

TUESDAY, JULY 18, 2006

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:33 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Ramos and Campbell.
Absent - - - - Council Member Vander Borcht.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:33 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:43 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Kramer, Community Assistance Coordinator.

ROLL CALL

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borcht and Campbell.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
Transportation
Management
Organization
Update

J.J. Weston, Executive Director of the Burbank Transportation Management Organization (TMO), gave a brief overview of the National Renewable Energy Laboratory (NREL) Report which is an analysis of the TMO data and the traffic reduction program.

Elizabeth Brown, NREL Analyst, gave the Council an update on the data analysis findings since the initial May 23, 2006 presentation, and suggested programmatic and measurement improvements to better measure the overall program impacts.

There was Council consensus that staff bring back a discussion on the TMO to consider means of making it more successful.

Reporting on
Council Liaison
Committees

Dr. Gordon reported on the Environmental Oversight Committee meeting he attended with Mr. Campbell.

Mr. Campbell reported on the Southern California Association of Governments and the Arroyo Verdugo Subcommittee meetings he attended.

406
Airport Authority
Meeting Report

Commissioner Lombardo informed the Council that the Federal Aviation Administration issued a ground stop affecting all Southern California airports due to traffic control malfunction. He then reported on the Airport Authority meeting of July 10, 2006. He stated that the Authority: re-elected Chris Holden, President, Carl Povilaitis, Vice President and Bill Wiggins, Secretary; awarded a contract for Project Number E06-23, Lot A-1 Site Improvements in the amount of \$12,349,000 for the valet service center and parking lot modifications; approved execution of Work Order No. 5 in an amount not-to-exceed \$260,500 to provide construction support; approved execution of Work Order No. 1 in an amount not-to-exceed \$47,000 for construction material testing; and, approved execution of a Purchase Order to Western Laboratories in an amount not-to-exceed \$10,000 to inspect excavations and foundations.

Commissioner Lombardo also reported that the Authority: approved the purchase of a 10,000-pound telescoping forklift for maintenance in the amount of \$118,197; awarded a contract for a backup generator for Building 36 in the amount of \$195,953; awarded a contract for the Aircraft Rescue Firefighting Vehicle replacement; approved a second amendment to the AT&T Non-Exclusive License Agreement for

7/18/06

wireless service; approved a first amendment to the Non-Exclusive License Agreement with Los Angeles SMSA Limited Partnership, dba Verizon Wireless, by Airtouch Cellular; approved a first amendment to the Lease and Concession Agreement with Smarte Carte, Inc.; and, awarded a contract for Project Number E06-31 Residential Acoustical Treatment Program Module 8.7 for 20 homes in Burbank, two in North Hollywood and one in Sun Valley.

Dr. Gordon inquired as to whether Airport employees participate in the Burbank Transportation Management Organization. He also requested information on Airport parking utilization and traffic circulation.

Mr. Vander Borcht requested an update on the regional transit multi-modal center efforts and noted that the Council is interested in seeing its implementation sooner rather than later.

Mrs. Ramos stated that the San Fernando Valley Sector of the Metropolitan Transportation Authority (MTA) will be having public hearings on metro-connection routes which may have stops in the Airport's vicinity. She also noted that the MTA is interested in a hub at the Airport.

The Council noted and filed the report.

7:47 P.M.
Hearing
506
Regulation of
Electronic
Signage

Mayor Campbell stated that "this is the time and place for the hearing on Project No. 2005-126, which involves a Zone Text Amendment to update sign regulations and to prohibit electronic signs as well as the consideration of a Negative Declaration."

Meeting
Disclosures

There were no meeting disclosures.

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communication had been received.

Staff
Report

Ms. Steinkruger, Assistant Planner, Community Development Department, reported that on February 21, 2006, staff presented a report detailing the City's regulation of blinking and flashing signage and direction was given to prepare a Zone Text

Amendment (ZTA) prohibiting the use of electronic signs, specifically those signs using light emitting diode technology. She explained that the Burbank Municipal Code (BMC) currently prohibits signs that blink, flash, vary regularly in luminescent intensity, move or give the illusion of movement, but 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 which could be programmed to blink, flash, move or change text in contrast to BMC provisions.

