



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 26, 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 Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Burbank-Glendale-Pasadena Airport Authority Noise Variance Hearing.
Case No.: N/A
Brief description and nature of case: California Department of Transportation hearing on whether Noise Variance should be extended.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino.
Property: Former Front Street property adjacent to the I-5 Freeway between Magnolia and Burbank Boulevards, Burbank, California.
Parties with Whom City is Negotiating: California Department of Transportation, State of California Department of Transportation, 100 South Main Street, Los Angeles, California 90012.
Name of Contact Person: Jack Lynch, Senior Project Manager.
Terms Under Negotiation: Instructor to negotiator will concern the price and terms concerning the sale of property.

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:

RECOGNITION: BURBANK PHILHARMONIC ORCHESTRA.

RECOGNITION: 2006 SOUTHERN CALIFORNIA MUNICIPAL ATHLETIC FEDERATION AND AMATEUR ATHLETIC FEDERATION SWIM MEETS.

RECOGNITION: VERDUGO STREET FAIR AND PEYTON-GRISMER BACK TO SCHOOL PICNIC VOLUNTEERS.

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. ZONE MAP AMENDMENT TO C-2 FOR MIXED ZONED PROPERTY – 2128 NORTH GLENOAKS BOULEVARD:

The applicant, Farhad Simab, requests approval of a Zone Map Amendment (ZMA) to convert the R-1 and R-4 zoned segments of the property located at 2128 North Glenoaks Boulevard to C-2 zone and make the property consistent with the General Plan Limited Commercial designation. The zone change is necessary to construct a proposed mini-mall. On August 14, 2006 the Planning Board (Board) approved, by a vote of 4-0, Variance and Development Review applications to construct a mini-mall and for the parking lot to encroach 15 feet into a required 20-foot buffer. The Board also recommended approval of the ZMA to the Council with the request that a small portion of the site extending to Scott Road remain an R-1 zone for buffering purposes.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR ZONE MAP AMENDMENT – PROJECT NO. 2006-35.
2. Introduction of ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ZONE MAP AMENDMENT FOR PROJECT NO. 2006-35 (2128 NORTH GLENOAKS BOULEVARD; APPLICANT: FARHAD SIMAB).

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 7)

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. ESTABLISHING THE TITLES AND CLASSIFICATIONS OF COLLECTION SYSTEMS WORKER, COLLECTION SYSTEMS JOURNEYMAN AND COLLECTION SYSTEMS LEADWORKER:

For years, the Public Works Department-Field Services Division has had several field crews, including: Sewer; Asphalt; Concrete; Street Maintenance; and, Sweeper. All field crews, including the Sewer Crew, are currently comprised of a Public Works Leadworker, one or more Public Works Journeymen and one or more Public Works Skilled Workers. In November 2005, the Public Works Department reorganized and the Sewer Crew was transferred from the Field Services Division to the Wastewater Division to maximize efficiency.

The Sewer Crew is distinguished from the other field crews by their specialized training requirements, safety responsibilities and emergency duties. The State Water Resources Control Board (State Board) has developed new waste discharge requirements for sanitary sewer overflows which require specialized training. The Sewer Crew is often required to perform confined space entries which also require specialized safety equipment and training. In addition, the Sewer Crew is regularly required to respond to emergencies in a timely manner, including after hours, weekends and holidays.

The classifications of Collection Systems Worker, Collection Systems Journeyman, and Collection Systems Leadworker will be Civil Service positions and subject to the Fair Labor Standards Act (FLSA). These classifications will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association (BCEA) will represent these classifications. The Civil Service Board approved these establishments at their regular meeting on September 6, 2006.

There will be no fiscal impact from the establishment of these classifications. The salary ranges will be set at: \$3,259-\$4,071 for Collection Systems Worker; \$3,715-\$4,640 for Collection Systems Journeyman; and, \$4,538-\$5,667 for Collection Systems Leadworker. Members of the Sewer Crew currently receive differential pay for regular assignment to sewer construction and maintenance on top of their base salary. The salary ranges for these new positions were developed by including the differential pay in the base pay for each position.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS WORKER (CTC NO. 0203) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION.
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS JOURNEYMAN (CTC NO. 0200) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
 3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS LEADWORKER (CTC NO. 0202) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
3. REVISING THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF SANITATION WORKER, SANITATION LEADWORKER, SANITATION SUPERVISOR, SENIOR SANITATION SUPERVISOR AND REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF REFUSE UTILITY WORKER TO SANITATION UTILITY WORKER:

