



COUNCIL AGENDA - CITY OF BURBANK  
 TUESDAY, MARCH 13, 2007  
 5:00 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 – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

**Name of Case:** In the Matter of the Application of the Burbank-Glendale-Pasadena Airport Authority.

**Case No.:** OAH No. L2001-110412

**Brief description and nature of case:** Application of Burbank-Glendale-Pasadena Airport Authority made to Department of Transportation, State of California for Noise Variance.

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:

\*

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

FLAG SALUTE:

ROLL CALL:

PROCLAMATION: ADULT EDUCATION 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).

6:30 P.M. JOINT PUBLIC HEARING WITH THE HOUSING AUTHORITY:

1. PUBLIC HOUSING AGENCY ANNUAL PLAN (FISCAL YEAR 2007-08):

The purpose of this report is to provide information necessary for the Housing Authority (Authority) Board to: 1) consider the Public Housing Agency Annual Plan (Plan) for Fiscal Year 2007-08; 2) amend the Section 8 Program payment standard; and, 3) authorize the Executive Director to execute the certifications that are required by the United States Department of Housing and Urban Development (HUD). The Annual Plan describes the mission of the Authority and the goals for achieving its mission over the next year.

The Section 8 Rental Assistance Program is funded by HUD for the purpose of providing rent subsidies on behalf of very low-income tenants throughout the City. Section 511 of the Quality Housing and Work Responsibility Act of 1998 requires all housing authorities to submit a Public Housing Agency Plan. Each year, the Authority submits an Annual Plan to HUD to describe how the Section 8 Program will operate in the upcoming year. This Plan covers the time period from July 1, 2007 through June 30, 2008.

The Section 8 Program Administrative Plan is a policy and procedure manual that Authority staff uses to ensure that all applicants and participants are treated in a fair and equitable manner. The only amendments recommended pertain to payment standards. The HUD regulations give certain parameters that must be followed in establishing the amount of subsidy that the Authority must pay to ensure that the tenant portion of rent is affordable. Chapter 7 of the Administrative Plan describes the methodology used to determine Burbank's payment standard and establishes the local framework (within the HUD guidelines) for determining how much rental assistance each household will receive.

The current Burbank HUD subsidy is based on the average monthly housing assistance paid in May, June and July 2004. HUD calculated the budget authority for 2005 based on the three-month snapshot from 2004 ( $\$569.47 \times 1,014 \times 12 = \$6,929,310.46$  in budget authority). As a result, the Authority Board voted to adjust the subsidy standard from 110 percent to 90 percent of the fair market rent in order to fund all 1,014 vouchers. At that time, the Authority spent approximately \$104,000 more each month, than our average HUD-allotted monthly budget in order to keep the higher payment standard and utilize all 1,014 vouchers. In order to comply with HUD's

recent mandate, staff is recommending a new funding allocation formula. Federal regulations allow Housing Authorities to establish the subsidy standard amount at any level between 90 percent and 110 percent of the published fair market rent while staying within the budget authority. This is referred to as the basic range. Staff is recommending a program administration amendment to set the subsidy standard within 90 percent and 110 percent of the published fair market rent.

The immediate result of this action will allow the increase of housing assistance from our current 90 percent to 100 percent, which translates into an average of \$127 more monthly assistance for those tenants with the greatest need. With this increase the Authority will be able to continue serving the maximum number of households (1,014) possible, thereby providing the highest level of service and assistance to the greatest number of people while staying within the current available resources.

Recommendation:

Adoption of proposed Housing Authority resolution entitled:  
A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF BURBANK APPROVING THE PUBLIC HOUSING AGENCY ANNUAL PLAN FOR FISCAL YEAR 2007-08; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE CERTIFICATIONS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND AMENDING THE SECTION 8 PROGRAM ADMINISTRATIVE PLAN.

CITY COUNCIL PUBLIC HEARINGS:

2. APPEAL OF PROJECT NO. 2005-103, CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW – 4001 AND 4007- 4017 RIVERSIDE DRIVE:

The purpose of this report is to consider an appeal of Project No. 2005-103, a Conditional Use Permit and Development Review. The Planning Board, by a vote of 5-0, denied a request to construct a five-story commercial building with restaurant, retail and a coffee shop on the first floor and office space on the four floors above. In response to the concerns of the Planning Board, the applicant has reduced the size of the building to three stories with retail only on the first floor and office use on the two floors above. The applicant also changed the design of the project to respond to Planning Board input and eliminated the request for compact parking spaces. The project includes a four-level subterranean parking garage, an off-site surface parking lot and four on-site surface parking spaces. The appellant is New World Development, also the applicant for the proposed project.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 2005-103, A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW (4001, 4007-4017 Riverside Drive).

