



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 25, 2007

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.

6:00 P.M.

INVOCATION:

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The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION:

STARLIGHT BOWL SPONSORS.

RECOGNITION:

MILITARY SERVICE RECOGNITION.

PROCLAMATION:

CHILDHOOD INJURY PREVENTION WEEK.

PROCLAMATION:

DOLLAR WISE WEEK 2007.

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).

PUBLIC COMMENT: (Five minutes on any matter concerning City Business.) A **YELLOW** card must be completed and presented to the City Clerk.

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 Public Comment.

Written Communication. Members of the public seeking to present documents to the Council must provide ten (10) copies of such documents or the documents will not be accepted.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any public comment period or at any public hearing. Such tapes may not exceed the time limit of the applicable Public Comment 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 public comment period during which 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 Public Comments, 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 PUBLIC COMMENT:

CONSENT CALENDAR: (Items 1 through 6)

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.

1. YOUTH BOARD APPOINTMENTS:

The purpose of this report is to make recommendations to the Council for the approval and appointment of Youth Board candidates. Based on the submitted applications and recommendations from the respective schools, it is staff's recommendation that the Council:

1. Confirm the following High School and Middle School appointments:
Bellarmine Jefferson High School, Phoebe Kunitomi; Burbank High School, Elizabeth Johnston; John Burroughs High School, Cristina Zapata; Providence High School, Grace Samson; Jordan Middle School, Kylie Lewis; John Muir Middle School, Camille Epps; Luther Burbank Middle School, Nicole Encarnacion; Saint Finbar, Allyson Cruz; Saint Francis Xavier, Darryn Albert; Saint Robert Bellarmine, Barbara Moore; and, Monterey High School, Rick Lewis.
2. Appoint two At-Large members for a one-year term from the two At-Large applicants: Nick Dao and Whitney White.

Recommendation:

Approve school representative recommendations for two-year term appointments and appoint two At-Large members for a one-year appointment.

2. ESTABLISHMENT OF THE SPECIFICATION, TITLE AND SALARY FOR THE CLASSIFICATION OF RIGHT-OF-WAY SPECIALIST:

Staff is requesting Council approval of the establishment of the specification, title and salary for the classification of Right-of-Way Specialist (CTC No. 0728). The Public Works Department issues and enforces permits for any work performed in the City's

public right-of-way. Over the last several years, there has been an increase in the demand for use of the City's public right-of-way. Permits located in the public right-of-way are more complicated and involved because they require detailed research to confirm that there will be no conflicts with existing utilities during utility construction and/or operation. Therefore, the Public Works Department has identified the need for a full-time position dedicated to coordinating work in the City's public right-of-way. The Right-of-Way Specialist will report directly to the Senior Civil Engineer and will be responsible for processing and facilitating excavation and construction permit approvals in the City's public right-of-way, and researching and evaluating right-of-way land. This classification will be a Civil Service position, represented by the Burbank City Employees Association, subject to the Fair Labor Standards Act and will be included in the City's Conflict of Interest Code. The proposed salary for this classification is \$5,389 - \$6,730 and was established by reviewing the internal salary relationships within the Public Works Department. There will be no fiscal impact for the establishment of the classification of Right-of-Way Specialist. The Department has included this position in its budget for Fiscal Year 2007-08.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF RIGHT-OF-WAY SPECIALIST (CTC No. 0728) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

3. LOS ANGELES COUNTY PREHOSPITAL EMERGENCY MEDICAL CARE ACT GRANT:

In December 2006, the Burbank Fire Department accepted a grant from the County of Los Angeles Department of Health (DOH) to purchase six new defibrillators and upgrade eight of the existing units to a new technology. In order to expend a remaining balance of grant funds, the County DOH is offering each local agency the opportunity to purchase one additional defibrillator. The Burbank Fire Department would like to take this opportunity to purchase one additional unit to serve as a spare during times when a defibrillator is being serviced or is undergoing regular maintenance, virtually guaranteeing that every active fire apparatus in the City will be equipped with a working 12-lead defibrillator at all times.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AMENDMENT NO. 1 TO THE CARDIAC CARE PROGRAM AGREEMENT BETWEEN THE CITY OF BURBANK AND COUNTY OF LOS ANGELES, ACCEPTING A PREHOSPITAL EMERGENCY MEDICAL CARE ACT GRANT FROM THE COUNTY OF LOS ANGELES, AND AMENDING THE FISCAL YEAR 2007-2008 BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$15,625 FOR THE PURCHASE OF ONE ADDITIONAL DEFIBRILLATOR.

4. CARRY-OVER OF FUNDS FROM THE FISCAL YEAR 2006-07 CAPITAL BUDGET

AND REALLOCATION OF FUNDS IN THE FISCAL YEAR 2007-08 CAPITAL BUDGET TO COVER THE COST OF ADDITIONAL SAFETY PLATFORMS FOR THE MAGNOLIA POWER PROJECT; AND, APPROVAL OF THE BID AWARD TO RND CONTRACTORS, INC.:

Staff requests Council approval of a resolution that will carry over \$400,000 from the Fiscal Year (FY) 2006-07 approved Capital Budget in Fund 483, allocate an additional \$300,000 from the FY 2007-08 approved Capital Budget in Fund 483, and approve the bid award to RND Contractors, Inc. to construct additional safety platforms for improved access in and around the Magnolia Power Project. Southern California Public Power Authority will reimburse BWP for all the costs associated with the fabrication and erection of these additional safety platforms.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR FABRICATION AND ERECTION OF ADDITIONAL PLATFORMS FOR THE MAGNOLIA POWER PROJECT PURSUANT TO BID SCHEDULE NO. 1241, AND AMENDING THE FISCAL YEAR 2007-2008 ANNUAL BUDGET IN THE AMOUNT OF \$700,000 TO PROVIDE FUNDING FOR SAID PROJECT.

