



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, DECEMBER 5, 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:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Dresser v. City of Burbank
Case No.: EC040122
Brief description and nature of case: Trip and fall at the Starlight Bowl.

- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Yoo v. BWP
Case No.: LA 04-29031-SB
Adv. No.: 06-1906-SB
Brief description and nature of case: Trustee's Action to Avoid and Recover Alleged Preferential Transfers.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION: Reverend Ron White, American Lutheran 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: BURBANK READS ONE BOOK, ONE COMMUNITY.

RECOGNITION: DENNIS BOMAR – 40 YEAR EMPLOYEE.

PROCLAMATION: PEARL HARBOR REMEMBRANCE.

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 December 4, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

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

The public hearing on the Community Services Building Project (CSB) was initially opened at the Council meeting of November 14, 2006 with presentations by staff and comments from the public. Deliberations were continued to November 21, 2006, and again to the meeting of December 5, 2006 for the purpose of having the real estate consulting firm, Keyser Marston Associates, conduct a third-party review of the Guaranteed Maximum Price (GMP) for the proposed CSB. The Council directed that Keyser Marston focus their review on the reasonableness of the cost of the project that resulted from the GMP development process, and attempt to compare the CSB's costs to other similar projects in Southern California.

Due to the very short turn around period for this assignment, the results of Keyser Marston's review will be summarized by staff at the Council meeting and any written documentation provided by Keyser Marston will be available to the public no later than the meeting of December 5, 2006 as provided by Government Code § 54957.5(b).

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.

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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

3. LAKE-ALAMEDA FOCUS NEIGHBORHOOD ENHANCEMENT STRATEGY:

The purpose of this report is to: 1) provide the Council and Redevelopment Agency Board (Board) with an overview of the Lake-Alameda Focus Neighborhood Enhancement Strategy; and, 2) consider the necessary budget amendment and design contract for further implementation of the Neighborhood Enhancement Strategy.

The Lake-Alameda Focus Neighborhood is located between Alameda Avenue and the eastern City border with Glendale and is bounded by the Interstate 5 Freeway to the north and Victory Boulevard to the south. The neighborhood is bisected by Lake Street and a dominant feature is the Los Angeles County flood control channel that passes through the neighborhood. This neighborhood is isolated and accessibility is a challenge for the residents due to the barriers of the flood control channel and the Interstate 5 Freeway. The neighborhood exhibits a wide variation of housing conditions with deteriorated multi-family and single-family properties interspersed amongst other well-maintained properties. Similar to other Focus Neighborhoods, Code enforcement issues such as abandoned shopping carts, property maintenance, inoperable vehicles, illegal garage conversions, trash, junk and debris are a persistent problem for this neighborhood. In addition, overgrown weeds and illegal trash and furniture dumping along the flood control channel right-of-way is a recurring problem.

To further assess issues facing this Focus Neighborhood and assist staff in developing a Neighborhood Enhancement Strategy, in the fall of 2005, staff formed the Lake-Alameda Neighborhood Improvement Team consisting of representatives from various City Departments. In addition, staff implemented an extensive community outreach process. With feedback from the community, the Neighborhood Improvement Team identified the following primary areas to be addressed: infrastructure deficiencies; accessibility/mobility; public maintenance upkeep; Code enforcement issues (including property maintenance); lack of landscaping along Lake Street; and, community education about City services. The issues were divided into two types of categories; short term and long term neighborhood improvement goals.

The short term neighborhood improvement goals consisted of minor infrastructure improvements, general public maintenance, safety concerns, parking issues, property maintenance, providing additional landscaping and public education. The long term neighborhood improvement goals were more specific and included improvements along the flood control channel right-of-way, sidewalk improvements and creating open space. With the help and dedication of the Neighborhood Improvement Team, the short term neighborhood improvement goals were immediately addressed. Improvements included, repairing and adding street lights, and altering the Got Wheels route to name a few.

