



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, AUGUST 15, 2006
5:00 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

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

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

- a. 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.
- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. Kajima Construction, et al.
Case No.: 04CC12506
Brief description and nature of case: Complaint is for design and construction defects.

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

6:30 P.M.

INVOCATION:

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

FLAG SALUTE:

ROLL CALL:

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).

6:30 P.M. PUBLIC HEARING:

1. ADOPTION OF THE 2006 LOCAL DEVELOPMENT REPORT FOR THE METROPOLITAN TRANSPORTATION AUTHORITY'S CONGESTION MANAGEMENT PROGRAM:

Staff recommends the Council approve the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP) and submit the Local Development Report (LDR) for the 2005-2006 reporting period as required by the CMP. Continued eligibility for Proposition 111 State Gas Tax revenue is contingent on the City's conformance with CMP requirements, including submitting an annual report documenting the demolition and new commercial and residential development impacting the transportation system.

As was the case in 2005, the traditional "credit" and "debit" method of tracking development versus transportation improvements is suspended while the MTA continues work on a nexus study on the feasibility of implementing a county-wide congestion mitigation fee in lieu of the debit-credit system. The City currently has a 103,590 point surplus accrued under the program from prior years and remains fixed pending the result of the MTA nexus study. The City remains in compliance with the requirements of the CMP and, with the approval of the proposed resolution and submittal of the LDR as required, will continue to be eligible for Proposition 111 State Gas Tax revenues as well as other transportation funding sources that require CMP compliance.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089.

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 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.

2. **STATUS ON THE ONE-WAY ALLEY TRAFFIC OPERATION IN THE ALLEY SOUTH OF MAGNOLIA BOULEVARD, EAST OF HOLLYWOOD WAY:**

On February 14, 2006, the Council authorized the modification of traffic operation in the alley south of Magnolia Boulevard between Hollywood Way and Cordova Street to a one-way operation in an effort to ease the increased traffic congestion and parking issues attributed to the opening of Porto's Bakery. The Council further directed staff to evaluate the operation of the alley and report the findings after six months.

The alley and parking system south of Porto's Bakery was evaluated and several modifications were made to the access and parking system to improve traffic operations and safety in the area. The improvements included:

- Changing the alley to a one-way eastbound operation between Hollywood Way and Cordova Street;
- Widening the alley approach from Hollywood Way;
- Reversing the access direction from Hollywood Way to the public parking south of Magnolia Boulevard;
- Changing the parking design of the public lot; and,
- Eliminating the southbound left turns to the one-way alley from Hollywood Way.

Staff evaluated the success of the access modifications by reviewing accident and enforcement issues with the alley, periodically observing the alley operations and complaints received from neighbors or system users during the interim period. No accidents were associated with the alley operation, and the drivers were observing the southbound turn prohibition. Staff observed the alley operation on a number of occasions at various times and no serious operational issues were observed. The occasional alley deliveries during peak morning traffic periods did not seem to impact the alley access significantly. Staff also noted that deliveries are occasionally stored behind Porto's Bakery, partially within the alley right-of-way. Although delivery storage is not legal, the stored items did not restrict alley access during any of the observations. No complaints were received by staff from either neighbors or the alley users since the modifications were completed in February 2006.

Recommendation:

Staff recommends that the one-way eastbound operation in the alley south of Magnolia Boulevard between Hollywood Way and Cordova Street be retained.

3. AUTHORIZING THE EXECUTION OF A CONTRACT EXTENSION WITH SOUTHLAND TRANSIT:

Staff is requesting Council approval of a third contract extension with Southland Transit to provide fixed route transit services. The contract extension is for a period of 12 months, beginning September 1, 2006 through August 31, 2007.

On May 14, 2002, a request for proposal was distributed to approximately 11 transportation service vendors for the operation of the Burbank Local Transit Fixed Route Service. Southland Transit was among three responsive and qualified bidders for the Burbank Local Transit Fixed Route Service Area. Southland Transit received the highest technical score for the Fixed Route services through a competitive bid process.

In June 2004, the Council directed staff to create a Transit Services Task Force to assess and make recommendations to the existing transit services, to better serve residents and reduce congestion in Burbank. On January 25, 2005, a plan for expansion of the BurbankBus commuter service was developed and presented to the Council. The Council approved the recommendations set forth by the Transit Services Task Force, and the initial implementation of the expansion plan was completed by November 1, 2005. Part of the plan called for eliminating the existing Super Shuttle contract, which provided service to passengers into two major employment areas of Burbank, Downtown and Airport Area. In its place, a fixed route service was developed. The new service was designed to utilize the existing contractor, Southland Transit, for the new fixed route system.

Since July 2002, Southland Transit has performed well under the existing agreement. This Southland Transit agreement has been extended twice due to the implementation of expanded services. Southland Transit has also made a considerable investment in additional equipment in order to meet the transit needs of Burbank. Southland Transit located and purchased four Compressed Natural Gas (CNG) vehicles to utilize in providing service.