3. CONTINUATION OF APPEAL OF PROJECT NO. 2006-47, DEVELOPMENT REVIEW – 4201-4207 WEST MAGNOLIA AVENUE:

Staff is requesting that this hearing be continued to April 17, 2007.

Recommendation:

Continue Public Hearing to April 17, 2007.

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:

CONSENT CALENDAR: (Items 4 through 9)

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. AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO NEGOTIATE PRICE, TERMS AND CONDITIONS OF A DESIGN-BUILD AGREEMENT WITH ABB, INC. FOR THE GOLDEN STATE DISTRIBUTING STATION:

Staff seeks Council approval to authorize Burbank Water and Power (BWP) to negotiate and enter into a design-build contract with ABB, Inc. (ABB) at or below \$1,045,000 to modify the Golden State Distributing Station (Golden State) within 12 months from the date of authorization by the Council. Golden State is a relatively new substation with a unique design, but it requires attention. Golden State was energized in 1990, making it 17 years old, whereas the average age of BWP substations is 45 years. This substation is unique in design and construction from the other BWP substations. These distinctive features have turned out to be problematic in the normal operation of the substation and require attention.

Golden State serves an important commercial load, but is a point of vulnerability. On October 19, 2005, all of Golden State was out of service for 4.5 hours; and only days later, on October 23, 2005, all of Golden State was out of service for 8.5 hours. For BWP, any station outage is unusual, much less one that lasts several hours. Since October 2005, there have been no further Golden State outages. But in late 2006, the switchgear's 12,470-volt buss was making noise. Because loading on Golden State was low, crews were able to do a thorough inspection by transferring load from and isolating first one half of Golden State, then the other. At that time, and with the concurrence of the switchgear manufacturer, BWP replaced certain insulators, underground cable terminators and other parts.

At present, staff is operating Golden State in a nonstandard fashion for the sake of making the switchgear more reliable. BWP has continued to keep out of service the cubicle that had caused the October 2005 outages. The consequence is that the two halves of the switchgear remain electrically isolated from each other, each half receiving power from only one transformer bank. However, staff has judged that the risk of a transformer failing, and therefore taking half of Golden State's customers out of service, is less than the risk of the isolated cubicle failing, and possibly taking all of Golden State's customers out of service for a prolonged period.

Making a modest improvement to Golden State now provides timely service reliability improvements for customers and related revenue reliability to the utility; additionally the proposed improvement forestalls costlier and more extensive capital improvements.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO NEGOTIATE PRICE, TERMS, AND CONDITIONS OF A DESIGN-BUILD AGREEMENT WITH ABB, INC. FOR THE GOLDEN STATE DISTRIBUTING STATION IN AN AMOUNT NOT-TO-EXCEED \$1,045,000 AND FURTHER AUTHORIZING EXECUTION OF SAID AGREEMENT.

5. AUTHORIZATION TO EXECUTE A CALIFORNIA DEPARTMENT OF TRANSPORTATION UTILITY AGREEMENT FOR WATER UTILITY RELOCATIONS REQUIRED FOR THE STATE ROUTE 134 RAMP PROJECT AND AMEND THE FISCAL YEAR 2006-07 BUDGET:

The City and the California Department of Transportation (Caltrans) are finalizing design work in preparation for construction of a new westbound on-ramp at the State Route (SR) 134 interchange at Hollywood Way. This project is being constructed to relieve traffic congestion at the adjacent Hollywood Way/Alameda Avenue intersection by providing an additional on-ramp adjacent to the existing westbound off-ramp. Construction of this ramp requires widening of overpasses at Hollywood Way, Alameda Avenue, and Pass Avenue, and a number of City water and electrical utility relocations are required to accommodate the bridge widenings. Staff is requesting that the Council enter into Utility Agreement (Agreement) No. 7UA-11409, which describes the water utilities required to be relocated as part of the ramp project, and stipulates that the City is responsible for relocating these utilities prior to the start of construction. The Agreement also specifies that Caltrans will reimburse the City for costs associated with relocating these utilities. These costs are estimated to be \$468,500 and include work to remove from service water lines located in the Hollywood Way, Alameda Avenue and Pass Avenue overpasses. Burbank Water and Power (BWP) Water division has worked closely with Caltrans to design these relocations and ensure that utility service is not compromised during construction. BWP crews will perform the required utility work to remove the lines from service, while the Caltrans project contractor will be responsible for reconstructing the utility lines within the widened overpasses. Staff is proposing to front the cost for this utility construction via Fund 127 Development Impact Fees to pay for BWP resources and materials needed to relocate the affected water lines and will be reimbursed by Caltrans per the Agreement.

Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 ANNUAL BUDGET AND APPROVING AND AUTHORIZING EXECUTION OF WATER UTILITY AGREEMENT NO. 7UA-11409

BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA FOR THE STATE ROUTE 134 FREEWAY RAMP PROJECT.

6. APPROVAL OF A UTILITY AGREEMENT WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF ELECTRICAL FACILITIES FOR BRIDGE WIDENING WORK RELATED TO STATE ROUTE-134 RAMP PROJECT; AMENDMENTS TO THE 2006-07 BUDGET; AND, APPROVAL OF A TWO-YEAR EXTENSION OF THE CONTRACT WITH BOCK COMPANY UNDER BID SCHEDULE NO. 1137 FOR CONSTRUCTION OF UNDERGROUND CONDUIT SYSTEMS AND RELATED IMPROVEMENTS:

Staff requests the Council adopt a resolution: approving and authorizing execution of a Utility Agreement (Agreement) with the California Department of Transportation (Caltrans) for bridge widening and relocating electrical facilities related to the State Route (SR) 134 Ramp Project; appropriating \$3,736,606 from the Community Development Department (CDD)-Planning/Transportation to fund this work; and, approving and authorizing extending the Bock Company (Bock) contract for two years for underground conduit systems and related improvements under Bid Schedule No. 1137, in an amount not-to-exceed \$1,730,000 for the first year and \$1,250,000 for the second year subject to formal budget approvals by the Council as required. Both actions are necessary to begin relocating the electrical facilities by May 1, 2007, so that the work can be completed by April 30, 2009.

The SR 134 Ramp Project has become active again. Caltrans intends to build the westbound on-ramp to SR 134 near the intersection of Hollywood Way and Alameda Avenue. (Several years ago, Caltrans had relocated its westbound off-ramp a hundred feet or so to the east.) At present, Caltrans has selected the Santa Fe Spring-based Griffith Company to build the westbound on-ramp at an estimated cost of \$29.5 million. Caltrans is expected to issue a purchase order in March and will probably begin construction by Fiscal Year 2007-08. To accommodate the westbound on-ramp, Burbank Water and Power (BWP) will need to relocate its electrical underground facilities.

Caltrans has set aside \$2,989,285 for this work, along with a 25 percent contingency. BWP has reviewed the design and estimated costs for the underground work with ORSA Consulting Engineers, Inc. (ORSA) and Dorado Company (Dorado), both of whom consult for CDD. All are comfortable that Caltrans has set aside sufficient funds.

Before undergrounding work can proceed, the Council will need to authorize BWP to enter into an Agreement with Caltrans. The Agreement would authorize the relocation of BWP's electrical facilities, per the plans and specifications prepared by ORSA and approved by BWP and Caltrans. The Agreement would also enable Caltrans to reimburse the City money spent on this project and would maintain prior rights for any future relocation.

Before undergrounding work can proceed, the Council will also need to authorize appropriation of the \$2,989,285 base amount, plus 25 percent contingency, for a total amount of \$3,736,606.



Bock can do the underground duct work at a competitive price and in a timely fashion. Given the cost uncertainties, as reflected by the 25 percent contingency, the underground substructure work for the SR 134 Ramp Project is best pursued on a time-and-materials basis. Given the current bidding climate, the underground substructure work for the SR 134 Ramp Project is best pursued on a sole-source basis if a suitable contractor can be identified. The continued tightness of the construction market makes it likely that even bidding on a time-and-materials basis would be longer and less satisfactory than in the past.

Recommendation:

Adoption of proposed resolutions entitled:

1. (4/5 vote)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 ANNUAL BUDGET AND APPROVING AND AUTHORIZING EXECUTION OF ELECTRIC UTILITY AGREEMENT NO. 7UA-11432 BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA FOR THE STATE ROUTE 134 FREEWAY RAMP PROJECT.