To address the long term goals, sidewalk improvements will occur along Moss Street and the following three streets east of the flood control channel to the Interstate 5

Freeway: Spazier Avenue, Elm Avenue and Linden Avenue. Public Works Department staff provided a cost estimate of \$249,000 for the proposed sidewalk improvement project. Public Works is scheduled to go out to bid this month and it is anticipated that construction will be complete in February 2007.

The more complex long term neighborhood improvement goal and also one of the largest challenges facing the Lake-Alameda Focus Neighborhood is improving the Los Angeles County flood control channel right-of-way. This is an area that is heavily traveled by pedestrians. The residents of this focus neighborhood have expressed to staff that they are eager to see improvements along this corridor. The proposed Lake-Alameda Landscaped Access Path (Project) includes roughly, a quarter-mile of the Los Angeles County flood control channel right-of-way from the southeastern City limit at Victory Boulevard to Alameda Avenue. The proposed Project consists of an eight foot wide meandering concrete pathway along the east side of the flood control channel. The proposed path will be flanked with landscaping, pedestrian-oriented, non-obtrusive lighting, and additional access points at the intersecting cul-de-sac streets. In addition, the proposed Project will also incorporate landscaping improvements along the west side of the flood control channel, to complement the improvements on the east side, thereby improving the aesthetics of the area.

A Request for Proposals for the design of the Lake-Alameda Landscaped Access Path was released on September 20, 2006. Staff received three proposals. Staff reviewed the three proposals and is recommending contracting with David Evans & Associates for the next phases. David Evans & Associates completed the schematic design of the Project and has extensive experience in working with the City.

Community Development Block Grant (CDBG) funds are available for improvements in this neighborhood. Staff is recommending \$1,527,265.27 in CDBG funds be committed for funding public facility improvements in the Lake-Alameda Focus Neighborhood. In order to do so, staff is requesting the City Council approve a budget amendment to add \$1.527 million in uncommitted funds to CDBG Fund 122, for the following improvements: sidewalk construction; Lake-Alameda Landscaped Access Path; and, the design contract with David Evans & Associates.

Staff anticipates completion of the design development and construction documentation phases in March 2007, at which time staff will return to the Council with an update including the engineer's estimate prior to proceeding with the bid process. It is estimated that the bid process could begin in May 2007, and construction of the Project could begin as early as September 2007 with a tentative completion date of March 2008.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND DAVID EVANS AND ASSOCIATES, INC. FOR THE DESIGN OF THE LAKE-ALAMEDA LANDSCAPED ACCESS PATH.

2. (4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET BY APPROPRIATING \$1,527,265.27 TO THE LAKE-ALAMEDA FOCUS NEIGHBORHOOD FOR PUBLIC FACILITY IMPROVEMENTS AND AUTHORIZING THE FILING OF AN AMENDMENT TO THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS.

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 4 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.

4. CONSIDERATION OF LOAN AGREEMENTS BETWEEN THE REDEVELOPMENT AGENCY AND BURBANK HOUSING CORPORATION FOR ACQUISITION OF RESIDENTIAL PROPERTIES LOCATED AT 1726-1728 ELLIOT DRIVE AND 1730 ELLIOT DRIVE:

The purpose of this report is to: 1) provide information to the Redevelopment Agency (Agency) Board to consider Affordable Housing Loan Agreements to assist the Burbank Housing Corporation (BHC) to acquire residential properties located at 1726-1728 Elliot Drive and 1730 Elliot Drive for the purpose of providing affordable housing; and, 2) recommend Council approval of the 1730 Elliot Relocation Plan.

1726-1728 Elliot Drive

In September 2006, the BHC entered into a Purchase Agreement with the owner of the property at 1726-1728 Elliot Drive. The site is approximately 4,548 square feet and is located directly adjacent to another property owned by the BHC located at 1722 Elliot Drive. The property contains a single-family home and a partially-improved second dwelling unit. The single-family home is approximately 950 square feet and contains three bedrooms and one bathroom. The Purchase Agreement between the BHC and the seller includes a purchase price of \$687,000 and relocation/moving assistance of \$50,000 to the property owners. Escrow on the Property is scheduled to close on December 8, 2006, contingent upon Agency Board approval of financing for the purchase.

