approximately six months after the new standards take effect to evaluate the effectiveness of the standards and seek input from the community on their adequacy, in lieu of forming a Blue Ribbon Task Force.

9. RESPONSE BY PLANNING BOARD MEMBER HUMFREVILLE:

On November 22, 2005, the Council voted to waive the confidentiality of a legal opinion regarding a possible conflict of interest on the part of Planning Board Member Dan Humfreville, and asked that Mr. Humfreville be given the opportunity to address the Council and explain his position on the matter.

There was a suggestion by some Council Members that Mr. Humfreville should be removed from his position as a Board Member. In this regard, Burbank Municipal Code §2-401 provides that “[m]embers shall serve at the discretion of the City Council.” The result is that members of the Planning Board (as well as members of other boards and commissions of the City) may be removed in the same manner in which they are appointed, by a vote of three members of the Council. Despite the current lack of a full Council, the vote of three members is still required to either remove or appoint a member of the Planning Board.

Recommendation:

It is recommended that the Council allow Mr. Humfreville to address the matter of conflict of interest and then take action as deemed appropriate.

10. APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CAPITAL PROJECTS FOR FISCAL YEAR 2006-07:

Burbank submits an Annual Plan and applications for Federal funds, including Community Development Block Grants (CDBG), pursuant to regulations (24 Code of Federal Regulations Part 91). The Annual Plan and Final Statement describe activities/projects stated in the Consolidated Plan (Fiscal Year (FY) 2003-08).

Burbank's CDBG entitlement allocation and related funds for FY 2006 is estimated at \$1.48 million based on 2005 funding, but is likely to be less since current news from Congress predicts CDBG formula grants will be \$3.75 billion nationwide, representing a \$400 million decrease compared with 2005. When the Annual Plan and Final Statement are approved in April 2006, capital project approvals will be adjusted to coincide with the actual 2006 entitlement and any HUD reallocated funds. For now, however, CDBG capital project funds are estimated at \$965,259. Similarly, program administration and public services funding will be adjusted in April and will be appropriated at the statutory limits of 20 percent and 15 percent, respectively.

FY 2006 CDBG FUND RESOURCES

CDBG Fund Source	Fund Amount
2006 Entitlement (Est.)	\$1,350,501.00
HUD Reallocated Funds	\$ incl. above
Program Income (FY 2004)	\$ 134,513.00
Total CDBG (Est.)	\$1,485,014.00

FY 2006 CDBG FUNDS BY CATEGORY

Capital Project Funds	\$ 965,259.00
Public Service Funds (15%)	\$ 222,752.00
Program Administration Funds (20%)	\$ 297,003.00
Total CDBG (Est.)	\$1,485,014.00

Three City departments/organizations submitted eight projects totaling \$1.32 million in requests, creating a gap of \$359,192 compared with available funding. For specific proposals, additional information is provided as follows:

Public Works Department:

1. The Department's 2006 proposals are identical to 2005 when the Council approved \$505,148 for use by Public Works, which opted to improve Olive Avenue between Third and Sixth Streets. However, when 2005 funds were released by HUD and projects were funded, fund availability was insufficient to fully fund Olive Avenue at \$505,148, and it was therefore funded at \$210,523.

Based on increased material costs, Public Works now estimates the project at approximately \$700,000. To meet this new projected cost, staff proposes the following:

Fiscal Year	Funding Source	Amount
2004-05	3 rd Street Project Savings	\$117,995.97
2005-06	Olive Avenue Project Budget	\$210,523.03
	Subtotal:	\$328,519.00
2006-07	2006-07 Fund Appropriation	\$355,808.00
	Total:	\$684,327.00

2. Related to the pending City project to construct a new Community Services Building (CSB), Public Works proposes to provide off-site pedestrian and access

improvements. A project cost of \$390,000 includes the demolition and replacement of existing curbs, gutters, sidewalks, and driveways with new/wider sidewalks, curbs, gutters, Americans with Disabilities Act (ADA) pedestrian ramps, a mid-block street crossing and a vehicle turn-out.

Build Rehabilitation Industries:

In prior years, Build was awarded CDBG funding to renovate two bathrooms to meet ADA accessibility provisions; install seismic retrofitting; install a new central heating/air conditioning system; and, a new roof. In total, \$91,000 was approved by the Council over a two-year period.

Build went out for competitive bids on two separate occasions, but the low bid exceeded funds available each time. To expedite the completion of these projects, the City approved use of CDBG funds approved for 2005 (\$78,000) to fill the gap.

