



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, NOVEMBER 14, 2006  
4:30 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:

Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):

Pursuant to Govt. Code §54956.9(c)

**Number of potential case(s): 1**

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.

**5:00 P.M.**

ASSEMBLY BILL 1234 ETHICS TRAINING STUDY SESSION:

The City Attorney's Office will be providing the State-mandated Assembly Bill (AB) 1234 Ethics Training Course in two parts on Tuesday, November 7 and Tuesday, November 14, 2006 from 5:00 p.m. to 6:30 p.m. in the Burbank City Council Chamber. Each session will consist of one and a half hours and will cover the required course curriculum and include a question and answer period. The training will be conducted as a study session before the regularly-scheduled City Council meeting.

This new law requires that all local public officials who are compensated for their service or reimbursed for their expenses receive a minimum of two hours of training on the required ethics laws and principles at least once every two years. For those in office as of January 1, 2006, their training must be completed by January 1, 2007. Those who take office after January 1, 2006, must receive the training within one year of the date of taking office. Certificates of Completion will be issued to all who complete the full training course. The training records will be kept by the City as a public record for five years.

The required curriculum for the training has been established by the Fair Political Practices Commission and the California Attorney General. Pursuant to those requirements, the training will cover ethics laws and general ethical principals relating to public service. The objectives of the training will include:

- Assisting public officials in better understanding and being alert to the kinds of financial interests, relationships and/or activities that may be prohibited, may require disclosure or even disqualification; and,
- Advising public officials of the legal and other consequences of violating the ethics laws.

The public service ethics laws which will be covered include:

- Laws relating to personal financial gain by public officials, including bribery and conflict of interest laws;
- Laws relating to office-holder perks, including gift and travel restrictions, personal and political use of public resources and prohibitions against gifts of public funds;
- Governmental transparency laws, including financial disclosure requirements and open government provisions including the Brown Act and Public Records Act; and,
- Laws relating to fair processes, including public contracting requirements, bias and due process.

**6:30 P.M.**

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

FLAG SALUTE:

ROLL CALL:

RECOGNITION: EMERGENCY RESPONSE TEAM.

PROCLAMATION: CHILDREN'S BOOK WEEK.

RECOGNITION: WE CARE FOR YOUTH'S RECEIPT OF THE JOHN ANSON FORD HUMAN RELATIONS AWARD.

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. JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY:

1. AUTHORITY TO PROCEED WITH CONSTRUCTION OF THE COMMUNITY SERVICES BUILDING PROJECT AND RELATED ACTIONS:

Staff requests Council and Redevelopment Agency (Agency) Board consideration of resolutions to proceed with construction of the Community Services Building (CSB) Project. The CSB Project replaces the former Municipal Services Building (MSB) that was seriously damaged in the January 1994 Northridge Earthquake. Since demolition of the MSB in 2001, staff has been housed in scattered, temporary facilities throughout the Civic Center. The new, energy-efficient facility is designed to better serve the public with its consolidated one-stop permit center, community room and conference rooms.

The CSB Project is estimated to cost \$38,100,000. The Agency is proposing to fund \$33,802,716. Of this amount, \$14,072,827 will be funded from Golden State bond proceeds and \$19,729,889 from tax increment reserves from the Merged Project Area.

As part of the actions to be considered, the Agency proposes the transfer of land and funds for construction of a publicly-owned building, which in accordance to Section 33445 and 33679 of the California Redevelopment Law requires a public hearing. In addition, pursuant to the State of California Streets and Highways Code Section 8300, a public hearing is required for the proposed alley vacation. The Council and Agency Board will also be considering the approval of project plans, funding for the project and entering into related Professional Services Agreements (PSA).

The specific actions to be considered are:

- City budget amendment for Fiscal Year (FY) 2006-07 to reallocate funds to the Capital Holding Fund;
- City and Agency authorization to execute a Cooperation Agreement between the Agency and the City relating to the Agency transfer of land and funds to the City for the CSB Project and making the necessary findings;
- City and Agency budget amendments for FY 2006-07 for the purpose of funding additional costs of the CSB Project;
- City Ordering the Conditional Vacation of Two Alleys (V-351);

- City approval of the Plans and Specifications and the Construction Agreement between the City and Swinerton Builders, Inc. for Bid Schedule 1098;
- City approval of PSA Amendment No. 5 between Leo A. Daly and the City; and,
- City approval of a PSA between Smith-Emery and the City to provide Deputy Inspection and Materials Testing Services.

