



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, MAY 15, 2007  
4:00 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:

a. Conference with Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

**Name of Case:** Burbank City Employees Association (BCEA) v. City of Burbank

**Case No.:** LA-CE-326-M

**Brief description and nature of case:** A complaint for unfair labor practices filed by the BCEA against the City of Burbank before the Public Employment Relations Board (PERB).

b. Conference with Labor Negotiator:

Pursuant to Govt. Code §54957.6

**Name of the Agency Negotiator:** Management Services Director/Judie Sarquiz.

**Name of Organization Representing Employee:** Represented: Burbank City Employees Association

**Summary of Labor Issues to be Negotiated:** Grievance and Discipline Sections of the Memorandum of Understanding.

c. Conference with Labor Negotiator:

Pursuant to Govt. Code §54957.6

**Name of the Agency Negotiator:** Management Services Director/Judie Sarquiz.

**Name of Organization Representing Employee:** Burbank Management Association and Burbank Police Officers Association.

**Summary of Labor Issues to be Negotiated:** Contract issues.

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.

**5:00 P.M.**

**STUDY SESSION - INITIAL OVERVIEW OF THE FISCAL YEAR 2007-08 BUDGET:**

The purpose of this study session is to provide the Council with a preview of the City's Fiscal Year (FY) 2007-08 Proposed Budget, primarily concentrating on the City's General Fund. During the last several months, staff has worked towards developing a proposed budget for the upcoming year. A comprehensive, proposed budget document was provided to the Council prior to their annual Goal Setting Workshop. All recommendations made by the City's Executive Team have been incorporated into the budget study session materials.

This study session will continue the public budget study sessions scheduled in May that will lead up to the public hearing and adoption of the FY 2007-08 budget in June.

**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:**            **HEALTHY COMMUNITIES AWARENESS MONTH.**

**RECOGNITION:**            **OUTSTANDING VOLUNTEERS.**

**RECOGNITION:**            **SERVICE RECOGNITION AWARDS.**

**RECOGNITION:**            **RECYCLING HEROES.**

**RECOGNITION:**            **PUBLIC LINKS GOLF ASSOCIATION CHAMPIONS.**

**RECOGNITION:**            **FIREFIGHTER OF THE YEAR.**

**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. PROJECT NO. 2006-146 DEVELOPMENT REVIEW – 1701 WEST VERDUGO AVENUE AND 211 NORTH REESE PLACE:

The purpose of this hearing is to consider an appeal of the Planning Board's (Board) decision to approve Project No. 2006-146, a Development Review application to construct a two-story, 24'-11" tall commercial/office building with one level of at-grade parking and one level of subterranean parking at 1701 West Verdugo Avenue and 211 North Reese Place. A Development Review application for the project was approved by the Community Development Director on November 20, 2006, and was appealed on December 5, 2006. The appeal was denied by the Board on February 12, 2007, upholding the Director's decision to approve the project by a vote of 5-0. The appellant then appealed the Board's decision to the Council on February 23, 2007, as allowed by Burbank Municipal Code 31-1907.3.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 2006-146 DEVELOPMENT REVIEW AND DENYING THE APPEAL (Applicant: Uriu and Associates - 1701 West Verdugo Avenue and 211 North Reese Place).

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 2 through 5)

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. APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS SUPPORTING PARTICIPATION IN THE CLEAN CITIES PROGRAM:

Staff is requesting Council approval of a Memorandum of Understanding (MOU) with the Southern California Association of Governments (SCAG) supporting the goals and objectives of the Clean Cities Program (CCP). The CCP was established by the Department of Energy as an adjunct to the 1990 Clean Air Act amendments to promote the entry of State and local agencies into voluntary commitments to help achieve alternative fuel use goals to improve air quality. The use of Alternative Fuel Vehicles (AFVs), Zero Emission Vehicles (ZEVs), and infrastructure items such as Compressed Natural Gas (CNG) fueling stations and electric charging stations are the primary ways that local agencies can support the CCP's goals and provide community leadership in local Clean Air policies.

In April 2001, the Council approved an MOU with SCAG entering into a five-year

agreement ensuring the City's partnership in the CCP through 2006. SCAG would like to renew its agreement with the City and is once again requesting the City's partnership in the CCP.

The City currently has a fleet of 119 AFVs. Over the next several years, the City plans to continue to purchase AFVs and ZEVs to add to its fleet. Burbank's commitment to these purchases encourages AFV market development which is the core of the CCP. In keeping with these core values, the City built and currently operates both a CNG and hydrogen fueling station to support alternative fuel vehicles operated by the City and the public.

By becoming a signatory to the Clean Cities MOU, the City is afforded an opportunity to reaffirm its commitment to a sustainable City fleet policy goal of reducing ozone and other unhealthful emissions that negatively impact the air quality in the South Coast Air Basin. The MOU also allows other cities and agencies to know that Burbank staff will be available to share and provide information acquired in operating a clean fleet; which will assist others in joining in the efforts to improve air quality.

