



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 18, 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: Burbank Firefighters Association.

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:

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:

PRESENTATION: TRANSPORTATION MANAGEMENT ORGANIZATION
UPDATE.

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 Special Airport Authority meeting agenda of July 10, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. REGULATION OF ELECTRONIC SIGNAGE:

On February 21, 2006, staff presented a report detailing the City's regulation of blinking and flashing signage. Staff was directed by the Council to prepare a Zone Text Amendment (ZTA) prohibiting the use of electronic signs, specifically those signs using light emitting diode technology.

The Burbank Municipal Code (BMC) currently prohibits signs that blink, flash, vary regularly in luminescent intensity, move or give the illusion of movement. The City's Sign Ordinance does not generally place restrictions upon the type of technology that can be used for signs. As such, the City would permit the installation of an electronic sign. Although not permitted under the BMC, such sign could be programmed to blink, flash, move or change text in contrast to BMC provisions.

The proposed ZTA would prohibit signs, or portions thereof, using any light source that constitutes the sign's text, image or border. This is not intended to prohibit

internal or external illumination where the light source is used only to illuminate the sign and does not constitute text or image. Specific signs subject to this prohibition include: projected time and temperature displays, holographic displays, digital screens, light emitting diode screens, electronic message boards and other types of electric and electronic display boards and screens. Staff recommends prohibiting a broader array of sign types now so that future amendments may be avoided, as technology allows for new and inexpensive sign technologies.

Staff additionally recommends a number of minor substantive changes that would eliminate the differentiation between business and building identification signs and integrate the Magnolia Park and Media District Sign Regulations, located elsewhere in the BMC, into Articles 10 and 19. These changes would not significantly affect the area or type of signs that could be used.

The Planning Board considered the proposed ZTA at a public hearing on May 22, 2006. There were no public speakers in support of or opposition to the amendment. All Board members expressed their support for the action as recommended by staff and voted 5-0 to recommend that the Council adopt the ZTA.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR PROJECT NO. 2005-126 (SIGNS ZTA).
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE TO UPDATE SIGN REGULATIONS AND PROHIBIT ELECTRONIC SIGNS (Project No. 2005-126, Zone Text Amendment).

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 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. MINUTES:

Approval of minutes for the regular meetings of June 20, June 27 and July 4, 2006.

Recommendation:

Approve as submitted.

4. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1179, BUENA VISTA STREET IMPROVEMENT PROJECT - PHASE 1:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (BS) No. 1179 - Buena Vista Street Improvement Project - Phase 1. This project provides for street resurfacing, removal and reconstruction of damaged curbs, gutters, sidewalks, driveways and substandard pedestrian ramps on Buena Vista Street from Olive Avenue to Magnolia Boulevard.

BS No. 1179 was advertised on May 13 and 17, 2006. A bid opening was conducted on June 13, 2006. Four contractors submitted bids ranging from \$830,658.80 to \$878,334.70. All American Asphalt of Corona, California, submitted the lowest bid of \$830,658.80, which is 9.7 percent below the engineer's estimate of \$920,000. This contractor has previously performed work similar to the scope of work for other municipalities with satisfactory results. Construction of this project is planned to occur between August and November 2006.

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 BUENA VISTA IMPROVEMENT PROJECT – PHASE 1, BID SCHEDULE NO. 1179, TO ALL AMERICAN ASPHALT.

5. PLUG-IN PARTNER CAMPAIGN FOR PROMOTING PLUG-IN HYBRID ELECTRIC VEHICLES:

Staff is requesting the Council adopt the proposed resolution in support of the nationwide Plug-in Partner Campaign. This campaign is a grassroots consortium of cities, electric utilities, businesses and residents interested in promoting plug-in electric vehicles (PHEVs). PHEV technology exists today. Unfortunately, automotive manufacturers have largely been unwilling to commercialize these vehicles. The goal of the Plug-in Partner Campaign is to show auto makers that there is a viable demand and market for these vehicles.