Recommendation:

Adoption of proposed Council resolutions entitled:

1. (4/5 vote)  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING \$20,043,855 TO THE CAPITAL HOLDING FUND FOR FUTURE INFRASTRUCTURE PROJECTS.
2. (4/5 vote)  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSENTING TO THE REDEVELOPMENT AGENCY PAYMENT OF A PORTION OF THE CONSTRUCTION COSTS OF THE COMMUNITY SERVICES BUILDING, AMENDING FISCAL YEAR 2006-07 BUDGET IN THE AMOUNT OF \$33,802,716 AND APPROVING A COOPERATION AGREEMENT RELATED THERETO.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE CONDITIONAL VACATION OF TWO ALLEYS AND RESERVING A PUBLIC UTILITY EASEMENT (V-351).
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING THE PLANS AND SPECIFICATIONS, AND AUTHORIZING EXECUTION OF A GUARANTEED MAXIMUM PRICE CONSTRUCTION (GMP) AGREEMENT FOR THE COMMUNITY SERVICES BUILDING (CSB) (BID SCHEDULE 1098) BETWEEN THE CITY OF BURBANK AND SWINERTON BUILDERS, INC.
5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AMENDMENT NO. 5 TO AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND LEO A. DALY COMPANY.
6. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND SMITH-EMERY LABORATORIES.

Adoption of proposed Redevelopment Agency resolution:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2006-2007 BUDGET IN THE AMOUNT OF \$33,802,716 FOR THE COMMUNITY SERVICES BUILDING, AND APPROVING A COOPERATION AGREEMENT RELATED THERETO.

PUBLIC HEARING:

2. APPEAL OF PROJECT NO. 2005-108, DEVELOPMENT REVIEW – 1515 KENWOOD 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. 2005-108 Development Review, a request by Ahmad Heydar to construct an eight-unit, two-story, multi-family project at 1515 Kenwood Street. Appealing the Planning Board's decision to conditionally approve the project is William Birtell, a property owner of an adjacent multi-family parcel. The building is two stories with a semi-subterranean level of parking, which includes tandem spaces. The property is a corner lot fronting on Edison Boulevard and Kenwood Street which abuts an R-4 zoned property. The rear of the lot abuts an alley and an R-1 zone is south of the alley. The application was deemed complete prior to implementation of the new multi-family codes, and therefore is subject to the old multi-family codes.

The Community Development Director approved the project on April 20, 2006 and that decision was appealed. At a public hearing on September 11, 2006, the Planning Board voted 3-2 to deny the appeal and uphold the Community Development Director's decision to approve the project. Mr. Birtell filed an appeal of that decision.

Recommendation:

Adoption or proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2005-108 DEVELOPMENT REVIEW (Applicant: Ahmad Heydar, 1515 Kenwood 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 PERIOD OF ORAL COMMUNICATIONS:

#### AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Action Agenda items only.)

#### COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

#### REPORTS TO COUNCIL:

#### 3. ELECTRONIC ARCHIVAL OF COUNCIL MEETINGS:

This report provides the Council with an update on the electronic archival and playback of Council meetings. At the meeting of August 8, 2006, the Council requested that staff provide information on the possibility of obtaining technology to electronically store and index Council meetings and make them accessible on the City’s website. This technology is readily available and has been implemented in several surrounding cities including Glendale, Pasadena, Beverly Hills, Santa Monica and Long Beach.

Granicus Media Manager (Granicus) is a proprietary web-based software tool that is used to access, archive, keyword search, index and integrate documents into our web casts. Public meetings currently viewable live over the Internet would be available as archives that can be retained and accessed on demand by the public.

Granicus improves public access with the availability of a searchable audio and video archive allowing citizens to select any meeting, at any time, using a simple keyword. Additionally, documents such as staff reports, agendas and minutes can be synchronized and linked to the archive available through our website.

Another positive aspect of this solution is that it supports the agenda and minute process of the City Clerk's Office while in effect providing a 24/7 resource for the public. Documents such as agendas, staff reports and minutes can be synchronized and linked to the archives, facilitating searches by the public as well as staff. Linked minutes will be recorded as searchable archives that can be used for efficient long-term record keeping, thereby eliminating the current redundancy of producing summary minutes while permanently maintaining videotapes, as well as audio CDs, of each meeting. The Granicus Solution will enable staff to easily provide the attachments and exhibits linked to the staff reports or agenda items, and will also enable the production of condensed minutes which can be published faster in this searchable format.

The Granicus Solution also provides flexibility as the City's needs change. The video retention schedule can be extended at any time, the archives can be burned to CD ROM and stored on-site for historical reference. For those citizens who do not have access to the Internet, in addition to access being provided at the Public Libraries, the archives can be made available on CD ROM for distribution.

Recommendation:

Staff recommends Council direction to proceed with implementation of the Granicus Solution.

4. CHARTER AMENDMENTS:

At the October 24, 2006 Council meeting, the Charter Review Committee, after a year of work, made a number of recommendations to update the Charter, make it more readable and easier for the public to use. The Council determined that portions of the Committee's recommendations should be set out for separate votes on the ballot. Those matters specified by the Council were as follows:

1. Whether the City Clerk should be appointed or remain an elective office.
2. Whether the City Treasurer should be appointed or remain an elective office.
3. Whether the Council vote for approval or amendment of the budget should be by majority vote or should remain at 4/5 vote.
4. Whether the process for declaring and filling a vacancy in elected offices should be revised.