Recommendation:

Adoption of proposed resolution entitled:

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) SUPPORTING PARTICIPATION IN THE CLEAN CITIES PROGRAM.

3. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1231 - PARKING LOT RECONSTRUCTIVE MAINTENANCE PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (BS) No. 1231 – Parking Lot Reconstructive Maintenance Project. This project consists of resurfacing of deteriorated parking lots at the Central Library, Northwest Library, Verdugo Park and Foy Park. The scope of work of this project includes reconstruction of asphaltic concrete pavement, repair of curbs and gutters and reconstruction of pedestrian ramps within the parking lots.

BS No. 1231 was advertised on March 28 and 31, 2007. A bid opening was conducted on April 17, 2007. Seven contractors submitted bids ranging from \$249,767.50 to \$353,950. Tyner Paving Company of Los Angeles, California, submitted the lowest bid of \$249,767.50 which is 2.1 percent below the engineer's estimate of \$255,000. 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 in May and June 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 THE PARKING LOT RECONSTRUCTIVE MAINTENANCE PROJECT, BID SCHEDULE NO. 1231 TO TYNER PAVING COMPANY.

4. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1229 – COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK CONSTRUCTION PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (BS) No. 1229 – Community Development Block Grant Sidewalk Construction Project. This project consists of construction of approximately 20,000 square feet of new sidewalks, as well as reconstruction of approximately 2,500 square feet of driveways and alley approaches in the Lake-Alameda Focus Neighborhood. In addition, 13 pedestrian ramps within this neighborhood will be reconstructed to conform to the latest Americans with Disabilities Act standards.

BS No. 1229 was advertised on February 14 and 17, 2007. A bid opening was conducted on April 10, 2007. Four contractors submitted bids ranging from \$233,211.30 to \$292,813.04. KALBAN Inc. of Sun Valley, California, submitted the lowest bid of \$233,211.30 which is 4.8 percent below the engineer's estimate of \$245,000. 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 in June 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 THE CDBG SIDEWALK CONSTRUCTION PROJECT, BID SCHEDULE NO. 1229 TO KALBAN INC.

5. AUTHORIZATION TO AMEND THE 2004-05 BICYCLE TRANSPORTATION ACCOUNT AGREEMENT TO EXTEND THE PROJECT COMPLETION DEADLINE:

Staff requests the Council amend a Caltrans Bicycle Transportation Account (BTA) Grant to extend the project completion deadline to April 1, 2012, allowing the City to expend the remaining funds. The grant funds include \$189,723 of BTA funds with a

local match requirement of \$29,500 for a total of \$219,223. The funds are to provide bike racks on the Burbank Bus Fleet, implement bike parking along the City's commercial corridors and construct a bike-transit center at the Downtown Metrolink station.

The time extension would allow for the completion of the bicycle-transit center, the last component of the project, a bicycle facility identified in the Bicycle Master Plan. The completion of the project would provide bicycle facilities to residents and commuters not currently available and continue to implement the goals and objectives of the City's Bicycle Master Plan.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AMENDMENT TO THE LOCAL AGENCY-STATE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE 2004/2005 BICYCLE TRANSPORTATION ACCOUNT AGREEMENT.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

6. APPROVAL OF A YOUTH TASK FORCE RECOMMENDED PROGRAM-CHALLENGE DAY:

Staff, supported by a recommendation from the Youth Task Force (YTF), is requesting Council authorization for funding from the Youth Services Holding Account. If approved, up to \$30,000 would be utilized to initiate a Challenge Day (CD) Program on Burbank Unified School District (BUSD) campuses.

In January 2007, the YTF viewed a video of the Oprah Show that showcased CD. This program involves a six-hour workshop with a diverse student body interacting on their high school campus. The YTF's positive response to this video inspired further exploration into the program.

CD is a non-profit organization that provides a day-long workshop for schools as part of a Be The Change Movement (BTCM) for the purpose of planning and creating a school environment where every student feels safe, loved and celebrated. The program promotes healthy expression and creates a forum for conflict resolution to help reduce stereotypes and racial, gender and socio-economic tensions. One of the goals is to inspire and empower these youth to go back to their community and school to make positive changes and to challenge others to do the same. CD is not intended to be a one-day fix-all program. Prior to scheduling a CD, a Be The Change Team (BTCT) must be created to plan and organize the event. The team will develop an



action plan including creating goals and timelines, recruiting additional members, determining needs, identifying resources and coordinating the actual event.

Important to the success of a CD Program is the commitment from the schools and the community. If this recommendation is approved by the Council, it will be presented to the BUSD Board of Directors. BUSD would determine the dates and implementation of the program on their sites.

