



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, MAY 16, 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:** Dresser v. City of Burbank

**Case No.:** EC040122

**Brief description and nature of case:** Joint Use Facilities Agreement with the Burbank Unified School District which is the subject of this litigation.

b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

**Number of potential case(s):** 1

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

**6:30 P.M.**

INVOCATION:

Pastor Paul Clairville, Westminster Presbyterian Church.  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION:            YOUTH ART EXPO.

RECOGNITION:            RECYCLING HEROES.

RECOGNITION:            BURBANK HIGH SCHOOL INTERNATIONAL OUTREACH.

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 May 15, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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 OPEN PUBLIC COMMENT AND AGENDA ITEM 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 2 and 3)

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.

2. PROFESSIONAL SERVICES AGREEMENT FOR ENVIRONMENTAL REVIEW FOR PROJECT NO. 2006-70 – 160 WEST OLIVE AVENUE:

The purpose of this report is to request Council authorization for the City Manager to enter into a \$133,626 Professional Services Agreement (PSA) with Rincon Consultants, Inc. (Rincon) to perform an environmental review of the project proposal submitted as Project 2006-70 Conditional Use Permit and Development Review for a 12-story office building with ground floor retail and a parking structure.

Staff has preliminarily reviewed the project applications under the California Environmental Quality Act (CEQA). After an initial review of the project, staff has determined that a consultant will be necessary to perform the required environmental review. The project will follow CEQA guidelines as well as Burbank standards and at least two community meetings and two public hearings will be held over the course of the environmental review of this project.

A Request for Proposals was sent to eight firms for a previously-proposed project on this site. Five proposals were received and Rincon was selected based on their experience, thoroughness of the proposal and the quality of subconsultants proposed. Rincon will subcontract with Kaku Associates for traffic analysis and Reese-Chambers Systems Consultants, Inc. for the health risk analysis. Rincon updated the cost estimate for this revised project scope. Rincon is a highly respected firm in the area of environmental analysis and is familiar with Burbank and the surrounding areas.

No costs will be incurred by the City by entering into a PSA with Rincon. The applicant will be required to deposit to the City the cost of the contract plus 10 percent, as required by the City's Fee Resolution.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND RINCON CONSULTANTS, INC. FOR ENVIRONMENTAL ANALYSIS FOR PROJECT NO. 2006-70.

3. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1139, EMPIRE AVENUE STREET IMPROVEMENT PROJECT AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES:

Staff is requesting the Council approve contract documents and award a construction contract to Shawnan; and, approve a Professional Services Agreement for construction management services with Tetra Tech, Inc, for Bid Schedule No. 1139, Empire Avenue Street Improvement Project.

The project is the fourth and last segment of the Empire Avenue Transportation, Utility and Landscape Project also known as the Empire Avenue Beautification Project. This last segment, which extends from Buena Vista Street to Clybourn Avenue, will include: a series of landscaped medians with irrigation; enhanced crosswalks; selected sidewalks, curb and gutter reconstruction; Americans with Disabilities Act compliant pedestrian ramps; and, new street trees, tree wells and planters. In addition, the roadway will be reconstructed by pulverizing the existing asphalt pavement and reconstructing the base (Pavement Reclamation), then

capping it with new asphalt rubber hot mix (ARHM) pavement. Traffic signal loops will be installed at the intersection of Ontario Street and Empire Avenue and at signalized intersections along Empire Avenue.

The project also includes a number of other improvements along Empire Avenue, including the removal of an existing rail-spur crossing near Ontario Street, construction of sidewalk, parkway drains, and a metal hand rail for pedestrian accessibility and protection adjacent to the spillway that drains to the Lockheed Channel. In addition, improvements will be made to the storm drain system and an underground street lighting electrical system will also be installed.

Bid Schedule No. 1139 was advertised for bids on November 16 and 19, 2005. A bid opening was conducted on April 18, 2006, at which five bids were received ranging from \$3,521,158.50 to \$4,151,133.60. Shawnan of Downey, California submitted the lowest bid of \$3,521,158.50, which is 0.2 percent below the engineer's estimate of \$3,528,249.07. Shawnan was found to be qualified for this project with all required licenses and experience.

Due to the aggressive construction schedule and in an effort to maintain continuity of the project, staff recommends Tetra Tech, Inc. be awarded a contract for construction management services for \$136,600. Tetra Tech, Inc. completed the design and construction plans on the project and any discrepancies between design and actual field conditions can be quickly resolved. The proposed amount is competitive for a project of this technical complexity and fast pace schedule. Construction of this project is planned to occur between June and November 2006.

Recommendation:

Adoption of proposed resolutions entitled:

1. 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 EMPIRE AVENUE STREET IMPROVEMENT PROJECT, BID SCHEDULE NO. 1139 TO SHAWNAN OF DOWNEY.
  
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND TETRA TECH INC.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

4. AMENDING CHAPTER 29 OF THE BURBANK MUNICIPAL CODE FOR A CITYWIDE VALET PARKING PROGRAM:

Staff is requesting Council approval of a proposed citywide valet ordinance amending Chapter 29 of the Burbank Municipal Code. The proposed ordinance is intended to establish increased opportunities for convenient parking while safeguarding public health, safety and welfare from potential nuisances caused by unregulated valet parking operations.

