



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, AUGUST 22, 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 Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/Susan Georgino  
**Property:** 2721 West Burbank Boulevard  
**Parties with Whom City is Negotiating:** Family Service Agency  
**Name of Contact Person:** Ruth Davidson-Guerra  
**Terms Under Negotiation:** Instruction to negotiator will concern price and terms of payment concerning the lease of City-owned real property located at 2721 West Burbank Boulevard.
- b. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/Susan Georgino  
**Property:** 1405 Country Club Drive  
**Parties with Whom City is Negotiating:** Max Faeth, 1405 Country Club Drive.  
**Name of Contact Person:** Jack Lynch  
**Terms Under Negotiation:** Instruction to negotiator will concern price and terms of payment concerning the purchase and sale of property.
- c. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** The Estate of Deri et al. v. City of Los Angeles  
**Case No.:** CV06-0883 FMC (PJWx)  
**Brief description and nature of case:** Wrongful death, civil rights allegations.

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: Reverend Ron Degges, Little White Chapel.  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION: AL COTTRIEL SCHOLARSHIP RECIPIENT REYES ANZALDO.

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 Airport Authority meeting agenda of August 21, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2006-037 VARIANCE – 515-517 SOUTH SHELTON STREET:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to conditionally approve Project No. 2006-37 Variance. The appeal was received from the applicant, Michael Heaven, who resides at the subject property. Mr. Heaven states that the conditions imposed by the Planning Board significantly limit his project; specifically, he would like to install a roll-up door on the back of the addition and maintain a 10-foot rear yard setback.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE DECISION OF THE PLANNING BOARD AND DENYING THE APPEAL OF PROJECT NO. 2006-037, A VARIANCE (515-517 South Shelton Street).

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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:

3. TREASURER'S REPORT:

The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending June 30, 2006.

Recommendation:

Note and file.

RECESS for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 4 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.

4. ESTABLISHING THE TITLE AND CLASSIFICATION OF COMMUNICATIONS TECHNICIAN SUPERVISOR:

Burbank Water and Power (BWP) has been restructuring over the past several years to be able to better address the changes in the utility industry and to be on the cutting

edge of these changes. Based on these continuing changes in the industry and to be consistent with the market, the Department revised and re-titled Electrical Test Superintendent to Manager Communication Systems in February 2006. The Manager Communication Systems position initially only administered the City's radio and telephone systems. Today, the position oversees the BWP's security section as well. As there is no first-line supervisor in the Communications Section, all five positions in this unit report directly to the Manager Communications Systems. Staff is proposing to create a new first-line supervisory position, Communications Technician Supervisor, to directly supervise the Communications Section. This proposed new structure would not only be consistent with other sections within BWP, but would also mirror the structure of the utility industry in general.

This classification will be a Civil Service position, and subject to the Fair Labor Standards Act. This position will not be included in the City's Conflict of Interest Code. The International Brotherhood of Electrical Workers will represent this classification. The Civil Service Board approved this establishment at their regular meeting on August 2, 2006.

There will be no fiscal impact from the establishment of the Communications Technician Supervisor. Based on a market survey and internal salary comparisons, the proposed salary range for the Communications Technician Supervisor will be set at \$5991 - \$7482. The salary for this position has been budgeted in the Fiscal Year 2006-07 budget as a Test Technician Supervisor (\$6739 - \$8412), resulting in a salary savings for the department of \$11,160 annually.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COMMUNICATIONS TECHNICIAN SUPERVISOR (CTC No. 0208) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

5. APPROVAL OF FINAL MAP NO. 61368 – 465 EAST SAN JOSE AVENUE:

Staff is requesting Council approval of Final Map No. 61368, a one-lot subdivision totaling 19,091 square feet located at 465 East San Jose Avenue. The property is in the R-4 Multiple-Family Medium Density Zone and is owned by Royal Oaks Development LLC, a California Limited Liability Company.

On October 25, 2005, the property owner requested City approval to convert a new three-story, 20-unit multi-family residential building with a semi-subterranean parking garage into condominiums. On May 25, 2006, an address change was issued for the 20-unit multi-family residential building converting 465-479 East San Jose Avenue to 465 East San Jose Avenue. Final Map No. 61368 finalizes the condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Map No. 61368:

1. The Tentative Tract Map was approved by the Community Development Director on November 29, 2005 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map).
2. The Final Map contains 20 condominium units at 465 East San Jose Avenue, which is located in the R-4 Multiple-Family Medium Density Residential Zone.
3. This project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(3) pertaining to approval of final subdivision maps.
4. Conditions of Approval for Tentative Tract Map No. 61368 have been cleared by the Planning Division for the purpose of Final Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant cannot record the CC&Rs until this tract map is approved by the Council and recorded at the Los Angeles County Recorder's Office).

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Map No. 61368 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 61368 (465 East San Jose Avenue).

6. REQUEST FOR CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2005-06 TO FISCAL YEAR 2006-07 FOR THE CITY, REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY AND THE YOUTH ENDOWMENT SERVICES FUND BOARD:

The purpose of this report is to request Council approval to carry over \$86.5 million of continuing appropriations from Fiscal Year (FY) 2005-06 to FY 2006-07 for the City, the Redevelopment Agency, the Housing Authority, Parking Authority and the Youth Endowment Services Fund Board.

