



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, JANUARY 23, 2007
 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 (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

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:

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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:

COMMENDATION:

POLICE CHIEF’S COMMENDATION – JESSE DEARO.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. PUBLIC HEARING:

1. APPEAL OF PROJECT NO. 2005-86, DEVELOPMENT REVIEW – 401 DELAWARE ROAD:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to deny Project No. 2005-86 Development Review. This was a request by David Meissner for Delaware Investments, LLC, to construct an 11-unit multi-family project.

The building is two stories with a semi-subterranean level of parking with 24 spaces. The property is a triangular-shaped lot which fronts streets on all sides. Delaware Road is considered the front yard and East Avenue and Glenoaks Boulevard are considered street-facing side yards. The property is surrounded by R-4 and R-1 developments.

The application was deemed complete prior to the change of the new multi-family codes and therefore was subject to the old multi-family codes. The project was conditionally approved by the Community Development Director and appealed by John Mercado, a property owner across the project site on Delaware Road. The Planning Board voted 5-0 to uphold the appeal and deny the project. The applicant has appealed that decision.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
PROJECT NO. 2005-86 DEVELOPMENT REVIEW (401 DELAWARE ROAD).

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:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 2 and 3)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

2. CONSIDERATION OF TWO AFFORDABLE HOUSING AGREEMENTS FOR 2219 NORTH NIAGARA STREET, 2329 NORTH NIAGARA STREET AND 261 WEST VERDUGO AVENUE:

The purpose of this report is to provide the Council and Redevelopment Agency (Agency) Board with information to consider two Affordable Housing Agreements

(Agreements) with the Burbank Housing Corporation (BHC) that will assist in the acquisition and rehabilitation of two units located at 2219 North Niagara Street, four units located at 2329 North Niagara Street and eight units located at 261 West Verdugo Avenue.

Over the past ten years, the success of providing affordable housing in our Focus Neighborhoods, through the acquisition and rehabilitation program, is largely due to the City/Agency's partnership with the BHC. Agency staff and the BHC have identified an opportunity to acquire properties for the purpose of providing affordable housing in the Verdugo-Lake and Golden State Focus Neighborhoods. The properties identified for this purpose are located at 2219 and 2329 North Niagara Street, and 261 West Verdugo Avenue. If approved, the acquisition will increase the affordable housing stock in the community by adding 14 units available to very low, low, and moderate-income households. In addition, the purchase and rehabilitation of these three properties meet the objectives and programs outlined in the City's Affordable Housing Strategy (approved by the Council and Agency Board in March 2006) and contribute 14 additional units towards the housing acquisition strategy goal of 20 units for this fiscal year.

On December 29, 2006, the BHC submitted a proposal requesting the Council and Agency provide financing to acquire and rehabilitate all three properties. The BHC has entered into two separate purchase agreements with the owners of the three individual properties for a combined total property acquisition cost of approximately \$2.8 million. The proposed two Agreements with the BHC, describe the terms and conditions for the acquisition, rehabilitation, relocation and operation of the properties (including affordability covenants). In addition, the Agreements outline the use of the Agency's Low and Moderate-Income Housing Funds and allow for a conditional commitment of HOME funds as a proposed source of funding for 261 West Verdugo Avenue. The purchase agreements are contingent upon City and Agency Board approval of financing and an Agreement; one for the Niagara properties and a second for the Verdugo property.

The scope of rehabilitation work will slightly vary for each property. In general, rehabilitation for the 14 units will include the following improvements: demolition; abatement of asbestos and lead-based paint; repair to existing roof; renovation of kitchens and bathrooms; upgraded heating and air conditioning systems; replacement of exterior doors and windows; upgraded electrical and plumbing systems; repair and painting of interior and exterior walls; new carpeting; and, landscaping/site work.

