



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, MAY 30, 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.

FISCAL YEAR 2006-07 BUDGET STUDY SESSION – NEW DISCUSSION PAPER ITEMS, OVERFLOW ITEMS AND FINAL DECISION MAKING:

As indicated at the initial Budget Study Session on May 2, 2006, staff prepared a schedule for the Fiscal Year (FY) 2006-07 Department Budget Study Sessions which have been held on Tuesday nights. This will be the final Budget Study Session, which will be used to review all the outstanding budget discussion paper items. This is also the time for final budget decision making by the Council prior to the public hearing, which is scheduled for June 6, 2006.

This item will be continued as item no. 7 if not completed during the Study Session.

Recommendation:

Staff recommends the Council review the remaining budget discussion paper items and direct staff to incorporate any necessary changes into the June 6, 2006 Public Hearing report.

**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:

PRESENTATION:

DONATION FOR KIDS SAFETY TRAILER.

PRESENTATION:                 STUDENT SCHOLARSHIP ESSAY AND VOLUNTEER AWARDS.

RECOGNITION:                 SENIOR VOLUNTEERS.

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).

**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 1 through 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.

1. MINUTES:

Approval of minutes for the regular meetings of April 18, April 25, May 1 and May 2, 2006.

Recommendation:

Approve as submitted.

2. PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC. FOR ENGINEERING SERVICES FOR INTERSTATE 5 HOV/EMPIRE AVENUE INTERCHANGE PROJECT:

The Metropolitan Transportation Authority (MTA) has committed funding to complete the Empire Interchange as part of the larger Interstate 5 High Occupancy Vehicle Project between State Route 134 and State Route 170 in the City. To meet a projected construction start date of 2008, the California Department of Transportation must complete design work of the Interchange and railroad grade separation. To complete the design process, a large number of City and private utilities must be identified and relocated to accommodate the various new ramps and grade separations that are required for the project. In order to meet the MTA's projected construction start date, this utility design work must be accelerated so that utility relocation can occur in 2007 prior to the actual project construction. On April 4, 2006, the Council directed staff to enter into a Professional Services Agreement (PSA) with RBF Consulting to perform conceptual design work for all City-owned utility relocations required for the Interchange Project. As mentioned in the April 4, 2006 staff report, the City's electrical relocation design work would be completed under a separate PSA and incorporated into the overall utility design work currently being performed by RBF. This PSA would allow Orsa Consulting Engineers, Inc. to perform the necessary electric utility designs needed to accommodate the Interchange

Project.

To execute this PSA, it is requested that \$75,000 be appropriated from the Unappropriated Transportation Impact Fee Account to the Empire Interchange Capital Improvement Program project account.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC. AND AMENDING THE FY 2005-2006 ANNUAL BUDGET IN THE AMOUNT OF \$75,000.

3. APPROVAL OF THE MAP AND REPORT FOR THE PROPOSED OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1:

Staff is requesting the Council adopt: a resolution approving the map for the proposed Olive Avenue Underground Utility District No.1 (UUD#1) and a report by the Public Works Director for UUD#1; and, a Resolution of Intention and setting June 20, 2006 as a public hearing date for forming UUD#1.

The Council has directed staff to leverage its \$360,000 per year within the Burbank Water and Power (BWP) budget for aesthetically-driven undergrounding; identify view corridors along major streets where undergrounding would have maximum impact; and, use the mechanism of UUDs so that other utilities must underground their lines when the City undergrounds its utilities' overhead lines. Staff has identified two street segments where undergrounding would have a strong visual impact: Olive Avenue, including curbs and sidewalks, from 20 feet west of the Western Flood Control Channel (near Flower Street) to 20 feet west of Victory Boulevard; and, Lake Street, including curbs and sidewalks, from 20 feet south of Olive Avenue to Magnolia Boulevard.

On September 13, 2005, the Council approved Resolution No. 27,063, which directed the Public Works Director to prepare a report on the fiscal and other associated impacts on the general public and the parties affected by establishing UUD#1 (Report) and prepare a map or plat of the area covered by UUD#1. The City and three communications utilities, AT&T, Charter Communications and Verizon, will be undergrounding their lines within UUD#1.