PHEVs are similar to regular hybrid automobiles but with larger batteries and the ability to re-charge from a standard electric outlet. PHEVs represent the best of both worlds; most local travel is electric, yet the vehicle has unlimited gasoline range. The first 30 to 50 miles generate almost zero auto emissions and at today's prices are equivalently fueled with \$.75 per gallon electricity. Since most of the United States' electric supply is generated without oil, this helps reduce the need for imported oil. When a longer range is necessary, this vehicle can switch back to being a normal gasoline-electric hybrid with unlimited range. This dual fuel concept offers substantial air quality benefits of up to 100 miles to a gallon of gasoline.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK EXPRESSING SUPPORT FOR LOCAL, STATE AND FEDERAL POLICIES PROMOTING PLUG-IN HYBRID ELECTRIC VEHICLES.

6. AGREEMENT WITH THE METROPOLITAN WATER DISTRICT FOR FUNDING OF WATER CONSERVATION ITEMS FOR THE RESIDENTIAL CONSERVATION CREDITS PROGRAM:

The Metropolitan Water District (MWD) provides funding to its member agencies for the provision of rebates to residential and commercial users who install water conservation items. In the past, the MWD signed annual funding agreements with its agencies. This has proved to be a time-consuming exercise and the MWD has elected to streamline the process with multi-year agreements entered into with its member agencies. Earlier in the year, BWP entered into an agreement with the MWD for funding for commercial applications. The Agreement currently under consideration is for MWD funding of residential end uses and, as with the commercial agreement, would be in effect until December 31, 2015. As needed, MWD would issue addendums to identify any changes to incentive amounts or items included in the Agreement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING WATER CONSERVATION FUNDING AGREEMENT BETWEEN THE CITY OF BURBANK AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR FYS 2007-2015 (MWD Agreement No. 75353).

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

7. APPOINTMENT TO A VACANCY ON THE TRAFFIC AND TRANSPORTATION COMMITTEE:

The purpose of this report is to request the Council make an appointment from the qualified applicants to fill one vacancy on the Traffic and Transportation Committee, with a term ending on June 1, 2008.

The Traffic and Transportation Committee consists of thirteen members, with eight members appointed by the Council and the remaining five members consisting of one representative each from the City Manager's Office, Public Works Department, Police

Department, Community Development Department and the Superintendent of the Burbank Unified School District. At the May 23, 2006 meeting, the Council made five appointments to the existing six vacancies on the Commission and staff was directed to advertise for applicants to fill the sixth vacancy. The City Clerk's office began advertising for this vacancy with the issuance of a Press Release on May 25, 2006. Notice was also placed on the City's website and the Channel 6 Scroll. As of the Friday, June 30, 2006 deadline, applications were received from: Ralph J. Herman; Mike Chapman; and, Loren J. Lintner.

Recommendation:

Staff recommends the Council consider the three applications submitted and make one appointment to fill the vacancy on the Traffic and Transportation Committee with a term ending June 1, 2008.

8. CONSIDERATION OF A VOLUNTARY DRUG AND ALCOHOL TESTING POLICY FOR COUNCIL MEMBERS:

The purpose of this report is to request Council consideration of a voluntary drug and alcohol testing policy for Council Members. In response to public comment at the November 15, 2005 meeting, the Council requested staff to agendize an opportunity for the Council to consider the issue of drug testing of Council Members. As part of the Council's consideration, it was noted that in May 1997, the Council had previously discussed the issue of mandatory drug testing of Council Members. It was concluded by the City Attorney's Office that based on several United States Supreme Court cases, mandatory drug testing of elected officials was not permissible. Following the presentation of the report, the Council voted 3-2 directing staff "to prepare an Administrative Procedure for voluntary drug and alcohol testing of elected officials, on a random basis, and that such policy include a process for reporting the results to the public." Subsequently in July 1997, a draft voluntary random drug and alcohol testing program was presented. However, the Council voted 3-2 against the implementation of such a program.