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN EXTENSION OF THE CONTRACT WITH BOCK COMPANY FOR ONE YEAR FOR THE CONSTRUCTION OF UNDERGROUND CONDUITS SYSTEMS AND RELATED IMPROVEMENTS UNDER BID SCHEDULE NO. 1137 IN AN AMOUNT NOT-TO-EXCEED \$1,730,000 AND AUTHORIZING EXECUTION OF SAID CONTRACT EXTENSION

7. DECLARATION OF RESULTS OF THE PRIMARY NOMINATING ELECTION HELD ON FEBRUARY 27, 2007:

The purpose of this report is to present the results of the Primary Nominating Election held on February 27, 2007 for Council approval, pursuant to the provisions of Section 28 of the City Charter. The Primary Nominating Election was conducted for the purpose of nominating or electing candidates for two seats on the City Council and three seats on the Board of Education. The City Council candidates who qualified for the ballot included: Carolyn Berlin; Anja Reinke; Phil Berlin; Margaret Sorthun; Vahe Hovanesian; Whit Prouty; and, Gary R. Bric. There were also three candidates for the Board of Education seats; Roberta Grande Reynolds, Ted Bunch and Dave L. Kemp.

Notice of the Election was given, precincts established, election officers appointed and the supplies furnished. The votes cast were received and canvassed as required by law. The canvass of the Election was completed on Friday, March 2, 2007 with the official results posted on the same day. The five-day protest period expires on Wednesday, March 7, 2007 at 5:00 p.m. No protests were received as of the printing of the agenda.

For the City Council seats, there was no candidate who received a majority of the 10,216 votes cast at the Election and as such, the two seats will be filled in the General Municipal Election to be held on April 10, 2007 by two of the following four candidates: Gary R. Bric; Anja Reinke; Carolyn Berlin; and, Phil Berlin.

Each of the three Board of Education candidates received a majority of the votes cast at the Election and are therefore duly elected to office for a full term of four years, ending April 30, 2011. These offices will therefore not be on the General Election ballot.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE PRIMARY NOMINATING ELECTION HELD ON FEBRUARY 27, 2007.

8. DOWNTOWN BURBANK PARTNERSHIP, INC. ANNUAL REPORT AND ASSESSMENT:

As part of the City and Redevelopment Agency's efforts to improve Downtown, a Property-based Business Improvement District was formed to fund a variety of improvements in partnership with Downtown Burbank property owners. A Management District Plan was developed, which outlines the major components of the Business Improvement District including: boundaries; service plan and budget; assessment formula; and, governance of the organization. The service plan specifically outlines the proposed improvements and services including capital improvements, maintenance and security, promotions, advertising, special events and administration.

The Annual Report highlights the accomplishments and activities of the Downtown Burbank Partnership, Inc. during the fiscal year and also includes the 2006 Annual Budget, 2006 Financial Statement and an outline of activities for 2007. This report is required to be considered for approval by the Council. In addition, the Council will consider approving the assessment for the current fiscal year, which remains unchanged from the prior year.

2006 was a successful year for Downtown Burbank with many accomplishments in all areas of the service plan. Capital improvements were initiated by the completion of the Downtown Wayfinding Program, the finalization of the Streetscape Program plan and the installation of new holiday lighting décor that was projected on nine facades throughout Downtown. The Downtown Burbank Partnership, Inc. continued to provide additional maintenance and security. This included steam cleaning and sidewalk maintenance and the Downtown Ambassador Program that supports the Burbank Police and property owners in overall crime prevention while offering customer service to Downtown pedestrians. The marketing and promotions of the area continues to flourish with events like Taste of Downtown Burbank, Come Out and Dance concert series and 12 Days of Holiday Cheer.

In the coming year, marketing efforts will continue to invite exciting new retailers to Downtown. The Streetscape Program will help liven up San Fernando Boulevard and adjacent paseos. Smart Parking signage will also be implemented to help visitors find

the most accessible parking structures. Finally, more successful special events will be held throughout the year.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ANNUAL REPORT AND LEVYING THE FISCAL YEAR 2007-2008 ASSESSMENT FOR THE DOWNTOWN BURBANK PROPERTY AND BUSINESS IMPROVEMENT DISTRICT.

9. DENYING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET):

This matter is a resolution denying Project No. 2006-105, including Conditional Use Permit No. 2006-105, Variance and Development Review No. 2006-105, for a Whole Foods Market proposed for 901 W. Alameda Avenue. Project No. 2006-105 was the subject of appeal hearings held before the Council on February 6 and 20, 2007.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET).

END OF CONSENT CALENDAR

\*\*\*

\*\*\*

\*\*\*

REPORTS TO COUNCIL:

10. TREE ROOTS AND SEWER LATERALS:

At the request of the Council, staff conducted an analysis of the current policy concerning sewer lateral damage attributed to City trees. The analysis compares the City's policy with those of other cities to allow the Council to determine if a policy change is desired.