At the end of each fiscal year, departments review their budgeted appropriations and submit requests for manual carryovers (unencumbered funds) to the Financial

Services Department in mid-June. Budget staff compiled a list of requests from all departments and began the process of determining funds availability, as well as the legitimacy of the request. A final list was developed and distributed to the departments for final review and follow-up. The Executives then reviewed the final list and determined what carryover requests would be submitted for consideration. Keeping in mind the budgetary constraints, the Executives are satisfied that the requested carryover dollars are necessary.

The most common reasons for manual carryover requests are for: ongoing capital projects, delayed program implementation, continuing operations (including projects and studies such as the Domestic Violence Task Force, Starlight Bowl, Burbank Athletic Federation, etc.), and restricted dollars for a specific purpose (for example, grants awarded by the City, such as middle school grants; dollars received by the City such as Public Library Funds, Local Law Enforcement Block Grants and Drug Asset Forfeiture Funds; or, donations appropriated for a specific purpose that may cross fiscal years).

The following is a summary of all funds that are being requested to be carried over to FY 2006-07:

**SUMMARY OF CARRYOVER REQUESTS BY FUND  
FROM FY 2005-06 TO FY 2006-07**

	<b>June 2006 Balance</b>
	<b>As of 8/10/06</b>
<b>Governmental Funds</b>	
General Fund (Fund 001)	\$ 4,926,532
Proposition A (Fund 104)	169,783
Proposition C (Fund 105)	175,232
Housing Section 8 Voucher (Fund 117)	119,655
General City Grants (Fund 121)	110,230
CDBG Fund (Fund 122)	549,547
Drug Asset Forfeiture (Fund 124)	529,232
Gas Tax (Fund 125)	1,056,994
Developmental Impact Fees (Fund 127)	5,341,456
Youth Endowment Services (Fund 130)	268,692
Low-Moderate Income Housing (Fund 305)	5,461,538
Merged Project Area (Fund 306)	3,214,234
Parking Authority (Fund 310)	21,323
Capital Projects (Fund 370)	\$ 43,595,140
<b>Subtotal Governmental Funds</b>	<b>\$ 65,539,588</b>
<b>Enterprise Funds</b>	
Water Reclamation and Sewer Fund (494)	\$ 8,441,754
Golf (Fund 495)	1,452,167
BWP Electric (Fund 496)	313,400
BWP Water (Fund 497)	254,600
Refuse Collection & Disposal (Fund 498)	\$ 968,099
<b>Subtotal Enterprise Funds</b>	<b>\$ 11,430,020</b>
<b>Internal Service Funds</b>	
General Liability Insurance (Fund 530)	\$ 1,050,886
Vehicle Equipment Replacement (Fund 532)	1,089,787
Equipment Replacement Fund (Fund 533)	555,381
Municipal Building Replacement (Fund 534)	2,197,341
Computer Equipment Replacement (Fund 537)	\$ 4,627,680
<b>Subtotal Internal Service Funds</b>	<b>\$ 9,521,075</b>
<b>GRAND TOTAL CITYWIDE</b>	<b>\$ 86,490,684</b>



## **FISCAL IMPACT**

At year-end, all unencumbered appropriations revert to available fund balance and can be appropriated for other purposes. As of the writing of this report, the carryover amount is only an estimate as the balances may change as financial activities in the accounts continue until the fiscal year is officially closed. Staff will be presenting the first quarter financial report in November which will include a summary of FY 2005-06.

### Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 BUDGET FOR THE PURPOSE OF CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2005-2006.

## END OF CONSENT CALENDAR

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## REPORT TO COUNCIL:

### 7. FISCAL YEAR 2006-2007 WORK PROGRAM AND CITY COUNCIL GOALS:

The purpose of this report is to obtain final Council direction on the Fiscal Year (FY) 2006-07 Work Program and to allow the Council to continue its discussion of its FY 2006-07 City Council Goals.

The Work Program is a management tool used to identify, prioritize and monitor the City's projects and programs on an annual basis. Generally, the Work Program reflects the work items identified by each department and requested by the Council over the last several years, at the Council's Goal Setting Workshop, and during the annual budget study sessions.

The Council began its review of the FY 2006-07 Work Program on July 11, 2006 and received reports from the City's departments over the course of several meetings. Typically, the Council provides general input on the Work Program throughout the several weeks of department presentations and, in the past, has not deemed it necessary to provide final direction on the Work Program. As there have been several questions raised by individual Council Members regarding the Work Program this year, staff is requesting that the Council come to consensus on any final direction for changes, additions or deletions to the Work Program.

The Council held its annual Goal Setting Workshop for FY 2006-07 on May 6, 2006, at which each Council Member listed his or her individual goals for the 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. The Council began this discussion at the

August 15, 2006 Council meeting and came to consensus on two broad thematic goal areas: 1) traffic congestion; and, 2) sustainability.

Recommendation:

Staff recommends that the Council come to consensus on any final direction for changes, additions or deletions to the Work Program and to provide any additional direction regarding combining the Council Members' individual goals into a consensus list of Council goals.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings for public comment.

**FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:** (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

**COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:**

ADJOURNMENT.

**For a copy of the agenda and related staff reports,  
please visit the  
City of Burbank's Web Site:  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**