



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 20, 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:

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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:

ANNOUNCEMENT: DARK MEETING FEBRUARY 27, 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).

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 and February 20, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARINGS:

2. CONTINUATION OF THE SHOPPING CART CONTAINMENT ORDINANCE:

Staff is requesting that this hearing be continued to March 20, 2007.

Recommendation:

Continue Public Hearing to March 20, 2007.

3. CONTINUATION OF APPEAL OF PROJECT NO. 2006-105 – CONDITIONAL USE PERMIT, VARIANCE AND DEVELOPMENT REVIEW FOR WHOLE FOODS MARKET – 901 WEST ALAMEDA AVENUE AND 831 MAIN STREET:

On February 6, 2007, the Council held a Public Hearing on a proposal to construct a 59,540-square foot Whole Foods Market. A presentation was made by the applicant who was appealing the decision of the Planning Board to deny the project. The Council took public testimony and began deliberations. The Council voted 4-1 to continue the hearing to February 20, 2007 to allow the applicant to consider changes to the proposal. The applicant has not yet submitted revised plans as of the writing of this summary. Staff is unaware of exactly what changes are being proposed, but based on conversations with the applicant, amendments such as reducing the size of the proposed market are being considered.

Recommendation:

In that staff is under the impression that reductions to the project are being proposed, and because staff recommended approval of the original proposal, staff continues to recommend that the Council uphold the appeal and approve Project Number 2006-105, a Conditional Use Permit, Variance and Development Review, and the Mitigated Negative Declaration related thereto, subject to the conditions of approval.

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 4)

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.

4. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1219, SIDEWALK REPAIR PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule No. 1219 – Sidewalk Repair Project. This is the fourth year of the City's ten-year sidewalk repair program. This program is designed to repair the sidewalks within two of the City's twenty sections every year. Bid Schedule No. 1219 was advertised on November 15 and 18, 2006. A bid opening was conducted on December 5, 2006. Four contractors submitted bids ranging from \$891,936.50 to \$1,306,755. CJ Concrete Construction Inc. of Santa Fe Springs, California, submitted the lowest bid of \$891,936.50, which is 25.7 percent below the engineer's estimate of \$1,200,000. This contractor has previously performed work similar to the scope of work in this project for the City with satisfactory results.

Construction of this project is planned to occur between April and July 2007.

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 SIDEWALK REPAIR PROJECT, BID SCHEDULE NO. 1219 TO CJ CONCRETE CONSTRUCTION INC.

END OF CONSENT CALENDAR

ADOPTION OF PROPOSED ORDINANCE:

5. AMENDING THE BURBANK MUNICIPAL CODE RELATING TO THE CONFLICT OF INTEREST CODE:

At the September 26, 2006 meeting, the Council introduced an ordinance amending Sections 2-1601, 2-1602 and 2-1603 of the Burbank Municipal Code, relating to the Conflict of Interest Code. Staff was directed to include the position of Assistant City Manager to the Appendix of Designated Filers and to make certain that all staff with the ability to make decisions on behalf of a Director have similar disclosure categories. Additionally, the Council voted 3-2 to approve of staff's recommendation to include the Board of Library Trustees, Senior Citizen Board, Landlord-Tenant Commission and Heritage Commission to the Appendix of Designated Filers.

Staff has completed a review of the Appendix of Designated Filers as directed and is requesting the Council adopt the submitted ordinance which will amend the Conflict of Interest Code to reflect the changed positions, and to specify disclosure categories on the Form 700 Statement of Economic Interests which more accurately reflect the actual duties and responsibilities of the positions.

The amendment to this ordinance also removes obsolete references and confusing language from the Conflict of Interest Code. Previously, the required Appendix listing the designated positions and the disclosure categories was adopted by separate resolution. This amendment incorporates the Appendix into the Burbank Municipal Code to ensure that future reviews and updates are thorough and complete.

Recommendation:

Adoption of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 2-1601, 2-1602, AND 2-1603 OF THE BURBANK MUNICIPAL CODE, RELATING TO THE CONFLICT OF INTEREST CODE.

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: To Wednesday, February 28, 2007 at 8:00 a.m. at the Buena Vista Library, 300 North Buena Vista Street, for a meeting with Supervisor Mike Antonovich.

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