Consequently, projects approved for 2005 (*Lighting System, Fire Sprinkler System and New Training Rooms*) appear again for 2006. [\$15,000 remains from funds approved last year. If \$84,000 is approved for 2006, there will be a total of \$99,000 available to complete the proposed projects].

Community Development Goals Committee

The Committee’s long-standing rationale for project approvals has been predicated on creating a direct/visual impact, benefiting the appropriate citizenry or providing funds where resources are limited or non-existent.

Code Enforcement: Based on survey information compiled last year regarding how other localities use/approve CDBG funds for code enforcement activities and HUD audit confirmation that Burbank’s Code Enforcement Program is in compliance with HUD regulations, the Committee acknowledges the eligibility of code enforcement, but in general, opposes the use of CDBG to pay for staffing when other priority projects exist that require funds.

Since this year’s requests are limited to two City departments and one local organization (Build Rehabilitation Industries), which can be fully funded, the Committee recommends that all proposals be fully funded except for Public Works’ street improvements, alley/sidewalk and pedestrian ramp construction, which is recommended at \$355,808 to be used at the Department’s discretion.

Department/Organization	Recommendation
Public Works (Streets/Alleys/Sidewalks/Pedestrian Ramps)	\$355,808
Public Works (CSB Off-Site Improvements)	\$390,000
CDD Code Enforcement	\$135,451
Build Rehabilitation Industries	\$ 84,000
Total CDBG Capital Projects	\$965,259

Executive Staff

Executive staff concurs with the recommendation of the Community Development Goals Committee with one stipulation. Council consideration for funding the CSB will not take place until April 2006. Should funding be approved for CSB, concerns may still exist relevant to traffic congestion caused by narrowing Third Street to accommodate improvements and pedestrian safety related to creating a mid-block street crossing. Therefore, Executive Staff recommends that if CSB off-site improvements are approved for \$390,000, that the funds be held in abeyance until all issues/concerns are settled. If CSB project funds are not approved, the \$390,000 can be utilized for other Public Works projects that are CDBG eligible.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR (FY) 2006-07 AND AUTHORIZING THEIR INCLUSION IN THE FY 2006-07 ANNUAL PLAN AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USES OF FUNDS.

11. **CONSIDERATION OF UNFREEZING FUNDS FOR TWO POLICE OFFICER POSITIONS:**

The purpose of this report is for the Council to consider unfreezing two police officer positions. This issue was requested by Council Member Golonski during the review of the City's First Quarter Financial Report that occurred at the November 15, 2005 Council meeting. This report serves as the first step in the two-step agenda process to consider whether or not to proceed with unfreezing police officer positions.

Currently, there are a total of eight frozen police officer positions. These positions were frozen to assist with budget reductions first enacted for the Fiscal Year (FY) 2003-04 budget and were presumed to be frozen for FY 2005-06, and throughout the Five-Year Forecast. If the City chooses to unfreeze two of the frozen police officer positions, the current annual cost would be approximately \$198,000 in salaries and benefits. The annual FY 2006-07 cost would increase to approximately \$207,000 due to the salary increase as part of the recently-ratified Burbank Police Officer Association's Memorandum of Understanding.

Recommendation:

It is staff's recommendation that the Council provide direction on whether or not to proceed with unfreezing the police officer positions.

ADOPTION OF PROPOSED ORDINANCE:

12. PLANNED DEVELOPMENT NO. 2004-64 WITH TENTATIVE TRACT MAP NO. 61361, GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW:

The purpose of this report is for the Council to consider a second reading of an ordinance to approve a development consisting of 276 multi-family residential units (including 44 townhome style units and 232 stacked flats) and 1,000 square feet of retail space at 1935 North Buena Vista Street.

On November 1, 2005, the Council held a noticed public hearing on this item. During its deliberations, the Council made a number of changes to the proposed Conditions of Approval. Since these changes impacted the overall site plan for the project, the Council voted to continue the item until December 6, 2005, in order to allow the developer to prepare new plans reflecting the changes to the proposed Conditions of Approval.

On December 6, 2005, the Council was presented with revised plans reflecting the changes made during the previous meeting. The Council approved the project as revised, with the additional condition that the applicant fund the \$440,000 estimated cost of additional safety equipment needed at the railroad crossing of Buena Vista Street at Vanowen Street, needed to establish a Quiet Zone in this rail corridor. The Council agreed to allow the applicant to reduce the number of affordable housing units within the project to offset \$365,000 of estimated cost of the safety equipment. The exact number of units to be reduced from the affordable component was left to be decided based upon subsequent financial-equivalency discussions.

This ordinance was introduced at the December 6, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

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.

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City of Burbank's Web Site:
www.ci.burbank.ca.us**