



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, OCTOBER 17, 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 – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

- b. 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.

- c. 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 Chief Officers Unit.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

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: Rev. Paul Clairville, Westminster Presbyterian.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PRESENTATION: HELEN PUTNAM AWARD.

RECOGNITION: BURBANK MEN'S GOLF CLUB – PUBLIC LINKS GOLF ASSOCIATION CHAMPIONS.

PROCLAMATION: NATIONAL IMMIGRANT DAY.

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 October 16, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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 4)

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 COST FOR THE CANDIDATES' STATEMENTS FOR THE 2007 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council approval of a proposed resolution that establishes the cost for candidates' statements for the 2007 Municipal Elections. At the September 26, 2006 Council meeting, staff presented a report requesting Council direction on whether or not the City will subsidize candidates' statements for the 2007 Municipal Elections. The Council agreed to a \$300 subsidy and staff was directed to prepare the appropriate resolution.

Pursuant to Council direction, a resolution has been prepared in compliance with the Burbank Municipal Code. Based on the estimated cost of \$750 and the \$300 subsidy approved by the Council, the City Clerk will require a \$450 deposit from each candidate submitting a statement with their nomination papers. Since the Federal Voting Rights Act requires the City to print an entirely bilingual (English/Spanish) Voter Information Pamphlet, the candidates' statements will be translated into Spanish and the City will incur the translation costs as in the past. However, any candidate who desires to have their statement printed in any language other than English or Spanish will have to pay for the entire cost (\$750) of that foreign language statement.

Within 30 days of the Election, the City Clerk shall bill each candidate for any cost in excess of the deposit or shall refund any unused portion of the deposit. The City Clerk will also provide each candidate with a copy of the adopted resolution at the time the candidates are issued their nominating papers.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PERTAINING TO CANDIDATES' STATEMENTS FOR THE MUNICIPAL ELECTIONS TO BE HELD ON FEBRUARY 27, 2007 AND APRIL 10, 2007.

3. ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF MANAGER ENERGY CONTROL CENTER:

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. In an ongoing effort to accomplish this, BWP has changed the name of the Systems Control and Data Acquisition (SCADA) facility to Energy Control Center and is proposing the establishment of the classification of Manager Energy Control

Center. This classification will develop, plan and manage all of the functions and personnel of the Energy Control Center.

This classification will be subject to Civil Service, but exempt from the Fair Labor Standards Act (FLSA). This classification will be included in the City's Conflict of Interest Code. The Burbank Management Association (BMA) will represent this classification. The Civil Service Board approved this establishment at their regular meeting on September 6, 2006.

The proposed salary range for the Manager Energy Control Center was established by reviewing internal salary relationships within BWP. The salary range for this classification is being proposed at 121 percent above the highest International Brotherhood of Electrical Workers (IBEW) position under the supervision of this new classification. As such, the salary range for the Manager Energy Control Center will be set at \$9,727-\$11,818. Funding for this position for the current fiscal year will be offset by salary savings. The future recurring cost for this position will be included in the Fiscal Year 2007-08 budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF MANAGER ENERGY CONTROL CENTER (CTC No. 0542) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

4. AUTHORIZING THE PURCHASE OF A MOBILE DATA TERMINAL COMMUNICATIONS PACKAGE FOR THE BURBANK POLICE DEPARTMENT:

Staff requests the Council authorize the purchase of a replacement Mobile Data Terminal (MDT) communications package for the Burbank Police Department. The MDT is used to access various external databases such as outstanding warrants and stolen vehicles. It also aids in the police dispatch function and is used to track police vehicle movement. The MDT mounts on the dashboard and is supported by the communications package and computer equipment.

Utilizing about \$200,000 in Drug Asset Forfeiture monies, the communications package portion of the MDT was purchased in 1995. The computer equipment was replaced in 2005. In 1999, General Electric stopped manufacturing product lines in support of the current communications package. By 2003, replacement parts had become scarce and expensive. By 2004, MDT communication failures started to occur and the failure rate has since increased. Even if it were reliable, the existing communications package would not be able to function with the upgraded computer-aided dispatch system that will go live in June 2007, unless it received an expensive software patch. A new communications package would have the Data Radio "Radio IP" protocol, which can support many technical migration paths for the Department, including broadband wireless solutions.