BWP and the utilities reached a consensus on the following key cost issues: the utilities would use joint trenching to reduce construction costs, although the extent of joint trenching is yet to be determined. Current cost estimates do not reflect joint trenching; competitive bidding for the substructure installation (duct banks, pull boxes, maintenance holes) and street restoration would proceed under the City's purchasing rules and procedures; each utility would do its own cable and customer connection

work at its own expense; and, each utility would remove its own overhead conductors and related facilities, except that BWP would remove any jointly-owned poles. BWP and the utilities also agreed to divide the undergrounding work into two phases that span a total of three years (June 20, 2006 to May 30, 2009): Phase 1 would include all street segments except Lake Street north of Orange Grove Avenue; and, Phase 2 would be along Lake Street from Orange Grove Avenue to Magnolia Boulevard, and would include any underground work in Magnolia Boulevard itself. This phased approach would spread the cost over the next three Fiscal Years (2006-07, 2007-08 and 2008-09) and would allow BWP to better coordinate UUD#1 undergrounding activities with its station construction activities.

The estimated costs for Phase 1 and Phase 2, from detail design through street restoration and removal of overhead facilities, break down by utility as follows:

<b>Utility</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>TOTAL</b>
BWP (Fund 496)	\$2,451,000	\$570,000	\$3,021,000
Street Lighting (Fund 129)	\$ 240,000	\$100,000	\$ 340,000
AT&T	\$ 107,380	\$125,000	\$ 232,380
Charter	\$ 371,750	\$120,000	\$ 491,750
Verizon	\$ 99,180	\$ 0	\$ 99,180
<b>TOTAL</b>	<b>\$3,269,310</b>	<b>\$915,000</b>	<b>\$4,184,310</b>

Creating UUD#1 would not have an adverse impact on BWP (Fund 496). The electrical undergrounding work would be funded within BWP's existing funding for aesthetic undergrounding, supplemented by previously-identified capital improvement activities.

Creating UUD#1 would not have an adverse impact on the City's Street Lighting Fund (Fund 129). The street lighting undergrounding work would be funded within the existing funding for street lighting.

Creating UUD#1 would not have an adverse impact on the General Fund, including the Public Works Department. The affected utilities would bear the costs of street restoration because the affected street segments were not scheduled for resurfacing.

Creating UUD#1 would have minimal adverse impact on directly affected customers, as they would not have to bear the costs of conversion to underground service.

Creating UUD#1 enables the City to leverage BWP's planned capital improvement activities into an opportunity to beautify highly-visible segments of the Olive Avenue and Lake Street corridors.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MAP AND REPORT OF THE PUBLIC WORKS DIRECTOR FOR THE PROPOSED OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1 AND DIRECTING THAT SAID MAP AND REPORT BE FILED WITH THE CITY CLERK.
  
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO FORM OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1 AND SETTING A HEARING THEREON FOR JUNE 20, 2006, AT 6:30 P.M. IN THE COUNCIL CHAMBER.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

4. NBC PARKING AND TRANSITIONAL ISSUES:

The purpose of this report is to update the Council on the current status of the parking and transitional issues associated with the sale of NBC's approximately nine-acre "Catalina" parcel to M. David Paul. This report also constitutes the annual review of the NBC Planned Development and Development Agreement.

NBC representatives have provided staff with a two-phased proposal to maintain the required parking on the NBC lot. This proposal involves re-striping existing lots on the property and an expansion of one lot. The first phase of this proposal is currently undergoing departmental review.

Recommendation:

Note and file.

5. CONTINUED DELIBERATIONS ON THE PROPOSED COMMERCIAL MUSIC LESSONS HOME OCCUPATION ORDINANCE:

The purpose of the proposed ordinance and resolution is to allow the conduct of commercial music lessons from residences in Burbank, through the application of the following specified conditions, standards and regulations:

1. Applicants must obtain an Administrative Use Permit (AUP) pursuant to Division 4.1 of Article 19 of Chapter 31 of the Burbank Municipal Code (BMC), except that notice of the AUP decision shall be mailed to all property owners and

- occupants within 150 feet radius of the property. Cost of the AUP is to be \$175;
2. Applicants for an AUP to teach music lessons to minors, which are students under 18 years of age, are required to submit fingerprints in order to obtain any criminal history of the applicant;
  3. Music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m.;
  4. Music lessons shall be limited to a maximum of five days per week, however lessons shall not be given on Sundays;
  5. Music lessons shall be limited to a maximum of 10 students per day;
  6. Music lessons shall be conducted as one-on-one lessons, with one teacher and one student per lesson;
  7. Noise associated with music lessons shall be limited to the current BMC decibel limit criteria which relates to noise levels in a residential zone that are associated with machinery, equipment, fans and air conditioning. Staff conducted field tests to assure these decibel limits would not be overly prohibitive, yet substantially protective of adjoining properties;
  8. There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location shall be shown on the submitted site plan (the site plan will accompany the AUP application);
  9. There must be on-premises parking for persons coming to or leaving music lessons. On-premises parking must be provided for at least one vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan for an AUP. Such parking area may be located in a driveway in a single-family residential zone. Guest parking may be used to satisfy this requirement in a multiple-family residential zone. When music lessons are being conducted, the designated parking area must be left open and available for student parking;
  10. Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (i) of the Home Occupation Ordinance;
  11. Music lessons are prohibited in any multi-family structure which shares a common wall, ceiling, or floor with any other unit; and,
  12. The applicant is responsible for all costs associated with the permitting process.