The classifications within the Sanitation series perform work involved in the collection, trucking, and disposal of refuse and recyclable materials. This work includes operating a heavy duty packer refuse collection truck. All refuse collection trucks owned and utilized by the City are equipped with air brakes. All drivers operating these vehicles are required to successfully complete the air brake components of the knowledge test and the driving-skill tests administered by the Department of Motor Vehicles when obtaining a California Class "B" Driver's License. The specifications for the classifications of Refuse Utility Worker, Sanitation Worker, Sanitation Leadworker, Sanitation Supervisor and Senior Sanitation Supervisor all currently include the minimum qualification of obtaining a California Class "B" Driver's License.

Maintaining the minimum requirement of a California Class “B” Driver’s License while adding the wording “without air brake restriction”, in addition to updating these job specifications will increase efficiency in the hiring process and more accurately reflect the current requirements of these classifications. To keep pace with changing industry standards, all of the classifications in this series, except one, were previously re-titled from “refuse” to “sanitation”. Re-titling the classification of Refuse Utility Worker to Sanitation Utility Worker at this time will assist in succession planning for the City and maintaining consistency throughout the series.

The classifications of Sanitation Utility Worker, Sanitation Worker and Sanitation Leadworker will continue to be Civil Service positions. These classifications will continue to be subject to the Fair Labor Standards Act (FLSA) and not included in the City’s Conflict of Interest Code. The Burbank City Employees Association (BCEA) will continue to represent these classifications. The classifications of Sanitation Supervisor and Senior Sanitation Supervisor will continue to be exempt from the Fair Labor Standards Act (FLSA). The Sanitation Supervisor will continue to not be included in the City’s Conflict of Interest Code and the Senior Sanitation Supervisor will continue to be included in this Code. The Burbank Management Association (BMA) will continue to represent both of these classifications. The Civil Service Board approved these revisions and re-titling at their meeting on September 6, 2006.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SANITATION WORKER (CTC NO. 0737).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SANITATION LEADWORKER (CTC NO. 0736).
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SANITATION SUPERVISOR (CTC NO. 0738).
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SENIOR SANITATION SUPERVISOR (CTC NO. 0844).
5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF REFUSE UTILITY WORKER (CTC NO. 0725) TO SANITATION UTILITY WORKER (CTC NO. 0725).

4. APPROVING AND AUTHORIZING EXECUTION OF THE MUTUAL ASSISTANCE AGREEMENT (ELECTRIC AND NATURAL GAS) BY AND AMONG MEMBERS OF THE CALIFORNIA UTILITIES EMERGENCY ASSOCIATION:

Staff is recommending the Council adopt a resolution to approve the Mutual Assistance Agreement (Electric and Natural Gas) Among Members of the California Utilities Emergency Association (CUEA Agreement). Municipal utilities have long recognized the value of mutual assistance agreements. There are mutual aid agreements among neighboring utilities (Burbank, Glendale and Pasadena; and, Anaheim and Riverside) as well as agreements between certain utilities in the greater Los Angeles area with certain utilities in the greater San Francisco Bay area.

Recently, Burbank Water and Power (BWP) and other municipal utilities belonging to the Southern California Public Power Authority (SCPPA) reviewed their mutual aid agreements. The SCPPA Board recommended that SCPPA utilities join the California Utilities Emergency Association (CUEA), a proven statewide mutual assistance agency whose mission is to ensure the members of the association are better prepared to respond to, and recover from, a localized emergency or statewide disaster with minimal disruption.

Burbank has joined the CUEA, but needs to obtain the Council's approval before the CUEA Agreement can go into effect. Among the salient points of the Agreement are: BWP would not be obligated to provide assistance, nor would other parties be obligated to provide assistance to BWP; the party making the request is responsible for reasonable costs and expenses of the responding party's assistance. These include labor and overhead, travel and lodging, vehicles, equipment and materials; the party making the request indemnifies the party providing the assistance; and, any party can withdraw from the Agreement after a 30-day notice to the other parties.