After reviewing the previous information on this matter, the Council, at the November 15, 2005 meeting, directed staff to return with a drug and alcohol testing policy for Council Members. They further asked for information regarding whether or not any such policy could be made applicable to the other Elected Officials (City Clerk and City Treasurer) as well as the Appointed Officials (City Manager and City Attorney).

In a separate memorandum, the City Attorney's Office has advised that while the Council cannot legally require suspicionless mandatory drug and alcohol testing of Council Members, Elected Officials and Appointed Officials, they can establish a drug and alcohol testing process for Council Members to voluntarily participate in. It would be a violation of the law, however, for the Council to require Appointed or other Elected Officials to submit to this process.

Pursuant to Council direction, staff has prepared a draft drug and alcohol testing policy for Council Members consistent with the legal guidelines outlined by the United States Supreme Court and the California Supreme Court and set forth in greater detail in the City Attorney's memorandum. As required by law, this draft, which has been prepared for the purposes of discussion only, is designed to provide the Council Members with the opportunity to participate in a purely voluntary and random testing process.

In developing this draft testing policy, staff attempted to find a sample policy that may have been contemplated or implemented in another city; however, staff was unable to find anything as it would appear that no other city in the State has council members participating in a voluntary drug and alcohol testing program.

The following is a brief summary of the highlights of the draft policy:

Testing Procedure:

The names of two Council Members will be selected randomly for testing by the City's Department of Transportation (DOT) computer program on any Tuesday when the Council is scheduled to meet. This selection would occur once every two months. Council Members who are selected but were tested in the prior two months shall be passed over and another name selected. By offering the testing every two months,

this would ensure that all Council Members would be tested at least once each year. The testing could also be done more or less frequently.

The selected Council Members will be notified by 11:00 a.m. on the day of testing that their name has been selected and will be asked if they will volunteer for the testing protocol. If they volunteer, they shall have until two hours prior to the commencement of the Council meeting to report to the designated testing clinic and submit the required urine and breath samples.

Disclosure of Results/Participation:

Council Members have a right of privacy in every aspect of submission to a medical procedure and drug testing is considered to be a medical procedure. As the Supreme Courts have determined in order to preserve this right of privacy, the drug testing process in all of its component parts must be a truly voluntary process. In order for this to be a truly voluntary program, the Council Member must voluntarily agree to the disclosure of: 1) whether he or she actually participated when his/her name was randomly selected; and, 2) what the results of the testing were. The draft policy provides that at each stage, the Council Member has the opportunity to agree or not to submit to the test and to the release of the information relating to this process.

Recommendation:

It is staff's recommendation that the Council consider the draft voluntary drug and alcohol testing policy of Council Members and provide staff with appropriate direction.

9. **COUNCIL MEMBER GOALS, PROPOSED FISCAL YEAR 2006-07 ANNUAL WORK PROGRAM AND PERFORMANCE INDICATORS:**

The purpose of this report is to provide the Council with an opportunity to discuss each Council Member's individual Fiscal Year (FY) 2006-07 goals and, if desired by the Council, to work together to combine these individual goals into a consensus list of Council goals, as requested during the Council's Goal Setting Workshop held on May 6, 2006.

Staff is also presenting the proposed FY 2006-07 Annual Work Program and Performance Indicators for Council discussion and direction. The Annual Work Program is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2006-07 Annual Work Program contains over 275 work items that have been identified by each department and suggested by the Council during the past year, the Council's Goal Setting Workshop and the annual budget study sessions.

The FY 2006-07 Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met.

Each Department Head will present his or her proposed FY 2006-07 Annual Work Program and Performance Indicators for the Council's review per the following schedule:

Library Services Financial Services Community Development Department	July 18, 2006
City Manager's Office Management Services Park, Recreation and Community Services	July 25, 2006
Police Department Public Works	August 8, 2006

Recommendation:

Staff recommends that the Council discuss the individual Council Members' goals for the upcoming fiscal year and provide any additional direction to staff as may be desired. Staff further recommends that the City Council review the proposed FY 2006-07 Annual Work Program and Performance Indicators per the proposed presentation schedule and provide input and direction as necessary.

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**