Ms. Steinkruger stated that many communities further regulate electronic signage based upon the negative aesthetic and driver safety impacts they impose on surrounding rights-of-way and adjacent properties regardless of whether they blink, flash or remain static. She noted that the Police and Public Works Departments have indicated a concern for driver distraction resulting from the brightness of electronic signs which is difficult to quantitatively measure and monitor.

Ms. Steinkruger informed the Council that the proposed ZTA would prohibit signs, or portions thereof, using any light source that constitutes the sign's text, image or border. She elaborated that 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. Specifically, she reported that 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. She added that staff additionally recommended 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. She noted that staff recommended prohibiting a broader array of sign types now so that future amendments may be avoided, as technology allows for new and inexpensive sign technologies.

Ms. Steinkruger also reported that the Planning Board considered the proposed ZTA at a public hearing on May 22, 2006 and voted unanimously to recommend that the Council adopt the ZTA.

Citizen Comment	Appearing to comment were: Eden Rosen; Howard Rothenbach; Mark Barton; and, David Piroli.
Staff response	Ms. Steinkruger responded to public comment with regard to: grandfathering existing signs; exemptions pertaining to the

7/18/06

time and temperature signs; and, clarified the difference between light emitting diode lights being used to comprise of text, image or border, or for internal illumination.

8:04 P.M.
Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council
Deliberations

Dr. Gordon and Mr. Vander Borcht expressed support for modification to the ordinance to permit time and temperature displays.

Mr. Golonski stated that the ordinance provides for a sign variance process such that the sign is conditioned so as not to constitute commercial advertisement in the context of a temperature and time display.

Dr. Gordon and Mr. Vander Borcht noted that the variance process is very burdensome to the applicants and staff.

Mrs. Ramos and Mr. Campbell were supportive of the variance process as it would allow for careful management of the aesthetics of any particular boulevard.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted and the following ordinance be introduced:"

506
Adopting a Neg.
Dec. for ZTA
2005-126
(Signs)

RESOLUTION NO. 27,276:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR PROJECT NO. 2005-126 (SIGNS ZTA).

506
Update Sign
Regulations and
Prohibit
Electronic Signs
(ZTA 2005-126)

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).

Adopted

The resolution was adopted and ordinance introduced by the following vote:

	<p>Ayes: Council Members Golonski, Ramos and Campbell. Noes: Council Members Gordon and Vander Borght. Absent: Council Members None.</p>
Reporting on Closed Session	Mr. Barlow reported on the item considered by the City Council during the Closed Session meeting.
Initial Open Public Comment Period of Oral Communications	Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Gary Garrison, on the karaoke program at the Joslyn Adult Center; Mark Barton, on the regulation of electronic signage; James Schad, commending Council Member Gordon; Howard Rothenbach, in support of the Plug-In Partner Campaign and on a request for videotapes by Council Member Gordon; Rose Prouser, on senior housing issues; Esther Espinoza, reading from a newspaper article; and, David Piroli, on tax increment, Airport matters and on a request for videotapes by Council Member Gordon.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Mark Barton, on electronic signage; Esther Espinoza, Rose Prouser and Eden Rosen, on the voluntary drug and alcohol testing policy; David Piroli, on Airport issues and the voluntary drug and alcohol testing policy; and, James Schad, on Bid Schedule No. 1179.
Staff Response	Members of the Council and staff responded to questions raised.
Item Removed From Consent	The item regarding Approving Contract Documents and Awarding a Construction Contract for Bid Schedule No. 1179,

7/18/06

Agenda Buena Vista Street Improvement Project – Phase 1 was removed from the consent agenda for purpose of discussion.

Motion It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

Minutes Approved The minutes for the regular meetings of June 20, June 27 and July 4, 2006 were approved as submitted.