Also, CUEA members have access to the resources of the State of California through the Office of Emergency Services. Besides Burbank, other SCPPA utilities have joined the CUEA, including Anaheim, Azusa, Los Angeles, Pasadena and Riverside. Up north, Palo Alto, Redding, Roseville and Silicon Valley (formerly Santa Clara) have joined the CUEA.

Adopting the Agreement with CUEA does not preclude other mutual aid arrangements like the existing three-city mutual aid agreement between Burbank, Glendale and Pasadena. Burbank's CUEA membership is \$670 per year and represents a cost-effective way to have mutual aid available on a statewide basis.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE MUTUAL ASSISTANCE AGREEMENT (ELECTRIC AND NATURAL GAS) BY AND AMONG MEMBERS OF THE CALIFORNIA UTILITIES EMERGENCY ASSOCIATION.

5. AUTHORIZING THE BURBANK WATER AND POWER GENERAL MANAGER TO ENTER INTO SHORT-TERM SALES AND PURCHASE AGREEMENTS FOR RETAIL AND WHOLESALE ELECTRIC OPERATIONS:

Staff recommends the Council adopt a proposed resolution that will extend existing authority for the Burbank Water and Power (BWP) General Manager to make short-term sales and purchases for the products and services needed to effectively conduct its retail and wholesale electric operations. The proposed resolution extends the authority given in Resolution 26,097, which will expire on December 31, 2006. The proposed resolution allows transactions to be made without regard to the City's formal competitive bidding process and grants the BWP General Manager the authority to negotiate and enter into forward contracts for products and services, provided the commencement date for performance of any forward contract is not more than five years from the date the contract is made and the agreement is for no more than five years in duration. In no event shall the duration of any agreement extend beyond December 31, 2021. On August 3, 2006, the BWP Board recommended approval of the proposed resolution.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK, AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO UNDERTAKE SHORT-TERM SALES AND PURCHASES OF UP TO FIVE YEARS IN DURATION FOR PRODUCT AND SERVICES NECESSARY FOR OPERATION OF THE CITY'S ELECTRIC UTILITY.

6. AUTHORIZATION TO INCREASE THE LOCAL MATCHING FUNDS FOR A CYCLE SIX SAFE ROUTES TO SCHOOL GRANT FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND AMEND THE FISCAL YEAR 2006-07 BUDGET:

On July 11, 2006, the Council approved the receipt of a Safe Routes to School Grant from the California Department of Transportation and amended the Fiscal Year 2006-07 budget to provide local matching funds in the amount of \$22,380, which is ten percent of the total project cost of \$223,800. Staff calculated the matching funds based upon the percentages required in previous Federal transportation funding authorization bills. However, the new Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) program requires 16 percent of the total project cost in matching funds. Therefore, staff is requesting authorization to increase the local funding match by \$13,020 to a total of \$35,400.

The Safe Routes to School grant program will reimburse 84 percent of the total construction cost of each project. The required local matching funds in the amount of 16 percent of the total program cost have been allocated from Transportation Development Act (TDA) funds.

The Safe Routes to School Grant will fund improvements at three Burbank elementary schools. William McKinley School will be provided with an in-pavement crosswalk lighting system, a pedestrian access ramp and radar speed display signs. Thomas Edison School improvements include new sidewalk and pedestrian countdown traffic signals. George Washington School will have radar speed display signs, an improved student drop-off area, improvements to the existing bikepath and a pedestrian access ramp.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION 27,273 RELATING TO THE FUNDING FOR THE SAFE ROUTES TO SCHOOL CYCLE SIX PROJECT.

7. AGREEMENT FOR AUTOMATIC EXCHANGE OF FIRE SERVICES:

The purpose of this report is to request authorization to execute an agreement for the automatic exchange of fire services among the eleven cities that constitute Operational Area C of Los Angeles County. These cities include Alhambra, Arcadia, Burbank, Glendale, Monrovia, Monterey Park, Pasadena, San Gabriel, San Marino, Sierra Madre and South Pasadena.

From February to August 2005, the eleven fire agencies of Area C conducted an informal six-month trial to examine the feasibility of changing the way they respond to fire incidents. The trial involved implementing a system in which fire suppression units from the closest station were dispatched to a fire incident without regard to political jurisdiction, essentially responding as though the eleven cities were a single unified fire agency. The goals in implementing the automatic aid concept were to provide: improved fire protection for each agency; increased firefighter safety; fewer and simpler aid agreements to manage; and, better utilization of limited fire suppression resources.