The BHC has requested Agency financial assistance to purchase the property at 1726-1728 Elliot Drive. The total estimated cost to purchase the property is \$746,500. This amount includes the purchase price of \$687,000, relocation assistance of \$50,000 and closing costs, taxes and title insurance of \$9,500. Agency staff has

prepared for Agency Board consideration an Affordable Housing Loan Agreement with the BHC that would finance the property acquisition, closing costs and relocation assistance. Under the terms of the proposed Loan Agreement, the Agency will provide a no-interest, deferred repayment loan to the BHC in the amount \$746,500. The Agency loan will be secured by a first priority deed of trust on the property.

1730 Elliot Drive

In October 2006, the BHC entered into a Purchase Agreement with the owner of 1730 Elliot Drive. The site is approximately 4,550 square feet and is located directly adjacent to the property at 1726-1728 Elliot Drive. The property contains a single-family home with a one-car detached garage. The home is approximately 850 square feet and contains two bedrooms and one bathroom. The property is currently renter occupied. The Purchase Agreement between the BHC and the seller includes a purchase price of \$495,000. Escrow on the property is scheduled to close on December 8, 2006, contingent upon Agency Board approval of financing for the purchase.

The BHC has also requested Agency financial assistance to purchase the property located at 1730 Elliot Drive. The estimated cost to purchase the property is \$498,000. This amount includes the purchase price of \$495,000 plus closing costs, taxes and title insurance of \$3,000. Agency staff has prepared for Agency Board consideration an Affordable Housing Loan Agreement with the BHC that would finance the property acquisition and closing costs. Under the terms of the proposed Loan Agreement, the Agency will provide a no-interest, deferred repayment loan to the BHC in the amount of \$498,000. The Agency loan will be secured by a first priority deed of trust on the property.

As a result of the proposed acquisition of 1730 Elliot Drive, one renter household will be displaced from the property and will require relocation assistance. Agency staff contracted with Pearce Consulting, Inc. (PCI) to prepare the 1730 Elliot Relocation Plan (Relocation Plan) and provide professional relocation assistance to the household displaced from the property. The displaced household will be eligible for relocation assistance pursuant to California Relocation Assistance Law and Real Property Acquisition Guidelines and in accordance with the Relocation Plan. The total, actual amount of relocation assistance to be provided by the Agency to the displaced household will be determined upon actual relocation of the household. The maximum relocation budget for the household is estimated to be \$50,000.

Affordability Requirements for 1726-1728 Elliot Drive and 1730 Elliot Drive

Separate Loan Agreements have been prepared for 1726-1728 Elliot Drive and 1730 Elliot Drive. The Loan Agreements require that the BHC maintain each property as affordable rental housing for low or moderate-income households until such time as the properties are redeveloped for a proposed future affordable home ownership development for the sites. If the properties are not redeveloped for the proposed affordable home ownership project, the Loan Agreements require the BHC to maintain the properties as affordable rental housing for a period of 55 years.

The fiscal impact to the Agency is estimated at \$1,294,500 for the proposed Loan Agreements with the BHC to acquire the properties at 1726-1728 Elliot Drive and 1730 Elliot Drive.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF RESIDENTS DISPLACED AS A RESULT OF THE ACQUISITION OF 1730 ELLIOTT DRIVE.

5. AMENDING THE FISCAL YEAR 2006-07 ANNUAL BUDGET FOR THE POLICE DEPARTMENT TO INCLUDE GRANT FUNDS RECEIVED FROM THE STATE OF CALIFORNIA:

The purpose of this report is to request the Council appropriate funds already received from State Citizen's Option for Public Safety (COPS) grant funding in the amount of \$208,026, and to appropriate prior years' accumulated interest in the amount of \$5,661.07.

In 1996, Assembly Bill 3229 was enacted as part of the State budget package. This Bill established the COPS program which provides funding to local law enforcement agencies, based on population, for the purpose of ensuring public safety. To date, the City has received a total of \$2,252,677 in State COPS funding. State COPS funds must be appropriated for the purpose of providing front line police services such as personnel, equipment, crime prevention/anti-gang programs and cannot be used to supplant the City's current law enforcement funding. On October 23, 2006, the City received \$208,026 for public safety purposes.

