

TUESDAY, AUGUST 15, 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 5:12 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Vander Borgh and Campbell.  
Absent - - - - Council Member Ramos.  
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.

5:12 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:

- 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Dr. Jerry Jones, Retired Minister.

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 Borgh and Campbell.

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Absent - - - - Council Members None.  
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Reporting on Council Liaison Committees  
Mr. Campbell congratulated staff upon another successful Starlight Bowl concert season. He also congratulated the Teens In Action Team and staff, Colleen Duffy-Felix, Senior Video Production Associate and Victoria O'Neill, Recreation Coordinator, upon receiving an Emmy Award as producers of a teen dating violence production entitled, "Violence - What's Love Got To Do With It?" He also recognized Mr. Lutz, Senior Video Production Associate, upon his Emmy Award nomination for the production of a public service announcement on the importance of voting, entitled "One Vote." In addition, he noted that the City has been nominated among the top business-friendly cities in Los Angeles County by the Center for Economic Development. He then reported on the Environmental Oversight Committee meeting he attended with Dr. Gordon.

Dr. Gordon also reported on his participation in the Environmental Oversight Committee meeting.

Mr. Golonski reported on the Ovrom Park Subcommittee meeting he attended with Mrs. Ramos.

7:05 P.M.  
Hearing  
410  
2006 Congestion Management Program  
Mayor Campbell stated that "this is the time and place for the hearing on the City's conformance with the Metropolitan Transportation Authority's Congestion Management Program and the adoption of the 2006 Local Development Report."

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  
Mr. Price, Assistant Planner, Community Development Department, requested 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 submittal of the Local Development Report (LDR) for the 2005-2006 reporting period as required by the CMP. He stated that each year, the City is required to self certify that it is in conformance with the CMP, a county-wide process mandated by State law that helps to address the impact of local growth on the regional transportation network. He explained that this process includes certifying on-going compliance with the Land Use analysis program to analyze traffic impacts to regional facilities and implementing a transportation demand management ordinance and submitting a LDR that catalogues the volume of activity for the reporting period.

Mr. Price informed the Council that 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. He noted that the City currently has a 103,590 point surplus accrued under the program from prior years which remains fixed pending the results of the MTA nexus study. He reported that 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.

7:09 P.M.  
Hearing  
Closed

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

Motion

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

410  
2006 CMP

RESOLUTION NO. 27,289:  
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.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

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Absent: Council Members None.

Reporting on  
Closed Session

Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.

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 a problem he encountered at the AMC Theater; Eden Rosen, on the West Nile Virus and the restroom condition at Johnny Carson Park; Theresa Karam, on the internal affairs process within the Burbank Police Department; and, Esther Espinoza, on hate crimes.

Staff  
Response

Members of the Council and staff responded to questions raised.

Agenda Item  
Oral  
Communications

There was no response to the Mayor's invitation for speakers for the agenda item oral communications at this time.

Item Removed  
From Consent  
Agenda

The item regarding the Authorization to Retain Special Legal Counsel and Approving an Amendment to the Fiscal Year 2006-07 Budget – City of Burbank V. Kajima Construction, et al. was removed from the consent agenda for the purpose of discussion.

Motion

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

1402  
Status on One-  
Way Traffic in  
the alley S. of  
Magnolia E. of  
Hollywood Way

A report was received from the Public Works Department stating that on February 14, 2006, the Council authorized modification of the 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.

Staff reported that an observation of the alley operation on a number of occasions at various times revealed no serious operational issues. Staff also noted that deliveries are occasionally stored behind Porto's Bakery, partially within the alley right-of-way; however, the stored items did not restrict alley access during any of the observations. Also, staff indicated that no complaints were received from neighbors or alley users since the alley modifications were completed in February 2006.

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

1502  
Contract  
Extension with  
Southland Transit

RESOLUTION NO. 27,290:  
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.

907  
Amend. No. 3  
to the PSA with  
Securitas  
Security Services

RESOLUTION NO. 27,291:  
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).

213  
Retain Legal  
Counsel for Tax  
and Employee  
Benefits

RESOLUTION NO. 27,292:  
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.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.  
Noes: Council Members None.  
Absent: Council Members None.

213

A report was received from the City Attorney's Office with a

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Retain Legal  
Counsel for  
Kajima Cons.

recommendation 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.

Dr. Gordon expressed several concerns regarding the process through which the item was placed on the agenda.

Motion

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

213  
Retain Legal  
Counsel for  
Kajima Cons.

RESOLUTION NO. 27,293:  
A RESOLUTION OF THE COUNCIL 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.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Member Gordon.

Absent: Council Members None.

1101  
Consideration of  
General Plan  
Contracts

Mr. Forbes, Senior Planner, Community Development Department, reported that on June 27, 2006, the Council directed staff to seek outside consultants with expertise in economics, land use planning and traffic engineering to review the proposed update to the Land Use and Mobility Elements of the City's General Plan and the new traffic-based development regulation that is being proposed as part of that update. He added that the Council has been provided with proposed scopes of work for the economic and traffic consultants and noted that staff has requested Keyser Marston Associates (KMA) to conduct the

economic analysis and Kaku Associates, Inc. (Kaku) to conduct the traffic analysis. He noted that both firms have worked for the City in the past and are well suited to perform the requested analyses. He added that staff deemed it appropriate to retain a land use consultant after the economic and traffic studies have been completed and will be returning to the Council at a future time with a proposal for a land use consultant.

