



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, NOVEMBER 21, 2006  
5:30 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:

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.

**6:30 P.M.**

INVOCATION:

Pastoral Intern Joanne Oemig, First 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:

ANNOUNCEMENT:            DARK MEETING ON NOVEMBER 28, 2006.

PROCLAMATION:            NATIONAL CAREGIVERS MONTH.

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 November 20, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARINGS:

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

At the November 14, 2006 meeting, the Council held a joint public hearing with the Redevelopment Agency (Agency) Board to consider 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. 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.

At that meeting, the Agency Board adopted the resolution to amend the Fiscal Year 2006-07 budget in the amount of \$33,802,716 and approved a Cooperation Agreement related thereto. The Council also adopted resolutions: ordering the conditional vacation of two alleys and reserving a public utility easement (V-351); and,

approving Amendment No. 5 to the agreement for architectural services between the City and Leo A. Daly Co. The Council further continued the hearing to consider the following actions:

- City budget amendment for Fiscal Year (FY) 2006-07 to reallocate funds to the Capital Holding Fund;
- City 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 approval of the Plans and Specifications and the Construction Agreement between the City and Swinerton Builders, Inc. for Bid Schedule 1098; and,
- City approval of a PSA between Smith-Emery and the City to provide Deputy Inspection and Materials Testing Services.

Recommendation:

Adoption of proposed 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 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.
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND SMITH-EMERY LABORATORIES.

3. APPEAL OF PROJECT NO. 2006 – 1, HILLSIDE DEVELOPMENT PERMIT – 3

## SKYLINE DRIVE:

On October 10, 2006, the Council held a public hearing on the appeal of Project No. 2006-1 by two separate appellants. The Council decided to continue the hearing to November 21, 2006 to allow the applicant to propose a modified project design. Council deliberations included comments that the size of the pool room may be too large. The Council was also concerned that the photovoltaic panels would be obtrusive and wanted more information on the design of the trellis cover.

The applicant has amended the plans to reduce the size of the pool house, limiting the structure to a large bathroom. The size of the pool house has been reduced from 254 square feet (SF) to 103 SF. The proposed bathroom has been shifted towards the eastern side of the property. This design layout will place the structure further away from the neighbor at 4 Skyline Drive as compared to the original design. However, the structure still maintains a three-foot setback in some locations. The amended plans also show that the photovoltaic panels have been relocated to the roof of the bathroom and the patio cover attached to the bathroom. This change will attempt to reduce the photovoltaic panels' visual impact on the backyard elevations.

Staff believes that even with the proposed plan modifications, the 103 SF pool house is not compatible with the surrounding neighborhood. Staff recommends the Council deny both appeals and uphold the Planning Board's decision to approve Project No. 2006-1 Hillside Development Permit to construct a pool and deck structures and deny the exception request, subject to the Conditions of Approval.

### Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE DECISION OF THE PLANNING BOARD AND DENYING THE APPEAL OF PROJECT NO. 2006-1 (3 SKYLINE DRIVE).
  2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR PROJECT NO. 2006-1 (3 SKYLINE DRIVE).
4. PROJECT NO. 2006-044, ZONE MAP AMENDMENT – 709 EAST CYPRESS AVENUE:

The purpose of this report is to present a request by Herb Young for a Zone Map Amendment (ZMA) to convert the Planned Development (PD) into an R-3 Zone to make the property consistent with the General Plan Residential Multiple Low Density designation. The property is currently zoned PD for a five-unit project, which was never built, and the applicant is requesting a change back to the R-3 Zone. The zone change is necessary in order to construct a three-unit, two-story, apartment building with on-grade parking on the subject vacant lot.

### Recommendation:

Introduction of ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A  
ZONE MAP AMENDMENT FOR PROJECT NO. 2006-044 (709 EAST CYPRESS  
AVENUE; APPLICANT: HERB YOUNG).

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 THE 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:

CONSENT CALENDAR: (Items 5 through 10)

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.

5. **ESTABLISHING THE SPECIFICATION FOR THE CLASSIFICATION OF ASSISTANT MANAGER ENERGY CONTROL CENTER:**

Burbank Water and Power (BWP) has been restructuring over the past several years to ensure future sustainability and to be on the cutting edge of the utility industry. Electric Power Group, LLC, was recently consulted to review and develop recommendations to optimize BWP operations. The firm recommended that all energy control functions, both generation and distribution, be combined and a management level position be created to oversee this Energy Control Center. To provide support for the recently-established Manager Energy Control Center classification and to assist BWP with their ongoing initiative of effective succession planning, BWP is recommending establishing the classification of Assistant Manager 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 and required to report on disclosure categories A-1 and A-2 regarding Investments, category C regarding Income and Business Positions, and categories D, E, and F regarding Loans, Gifts, Honoraria and Travel Payments. The Burbank Management Association (BMA) will represent this classification. The Civil Service Board approved this establishment at their regular meeting on November 1, 2006.