A new communications package would cost approximately \$250,000 and is expected to last 10 years. The City's Radio and Telephone System Fund (Fund 535) has sufficient reserves to enable the purchase during Fiscal Year 2006-07, without adversely impacting other planned asset replacements or improvements for which these funds have been set aside.

The fiscal impact on Fund 535 is minimal. Fund 535 would fully recover the purchase price. The timing of cash flows should not adversely impact other planned Fund 535 activities. The only negative impact is foregone interest income.

The fiscal impact on the Police Department (General Fund) is \$55,556 per year from FY 2007-08 to FY 2016-17; \$27,778 to recover the cost of the new package; and, \$27,778 to provide for a replacement in FY 2016-17. After Fiscal Year 2016-17, the Department would set aside \$25,000 per year to provide for future replacements on a ten-year cycle.

The Department's current Fund 535 contribution already covers the ongoing maintenance of the existing MDT communications package, and would cover the ongoing maintenance costs of the new package as well.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE PURCHASE OF A MOBILE DATA TERMINAL COMMUNICATIONS PACKAGE FOR THE BURBANK POLICE DEPARTMENT.

END OF CONSENT CALENDAR *** *** ***

REPORTS TO COUNCIL:

5. BEACHWOOD BIKEWAY PROJECT UPDATE:

On January 25, 2005, the Council directed staff to accept a California Department of Transportation (Caltrans) Bicycle Transportation Account (BTA) grant in the amount of \$265,500 with a local match of \$29,500 (for a total grant amount of \$295,000) to construct an Enhanced Class III Bikeway for the purpose of connecting the Chandler Bikeway with the Riverside Drive bike lanes. The goal of the project is to provide a bicycle-friendly north-south connection through the City along residential streets that would cater to the more novice bicyclist who may be uncomfortable bicycling on arterial streets. The project is proposed to follow Sparks Street from Chandler Boulevard to Oak Street and Beachwood Drive from Oak Street to Riverside Drive, with a small connecting segment along Oak Street between Sparks Street and Beachwood Drive. The proposed project would be implemented as a Class III facility, which includes installing bicycle route signs along the route and painted stencils in the street notifying motorists that the route is a bicycle-friendly corridor. In addition, the project proposes the installation of a new traffic signal at Beachwood Drive and Alameda Avenue, and the relocation of a traffic signal

from Reese Place and Magnolia Boulevard to Sparks Street and Magnolia Boulevard, one block to the east. Also, existing signals at Sparks Street and Olive Avenue/Verdugo Avenue, and Beachwood Drive and Riverside Drive would be modified to include bicycle detection.

In July 2006, staff received a petition from residents of the 600 and 700 block of Sparks Street objecting to the proposed project routing along their street. In response to this petition, staff held two community meetings in August 2006 for the purpose of providing information on the proposed project to residents along the route, and to solicit comments on the bikeway proposal. Residents cited concerns over increased bicycle and vehicular travel in their neighborhood as a result of the bikeway and the proposed signal improvements, as well as a fear that the introduction of non-residents to the street on bicycles would increase crime. Additional comments included concern over parking impacts to neighboring residences, safety of pedestrians and children living on the route, desire to confine bicycle facilities to commercial streets, desire for bicycle facilities to serve Downtown Burbank, and concern over conflicts between bicycles and equestrian users in the Rancho neighborhood. The overall message from residents in attendance at the community meetings was a near unanimous show of opposition to the project. Staff feels that the design of the project will not significantly impact the residential neighborhoods of Sparks Street and Beachwood Avenue with the introduction of a Class III bicycle facility, and believes that the safety issues and crime concerns are unfounded. In addition, staff feels that the implementation of the proposed traffic signals and the bikeway routing will minimize local cut-through traffic and will not create a cross-town cut-through corridor.