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 FOR THE PURPOSE OF APPROPRIATING STATE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$208,026 AND ACCUMULATED INTEREST FROM PREVIOUS GRANT FUNDS IN THE AMOUNT OF \$5,661.07 FROM THE STATE OF CALIFORNIA.

6. AMENDING THE FISCAL YEAR 2006-07 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING BULLETPROOF VEST GRANT PROGRAM FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE:

The purpose this report is to request Council approval of a proposed resolution that authorizes the City Manager to accept a \$5,496.60 grant from the United States Department of Justice (DOJ), Bureau of Justice Assistance, for the Police Department Bulletproof Vest Program and amend the Fiscal Year 2006-07 budget by appropriating funds.

The City has participated in this program since 1999 and has received approximately \$36,000 to help offset the cost of safety vests. On February 24, 2006, the Bureau of Justice Assistance requested that agencies desiring to receive bulletproof vest funding submit a grant proposal. An application was filed, and on October 20, 2006, the Police Department was notified that the application had been approved. Grant funds will reimburse the City's expenditure of General Fund monies for the purchase of bulletproof vests.

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 FOR THE PURPOSE OF RECEIVING AND APPROPRIATING BULLETPROOF VEST GRANT PROGRAM FUNDS IN THE AMOUNT OF \$5,496.60 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE.

7. APPROPRIATION OF STARLIGHT BOWL SPONSORSHIP REVENUE:

The purpose of this report is to request the Council appropriate Starlight Bowl Sponsorship revenue for expenditures associated with entertainment, marketing, and operating materials and supplies and to amend the Fiscal Year 2006-07 Budget.

The Starlight Bowl Corporate Sponsorship Program and the Street Banner Program present businesses with the opportunity to provide financial support for the Starlight Bowl Summer Concert Season. These programs give the City an additional funding mechanism for expenditures associated with Starlight Bowl entertainment, as well as purchase of marketing materials, operating materials and supplies. This year, the Starlight Bowl Sponsorship Program generated \$32,500, and the Street Banner Program generated \$10,237 for a total of \$42,737 during the 2006 Summer Season. It is requested that this amount be allocated to cover future operating expenses associated with the 2007 summer concert season.

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 AND APPROPRIATING FUNDS IN THE AMOUNT OF \$42,737 TO THE STARLIGHT BOWL SPONSORSHIP FUND FOR MATERIALS, SERVICES AND SUPPLIES.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

8. ADVISORY ELECTION ON PARKING OF RECREATIONAL VEHICLES:

At the November 7, 2006 Council meeting, Council Member Golonski asked that the Council consider calling an advisory election during the upcoming General Municipal Election on the issue of City regulation of the parking of Recreational Vehicles (RV's) in residential areas.

There have been some complaints regarding the parking of RV's on residential streets in the City in that they block views, limit traffic visibility and on narrow streets are often wider than normal vehicles. The issue of RV parking on City streets was initially brought before the Traffic and Transportation Committee (Committee) at its regular meeting of July 14, 2005. Several Burbank residents spoke about a problem of RV's parking in their neighborhoods. Major issues raised at that meeting included unsightliness, vehicle safety and personal safety concerns caused by persons living in RV's. The issue was subsequently discussed at several other Committee meetings. A final public meeting was hosted by the Committee on November 9, 2006 to thoroughly discuss the issues associated with the parking of RV's on public rights-of-way.

RV's come in a variety of lengths, widths, heights and configurations so it is important to be specific when seeking to impose restrictions.

Applicable laws and ordinances regulating the parking of RV's by the State of California, Burbank, and other communities are summarized below. Large vehicle parking can be controlled in several ways: by time, by weight, or by size.

California Vehicle Code

The California Vehicle Code includes the following codes:

Vehicle Code §22505 – Allows communities, by ordinance, to prohibit the stopping, standing, or parking of vehicles in excess of six feet in height where the vehicle will interfere with the free movement of traffic.