The proposed salary range for the Assistant Manager Energy Control Center was established by reviewing internal salary relationships within BWP to maintain consistency among positions with similar responsibility levels. The salary range for the classification of Assistant Manager Energy Control Center will be set at \$7,700 to \$9,356, which is comparable to the Distribution System Operations Manager classification. Funding for this classification for the current fiscal year will be offset by salary savings. The future recurring cost for this classification 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 ASSISTANT MANAGER ENERGY CONTROL CENTER (CTC NO. 0071) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

6. **ABOLISHING INACTIVE TITLES AND SPECIFICATIONS:**

The City reviews its list of titles and specifications annually in an effort to abolish old and inactive classifications from the current files to increase the City's operational efficiency. These specifications, although abolished, will remain in the City's historical files for future use should current needs change. Each respective Department Manager has reviewed the list and approved the abolishment. In addition, the Civil Service Board reviewed and approved the abolishment list at their regular meeting on November 1, 2006.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE CLASSIFICATION, PAY PLAN AND CONFLICT OF INTEREST CODE BY APPROVING THE ABOLISHMENT OF CERTAIN JOB TITLES AND SPECIFICATIONS.

7. AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2006 SOBRIETY CHECKPOINT MINI-GRANT AND APPROVAL OF THE GRANT AGREEMENT:

Staff is requesting Council approval of a proposed resolution that authorizes the City Manager to accept a grant from the California Office of Traffic Safety (OTS) for the 2006 Sobriety Checkpoint Mini-Grant, as well as, approve of the Grant Agreement.

The Sobriety Checkpoint Program for local law enforcement agencies is designed to reduce the number of people killed in alcohol-involved crashes through the combined efforts of local law enforcement agencies, California Highway Patrol and OTS. Sobriety checkpoints are an effective way to maximize the deterrent effect and increase the perception of apprehension of motorists who would operate a vehicle while impaired. Studies conducted in California and other states point to the fact that cities conducting frequent sobriety checkpoints report significant reductions in alcohol-involved crashes. The grant period is October 1, 2006, through September 30, 2007, and cannot be extended. During this period Burbank Police Officers will be conducting three sobriety checkpoints to help reduce alcohol-related crashes.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2006 SOBRIETY CHECKPOINT MINI-GRANT AND APPROVAL OF GRANT AGREEMENT.

8. AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET FOR THE POLICE



DEPARTMENT TO INCLUDE REVENUES RECEIVED FROM THE USE OF INMATE TELEPHONES:

Staff recommends the Council appropriate funds already received from the City's inmate pay telephone provider in the amount of \$15,000. The California Penal Code, Section 4025, allows the City to deposit any money received from a telephone company or pay telephone provider that supplies phones to inmates, into an inmate welfare fund. The Penal Code states that the use of these funds can only be for the benefit, education, and welfare of the inmates confined in the jail.

The Burbank jail currently has 16 phones for which it receives revenues. Inmate calls are made collect and the City receives a percentage of the revenues. As of October 2006, the City has received a total of \$116,863 in inmate pay telephone revenues. At this time, Staff recommends using \$15,000 of this money to provide newspapers, toothbrushes and other items that will benefit the inmates.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET TO APPROPRIATE REVENUES RECEIVED FROM THE USE OF INMATE TELEPHONES.

9. APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR COORDINATION OF WATER RESOURCES PLANNING RELATING TO PROPOSITION 50 GRANT FUNDING AND IMPLEMENTATION:

Staff requests Council approval and authorization to execute a Memorandum of Understanding (MOU) for coordination of Water Resources Planning related to Proposition 50 grant funding and implementation. The MOU is between the City and various other governmental agencies of the Greater Los Angeles County region. State grant funding for Water Resources Projects (Proposition 50 and future grant funding) will be awarded competitively and require participation in Integrated Regional Water Management Plans by applicant cities and agencies. Participation in Regional Water Resource Planning does not guarantee a grant award for any given project or sponsoring city/agency. Failure to execute the MOU and participate in the Regional Water Resource Planning effort by a given city/agency would eliminate projects from that specific city/agency from consideration in the competitive grant award process. The MOU does not obligate the City to any course of action other than to work cooperatively in the planning process. There is no financial obligation.

Recommendation:

Adoption of proposed resolution entitled:  
RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR COORDINATION OF WATER RESOURCES PLANNING RELATING TO PROPOSITION 50 GRANT FUNDING AND IMPLEMENTATION BETWEEN THE CITY OF BURBANK AND VARIOUS OTHER GOVERNMENTAL AGENCIES.