The agreement will formalize the existing practice of fire department resources responding to emergencies with the closest appropriate unit without respect to municipal boundaries within the eleven cities that constitute Operational Area C of Los Angeles County.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT FOR AUTOMATIC EXCHANGE OF FIRE SERVICES BETWEEN THE CITY OF BURBANK AND THE CITIES OF ALHAMBRA, ARCADIA, GLENDALE, MONROVIA, MONTEREY PARK, PASADENA, SAN GABRIEL, SAN MARINO, SIERRA MADRE AND SOUTH PASADENA.

REPORTS TO COUNCIL:

8. CONFLICT OF INTEREST CODE REVISIONS:

State law mandates that the City review its Conflict of Interest Code, the list of designated reporting positions and the respective disclosure categories every two years. The purpose of this review is to: provide reasonable assurance that all foreseeable potential conflict of interest situations involving City employees, and members of listed Boards and Commissions will be disclosed and/or prevented; provide each affected person with a clear and specific statement of his or her duties under the Code; and, adequately differentiate between designated employees and Board and Commission members with different powers and responsibilities. State law also mandates that upon completion of the review of the Conflict of Interest Code, the Code should be amended to reflect any changes necessitated by the review, including new and/or different positions, duties and responsibilities.

The City has completed its review of the Conflict of Interest Code. This ordinance amends the Conflict of Interest Code to reflect the changed positions, and to specify disclosure categories on the Form 700 Statement of Economic Interests which more accurately reflect the actual duties and responsibilities of the positions.

The amendments to this ordinance also remove obsolete references and confusing language from the Conflict of Interest Code. Previously, the required Appendix listing the designated positions and the disclosure categories was adopted by separate resolution. This amendment incorporates the Appendix into the Burbank Municipal Code to ensure that future reviews and updates are thorough and complete.

Recommendation:

Introduction of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 2-1601, 2-1602, AND 2-1603 OF THE BURBANK MUNICIPAL CODE, RELATING TO CONFLICT OF INTEREST CODE.

9. GLENDALE-BURBANK INTERCEPTOR SEWER PROJECT UPDATE:

The purpose of this report is to present the Council with a review of the Final Environmental Impact Report (EIR) for the City of Los Angeles Integrated Resources Plan, which includes the Glendale-Burbank Interceptor Sewer (GBIS).

On September 11, 2006, staff received copies of the Final EIR for the Integrated Resources Plan, which includes the GBIS project. Upon preliminary review by staff, it

appears that the City of Los Angeles is recommending the hybrid alignment for the GBIS project. The hybrid alignment tunnels west under Forest Lawn Drive, north under Pass Avenue, then west under Riverside Drive. This alignment does not include any tunnel shaft sites in the City of Burbank.

Recommendation:

Note and file.

10. DRAFT AGREEMENT WITH THE BURBANK COMMUNITY FOUNDATION:

The purpose of this report is to seek input and approval from the Council to work with the existing Burbank Community Foundation (BCF) to reconstitute its by-laws and enter into an agreement whereby City staff would take a lead role in managing the BCF.

On May 11, 2000 the BCF was incorporated as a non-profit with a mission to support and advance the educational, cultural and economic interests of the Burbank community. The BCF was to be a small community-run organization managed by the Board of Directors and had not intended to include the position of an Executive Director. Nevertheless, the BCF Board has, over time, considered expanding the scope of their fundraising and giving program. Through active discussions, the Board determined that the increased overhead costs of such a program would create a significant financial burden and, in at least the short-term, affect their ability to support their ongoing giving projects.

Over the past year and a half, City staff, the current BCF Board, and various Executive Directors of Burbank non-profit organizations have been meeting to discuss options for reconstituting the BCF. On November 1, 2005, staff presented the Council with a staff report and draft agreement between the City and the BCF. During that meeting, the Council had some important questions and asked staff to return with additional details on how a new or expanded Board would be formed, and how the revamped BCF would be generally structured and operated. The Council also asked staff to gather information and feedback from cities such as Anaheim on the success of their community foundations and what, if any, issues have arisen and how they have been resolved.