Organizations scheduling CD must book a minimum of three days. The cost is estimated at \$15,000. Additional expenditures are anticipated related to the BTCT's supplies such as promotional materials, food and beverage for the participants and other planning needs. Total cost is anticipated at \$30,000. The cost estimate does not include salary costs of City or BUSD personnel. Such costs would be the responsibility of the City and BUSD, respectively.

It is the recommendation of the YTF to book two three-day sessions. This would provide for 600 students to participate and be directly impacted. Indirectly, the entire student body, school personnel, families and the community will be impacted. Rollout of the program relative to dates, schools, grade levels and selection of students is to be determined.

Since Fiscal Year 2002-03, the Council has set aside funding for teen services and programming. There is currently \$325,550 available in the General Fund Non-Departmental Holding Account for Youth Services, therefore there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING FUNDING FROM THE YOUTH SERVICES HOLDING ACCOUNT FOR CHALLENGE DAY PROGRAMS ON BURBANK UNIFIED SCHOOL DISTRICT CAMPUSES.

7. ORDINANCE AMENDING CHAPTER 29 (VEHICLES AND TRAFFIC) OF THE BURBANK MUNICIPAL CODE:

Staff is requesting Council approval of an ordinance amending Chapter 29, Vehicles and Traffic, of the Burbank Municipal Code to bring the Code in line with procedural practice and to revise obsolete language.

Chapter 29 contains twenty-nine articles that address traffic administration and regulations. Over the years, the Council adopted ordinances amending particular items within this chapter to update and clarify the Code relative to current practices and procedures. This proposed ordinance amends Chapter 29 in its entirety to remove outdated references such as the Golden Mall, streetcars, etc., and to eliminate practices that are no longer performed with current procedures or operations. In cases where an item was more appropriately addressed in the California Vehicle

Code, the section was deleted in its entirety.

All proposed changes to Chapter 29 were reviewed, modified and approved by the Police and Community Development Departments. The Traffic and Transportation Committee endorsed the proposed changes for the Council's consideration during their February 2007 meeting.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF CHAPTER 29 OF THE BURBANK MUNICIPAL CODE REGARDING VEHICLES AND TRAFFIC.

8. CONTINUATION OF THE FISCALYEAR 2007-08 BUDGET STUDY SESSION:

Staff has prepared a schedule for the Fiscal Year (FY) 2007-08 Department Budget Study Sessions to be held on Tuesday nights. This integration of the Study Sessions into the regular Council meetings has been accomplished by scheduling the sessions over the course of three Council meetings. The remaining Department Budget Study Sessions are scheduled on May 15 and May 22, 2007. During these sessions, each department will have an opportunity to fully disclose the details of proposed changes related to their respective department contained in the FY 2007-08 Proposed Budget.

Following is the Budget Study Session schedule:

<b>BUDGET STUDY SESSION SCHEDULE</b>	
<b>May 15, 2007</b>	<b>May 22, 2007</b>
City Council Office	Library Services Department
City Manager's Office	Management Services Department
Information Technology Department	Burbank Water and Power
Financial Services Department	Overflow Items
Public Works Department	Final Decision Making
Fire Department	

ADOPTION OF PROPOSED ORDINANCE:

9. ORDINANCE AMENDING CHAPTER 25 (SEWERS) OF THE BURBANK MUNICIPAL CODE:

Staff is requesting Council adoption of an ordinance amending Chapter 25, Sewers, of the Burbank Municipal Code (BMC) to comply with the United States Environmental Protection Agency (USEPA) regulations.

The proposed ordinance incorporates into the BMC, Chapter 25, Article 5, new language that complies with USEPA regulations. This article provides the City authority to regulate industrial discharges within the City. The Pretreatment Streamlining Rule (PSR) includes changes to certain program requirements to be consistent with National Pollutant Discharge Elimination System requirements for direct dischargers to surface waters. The proposed Article 5 of Chapter 25 of the BMC is in full compliance with the Code of Federal Regulations.

Changes in the BMC related to the PSR are contained in Section 25-504.2 – Control Mechanism Contents. The changes made in this section allow the Control Authority to modify the individual Industrial User’s discharge permit with conditional requirements as set forth in the Federal Regulations.

In addition, a few wording changes in Chapter 25 are proposed, which clarify and update the BMC language.

This ordinance was introduced at the May 8, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF CHAPTER 25 OF THE BURBANK MUNICIPAL CODE RELATING TO WASTEWATER DISCHARGES TO PUBLICLY OWNED TREATMENT WORKS (POTWS) AND REQUIREMENTS UNDER THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S PRETREATMENT STREAMLINING RULE (40 CFR 403).

**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 Tuesday, May 22, 2007 at 5:00 p.m. in the Council Chamber, 275 East Olive Avenue, for a Budget Study Session.

**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)**