1601 RESOLUTION NO. 27,277:
Plug-In Partner A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Campaign for EXPRESSING SUPPORT FOR LOCAL, STATE AND FEDERAL
Hybrid Electric POLICIES PROMOTING PLUG-IN HYBRID ELECTRIC VEHICLES.
Vehicles

407 RESOLUTION NO. 27,278:
Agmt. with A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
MWD for Water APPROVING WATER CONSERVATION FUNDING AGREEMENT
Conservation BETWEEN THE CITY OF BURBANK AND THE METROPOLITAN
Items WATER DISTRICT OF SOUTHERN CALIFORNIA FOR FYS 2007-
2015 (MWD Agreement No. 75353).

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell.

Noes: Council Members None.

Absent: Council Members None.

1301-3 A report was received from the Public Works Department
Buena Vista St. requesting Council approval of contract documents and the
Imp. Project – award of a construction contract for Bid Schedule (BS) No.
Phase 1 1179 - Buena Vista Street Improvement Project - Phase 1. This
(BS 1179) 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.

Staff reported that 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 and construction of this project is planned to occur between August and November 2006.

Mr. Golonski requested that staff provide a traffic control plan and dust mitigation measures prior to the commencement of the project.

Motion It was moved by Mr. Vander Borgh and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

1301-3 RESOLUTION NO. 27,279:
 Buena Vista St. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Imp. Project – APPROVING AND ADOPTING CONTRACT DOCUMENTS,
 Phase 1 PLANS AND SPECIFICATIONS, AND DETERMINING THE
 (BS 1179) 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.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.

Noes: Council Members None.

Absent: Council Members None.

203-2 Mrs. Campos, City Clerk, requested the Council make an
 Appt. to the appointment from the qualified applicants to fill one vacancy on
 Traffic and the Traffic and Transportation Committee, with a term ending
 Transportation on June 1, 2008. She reported that at the May 23, 2006
 Committee meeting, the Council made five appointments to the existing six
 vacancies on the Committee, and staff was directed to
 advertise for applicants to fill the sixth vacancy. She added
 that the City Clerk's office began advertising for this vacancy
 on May 25, 2006 and as of the June 30, 2006 deadline,
 applications were received from: Ralph J. Herman; Mike
 Chapman; and, Loren J. Lintner.

201 Following a vote of the Council, Ralph J. Herman was selected
 Voluntary Drug to fill the vacancy on the Traffic and Transportation Committee.
 Mrs. Sarquiz, Management Services Director, reported that at
 the November 15, 2005 meeting, the Council directed that staff

7/18/06

Testing Policy
For Council
Members

return with a drug and alcohol testing policy for Council Members and requested further 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. She added that the Council had previously considered a mandatory drug testing policy in May 1997, at which time 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. She added that 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. She added that 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.

Ms. Scott, Chief Assistant City Attorney, discussed a memorandum provided to the Council from the City Attorney's Office, advising 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. She noted that it would be a violation of the law, however, for the Council to require Appointed or other Elected Officials to submit to this process. She added that 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. She stated that 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.

Mrs. Sarquiz then gave a brief summary of the draft policy, as follows:

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.

Following Council deliberation, there was consensus for: proceeding with a five panel laboratory test; testing to be done on Tuesdays; test results being located in the City Clerk's Office; testing to be allowed until the close of business of the testing facility; and, finding alternate testing locations.

Motion

It was moved by Mr. Vander Borght, seconded by Mr. Golonski and carried that "staff be directed to proceed with finalizing the draft policy with modifications to extend the testing hours, allow for flexibility in testing locations and do further due diligence on security procedures."

**201
Work Program
(Library, Finance
and CDD)**

Ms. Cohen, Library Services Director, presented the Work Program Goals and Performance Indicators for the Library Services Department.

Mr. Torrez, Financial Services Director, presented the Work Program Goals and Performance Indicators for the Financial Services Department.

Mrs. Georgino, Community Development Director, presented the Work Program Goals and Performance Indicators for the

7/18/06

Community Development Department.

The Council received the report.

Final Open
Public Comment
Period of Oral
Communications

Mr. Campbell called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment was Eden Rosen, on rent increases at senior housing projects.

Staff
Response

Members of the Council and staff responded to questions raised.

301-2
Memorial
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 12:12 a.m. in memory of Sharon Hoaglund.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 8, 2006

Mayor of the Council
of the City of Burbank