This matter has been reviewed by the Council on three separate occasions, and once by the Planning Board. The most recent Council deliberations on this matter were conducted on April 11, 2006. At that time, a full Council was not present which resulted in three failed motions. The primary disagreement causing split votes concerned determining which day of the week lessons would not be permitted, either Saturday or Sunday. Therefore, the Council directed staff to return for continued deliberations in the presence of a full five-member Council.



Recommendation:

1. 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 HOME OCCUPATIONS AND MUSIC LESSONS.
2. Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE III OF RESOLUTION NO. 26,994, THE BURBANK FEE RESOLUTION RELATING TO LAND USE AND ZONING.

6. CITY OF BURBANK SANITARY SEWER SYSTEM EVALUATION AND CAPACITY ASSURANCE PLAN:

The purpose of this report is to present the Council with an update on the status of the City of Burbank's wastewater collection and treatment system and provide a summary of the recently-completed Sanitary Sewer System Evaluation and Capacity Assurance Plan.

Each day, Burbank residents and businesses generate approximately 11 million gallons of wastewater. This wastewater is collected and conveyed through privately-owned building sewers to publicly-owned sewer mains. The majority of wastewater generated within the City is treated at the Burbank Water Reclamation Plant (BWRP). Effluent produced at the BWRP is either provided to Burbank Water and Power for sale as recycled water or discharged to the Burbank Western Channel. Sludge is conveyed from the BWRP out of the City via the City of Los Angeles' North Outfall Sewer (NOS).

The System Evaluation and Capacity Assurance Plan concludes that the City's wastewater collection system is in good condition, but will require capacity increases at various locations based on future wet-weather flow conditions. The projected capacity deficiencies will be studied individually for potential diversion opportunities. Where diversions cannot alleviate the hydraulic concerns, pipe upsizing or parallel pipelines will need to be constructed.

Recommendation:

Note and file.

7. CONTINUATION OF FISCAL YEAR 2006-07 BUDGET STUDY SESSION – NEW DISCUSSION PAPER ITEMS, OVERFLOW ITEMS AND FINAL DECISION MAKING:

As indicated at the initial Budget Study Session on May 2, 2006, staff prepared a schedule for the Fiscal Year (FY) 2006-07 Department Budget Study Sessions which have been held on Tuesday nights. This will be the final Budget Study Session, which will be used to review all the outstanding budget discussion paper items. This is also the time for final budget decision making by the Council prior to the public hearing, which is scheduled for June 6, 2006.

Recommendation:

Staff recommends the Council review the remaining budget discussion paper items and direct staff to incorporate any necessary changes into the June 6, 2006 Public Hearing report.

ADOPTION OF PROPOSED ORDINANCE:

8. AMENDMENT TO CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE HERITAGE COMMISSION:

In 1994, the Council adopted the City's historic preservation ordinance and created the Heritage Commission. The purpose of the Commission is to administer the preservation ordinance and to encourage public and private historic preservation efforts. The Commission serves as an advisory body to the Council and is also charged with reviewing all requests for permits to modify a designated historic resource.

Burbank Municipal Code (BMC) Section 2-420 establishes the Heritage Commission and specifies its composition and responsibilities. The BMC provides that the Commission shall be composed of five Burbank residents, including two members from the business community, two members experienced in the field of historical preservation and one member from the community at large.

Staff proposes that the BMC be amended to require the Commission to be composed of five residents with a "demonstrated interest, competence or knowledge in historic preservation." This requirement is much more flexible than the existing requirement, as it would allow any resident interested in preservation to apply to serve on the Commission. To promote professional competence among the Commissioners, at least two members would be encouraged by the BMC, but not required, to have professional backgrounds in a discipline related to historic preservation. All Commission Members would be responsible for ensuring that the Commission provides a balanced perspective and equally represents the interests of Burbank residents and businesses. Staff believes that allowing any interested residents to serve on the Commission increases the fairness of the appointment process and provides an equal opportunity for all Burbank residents to serve on the Commission.

This ordinance was introduced at the May 23, 2006 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING  
CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE  
COMPOSITION OF THE HERITAGE COMMISSION.

**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)**