Mr. Forbes explained that KMA will perform the economic analysis of individual projects and provide a comparison with projects that could be built under the proposed development standard. He stated that KMA will analyze 11 projects that are representative of the type of development in Burbank, noting that the projects have been discussed with Chamber of Commerce representatives. He added that staff estimated the total fee to not exceed \$45,000.

Mr. Forbes added that Kaku is continuing to work on the details of their cost estimates but a preliminary estimate would not exceed \$20,000. He noted that there is adequate funding available to pay for both consultants but a budget amendment may be required to fund the land use consultant's work at a future time.

Mr. Campbell requested clarification on how staff defined the parameters of the projects that are characteristic of Burbank for the economic feasibility, and expressed interest in the analysis of the impacts of a project that is not within those parameters. Mr. Forbes responded that the projects are based on staff's projections about the type of development and locations where development is expected to occur and also on the projections in the updated General Plan as well as input from the Chamber of Commerce. He added that staff did not consider projects that are so far out of the realm of possibility since it may not be a productive exercise, but was willing to consider any particular projects the Council may have in mind.

Mr. Golonski noted that the economic analysis has a project-focused approach but noted that one of the concerns raised by the Chamber of Commerce and others was that if there are severe cut backs on development, the City will not have adequate funds in the future to pay for services. He noted a need to have a correlation between the economic feasibility of a particular project and its overall effect on the finances of the City. He suggested that KMA work with the Financial Services Department to take a look at the City's five-year and longer range forecasts and analyze the reliance of those forecasts on new development.

Mr. Golonski also stated that when looking at the feasibility of a

particular project, there are a number of variables that come into play. He noted that what is being considered is reducing the allowed density or intensity of commercial development. He stated that one of the factors that comes into the feasibility of the project is the land value, but there is also a circular effect of when you reduce what can be built on a property, the land value is generally a factor of what can be built on that property. He inquired as to whether KMA is planning on using current land values in their feasibility analysis or the possibility that land values will adjust as they have adjusted in the multi-family area. He also inquired as to how Development Opportunity Reserve would be factored in the economic analysis.

Dr. Gordon noted the importance and controversy surrounding the Land Use and Mobility Elements, and the General Plan amendment process, and inquired as to whether there are plans to have the economic and traffic consultants come before the Council to present their qualifications and plans. He also inquired as to whether there is consideration for funds for peer review to maintain the integrity and objectivity of their findings.

Mr. Campbell expressed interest in the analysis of how the Traffic Intensity Measurement Standard (TIMS) might affect industries that offer high-paying jobs. He noted that one of the benefits of having these jobs available is that people may travel less and be able to afford living in the City.

Mrs. Ramos was supportive of KMA analyzing the strategic growth scenario versus the reduced growth scenario, noting that KMA has been involved in the overall process of the General Plan update and is very familiar with the City. She was also supportive of Kaku as the traffic model consultant especially since they were not involved in the City's traffic model and could act as peer review.

Staff was directed to proceed with executing Professional Services Agreements with Keyser Marston Associates and Kaku Associates Inc. Staff was asked to return with a status update report once the economic and traffic analyses are underway and to have the consultants report to the Council on their progress and preliminary findings.

201  
Hurricane Katrina  
Relief  
Efforts

A report was received from the Fire Department on the possibility of providing additional aid to assist the hurricane victims in the Gulf States in the form of assistance to Habitat for Humanity. The report stated that Habitat for Humanity oversees the Operation



Home Delivery program, under which six homes were built in Burbank and transported to the disaster area. Staff explained that as a first step, each home requires a sponsor to ensure that there is a commitment to cover the costs associated with the logistics of getting the homes from Burbank to the affected areas. However, at this time, Habitat for Humanity has recently indicated that they have run out of locations for new houses and as such new houses are not being accepted.

The reported stated that according to Habitat for Humanity, the cost for an initial sponsorship of a home delivery project is \$85,000 and includes administration costs and transportation of the units. It was stated that there are additional costs of \$50,000 to \$100,000 for material. Staff indicated that there is no fiscal impact as a result of this agenda item and any decision made will determine future fiscal impacts and potential costs.

Motion

It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried that "this item be noted and filed."

201-2  
2006-07 Work  
Program  
(Mgmt. Svcs and  
Police)

Mrs. Sarquiz, Management Services Director, presented the Work Program Goals and Performance Indicators for the Management Services Department.

Chief Hoefel, Police Chief, presented the Work Program Goals and Performance Indicators for the Police Department.

201-2  
City Council  
Goals

A report was received from the City Manager's Office stating that at the annual Goal Setting Workshop held on May 6, 2006, each Council Member had an opportunity to list his or her top goals for the upcoming year. It was stated that during the workshop, members of the Council requested that staff bring back the Council goals for further discussion and consideration of whether to combine the individual goals into a consensus list of Council goals. Staff recommended the Council discuss their goals and give direction as desired.

There was Council consensus on traffic congestion and sustainability as the top priority goals and staff was directed to return with a report on a strategy to accomplish these goals.

Dr. Gordon expressed concerns with several Work Program items.

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10:12 P.M. Mr. Golonski left the meeting at this time.  
Mr. Golonski  
Left the Meeting

10:38 P.M. Mr. Vander Borght left the meeting at this time.  
Mr. Vander  
Borghht Left the  
Meeting

Final Open There was no response to the Mayor's invitation for speakers for  
Public Comment the final open public comment period of oral communications at this  
Period of Oral time.  
Communications

Adjournment There being no further business to come before the Council, the  
meeting was adjourned at 10:55 p.m.

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Margarita Campos, CMC  
City Clerk

APPROVED OCTOBER 3, 2006

Mayor of the Council  
of the City of Burbank