In addition, improvements at 2219 North Niagara Street include construction of an additional 190 square feet onto the back unit in order to create a two-bedroom unit and a community laundry facility for residents of the property. The proposed rehabilitation work for both properties is estimated to cost approximately \$1.28 million and includes the following indirect costs: closing costs, taxes, insurance, and BHC developer fee in the amount of \$717,708.

It will be necessary to relocate the current residents of these properties to perform the rehabilitation. Displaced households will be eligible for relocation assistance pursuant

to California Relocation Assistance Law and Real Property Acquisition Guidelines and in accordance with the Niagara Street Relocation Plan and the Verdugo Avenue Relocation Plan. The actual amount of relocation assistance will be determined on a case by case basis. However, it has been estimated that the relocation budget for both proposed affordable housing projects will be \$245,000. This budget will be utilized for replacement housing payments, moving allowances and last resort housing payments.

The total estimated cost for the proposed projects is estimated to be \$4,300,230. In summary, the amount includes: the property acquisition of approximately \$2.8 million; an estimated relocation budget of \$245,000; and an estimated rehabilitation cost (including direct and indirect costs) of \$1.2 million. If approved, financial assistance is proposed through three loans. Contingent upon Housing and Urban Development (HUD) approval authorizing the use of HOME funding, staff proposes the City will provide a loan in the amount of \$848,653 to be forgiven at the end of 55 years if all loan terms are met as outlined in the Agreement. In addition, staff proposes the Agency enter into two separate loan agreements totaling \$2,700,643 to be amortized over a 55-year period, at three percent simple interest and repaid annually through residual receipts generated by the properties. The remaining project costs are related to the developer fee and relocation cost associated with any acquisition/rehabilitation project undertaken by the Agency.

Recommendation:

Adoption of proposed resolutions entitled:

1. 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 AND REHABILITATION OF 2219 NORTH NIAGARA STREET AND 2329 NORTH NIAGARA STREET.
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, AND THE BURBANK HOUSING CORPORATION (261 WEST VERDUGO AVENUE).
 3. 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 AND REHABILITATION OF 261 WEST VERDUGO AVENUE.
3. REQUESTING COUNCIL APPROVAL TO RE-CONTRACT WITH U.S. BANK NATIONAL ASSOCIATION N.D. TO CONTINUE THE CITYWIDE PROCUREMENT CARD PROGRAM:

The purpose of this report is to request Council approval to re-contract with U.S. Bank National Association N.D. (U.S. Bank) to continue the Citywide procurement card (credit card) program. This will be accomplished through the City's execution of an Addendum to a Master Services Agreement (Agreement) for the CAL-card

procurement program (DGA MSA 5-06-99-01).

The City has been a signatory to the current Agreement and Addendum for the CAL-Card program since 1998 and the program has been very successful. The new Agreement was put out to bid by DGS and they evaluated the proposals submitted by financial institutions. Once again, the winning bidder was U.S. Bank, and DGS negotiated the contract terms with them. Local agencies may then elect to participate in the overall Agreement through signing an Addendum. Every time there is a new Agreement (which usually runs five years), there is a new Addendum for local agencies to sign if they elect to continue services.

The current agreement expired on December 22, 2006, however, U.S. Bank will not disrupt existing credit card services to the City. Even though services will not be disrupted, it is nevertheless important that the City re-contract as soon as possible. Because the Agreement is a multi-year (five-year) agreement, it requires Council approval. The new Agreement was executed on October 19, 2006 between the State of California's Department of General Services and U.S. Bank, and runs from October 19, 2006 through October 18, 2011 (five years), with one two-year option for renewal.

Some benefits of employees utilizing credit cards for purchases under the Agreement are: to ensure appropriate controls are established through pre-set dollar amount limits; to ensure that credit cards are only used for authorized purposes through merchant types (for example, an employee whose city credit card is authorized to purchase only fuel cannot purchase computer equipment); and, to ensure that the City bears no legal liability from inappropriate use of credit cards (for example, gambling, political or church donations, bail bonds, etc.). However, the use of credit cards is not intended to replace effective procurement planning by each department. Credit cards are a supplement to the City's other purchasing methods (check payment requests, purchase orders, department purchase orders, etc.).