The proposed ordinance would set these matters for a separate vote on the ballot, as well as placing the remaining Committee recommendations on the ballot.

Recommendation:



Introduction and adoption of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL MUNICIPAL ELECTION ON APRIL 10, 2007, FOR THE PURPOSE OF SUBMITTING PROPOSED CHARTER AMENDMENTS TO THE VOTERS.

5. UPDATE ON THE RE-DESIGN OF THE ROBERT R. OVROM PARK PROJECT:

The purpose of this report is to present the Council with an update on the re-design efforts for the Robert R. Ovrom Park Project (Project). On May 2, 2006, the Council directed staff to proceed with re-design efforts for the Project, which was necessary in large part due to the substantial increase in construction costs. Charles Walton Associates, Inc. was retained on July 12, 2006, to re-design the multi-purpose neighborhood recreation center and parking area for the facility, which also includes a yet-to-be-designed Art In Public Places component and a previously-designed park. Subsequently, numerous program scenarios, site plan alternatives, building layouts, architectural styles and projected construction costs were discussed and presented to staff and the Oversight Committee. On September 26, 2006, staff was directed by the Oversight Committee to proceed with the Design Development Phase services.

The current program includes a single-story neighborhood recreation center with 17 on-site parking spaces. The estimated total project cost is \$8,246,868 with occupancy expected by November 2008. The focus of the re-design effort was to optimize the remaining site area between a single-story recreation center and on-site parking. A site plan, the project's exterior building elevations and the recreation center floor plan are presented for the Council's discussion.

Recommendation:

Note and file.

6. SELECTION OF AN ARTIST FOR THE DEBELL CLUBHOUSE PUBLIC ART PROJECT:

The purpose of this report is to request the Council select an artist to design and fabricate a public art project for the DeBell Clubhouse (Clubhouse). The Art in Public Places Ordinance requires that a development project with a construction budget over \$500,000 contribute one percent towards an art installation. A development project is any development which requires a building permit. The construction of the new Clubhouse meets the criteria of the Art in Public Places Ordinance. The public art budget for this project is \$50,000. The DeBell Clubhouse Oversight Committee (Committee) recommended an exterior sculpture directly relating to a golf theme as the most appropriate art installation.

In June 2006, staff released a Request for Proposal/Request for Qualifications for the Clubhouse project. On August 1, 2006, staff received 14 proposals from

qualified artists throughout the country. The Committee carefully reviewed all proposals and selected four semi-finalists who were interviewed by the Committee, and ultimately two finalists were selected to present their proposals to the Council for selection. The two finalists are Ms. Sheila Cavalluzzi, a Burbank resident and Mr. Ron Pekar, a Glendale resident. Both artists are proposing a larger-than-life golfer at different stages of a swing.

The public art budget is included in the total Clubhouse budget. There will be no additional fiscal impact.

Recommendation:

Staff recommends Council select an artist.

7. JORDAN MIDDLE SCHOOL FIELD AND PARKING IMPROVEMENTS:

The purpose of this report is to provide a status update on the proposed improvements to Jordan Middle School (Jordan), and request a reallocation of funds. At the Joint Council and School Board meeting of October 16, 2006, staff presented initial plans to make improvements to the Jordan upper field adjacent to the Burbank Unified School District (District) facility services yard, for the primary purpose of soccer use. The improvements include adding field lighting, exterior restrooms and parking on the District's property. The Council directed staff to look into the feasibility of funding these improvements and to conduct community meetings regarding the proposed project.

In 2002, both City and District staff worked together to add field lighting at Providencia Elementary School for soccer use. This successful venture was a driving force in exploring the possibility of making similar improvements to Jordan. City staff will again work closely with District staff to ensure that the proposed modifications to this campus will not be detrimental to the school's program needs.

The services of a landscape architect will be needed to do a preliminary conceptual design of the proposed modifications, attend a community meeting and revise the conceptual design as needed. It is estimated that the cost for this service will not exceed \$25,000. Upon completing the initial conceptual design, residents will have an opportunity to give their input at a community meeting, tentatively scheduled for December. There will be no additional fiscal impact.

Recommendation:

Staff seeks Council approval to allocate \$25,000 from the soccer field project account for the purpose of obtaining the services of a landscape architect.

8. COUNCIL DIRECTION REGARDING ASSEMBLY BILL 1234 ETHICS TRAINING STUDY SESSION:

The purpose of this agenda item is to allow for subsequent public comment and Council action and direction as a result of the Assembly Bill 1234 Ethics Training Study Session.

**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)**