In addition to the community and neighborhood concerns regarding the Beachwood Bikeway project, staff has encountered a funding shortfall that may require changes to the project scope or a delay in implementation of some of the project components. With increased costs due to escalating traffic signal equipment costs, and a 20 percent contingency, the estimated project budget has risen from the originally anticipated \$295,000 to \$480,000. Because of this large cost increase, staff is proposing to eliminate the new traffic signal at Sparks Street and Magnolia Boulevard (and the subsequent removal of the existing signal at Reese Place and Magnolia Boulevard). This signal would be upgraded later as additional funding is identified, either through future bicycle grants or as part of future traffic signal upgrade projects. If staff were to proceed with this change to the project scope and it were accepted by Caltrans, the project costs would be reduced by approximately \$155,000. This would yield a project budget deficit of approximately \$66,000. Staff anticipates that this additional funding could be secured through a combination of Transportation Development Act (TDA) Article 3 Funds, Development Impact Fees, and/or Proposition C local return funds.

Recommendation:

Staff recommends Council direction to continue with the implementation of the Beachwood/Sparks Enhanced Class III Bikeway such that the project can be completed by the funding deadline of June 30, 2007 and constructed within the budget parameters.

6. ORDINANCE ORDERING THE 2007 PRIMARY AND GENERAL MUNICIPAL ELECTIONS:

The purpose of this report is to request the Council introduce and adopt an ordinance ordering the 2007 Primary and General Municipal Elections. The Charter and Burbank Municipal Code state that the City Council shall, by ordinance, order the holding of all Municipal Elections, specifying the object and time of holding any such election. The Primary Nominating Election is to be held on the last Tuesday in February and the General Election is to be held on the second Tuesday in April in every odd-numbered year.

For the 2007 Municipal Elections, the Primary Nominating Election will be conducted on February 27, 2007, and will nominate or elect candidates to two offices for Member of the City Council and three offices for Member of the Board of Education for four-year terms. The General Municipal Election will be conducted on April 10, 2007, and will, if necessary, elect the candidates nominated at the Primary Nominating Election for the offices of Member of the City Council and Member of the Board of Education. All Municipal Elections shall be conducted and held in compliance with the City Charter, Burbank Elections Code and State Elections Code.

Recommendation:

Introduction and adoption of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A PRIMARY NOMINATING ELECTION ON FEBRUARY 27, 2007 AND ORDERING A GENERAL MUNICIPAL ELECTION ON APRIL 10, 2007.

7. ORAL COMMUNICATIONS AT STUDY SESSIONS:

At the Council meeting of September 19, 2006, Council Member Ramos requested that the question of having an additional period of oral communications at the beginning of study sessions be brought back for Council consideration.

Many public agencies in California have for a long time held study sessions to review various matters of interest to the public agency with an opportunity for a little more extended discussion, and in a little more informal atmosphere than in a formal public meeting. In Burbank, such study sessions are normally held before the beginning of the regular Council meeting with a longer opportunity to consider the background of a subject which is anticipated to soon come before the Council. In order to provide a realistic opportunity for the public to speak to the issues to be considered in a study session, notice of such session is clearly carried on the previous meeting's agenda, so that members of the public can both see that it is coming up a week in advance, and can speak to it at that previous meeting. The meeting is then formally continued to the subsequent week for the study session. Following discussion at a study session, the issue is then normally brought back on an agenda during the formal portion of a Council meeting for further Council deliberation and action with a clear opportunity for additional public input and comment.

If the Council would like to adopt a formal procedure to provide for an additional period of Oral Communications at the commencement of study sessions the following issues should be considered:

1. Length of Oral Communications for individual speakers.
2. Should the total length of Oral Communications at study sessions be limited?
3. Should there be any restrictions on speaking at Study Session Oral Communications, such as the Council has adopted for the two “general” periods of Oral Communications at the regular meetings?
4. Oral Communications could be limited to only those study sessions where additional public input would be thought by the Council to be especially helpful.

Recommendation:

If there is sufficient support on the Council to further explore this subject, the Council should direct staff to bring back a resolution adding this additional period of oral communications.

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**