



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, APRIL 18, 2006  
5:00 P.M.

**CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE**

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48-hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

Public Employee Performance Evaluation:

Pursuant to Govt. Code §54957 and 54957.6

**Title of Employee’s Position:** City Manager and City Attorney.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

**6:30 P.M.**

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PROCLAMATION: EARTH DAY.

RECOGNITION: ARMENIAN GENOCIDE REMEMBRANCE.

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

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. APPEAL OF THE PLANNING BOARD'S DECISION TO APPROVE PROJECT 2005-84 DEVELOPMENT REVIEW – 1014 AND 1018 OMER LANE – APPLICANT/PROPERTY OWNER: MR. VAROOZH SAROIAN/MR. BOB KUNERT; APPELLANT: COUNCIL MEMBER GORDON:

The purpose of this report is to consider an appeal of the Planning Board's decision to uphold the Community Development Director's decision to conditionally approve Project No. 2005-84 Development Review, a request by Mr. Varoozh Saroian to demolish four units and construct a 15-unit multi-family residential building at 1014 and 1018 Omer Lane. Appealing the Planning Board's decision to approve the project is Council Member Gordon.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2005-84 DEVELOPMENT REVIEW (1014 & 1018 Omer Lane – Mr. Varoozh Saroian and Mr. Bob Kunert, Applicants).

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: (Item 3)

The following item may be enacted by one motion. There will be no separate discussion on this item 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. MICROSOFT ENTERPRISE LICENSING AGREEMENT:

Staff requests Council approval to enter into a three-year Enterprise Licensing Agreement with Microsoft Licensing, GP with the option to renew the agreement for an additional three-year term. The City licenses many products from Microsoft Corporation which is by far the largest manufacturer of software used by the City. The Microsoft Enterprise Agreement, negotiated by the County of Riverside, will provide the City with a managed, all-inclusive solution to license Microsoft products.

Currently, the City purchases new Microsoft software licenses from retailers at predetermined "Select Level D" pricing each time we purchase a PC or need to do a product upgrade. By piggy-backing on the County of Riverside agreement, the City will save 12.5 percent over the standard Microsoft Government Rates for Enterprise Agreements and gain the following benefits which are not under the current methodology: Software Assurance for all products covered by the agreement allowing unlimited upgrades throughout the contract term; unlimited web-based technical and limited phone technical support; Microsoft Home Advantage allowing all City employees issued a work PC the right to install the current version of Microsoft Office Products at home for the cost of shipping the media (approximately \$20); access to Microsoft consulting services; 30 days of Microsoft certified training for technical staff; and, a Microsoft TechNet Plus subscription.

The fiscal impact of this proposal is \$295,402.15 per year to be paid annually over the first three-year term, totaling \$886,206.44. Internal Service Fund 537 will fund the General City portion of the agreement which totals \$195,944.39 per year, and Burbank Water and Power will fund their equipment licensed under the agreement at a cost of \$99,457.76 over the initial term. Each renewal term thereafter can be estimated to cost between 55 and 60 percent of the initial term costs.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MICROSOFT ENTERPRISE AGREEMENT BETWEEN THE CITY OF BURBANK AND MICROSOFT LICENSING, GP.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

4. DOWNTOWN BURBANK PARTNERSHIP LANDSCAPE PROGRAM:

As part of the Redevelopment Agency's efforts to improve the Downtown, the Agency initiated the formation of a Property-Based Business Improvement District (P-BID), which is now formally called the Downtown Burbank Partnership, Inc., to fund a variety of improvements in partnership with Downtown Burbank property owners. In addition to marketing, events and maintenance, specific capital improvements that are proposed for Downtown include: smart parking; wayfinding signage; street/paseo upgrades (landscape program); and, holiday decorations.

The P-BID Board and staff have worked with the landscape architectural firm Bennitt and Mitchell to develop an updated streetscape/landscape plan. The plan will upgrade the north and south areas of Downtown known as the Mall and Village Districts. The P-BID Board has approved the plan and approved \$417,000 for project funding.

The goal of the proposed landscape plan is to update the area, add color and eliminate some of the heavy concrete look that is throughout Downtown. The new landscape proposal includes eliminating the concrete seating walls in the middle of the blocks and adding other benches and landscaping.

Since this work will be paid for by the P-BID, but performed on City property, it is proposed that the City manage the bidding process and the actual project. Furthermore, since the streetscape program will be on City right-of-way, prevailing wages will be required to be paid to contractors for this project. If the design is approved, staff will seek bids and return to the Council for the award of the contract and to consider entering into an agreement with the Downtown Partnership to fund the project. The estimated completion date of this project is fall 2006.

Recommendation:

It is recommended that the Council approve the proposed Downtown Burbank Streetscape Plan and direct staff to proceed with obtaining bids.

5. WAIVING CONFIDENTIALITY OF THE CITY ATTORNEY'S CONFIDENTIAL MEMORANDUM REGARDING THE GLENDALE-BURBANK INTERCEPTOR SEWER PROJECT:

At the Council meeting of April 4, 2006, Council Member Gordon asked that a legal memorandum confidentially provided by the City Attorney's Office to the Council regarding the City of Los Angeles' proposed Glendale-Burbank Interceptor Sewer (GBIS) Project be made public.

Pursuant to the Council's policy, no additional work has been done on this issue. If the Council decides to consider making this memorandum public, the matter will be placed on a future agenda for final action. It should be noted that, due to the nature of the correspondence, the City Attorney does not recommend making the memorandum public.

Recommendation:

It is recommended that the Council determine whether sufficient interest exists to consider making the subject memorandum public.

**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](http://www.ci.burbank.ca.us)**