The goal of a reconstituted BCF would be to expand the donor base of the organization and help create greater, more engaged private, public, and non-profit partnerships, which will provide stronger financial and in-kind support for the social service infrastructure of the community. Staff from the Community Development Department (CDD) shall serve as Executive Director of the BCF. Additional administrative staff (on an as-needed basis), office space, equipment and supplies shall be provided and absorbed by the CDD budget at no cost to the BCF.

The City's proposed main function through the BCF will be to develop increased local charitable giving programs. Programs such as employee payroll deduction and utility bill contribution will help meet the fundraising needs of the service-providing and non-profit community and create a variety of opportunities for City employees and the community at large to contribute to Burbank. If approved, three principal funds to be made available through the BCF shall be pre-designated funds, un-designated funds, and an endowment fund.

Staff found that other cities in California such as Anaheim operate successful community foundations. These foundations are successful because they provide both a local resource for giving as well as a local focus on funding important priorities. They also help ensure locally controlled and monitored accountability. Although these foundations do not entirely set applicable patterns for the BCF and for the Burbank community, staff did receive some insights from the Anaheim Community Foundation Executive Director. In some respects, the BCF will follow patterns of other community-based foundations and in other respects it will create its own model.

In the simplest of terms, a reconstituted BCF can help individuals looking for ways to contribute to the Burbank community, but do not know how. Oftentimes, giving is limited because of the skepticism of not knowing where the money goes or because of high overhead costs of national organizations. Furthermore, potential donors may be more willing to give if charity dollars stay local. In addition, the BCF will not have administrative overhead. Thus, every dollar given will be spent locally, and if designated by the donor, on their identified organization. Whether donations are large or small, the synergy of a locally-based, operated and controlled program will help meet all-important community needs and help support the BCF mission.

Recommendation:

Staff recommends the Council provide input on the proposed reconstitution of the Burbank Community Foundation and approve its accompanying draft by-laws and updated draft agreement.

11. ENERGY EFFICIENT PROGRAMS:

Staff requests the Council approve the following energy-saving and educational programs, and direct and authorize the Burbank Water and Power (BWP) General Manager to implement the programs, entering into any and all necessary agreements for that purpose consistent with the programs:

1. Low-Income Refrigerator Replacement Program - Remove old refrigerators and replace with Energy Star refrigerators in 400 low - income households.
2. Refrigerator Round-Up Program - Remove 500 secondary refrigerators from Burbank homes saving 1,000,000 kilowatt-hours annually.

3. Leadership in Energy and Environmental Design (LEED) Certification Incentive Program - Institute an incentive program to encourage the construction of environmentally-preferred buildings in Burbank.
4. Thermal Energy Storage System at the Disney Cancer Center - Fund \$101,982 for the purchase and installation of a thermal energy storage system at the Disney Cancer Center to showcase responsible energy stewardship in Burbank.
5. Wet Cleaning Incentive Program - Provide education on the advantages of professional wet cleaning to all Burbank dry cleaners; provide additional financial incentives of \$10,000 to up to five cleaners making the switch to wet cleaning.
6. Enhanced Solar Photovoltaic Support - Increase the limits of the BWP Solar Support Program to 3.3 kilowatts for residential installations and 8.5 kilowatts for business installations.
7. Outsourced Educational Coordinator - In concert with two other local utilities, provide in-class instruction on energy to Burbank's Fourth Grade students, modeled on BWP's long-standing and very well-regarded Speaker's Bureau Program.
8. Livingwise Educational Program - Provide residential energy and water savings in tandem with energy education delivered through Sixth Grade classes.
9. Energy and Water Conservation Education - Provide educational materials on the wise use of energy and water resources to Burbank Third Graders as a companion piece to BWP's online Energy Efficiency World information.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING IMPLEMENTATION OF THE ENERGY EFFICIENCY AND EDUCATIONAL PROGRAMS OF BURBANK WATER AND POWER FOR FISCAL YEAR 2006-2007.

12. CONSIDERATION OF SUBSIDIZING CANDIDATE STATEMENTS FOR THE 2007 MUNICIPAL ELECTIONS:

Staff requests Council consideration of whether the City will subsidize the cost of candidate statements for the 2007 Municipal Elections. The City's Municipal Elections will be held on February 27, 2007 and April 10, 2007. Pursuant to the Burbank Municipal Code, each candidate for an elective office may prepare a candidate

statement and the Council is required to determine, by resolution, whether charges shall be levied against candidates for the cost of sending the candidates' statements to the registered voters.