Other controls include department approvals. Once an employee receives his or her monthly credit card statement, he/she must review the statement for accuracy and fill out a Monthly Procurement Card Purchase Report. This report must be approved by the department approving official before it is forwarded to Accounts Payable.

In addition, U.S. Bank provides online servicing of accounts, comprehensive reports, fraud detection and dispute resolution. The new Agreement provides three incentive programs to local agencies: Average transaction incentive; volume sales incentive; and, prompt payment incentive. (The average transaction and the volume sales incentives are additional incentives provided in the new Agreement.)

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MASTER SERVICES AGREEMENT AND AUTHORIZING THE ADDENDUM TO THE MASTER SERVICES AGREEMENT FOR THE STATE OF CALIFORNIA PURCHASE CARD PROGRAM WITH U.S. NATIONAL ASSOCIATION N.D. FOR THE CITYWIDE PROCUREMENT CARD PROGRAM.

REPORTS TO COUNCIL:

4. BURBANK BOULEVARD STREET IMPROVEMENT PROJECT:

On May 2, 2006, the Council and Redevelopment Agency (Agency) Board approved the design development plans for the Burbank Boulevard Street Improvement Project and directed staff to continue with the final construction drawings. This was preceded by numerous community meetings including three community meetings at the conceptual design phase and five additional community meetings prior to Council approval of the design development drawings. The final design of the street improvements includes: new landscaped medians with lighted median trees; new parkway street trees; street furniture; and, repaving of Burbank Boulevard. Improvements include enhanced treatments at six Accent Areas and the two major intersections at Buena Vista Street and Hollywood Way, and traffic signal modifications and interconnect work to improve the flow of traffic. Staff was directed to return to the Council and Agency Board prior to bidding the project, so that the Council and Agency Board could review the final construction cost estimates before going out to bid.

At the May 2, 2006 meeting, the Council and Agency Board were presented with a proposed budget of \$9,271,951. Since then, the project's Council Subcommittee convened on July 6, 2006 and on October 23, 2006 to review updated construction cost estimates and to determine ways to reduce project costs.

Since the initial budget was presented at the May 2, 2006 Council and Agency Board meeting, staff has been refining the budget estimates. Various cost savings measures have been proposed, many of them being recommendations of the Council Subcommittee. These measures include planting half 24-inch box trees and half 36-inch box trees in the parkway rather than all 36-inch box trees, removing all of the proposed tree guards in the Accent Areas, eliminating lighting of the Palm Trees (but adding lighting of the median trees), removing the proposed raised planters in favor of ground level plantings and eliminating the banding for the crosswalks at the two enhanced intersections.

There have been cost increases, including: addition of curb and gutter replacements and damaged sidewalk replacement; replacement of 80 curb ramps and the addition of detectible warning surfaces on curb ramps for Americans with Disabilities Act requirements; inclusion of a structural soil system for the parkway trees to prevent sidewalk upheaval; increase in labor and material costs for the traffic signal/interconnect work; and, the proposed monument sign at the west end of the Burbank Boulevard corridor.

After considering the budget revisions mentioned above, the project budget has increased from \$9,271,951 initially proposed on May 2, 2006, to \$9,350,017. This

represents an increase of just less than 1 percent.

Project Schedule:

Council/Agency Design Development approval	May 2006
Council direction to proceed with bidding	Jan. 2007
Completion and advertisement of bid documents	Feb. 2007
Bids due	Mar. 2007
Council/Agency approval of contract and funding	Apr. 2007
Begin construction	May 2007
Complete Construction (est.)	Apr. 2008

Recommendation:

Staff recommends that the Council approve the Engineer's Estimate for the Burbank Boulevard Streetscape Project and direct staff to proceed with finalizing construction documents and bidding the project.