There are occasions when a tree root is suspected of crushing a sewer lateral or pushing it out of alignment. In cases where a parkway tree causes this type of damage, Resolution No. 17,805 provides that the City will reimburse the property owner for the repair of the portion of the sewer lateral that has been crushed or misaligned. This reimbursement policy was discussed and affirmed during a May 4, 2004 Council Study Session, and in August 2005, was adopted into the Burbank Municipal Code as Section 25-312.

To qualify for the reimbursement, the following steps are required:

1. The resident selects a contractor to perform the necessary repair;
2. The resident or contractor obtains the required permits;
3. The contractor exposes (but does not remove) the sewer line crushed or aligned by the City tree;
4. The contractor calls for City inspectors to verify the condition of the exposed pipe before replacing the damaged pipe; and,
5. The resident submits a claim form with the City Clerk's office.

If all of the steps have been completed and the claim is legitimate, the City processes the claim and the resident is reimbursed for the repair costs for that portion of lateral crushed or misaligned by a City tree.

During Fiscal Year 2005-06, eight claims were submitted for sewer laterals alleged to have been crushed or misaligned by roots from City trees. All but three of these claims were denied because the requirements of the reimbursement policy were not met. The average cost of each claim paid is slightly more than \$4,500.

Tree root intrusion into sewer laterals is not unique to the City. It is a problem shared by cities across the country and around the world. Staff will present the Council with the policies of a few cities whose policies represent different approaches to the problem to provide an overview of different possibilities that exist.

Staff will provide the Council with three possible program alternatives: status quo; property owner responsibility; and, required inspection. Status quo would keep the current policy. Under the property owner responsibility alternative, the property owner would be responsible for his or her own lateral to the sewer main without the possibility of reimbursement. The third alternative would require inspection of private sewer laterals. The inspection would make the resident and the City aware of the sewer lateral condition. Staff will discuss the issues of liability, equity and cost of each of the alternatives.

Recommendation:

Staff recommends the Council consider the alternatives and direct staff as appropriate.

11. STREET TREE REPORT:

This report will provide an overview of the value of trees to the City, both in terms of their aesthetic appeal and their environmental benefits. Staff will discuss the City Codes which are relevant to the administration of the street tree program. Additional information will include the Tree Keeper software program, the Master Street Tree Plan, maintenance procedures and tree wells.

The City has approximately 35,000 trees located in parkways, parks, public land and the golf course. These trees help to provide shade, stabilize soil in the open space

areas, slow down the high winds, turn carbon dioxide into oxygen and provide noise attenuation. Of the total number of trees, 28,286 street trees are planted in parkways, which help mitigate urban heat islands. The City continues to have a goal of planting one hundred new trees each year which will increase the canopy coverage. Currently, there are 7,725 unplanted parkway locations.

The Park, Recreation and Community Services Department's Forestry Services Section is responsible for the planting, removal and maintenance of all trees in public parkways, median strips, traffic islands, park facilities and other municipal properties within the seventeen square miles of the City. The City's Master Street Tree Plan designates the various types of trees which can be planted on a specific street. The Burbank Municipal Code also details tree removal procedures, protection and maintenance procedures and tree well covers.

Effective planning is a key element in efficient urban forestry management. By properly planning the use of resources available, staff is able to address issues proactively and maintain a focus on the needs of the residents. Urban forestry management planning includes maintaining maintenance standards such as by providing trimming, pruning, removals, reforestation and evaluating tree selection. Also, staff keeps the tree inventory current utilizing Tree Keeper software, which provides a history on each street tree.

The Forestry Services Section trims over 5,000 trees annually for traffic clearance purposes, and prunes 1,800 trees to insure the health, beauty and safety of trees in parkways and on other municipal properties. Staff also responds to requests from the public to trim or remove the City-owned trees located in the City's many parkways. In 2006, over 1,686 service requests for a variety of tree related work were received from residents. In addition, staff generates additional service requests.

Over the past ten years, the City's street tree inventory has increased substantially, and with the new planting programs on Empire, South San Fernando Boulevard and Burbank Boulevard the numbers continue to grow. Current staffing levels require staff to prioritizing efforts on the trimming and scheduled maintenance of the City's street trees, leaving service to the trees located in City-owned parks to an as-needed or emergency basis.

There is no fiscal impact as a direct result of this report.

Recommendation:

Note and file.

RECONVENE the Housing Authority 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](http://www.ci.burbank.ca.us)**