Vehicle Code §22507 – Allows communities, by ordinance or resolution, to prohibit the stopping, standing, or parking of vehicles more than six feet in height within 100 feet of an intersection. Vehicles may be exempted by permit issued by the community.

Vehicle Code §22507.5 – Allows communities, by ordinance or resolution, to prohibit the stopping, standing, or parking of any vehicle on a city street between the hours of 2 AM and 6 AM; or the parking of any commercial vehicle of 10,000 pounds or more within a residential district.

City of Burbank

The City of Burbank does not restrict the parking of large vehicles other than the 72 hour parking restriction authorized by the California Vehicle Code.

Other Communities

Most of the communities near Burbank have instituted some restrictions on the parking of recreational vehicles on public rights-of-way. These restrictions are summarized below.

Pasadena – (PMC 10.42.050) Pasadena restricts all on-street parking between the hours of 2 AM and 6 AM, except by permit. Permits are issued only for vehicles not exceeding seven feet in height and no wider than a parking space (eight feet). Temporary permits are available for emergencies and visitors. Permits cost \$21 per vehicle per month.

Glendale – (GMC 10.36.130) Glendale prohibits the parking of large vehicles for more than two hours on a public street. A large vehicle is one larger than eight feet high, eight feet wide, and 23 feet long. A permit can be obtained for a fee of \$10 for a period no longer than 48 hours.

Arcadia – (AMC 7911) Arcadia prohibits all on-street parking between the hours of 2 AM and 6 AM, and the city specifically prohibits the parking of any camping paraphernalia or facilities.

Los Angeles – (LAMC 80.69) Los Angeles prohibits the parking of any vehicle over six feet in height within 100 feet of an intersection when signs are posted. Additionally, vehicles in excess of seven feet high and 22 feet long are prohibited from parking between the hours of 2 AM and 6 AM. Permits to park overnight are not issued for recreational vehicles.

Culver City – (Ord. 2005-008) Culver City prohibits the parking of any large vehicle in a residential area for more than 48 hours to load and unload, except that an additional 24 hours may be allowed if the vehicle is parked adjacent to the residence and permitted by the Chief of Police. A large vehicle is one over seven feet wide, seven feet high and 20 feet long.

The Council has three main options. First, the Council could place the proposed advisory vote before the voters to determine their feelings on the matter of restrictions on parking of recreational vehicles on the street in residential areas. This could take

the form of the question presented in the draft ordinance or some modification of that question. Second, the Council could direct staff to come back with an ordinance to directly impose some form of parking restrictions. Finally, the Council could decide not to take any action at this time.

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 AN ADVISORY BALLOT PROPOSAL REGARDING RESTRICTING PARKING OF RECREATIONAL VEHICLES ON CITY STREETS, TO THE ELECTORS OF THE CITY OF BURBANK, AND GIVING NOTICE THEREOF.

9. ADVISORY ELECTION ON OUTDOOR SMOKING REGULATIONS:

At the October 24, 2006 Council meeting, Mayor Todd Campbell, and Council Members Vander Borgh and Gordon asked that the Council look at the possibility of imposing restrictions on outdoor smoking. Staff was in the process of preparing such a report when at the November 7, 2006 Council meeting, Council Member Golonski asked that the Council consider calling an advisory election during the upcoming General Municipal Election on outdoor smoking regulation.

As the Council is aware there are extensive State-wide regulations on the subject of smoking. For example, smoking is restricted at public meetings in public buildings, in health facilities and clinics, at performances in publicly-owned buildings, in restaurants in public buildings, on public transportation, in passenger waiting rooms, in passenger ticket lines, in day care and nursery schools, in family day care homes, in hazardous fire areas, in ice storage or processing areas, in juvenile institutions, schools, day centers, ranches and camps, in municipal buildings and grounds, in public park tot lot sandbox areas, generally in places of employment, in theaters and shows, in restaurants and within 20 feet of the main entrances and exits of public buildings. Still, State law specifically allows local communities to enact additional restrictions.

Scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas and kidneys. The use of cigars is known to cause lung, larynx, esophageal and oral cancer. It is reported that more than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable illness. The World Health Organization (WHO) estimates that by 2030, tobacco will account for ten million deaths per year, making it the greatest cause of death worldwide. Statistics show that death from smoking around the world will soon outnumber those from AIDS, tuberculosis, traffic accidents, murder and suicide combined. The United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to the public health and has classified secondhand smoke as a group A carcinogen, the

most dangerous class of carcinogen. It is also reported that exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year, including 3,000 deaths from lung cancer. Studies show that between 4,200 and 7,440 nonsmokers die of ischemic heart disease from secondhand smoke each year in California. Studies also show that 87.9 percent of non-smokers showed detectable levels of cotinine (a metabolite of nicotine) in their blood, the most likely source of which is secondhand smoke exposure.

Secondhand smoke exposure adversely affects fetal growth, with elevated risk of low birth weight in infants of mothers who smoke. Secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children. It was estimated that in 1999 alone the total cost of smoking in California was \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking-related costs. In addition, smoking-related health care costs in California in 1999 totaled \$8.6 billion, an estimated 45 percent of which was paid for by public sources. It has been determined that almost 90 percent of adult smokers started smoking at or before age 18.

The Council has three main options. First, the Council could place the proposed advisory vote before the voters to determine their feelings on the matter of additional smoking restrictions in the City. This could take the form of the question presented in the draft ordinance, or some modification of that question. Second, the Council could direct staff to come back with an ordinance to directly impose additional smoking restrictions. Recently the City of Santa Monica has adopted an ordinance imposing restrictions on outdoor smoking, and approximately a year ago the City of Calabasas adopted a much more restrictive smoking regulation. Finally, the Council could determine to not take any action at this time, perhaps allowing the State to look at the issue again.

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 AN ADVISORY BALLOT PROPOSAL REGARDING RESTRICTING SMOKING IN RESTAURANT PATIO DINING AREAS AND PUBLIC AREAS OF THE CITY TO THE ELECTORS OF THE CITY OF BURBANK AND GIVING NOTICE THEREOF.

10. UPDATE ON THE RENEWAL POWER SALES CONTRACT BETWEEN THE CITY OF BURBANK AND THE INTERMOUNTAIN POWER AGENCY:

On October 24, 2006, the Council passed Resolution No. 27,346 approving and authorizing the execution and delivery of a Renewal Power Sales Contract (RPSC) with the Intermountain Power Agency (IPA) renewing Burbank's generation entitlement share of 3.371 percent of the output of the Intermountain Power Project (IPP) extending Burbank's existing property rights associated with IPP from 2027 through the end of the project life. Subsequent to receiving Council approval for the General Manager to execute the agreement, IPA materially modified the terms of offer contained in the RPSC. The new offer extends the deadline for accepting the offer from May 2007 to January 2023. With the extended term of this offer, there is ample time to conduct the necessary feasibility studies required to support an environmental redevelopment of the project to reduce its air emissions and greenhouse gases to standards which meet or exceed those of today's cleanest fossil fueled plants like the Magnolia Power Project. Such a redevelopment would be designed to meet the requirements of California standards.

In view of the fact that the option to execute the RPSC has now been extended to 2023, staff believes it would be prudent to wait to execute the agreement. The extension of the time to renew gives project participants time to realistically consider the environmental options for the project and site and how they might be best implemented (studies of options, design, funding and implementation) to assure that the plant will reflect the environmental standards of the California participants. Recently, the IPP participants, in addition to Burbank Water and Power (BWP), have unanimously proposed to fund studies that will explore options to meet anticipated future environmental standards, the feasibility of sequestering carbon dioxide emissions, using the project's assets to improve the access to and use of renewable wind energy and the cost/benefit of such measures.

Staff would like to reiterate that being in a position where Burbank can maintain the option and the right to participate in the decision-making related to this asset is prudent from a policy perspective. Continuing to maintain rights to the site on an on-going basis is important in order for Burbank to maintain its role in the stewardship of this asset. There are associated water rights and other facilities such as the Southern Transmission System (STS) that have value beyond the current coal-fired plant at the site today. BWP is bringing renewable wind energy over the STS to Burbank today. BWP is actively exploring adding additional wind from the area that will also use the STS. Without long-term durable transmission access from Utah to California, Burbank will be severely hampered meeting the renewable energy targets set out in its Renewable Energy Portfolio Standard.