The current contract terminates on August 31, 2006. Staff believes it would be best to extend the current agreement for an additional year instead of going out to bid. First, given the upcoming termination date, it would be difficult for potential bidders to bid on the proposal as they would be asked to supply up to seven vehicles until the five new CNG buses are delivered in 2007. Second, although all routes have been implemented, adjustments are still being made. It is very difficult to bid out a scope of service when routes and service times could be altered. Finally, the City has acquired two Foothill Transit buses at no cost that will be utilized to temporarily replace existing fleet vehicles to allow for their sanding and repainting, as per the BurbankBus signature. The contract will also be amended to have Southland Transit maintain the two Foothill Transit buses.

Per the agreement, the contract may be extended for subsequent years with rate adjustments not to exceed the Los Angeles/Orange County Clerical Worker

Consumer Price Index. The current rate increase of the Los Angeles/Orange County Clerical Workers Consumer Price Index is approximately 4.3 percent from May 2005 to May 2006. Staff was successful in negotiating a 2.8 percent increase over the current rate. This proposed rate increase is consistent with the language of the original agreement.

The shuttle operations contracts are paid out of Proposition C transportation funds. The combined contract extension will not exceed \$1,200,000 over the proposed extension period. These funds are available in the approved Fiscal Year 2006-07 Budget, and therefore there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND SOUTHLAND TRANSIT SERVICES, INC.

4. APPROVING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND SECURITAS SECURITY SERVICES USA, INC. FOR SECURITY SERVICES AT THE REGIONAL INTERMODAL TRANSPORTATION CENTER:

Staff is requesting Council approval of a resolution amending the Professional Services Agreement (PSA) between the City and Securitas Security Services USA, Inc. (Securitas). In July 2005, the City entered into a PSA with Securitas to provide security services at the Regional Intermodal Transportation Center (RITC), which serves commuters using Metrolink, Metropolitan Transportation Authority bus lines, BurbankBus, Glendale Beeline and Santa Clarita Transit. This agreement would allow the City to contract for security services until the formal bid process and Price Agreement is completed.

The original PSA was for the period of July 1, 2005 to December 31, 2005. However, due to delays in the bid process, this is the third amendment to extend the term of the agreement and increase the cost of service. The proposed third amendment will extend the term of the PSA to September 1, 2006, at which time the new security services contract will go into effect. In addition, the amendment will increase the cost of service by \$13,000, bringing the total cost of service to \$78,333.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND SECURITAS SECURITY SERVICES, INC. FOR SECURITY SERVICES AT THE REGIONAL INTERMODAL

TRANSPORTATION CENTER (RITC).
5. AUTHORIZING THE CITY ATTORNEY'S OFFICE TO RETAIN SPECIAL LEGAL COUNSEL FOR TAX AND EMPLOYEE BENEFITS:

The City Attorney's Office, Financial Services Department and Management Services Department recommend that the Council approve the legal services agreement between the City and the law firm of Reish Luftman Reicher & Cohen to act as special counsel to the City Attorney's Office on tax and employee benefit issues.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND REISH LUFTMAN REICHER & COHEN AND AMENDING THE FISCAL YEAR 2006-2007 BUDGET TO APPROPRIATE \$50,000 FOR LEGAL SERVICES.

6. AUTHORIZING THE CITY ATTORNEY TO RETAIN SPECIAL LEGAL COUNSEL AND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2006-07 BUDGET – CITY OF BURBANK v. KAJIMA CONSTRUCTION, et al.:

The City Attorney recommends that the Council approve the retention of Michael Baker and the law firm of Atkinson, Andelson, Loya, Ruud & Romo for the purpose of associating in as counsel for the City of Burbank in the litigation entitled *City of Burbank v. Kajima Construction, et al.*, OCSC Case No. 04CC12506 and approve an appropriation in the amount of \$500,000 for this purpose.

Recommendation:

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

A RESOLUTION OF THE CITY OF BURBANK AUTHORIZING THE CITY ATTORNEY TO RETAIN SPECIAL LEGAL COUNSEL MICHAEL BAKER AND THE LAW FIRM OF ATKINSON, ANDELSON, LOYA, RUUD & ROMO FOR THE PURPOSE OF ASSOCIATING IN AS COUNSEL FOR THE CITY OF BURBANK IN THE LITIGATION ENTITLED *CITY OF BURBANK v. KAJIMA CONSTRUCTION, et al.*, OCSC Case No. 04CC12506 AND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2006-2007 BUDGET FOR SUCH PURPOSE.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

7. CONSIDERATION OF GENERAL PLAN CONTRACTS:

At the Council meeting of June 27, 2006, the Council directed staff to seek outside consultants with expertise in economics, land use planning and traffic engineering to evaluate the proposed update to the Land Use and Mobility Elements of the City's General Plan, and the new development regulation being proposed as part of the update.

