



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 6, 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.

6:30 P.M.

INVOCATION: Pastor Ross Purdy, 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:

PROCLAMATION: NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK.

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 February 5, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. APPEAL OF PLANNING BOARD'S DECISION ON PROJECT NO. 2006-105, 901 WEST ALAMEDA AVENUE FOR A WHOLE FOODS MARKET:

At a Public Hearing on October 23, 2006, the Planning Board (Board) considered Project No. 2006-105, a proposal to build a 60,000-square foot (SF) Whole Foods store at 901 West Alameda Avenue. The Board ultimately voted (4-1) to deny the project and not adopt the Mitigated Negative Declaration. The appellant, 901 Alameda Investors, LLC, is requesting that the Council not uphold the Board's decision, and approve Project No. 2006-105 and adopt the associated Mitigated Negative Declaration.

In response to further community input following the Board hearing, the applicant is proposing changes to the project including increasing the setback on Main Street and slightly decreasing the total square footage of the building to 59,540 SF. Many residents remain opposed to the project because of the traffic that it will generate and because they do not think it fits within the Rancho area. Other residents are in support of the project and would like a Whole Foods Market in the area.

Staff recommends the Council uphold the appeal and approve Project No. 2006-105, a Conditional Use Permit, Variance, Development Review, and the Mitigated Negative Declaration related thereto, subject to the Conditions of Approval.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE, AND DEVELOPMENT REVIEW NO. 2006-105 AND ADOPTING A MITIGATED NEGATIVE DECLARATION RELATED THERETO (WHOLE FOODS MARKET).

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: (Item 3)

The following item may be enacted by one motion. There will be no separate discussion on this item 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.

3. FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC. FOR ELECTRICAL UTILITY DESIGN WORK AS PART OF THE INTERSTATE 5 HIGH OCCUPANCY VEHICLE/EMPIRE AVENUE INTERCHANGE PROJECT:

The Metropolitan Transportation Authority (MTA) has committed funding to complete the Empire Interchange as part of the larger Interstate 5 High Occupancy Vehicle (HOV) Project between State Route 134 and State Route 170 in the City. To meet a projected construction start date of 2008, the California Department of Transportation (Caltrans) must complete design work of the interchange and railroad grade separation. To complete the design process, a large number of City and private utilities must be identified and relocated to accommodate the various new ramps and grade separations that are required for the project. In order to meet MTA's projected construction start date, this utility design work must be completed so that utility relocation can occur later this year prior to the actual project construction start.

On May 30, 2006, the Council directed staff to enter into a Professional Services Agreement (PSA) with Orsa Consulting Engineers, Inc (Orsa) in the amount of \$75,000 to perform conceptual design work for electrical utility relocations that are required as part of the new interchange and railroad grade separation. This work was completed in July 2006 and resulted in a Conceptual Design Report that outlined the needed improvements and relocations, and included a preliminary cost estimate. After completion of the initial report, staff and Caltrans have continued to discuss and modify the scope of utility relocations for the interchange project in an effort to reduce utility costs while still ensuring that the City's electrical distribution system will not be affected during interchange construction. As a result of these discussions, it is necessary for Orsa to revise the Conceptual Design Report to include these latest changes. As a result, staff is requesting to amend the original PSA to include an additional \$18,000 to complete the revised plans. If approved, this amendment would be paid from funds budgeted to the Empire Interchange Capital Improvement Program project account.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC.

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

ADOPTION OF PROPOSED ORDINANCE:

4. TOBACCO RETAILERS LICENSING ORDINANCE:

The purpose of this ordinance is to further reduce the illegal sale of tobacco products to minors. The proposed ordinance will provide a process that temporarily and/or permanently deprives a business of the privilege of selling tobacco products when they are less than vigilant in enforcing the age restrictions for purchasing tobacco products.

Staff is recommending the Council introduce this ordinance with an effective date of July 1, 2007. This date is recommended because it coincides with the annual fiscal year renewal date of the City's other regulatory licenses. In addition, an ordinance effective date of July 1, 2007 will provide staff with sufficient time to educate the business community on the requirements of this new ordinance. Although both the issuance of this regulatory license and the administration of the license will be the responsibility of the License and Code Services Division of the Community Development Department, the enforcement of the ordinance will be shared with the Burbank Police Department. Enforcement will be conducted both proactively through youth decoy "stings" in addition to reactive investigations in response to public complaints.

This ordinance was introduced at the January 30, 2007 Council Meeting.

Recommendation:

Adoption of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 25 TO CHAPTER 8 OF THE BURBANK MUNICIPAL CODE ESTABLISHING LICENSING REQUIREMENTS AND PROCEDURES FOR ALL BUSINESSES WHO ENGAGE IN THE SALE OF TOBACCO PRODUCTS.

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**