5. AWARDING A UTILITY UNDERGROUNDING CONTRACT TO J. FLETCHER CREAMER AND SONS AND ALLOCATING COSTS BETWEEN BURBANK WATER AND POWER AND OTHER COMMUNICATION UTILITIES:

Staff requests the Council adopt a resolution approving plans and specifications, and awarding a contract to J. Fletcher Creamer and Sons to install a conduit system within Olive Avenue Underground Utility District No. 1 (UUD No.1) for \$1,773,910 (Bid Schedule No. 1225). Of this amount, \$1,288,538 is Burbank Water and Power's (BWP) share, with the remaining \$485,372 divided among four communications utilities that must also underground their lines within UUD No. 1. Staff also requests that the Council approve this cost allocation and specify that the four communications utilities must fully reimburse BWP by July 31, 2007.

On June 20, 2006, the Council established UUD No. 1 in which all utilities, not just those of the City, are required to underground their lines at their expense. BWP, the lead utility, sought bids for the conduit and maintenance vault work along Olive Avenue, and along the portion of Lake Street in front of the Replacement Burbank Station (Station). However the two bids received (\$3.5 million and \$3.9 million) were significantly over the engineer's estimate of \$2 million.

On September 15, 2006, at BWP's request, the City Manager rejected both bids (Bid Schedule No. 1220) and authorized staff to solicit new bids (Bid Schedule No. 1225). Before soliciting new bids, staff shifted the work along Lake Street (worth \$420,000) to the design-builder for the Station, who was willing to stay within the engineer's estimate as well as the target completion date. Staff also made changes in its contractor requirements that would attract lower bids for the work along Olive Avenue. With the approval of the Public Works Department, more of the contractor's working hours would occur during the day rather than the night. Bidders could estimate repaving costs based on the actual location of the trenching. Staff also increased the project completion time from 115 days to 135 days.

At the December 5, 2006 bid opening, J. Fletcher Creamer submitted a bid of \$1,773,910, which was 10.2 percent above the engineer's estimate for the Olive Avenue portion of the work under Bid Schedule No. 1225.

Awarding the contract to J. Fletcher Creamer and Sons would not have an adverse impact on BWP (Fund 496). Work on both UUD No. 1 and the Station remains within project budgets. Approving the allocation of undergrounding costs between BWP and the several communication utilities would have a positive fiscal impact. The allocation reflects some of the cost-sharing advantages of forming an underground utility district.

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 TO INSTALL A CONDUIT SYSTEM FOR UNDERGROUND UTILITY DISTRICT NO. 1 – OLIVE AVENUE (BID SCHEDULE NO. 1225) TO J. FLETCHER CREAMER AND SONS IN THE AMOUNT OF \$1,773,910, AND APPROVING AN ALLOCATION OF THE COST OF SUCH WORK AMONG BURBANK WATER AND POWER AND OTHER COMMUNICATION UTILITIES.

6. BURBANK BUS PASSENGER SURVEY 2006 RESULTS:

The purpose of this report is to update the City Council on recent survey results of the passengers of the Burbank Bus Transit System. During the month of May 2006, the consulting firm of Moore & Associates conducted a survey of Burbank Bus riders. The survey was designed to provide additional insight into rider travel patterns as well as assess customer satisfaction regarding the Burbank Bus service. A group of field survey staffers from Moore & Associates, the City contracted transportation consultant, distributed the self-administered customer survey throughout a five-day week. A postage-paid envelope was included with each survey form to facilitate response. During this week, 170 valid surveys were obtained, which is approximately a 42.5 percent response rate.

Staff will report on the three important outcomes that were achieved during this survey: 1) Identification of Travel Patterns; 2) Identification of Areas of Service Improvement and/or Growth; and, 3) Assessment of Rider Customer Satisfaction.

Recommendation:

Note and file.

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**