Staff proposes an ordinance that enables a business to establish a valet parking system tailored to the needs of the business and the area served, but it must also serve the valet needs of surrounding businesses. The ordinance defines requirements for the operations, such as valet stand identification and method of operation. Staff will review proposed travel routes, the vehicle storage location, operation times, operator capabilities, and curbside valet location to ensure compliance with the ordinance and applicable laws. The intent of the ordinance is to enable City oversight of the valet operations, while allowing a competent operator to determine the specific operational parameters (within limits) of the valet operation.

Temporary valet parking permits are also available to residents or businesses that may have a party or other gathering, but slightly different conditions would apply. The operator will not need a designated off-street parking area for vehicle storage. The operator can use surrounding streets with the approval of the majority of those affected property owners.

On February 16, 2006, the Downtown Parking Management Committee approved the proposed valet parking ordinance and recommended the ordinance be forwarded to the Council for approval. The Traffic and Transportation Committee has also reviewed and approved the proposed ordinance.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 29 OF THE BURBANK MUNICIPAL CODE TO AUTHORIZE VALET PARKING BY PERMIT.

5. STATUS OF THE DOWNTOWN PARKING MANAGEMENT IMPLEMENTATION PLAN:

In September 2004, the Council authorized staff to proceed in the development of a comprehensive parking management plan for the downtown area, and staff developed a plan in conjunction with the Downtown Parking Management Committee (DPMC), which included local merchant and business owner input. The DPMC-

approved plan included user fee parking charges, increased enforcement, a valet parking system and an improved employee parking permit program.

The proposed comprehensive parking management plan was presented to the Council on January 31, 2006. The Council directed staff to investigate a more limited program involving only user parking fees for on-street parking. Subsequent meetings with downtown merchants cast significant doubt that a user-fee-based parking system would be acceptable to the Council.

Detailed studies of the existing Parking Authority and downtown parking system showed several major flaws in the current system:

- The Parking Authority cash flow has been negative since Fiscal Year 2002-03, and the fund has remained viable only through drawdown of the initial fund balance. Expenses are increasing but income is fixed. The Parking Authority fund will be out of money next fiscal year;
- About 41 percent of the Parking Authority income is derived from employee parking permits, 39 percent is from an AMC garage assessment district, and 20 percent is from assorted leasing arrangements for specific garages. Except for the AMC assessment, no downtown business provides any funds for the Authority; and,
- Existing parking enforcement is inadequate to achieve acceptable compliance levels. Appropriate enforcement will cost between \$110,000 and \$220,000 annually. New technology may reduce manpower requirements, but the technology will cost about \$20,000 to \$42,000 annually over a ten-year period.

The Parking Authority deficit and monies for the additional staff and technology can be funded in three ways: business taxes or assessments; parking user fees and permit fees; and, public funding sources.

Recommendation:

Staff requests the Council provide direction on a method of parking management in the downtown area, and on financing options to sustain the Parking Authority and the management of parking.

6. 2006 INTEGRATED RESOURCE PLAN – ELECTRIC SYSTEM:

Staff seeks Council approval of the Draft 2006 Integrated Resource Plan – Electric System (IRP) for Burbank Water and Power (BWP).

The Draft IRP was originally presented to the Council on April 28, 2006, and by Council direction brought back for a Study Session on May 9, 2006. The item has been continued to this meeting in order to afford the Council additional time to discuss the Draft IRP and provide direction as desired.



Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE 2006 INTEGRATED RESOURCE PLAN FOR THE ELECTRIC SYSTEM OPERATED BY BURBANK WATER AND POWER.

7. FISCAL YEAR 2006-07 BUDGET STUDY SESSIONS (CITY COUNCIL OFFICE, CITY MANAGER'S OFFICE, PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT, FINANCIAL SERVICES DEPARTMENT AND BURBANK WATER AND POWER DEPARTMENT):

As indicated at the initial Budget Study Session on May 2, 2006, staff has prepared a schedule for the Fiscal Year (FY) 2006-07 Department Budget Study Sessions to be held on Tuesday nights. The Department Budget Study Sessions are scheduled on May 16 and 23, 2006 as illustrated below. During these sessions, each department will have an opportunity to discuss the details of the proposed changes related to their respective department contained in the FY 2006-07 Proposed Budget.

| <b>BUDGET STUDY SESSION SCHEDULE</b>  |                                   |                                   |
|---------------------------------------|-----------------------------------|-----------------------------------|
| <b>May 16, 2006</b>                   | <b>May 23, 2006<br/>5:00 p.m.</b> | <b>May 30, 2006<br/>5:00 p.m.</b> |
| City Council Office                   | Information Technology            | Overflow Items                    |
| City Manager's Office                 | Fire Department                   | Final Decision Making             |
| Park, Recreation & Community Services | Library Services                  |                                   |
| Financial Services                    | Management Services               |                                   |
| Burbank Water and Power               | Public Works                      |                                   |
|                                       | City Attorney's Office            |                                   |
|                                       | City Treasurer's Office           |                                   |
|                                       | City Clerk's Office               |                                   |
|                                       |                                   |                                   |

Recommendation:

Staff recommends the Council review the proposed budget materials and direct staff to incorporate any necessary changes into the June 6, 2006 Public Hearing report.

**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.** To May 23, 2006 at 5:00 p.m. in the Council Chamber for a Budget Study Session.

**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)**