With the recent passage and enactment of Senate Bill (SB) 1368, starting on January 1, 2007 no local publicly-owned electric utility may enter into a long-term financial commitment unless that resource complies with the greenhouse gases emission performance standard established by the California Energy Commission. Entering into the IPP Renewal Power Sales Contract prior to January 1, 2007, would ensure that Burbank's rights in the plant will continue to exist after 2027. Waiting until after

January 1, 2007, would place Burbank at some risk of not being able to renew its rights at all should it not be possible to meet the requirements yet to be established pursuant to SB 1368. At this time, the associated governance issues, processes, procedures and protocols are unknown and it is possible that it could affect Burbank's ability to retain its rights to the project, site, and associated transmission.

Recommendation:

Staff recommends the Council note and file receipt of the revised RPSC from IPP and take no further action at this time.

11 CITY-WIDE WIRELESS INTERNET ACCESS (Wi-Fi):

At the September 19, 2006 Council meeting, Council Member Gordon requested that staff bring back information on providing City-wide wireless Internet access. Prior to extending significant staff effort, this item has been placed on the agenda as the first step in the process, for additional Council discussion and consideration.

Wireless Fidelity (Wi-Fi) is an inexpensive, short range, line-of-sight, broadband wireless technology that uses the same unregulated radio frequencies as microwave ovens and cordless phones. It is essentially a wireless local area network that can be deployed to serve a single business or citywide to an entire community.

There are three different scenarios the City can consider for providing citywide wireless internet access. Those approaches include the following:

- Do nothing and wait for the wireless market to further mature and stabilize. Many other cities currently have citywide Wi-Fi projects in progress but very few have actually implemented finished solutions;
- Partner with a third party, such as EarthLink, to develop, deploy and operate a system for a monthly fee to users of the system;
- Building the network using City resources by providing the service as a free City service using General Fund proceeds much like a park or City street; and,
- Incorporating the service on top of the future Burbank Water and Power communications and control infrastructure.

Recommendation:

Staff recommends the Council discuss and provide direction.

12. ADVISORY ELECTION BUDGET APPROPRIATION:

Previously, the Council has ordered two special elections to be consolidated with the 2007 General Election, for the purpose of submitting ballot measures to the voters. These include the Transient Occupancy Tax and six Charter Amendments, for a total of seven ballot measures. This is in addition to the anticipated four candidates for the

Office of Member of the City Council and six candidates for the Board of Education Office. Compliance with the Department of Justice's requirements for a bi-lingual ballot has already necessitated a second ballot card for the General Election. Staff anticipates that the additional advisory election ballot measures approved on this agenda will require a third ballot card, and the associated costs include \$12,916 for ballot card and programming fees, and approximately \$8,000 for each ballot measure for printing, translation and mailing costs. Since these costs were not anticipated in the Elections budget, direction to place these measures on the ballot will require a budget appropriation. The recommended appropriations are \$20,000 for one ballot measure or \$30,000 for both ballot measures.

It is recommended that if the Council has approved both advisory measures to be included on the April 10, 2007 Ballot that the resolution be adopted appropriating \$30,000. If only one has been approved, then the resolution should be adopted appropriating \$20,000.

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 \$30,000 FOR THE PURPOSE OF FUNDING THE COST OF ADVISORY ELECTIONS DURING THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 10, 2007.

ADOPTION OF PROPOSED ORDINANCE:

13. PROJECT NO. 2006-044, ZONE MAP AMENDMENT – 709 EAST CYPRESS AVENUE:

The purpose of this report is to request the Council adopt the ordinance 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.

This ordinance was introduced at the November 21, 2006 Council meeting.

Recommendation:

Adoption 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).

RECONVENE the Redevelopment Agency meeting for public comment.

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

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

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

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

ADJOURNMENT.

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