10. BUDGET AMENDMENT AND RETENTION OF SPECIAL COUNSEL CONCERNING THE GLENDALE-BURBANK INTERCEPTOR SEWER MATTER:

This item is presented for consideration of a budget amendment in the amount of \$250,000 for the purpose of appropriating funds necessary to provide legal services concerning the Los Angeles Integrated Resources Plan (IRP) and the Glendale-Burbank Interceptor Sewer (GBIS), and to authorize the City Attorney to execute an agreement for such services.

Recommendation:

Adoption of proposed resolution entitled:  
(4/5 vote)  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING EXECUTION OF AN AGREEMENT FOR LEGAL SERVICES AND AMENDING THE FY 2006-07 ANNUAL BUDGET IN THE AMOUNT OF \$250,000.

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

REPORTS TO COUNCIL:

11. REVIEW OF TRAFFIC CALMING DEVICES ON TUJUNGA AVENUE:

On June 6, 2006, the Council directed staff to modify existing traffic controls on Tujunga Avenue between Sunset Canyon Drive and Via Montana. Those modifications included:

- A four-way stop at Sunset Canyon Drive and Tujunga Avenue;
- A three-way stop at Gibson Court and Tujunga Avenue;
- Raised, mountable delineators along the street centerline through the curves south of Gibson Court; and,
- Electronic speed awareness signs on Tujunga Avenue.

The additional stop controls were installed in June 2006 and the delineators were installed on October 24, 2006. Since installation of the delineators, staff has received unfavorable comments from several residents primarily regarding unsightliness and driveway access. Other residents indicated that speeds on Tujunga Avenue had been

significantly reduced following the installation of the delineators, which was confirmed by data from a speed trailer that was placed just south of Gibson Court. As a result of the varied comments from residents following the delineator installation, staff has scheduled a meeting with residents on November 29, 2006, at the Central Library to discuss the delineators and speed awareness signs.

Staff will return to the Council with the results of the meeting and the consensus of the neighborhood.

Recommendation:

Staff seeks further direction from the Council regarding these efforts.

12. APPROVAL OF CONTRACT DOCUMENTS FOR THE OPERATION OF BURBANK CENTER STAGE:

The purpose of this report is to request Council approval of a five-year Sublease Agreement and Master Lease Modification between the City, Crown Realty and Development and the Colony Theatre Company (Colony) relating to the Burbank Center Stage; and, approval of the Theater Operating Agreement between the City and the Colony.

In March 2000, the Colony was selected as the operator of the Burbank Center Stage. The terms of the agreements were to commence on the occupancy date and expire on the fifth anniversary of the opening day. The opening was in August 2000 and the Colony operated the facility through the initial five-year lease.

On August 23, 2005, the Council approved an extension of the current agreements to December 1, 2005 to allow the Colony and staff to finalize negotiations for the second five-year term. On November 22, 2005, the Council approved a second extension, extending the current agreement through May 31, 2006. Due to the complexity of developing a comprehensive business plan as requested by the Council, a third contract extension was approved by the Council on May 23, 2006. This extension expires on November 30, 2006.

The award-winning Colony moved to the Burbank Center Stage in 2000 from their previous home in Silver Lake. The Colony has met all of their goals and objectives during the first five-year term. They have also met their financial obligation of \$90,000 during the first five years of the agreement through the rent credit facility enhancement option, as allowed for in the current agreement. Additionally, during the subsequent extension periods, the Colony met all of their obligations to the City, including quarterly payments, evidence of insurance and annual reports and goals established for the 2005-06 season. The Colony has had a significant positive impact on the community. In addition to providing a wide range of compelling, well-crafted plays and musicals, the Colony has worked closely with many of the community organizations.

The Colony completed its five-year business plan in the Fall of 2006 and in September

2006, the public accounting firm of Vavrinek, Trine, Day & Co., LLP completed an analysis of the Colony agreement. The analysis covered reviewing the management and operations agreement, performing a site visit of the premises, reviewing quarterly rent payments, respective rent credits and reports and documents provided by the Colony. The overall report concluded that the Colony substantially complies with the terms of the agreements and all related amendments.

The terms of the proposed new agreements will remain relatively unchanged from the existing agreement. Most of the alterations were in omitting language related to the tenant improvement necessary in completing the conversion of the facility to a live performance theater. Under the terms of the agreement, the Colony will continue to pay quarterly rent of \$4,500, or equivalent rent credit. The total revenue collected during the five-year period will be \$90,000.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SUBLEASE AND MASTER LEASE MODIFICATION BETWEEN THE CITY OF BURBANK, BURBANK MALL ASSOCIATES LLC, AND THE COLONY THEATRE COMPANY RELATING TO THE PERFORMING ARTS CENTER.