5. RESOLUTION APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1224 – SANITARY SEWER IMPROVEMENTS ON VERDUGO AVENUE:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule 1224 – Sanitary Sewer Improvements on Verdugo Avenue to SJ&B Group, Inc. in the amount of \$908,527. The project will include the installation of a new sewer line to provide supplemental capacity for the Verdugo Avenue area of the sewer system. Construction of this project is planned to occur between October 2007 and February 2008.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR SANITARY SEWER IMPROVEMENTS ON VERDUGO AVENUE TO THE SJ&B GROUP INC., BID SCHEDULE NO. 1224.

6. AUTHORIZING EXECUTION OF A MULTI-YEAR LEASE AGREEMENT BETWEEN

THE CITY OF BURBANK AND OCE NORTH AMERICA, INC. FOR A BLACK AND WHITE DUPLICATING MACHINE:

In 2001, the City purchased a black and white reproduction machine which, as of December 2007, will no longer be serviced due to its obsolete technology. As such, a replacement needs to be obtained in order to continue to provide the most cost-effective printing services to the City. After much research and consultation staff ultimately determined that a lease was the best option. A lease in-lieu of a new purchase would place the City in the best position to update technology in a timely fashion, as the digital/computer arena is an ever-changing industry. Staff is proposing that the Council approve a five-year lease with OCE for the new machine. This lease will cover the rental of the machine, maintenance and up to 360,000 impressions per month. The Management Services Department has encumbered funds in their budget from the ongoing maintenance and depreciation of the existing black and white machine to more than cover the cost of the five-year lease on the new machine. As such, there is no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS BETWEEN THE CITY OF BURBANK AND OCE NORTH AMERICA, INC., FOR LEASE OF A BLACK AND WHITE DUPLICATING MACHINE.

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

REPORTS TO COUNCIL:

7. CONSIDERATION OF RESIDENT-ONLY PARKING PRIVILEGES ON EVERGREEN STREET NORTH OF MAGNOLIA BOULEVARD:

On July 10, 2007, the Council directed staff to provide parking usage information for Evergreen Street between Magnolia and Chandler Boulevards in response to the requests of several residents during the April 24, 2007 Council meeting. The requests were in anticipation of parking issues associated with the planned development of the commercial parcel at 4201-4207 Magnolia Boulevard. Staff's data indicates there is sufficient on-street parking supply in the commercial area to accommodate construction activities for the planned development, and parking restrictions for construction workers can be instituted through the existing street use permit process to prevent excessive use of the residential on-street parking. The current residential parking demand is significantly below the level that requires parking restrictions as established by the Council and a significant increase in demand is not expected during project construction.

Recommendation:

Staff recommends that parking restrictions not be placed on Evergreen Street at this time.

8. PARKING CONDITIONS IN THE 300 BLOCK OF LOMITA STREET NEAR JORDAN MIDDLE SCHOOL:

At the request of the Lomita Street residents, the Council directed staff to investigate potential parking restrictions near Jordan Middle School to control recreational facility users of the school grounds. Staff investigated the current parking conditions and concluded that the opening of the on-campus parking lot significantly reduced the on-street parking demand. It is anticipated that the remaining on-street parking demand related to recreational activities at the school will be eliminated with the completion of the new parking lot on Shelton Street.

Recommendation:

Staff recommends that the imposition of on-street parking restrictions be delayed until the construction of the Shelton Street parking lot is complete; at which time staff will survey the parking conditions to determine if any additional parking controls are needed.

9. SOUTHERN CALIFORNIA CRITICAL WATER SHORTAGE:

Staff will brief and inform the Council on the current status of the region's and Burbank's water supply outlook. A record low rainfall year for Southern California has occurred in conjunction with an ongoing drought in the Colorado River basin and a recent Federal Court decision that will limit future water deliveries from the State Water Project. The simultaneous occurrence of these events will have significant impacts on the reliability of past water supply projections. The impacts and proposed actions to mitigate the impacts will be presented.

Recommendation:

Note and file.

10. FILM PERMIT POLICY:

The purpose of this report is to respond to Mayor Ramos' August 12, 2007 request to discuss the film permit policy. This is the first step in the two-step agenda process. Staff made available information related to Burbank's ordinance and compared it to similar laws relating to the film permit policies from the cities of Arcadia, Beverly Hills, Culver City, Glendale, Inglewood, Monrovia, Pasadena, San Marino and Santa Monica.

Recommendation:

Staff recommends the Council discuss the matter and provide direction.

11. BALLOON REGULATION:

A question about the City's ability to regulate metallic or electrically conductive balloons (sometimes referred to as Mylar balloons) in Burbank was raised at a recent Council meeting. This report is for the purpose of Step One in the Council's "One step – Two step" process. State law requires that these balloons be weighted and that they carry a warning about the risks of contact with electrical power lines. The Burbank Municipal Code requires a warning sign at all places of sale about the risks of contact with electrical power lines.

Recommendation:

Staff recommends the Council discuss the matter and provide direction.

PUBLIC COMMENT: (Three minutes on any matter concerning the business of the City.)
A **GREEN** card must be completed and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO PUBLIC COMMENT:

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**