The cost of the statements may be paid either partially or entirely by the candidates or the City. For the 2007 Municipal Elections, a preliminary estimate for a half-page candidate statement is \$750. The estimated cost is based on the number of registered voters to whom the Voter Information Pamphlet (Sample Ballot) is sent. In the 2006 Special Election, the Council approved a subsidy of \$300.

Beginning with the 2006 Special Election, the City is required to print an entirely bilingual Sample Ballot (English/Spanish) pursuant to the Federal Voting Rights Act. However, any candidate who desires to have their statement in any language other than English or Spanish will have to pay for the entire cost (\$750) of that foreign language statement.

Recommendation:

Staff is recommending the Council determine whether or not the City will subsidize the candidates' statements cost for the 2007 Municipal Elections. In the event the Council approves of subsidizing the statements, the appropriate resolution will be brought back at a future date.

13. USING VIDEOS DURING ORAL COMMUNICATIONS:

The Council has expressed interest in restricting the playing of campaign video tapes during the several periods of oral communications at Council meetings.

Although the Ralph M. Brown Act (Government Code §54950 et seq.) imposes broad rights for the public to address their governing bodies, rights not found in common law, the Act gives the public the right to speak to their elected representatives, not the right to play video tapes.

The Council in 1999 formally acted to allow the use of video tapes during oral communications. However, in doing so the Council recognized that the use of video tapes in this manner presented "serious legal issues involving, among other things, slander, invasion of privacy, and copyright infringement" (Resolution No. 25,464, as subsequently amended by Resolution No. 25,570).

The use of videos during oral communications has generated a number of other problems as well. These have included difficulty getting the tape to start at the point desired, sound not beginning at the same time as the picture, some tapes of very poor quality, confusion on the part of viewers as to whether a current or previous Council meeting is being viewed, and tapes running longer than the allotted speaking time. From time to time City staff has even been accused of sabotaging tapes with which, it was charged, they did not agree. These problems tend to delay the meetings and

interfere with the accomplishment of the City's business. A prohibition on the use of such video tapes during oral communications would remove the uncertainty and confusion, and guard against the noted dangers, yet still allow individuals to address the Council with whatever positions or points they wish to make.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PROHIBITING THE SHOWING OF VIDEO TAPES BY MEMBERS OF THE PUBLIC DURING ORAL COMMUNICATIONS AT CITY COUNCIL MEETINGS.

ADOPTION OF PROPOSED ORDINANCE:

14. REINSTATEMENT OF THE ADMINISTRATIVE USE PERMIT REQUIREMENT FOR DOWNTOWN RESTAURANTS:

In 1992, the Council adopted an ordinance creating the Central Business District Downtown Parking Area and unified parking ratio, so as to promote economic activity and provide increased economic feasibility for tenants to locate in the Downtown District. Concern about whether the emerging mix of land uses was consistent with the economic goals and shared parking management strategy resulted in the 2004 adoption of an ordinance requiring new restaurants to obtain an Administrative Use Permit (AUP) prior to opening. That ordinance was in effect for a two-year period and expired on July 31, 2006.

Staff is recommending that the Council reinstate the expired ordinance to continue requiring an AUP for new restaurants in the Downtown District. The proposed ordinance is substantively the same as that originally adopted in 2004. Parking studies have affirmed that an adequate parking supply exists in the District, provided that the existing land use mix stays constant. Codifying the AUP requirement ensures that, through proper land use controls, the economic vitality and diversity of the Downtown is preserved and the shared parking strategy remains effective by avoiding an overabundance of restaurants or a particular type of restaurant.

The Planning Board considered the proposed Zone Text Amendment at a public hearing on September 11, 2006. There were no public speakers in support of or opposition to the proposed Zone Text Amendment. All Planning Board members expressed their support for the action as proposed by staff and voted 5-0 to recommend that the Council adopt the Zone Text Amendment.

This ordinance was introduced at the September 19, 2006 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 31-1407.1 OF THE BURBANK MUNICIPAL CODE RELATING TO THE ADMINISTRATIVE USE PERMIT REQUIREMENTS FOR DOWNTOWN RESTAURANTS.

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.

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