13. INTERSTATE 5/BURBANK BOULEVARD INTERCHANGE RECONFIGURATION:

The California Department of Transportation (Caltrans) is currently in the design stage of a project to add High Occupancy Vehicle (HOV) lanes on Interstate 5 between Route 134 and Route 118. Since the beginning of project design, it was determined by Caltrans that the width of the Burbank Boulevard overpass is insufficient to install HOV lanes between the existing bridge abutments. Thus, installation of HOV lanes requires that the portion of the Burbank Boulevard Bridge spanning the freeway (not the portion recently widened by the City) be rebuilt to provide additional width for the new HOV lanes. Because the HOV lanes require a complete bridge reconstruction, Caltrans and the Federal Highway Administration (FHWA) have been reviewing the current Burbank Boulevard interchange to determine if an opportunity exists to bring the interchange up to contemporary standards. This upgrade would entail eliminating the sub-standard loop ramps and reconfiguring the interchange to a more standard diamond configuration. In addition, to improve mainline design speeds and sightlines, Caltrans would straighten the alignment of the freeway itself between Magnolia Boulevard and just north of Burbank Boulevard. This would be accomplished by moving the freeway centerline westward by approximately 140 feet. Caltrans is requesting the City submit a letter of support for the proposed interchange modifications so that they may be incorporated into the overall HOV project.

Staff has reviewed the Caltrans proposal to determine the effect the new interchange will have on local street circulation. The Caltrans proposal would eliminate the current loop ramp movements and replace them with left-turn movements at traditional signalized intersections. While the existing loop ramps would operate with less delay

under light to moderate traffic conditions, the required weaving movements have the potential to increase delay and operational impacts as their capacity is reached. Thus, staff feels that the diamond interchange can offer ultimately more capacity under heavy traffic conditions, and additional turn lanes can be added at the ramp intersections to ensure that their Level of Service (LOS) operates at LOS D or better under projected future traffic conditions. Also, the proposed interchange improves weaving and storage capacity on Burbank Boulevard near San Fernando Boulevard by moving the existing offramp intersection further to the west. The reconfiguration does decrease LOS of the nearby San Fernando Boulevard and Burbank Boulevard intersection, as traffic shifts that occur as a result of the new design increase vehicles on certain critical turning movements. In terms of freeway operations, the realignment of Interstate 5 will increase sightlines and widen shoulders adjacent to Burbank Boulevard and will improve safety and operations of the freeway in this location. Also, the removal of the substandard loop ramps improves safety of the ramp system, as vehicles no longer have to negotiate the tight radii of these ramps at slow speeds. In general, staff believes that the proposed interchange will benefit local circulation by providing added capacity, increasing safety, and making the interchange clearer and more efficient. It will also improve safety and operations of the mainline freeway by providing a facility that meets contemporary design standards.

Recommendation:

Staff recommends that the Council direct the City Manager to submit a letter of support to Caltrans in support of reconfiguring the Burbank Boulevard Interchange to a diamond interchange.

14. ADDITIONAL ART PIECE ON THE CHANDLER BIKEWAY:

The purpose of this report is to request Council approval of a proposed Art In Public Places project for the Chandler Bikeway and authorization to purchase one of the selected bronze sculptures. Staff also requests the Council amend the Fiscal Year (FY) 2006-07 budget to appropriate funding from the Public Art Fund.

At the August 22, 2006 meeting, Council Member Vander Borcht requested that staff place an item on the agenda to discuss the potential of developing another public art installation on the Chandler Bikeway. This item was brought back to the Council on September 19, 2006 and staff was directed to look for a realistic, traditional bronze sculpture that was either a one-of-a kind or limited edition art piece, with a cost of approximately \$50,000. The Council also expressed interest in a bikeway theme or a person sitting on a bench, with the possibility of a shade element. Staff was also directed to seek out a local artist, if possible, and to seek input from the Friends of Chandler and bring back several options from which the Council can select.

Using various resources, staff researched art sculptures that would meet the Council's criteria. The artwork of numerous artists was carefully reviewed and staff selected examples that represented the Council's direction. On September 28, 2006, staff met with the Friends of Chandler, presented various examples of bronze sculptures and

discussed potential site locations along the two-mile stretch of the bikeway. Four sites were identified as potential locations for the second sculpture. Based on staff's research and input from the Friends of Chandler, staff is presenting several bronze sculptures for the Council's consideration.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING \$95,000 TO PROVIDE A SECOND ART INSTALLATION ON THE CHANDLER BIKEWAY.

**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)**