This report presents summaries of the proposed scopes of work for the economic and traffic consultants. Staff believes that a land use consultant would be appropriate to bring in as the economic and traffic analyses are concluding so as to have the results of those analyses available as part of the land use review. Staff will return at a future meeting with a proposed scope of work for a land use consultant to be named at that time.

Pending Council direction on the proposed scopes of work for the economic and traffic consultants, staff will proceed with preparing a Professional Services Agreement (PSA) for each consultant and will return to the Council to formally request a budget amendment for the needed funds. As of the publication deadline of this report, staff had not yet received fee estimates or schedules from either the economic or traffic consultants and was continuing to work with the consultants to obtain that information. Staff will provide the cost and time estimates to the Council at the August 15, 2006 meeting.

For the economic analysis, staff contacted Keyser Marston Associates (KMA). KMA will analyze the economic feasibility of about 10 projects that are representative of the type of development that is characteristic of Burbank, and compare those with the comparable development scenarios that would be allowed under the proposed standard. For each project, KMA will look at the economic feasibility of the project and the comparable "maximum" project that could be built within the limitations of the proposed development regulation. Through this analysis, KMA will be able to draw conclusions about the potential impacts of the proposed regulation on the scale of the individual project, and show how those impacts translate into economic impacts on the community. Based on the collective project analysis, KMA will provide information about the job creation and tax revenues that may result from the projects, and compare that with what would potentially be created by the comparable projects subject to the proposed development regulation. This will provide additional information about the potential economic impacts of the regulation.

For the traffic analysis, staff contacted Kaku Associates. Staff provided Kaku with a requested scope of work to review the proposed regulation and the traffic model. The scope of work includes the following tasks: 1) review and evaluate the assumptions, procedures and methods used in the Burbank Transportation Model to develop traffic forecasts and the proposed development regulation; 2) gather information on similar

traffic-based development control measures used in other jurisdictions; and, 3) prepare technical reports to document the conclusions and recommendations.

Recommendation:

Staff recommends that the Council provide any input regarding the proposed scopes of work for the economic and traffic consultants and direct staff to proceed with preparing PSAs for these firms to analyze and review the proposed regulation. Staff will return to the Council as soon as possible with a formal budget amendment request to cover the costs of the contracts once the exact amounts have been finalized. Staff will also return with a proposed scope of work and consultant to conduct the land use analysis portion of the review, once the economic and traffic analyses have begun.

8. HURRICANE KATRINA RELIEF EFFORTS:

The purpose of this report is to explore the possibility of providing additional aid to assist the Hurricane victims in the Gulf States in the form of assistance to Habitat for Humanity. Hurricanes Katrina and Rita wreaked havoc in early Fall 2005. The human, infrastructure and economic impacts have been huge and recovery efforts will continue for years to come. The immediate and long term costs associated with recovery are staggering and will amount to billions of dollars.

Habitat for Humanity oversees the "Operation Home Delivery" program. This program is the same program under which six homes were built here in Burbank and then transported to the disaster area. As a first-step in the Operation Home Delivery process, each home requires a "sponsor". The sponsorship is required to ensure that there is a commitment/payment to cover the costs associated with the logistics of getting the homes from Burbank to the affected areas in the South. However, at this time, Habitat for Humanity has recently indicated that they have run out of locations for new houses. So for now, new houses are not being accepted.

According to Habitat for Humanity, the cost for an initial sponsorship of a home delivery project is \$85,000. This amount is for administration costs – including transportation of the units. There are additional costs of \$50,000 – \$100,000 for material. There is no fiscal impact as a result of this agenda item. The decision made by the Council as a result of this report will determine future fiscal impacts and potential costs.

Recommendation:

Staff recommends that the Council initiate discussion on the possibility of providing relief assistance to the victims of Hurricane Katrina and provide direction for future action.

9. PROPOSED FISCAL YEAR 2006-07 ANNUAL WORK PROGRAM AND PERFORMANCE INDICATORS (MANAGEMENT SERVICES DEPARTMENT AND POLICE DEPARTMENT):

Staff is 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:

Management Services Department Police Department	August 15, 2006
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Recommendation:

Staff recommends the Council review the proposed FY 2006-07 Annual Work Program and Performance Indicators presented and provide input and direction as necessary.

10. CITY COUNCIL GOALS:

The Council held its annual Goal Setting Workshop for FY 2006-2007 on May 6, 2006, at which time each Council Member had an opportunity to list his or her top goals for the upcoming year. During the workshop, members of the Council requested that staff bring back the Council goals for further discussion so that the Council can work together to combine these individual goals into a consensus list of Council goals, if desired. This agenda item is intended allow the Council an opportunity for that discussion.

Recommendation:

Staff recommends that the Council discuss the individual Council Members' goals for the upcoming fiscal year, and, if desired by the Council, to work together to combine these individual goals into a consensus list of Council goals.

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,
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City of Burbank's Web Site:
www.ci.burbank.ca.us**