



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 17, 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.

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 Police Officers Association.

Summary of Labor Issues to be Negotiated: Contracts and Retirement 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.

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:

RECOGNITION: MOVING VIETNAM WALL EVENT.

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 July 16, 2007. Other Airport-related issues may also be discussed during this presentation.

6:30 P.M. PUBLIC HEARING:

2. ADOPTION OF THE 2007 LOCAL DEVELOPMENT REPORT FOR THE METROPOLITAN TRANSPORTATION AUTHORITY'S CONGESTION MANAGEMENT PROGRAM:

Staff recommends the Council approve the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP) and submit the Local Development Report (LDR) for the 2006-07 reporting period as required by the CMP. Continued eligibility for Proposition (Prop) 111 State Gas Tax revenue is contingent on the City's conformance with CMP requirements, including submitting an annual report documenting the demolition and new commercial and residential development impacting the transportation system.

As was the case in 2005 and 2006, the traditional credit and debit method of tracking development versus transportation improvements is suspended while the MTA continues work on a nexus study on the feasibility of implementing a county-wide congestion mitigation fee in lieu of the debit-credit system. The City currently has a 103,590 point surplus accrued under the program from prior years and remains fixed pending the result of the MTA nexus study. The City remains in compliance with the requirements of the CMP and, with the approval of the proposed resolution and submittal of the LDR as required, will continue to be eligible for Prop 111 State Gas Tax revenues as well as other transportation funding sources that require CMP compliance.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089.

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: (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. SUBORDINATION AGREEMENT REQUEST BY UNITED CEREBRAL PALSY AND THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE INDEPENDENT LIVING FACILITY AT 600 SOUTH SAN FERNANDO BOULEVARD:

The purpose of this report is to provide information to the Council and Redevelopment Agency Board (Agency) to consider approval of a subordination agreement as requested by the Developer, United Cerebral Palsy (UCP), on behalf of its lender: State Department of Housing and Community Development (HCD), which administers the Multi-family Housing Program (MHP). A MHP loan has been awarded to UCP for Casa Providencia, an independent living facility located at 600 South San Fernando Boulevard, conditioned upon the aforementioned agreement.

In 2004, UCP was awarded \$1,314,166 in MHP loan funds through Proposition (Prop) 46, the Housing and Emergency Shelter Trust Fund Act, which was approved by voters statewide in 2002. Prop 46 made available \$910 million for rental housing aimed for low-income seniors, disabled persons and families with children. MHP loan funds are awarded as permanent financing for projects that meet the requirements of an MHP Supportive Housing Development such as the Independent Living Facility in Burbank. With the project complete, a Certificate of Completion by the City and Agency was recorded in August 2006. In late May 2007, staff was informed by UCP that escrow on the MHP loan funds is scheduled to close on July 31, 2007.

The 2004 State MHP loan funds, which were awarded by the HCD, directly to UCP, require subordination of the City's and Agency's affordability requirements. Section 311.6 of the Disposition and Development Agreement (DDA) and Second Implementation Agreement require the City and Agency to make the affordability covenants set forth in the Agreements and the Regulatory Agreement, junior and subordinate to the deeds of trust and other documents required in connection with the construction and permanent financing for the project, as to all HUD Capital Advance Documents, and as to other financing which has been approved by the Agency Executive Director as long as the City and Agency find that a subordination agreement contains written commitments which are reasonably designed to protect the investment of the City and Agency in the event of a default. Said protections are included in the proposed subordination agreement.

There is no fiscal impact with the approval of the proposed subordination agreement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A SUBORDINATION AGREEMENT AND ESTOPPEL CERTIFICATE BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, BURBANK ACCESSIBLE APARTMENT CORPORATION AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

4. APPOINTMENTS TO VACANCIES ON THE BOARD OF BUILDING AND FIRE CODE APPEALS, HERITAGE COMMISSION AND CIVIC PRIDE COMMITTEE:

The purpose of this report is to request the Council make appointments to vacancies on the Board of Building and Fire Code Appeals, Heritage Commission and Civic Pride Committee.

On May 22, 2007, the Council made appointments to several boards, commissions and committees. Since the Burbank Municipal Code provides that no person shall serve on more than one board, commission or committee at the same time, appointees who were currently serving on other boards had to resign their positions effective June 1, 2007. On May 29, 2007, the City Clerk's Office began advertising and accepting applications for these vacancies with notices sent to newspapers and placed on the City's website and the Channel 6 Scroll in order to obtain qualified candidates. The deadline to submit applications to the City Clerk's Office was Friday, June 29, 2007 at 5:00 p.m.

Applications were received from the following individuals:

Civic Pride Committee

One unexpired term ending June 1, 2008:

1. Robert L. Kinzel
2. Jesse L. Byers
3. Marisa K. DiDomenico – 1st Choice
4. Armond Aghakhanian
5. Laurie A. Kierstein – 1st Choice

Heritage Commission

Two unexpired terms ending June 1, 2008 and June 1, 2010:

1. Laurie A. Kierstein – 2nd Choice
2. Marisa K. DiDomenico – 2nd Choice
3. Barbara C. Sawyer-Pitkin

Board of Building and Fire Code Appeals

One unexpired term ending June 1, 2009:

1. Jef Vander Borght

Recommendation:

Staff recommends the Council consider the applications submitted and make appointments to the vacancies on the Board of Building and Fire Code Appeals, Heritage Commission and Civic Pride Committee.

5. UPDATE ON CURRENT CONSERVATION AND PROPOSED EFFICIENCY PROGRAMS:

Staff will provide the Council with an update on Burbank Water and Power water- and energy-efficiency programs.

Recommendation:

Note and file.

6. PRIORITIZING THE ORDER OF APPOINTMENTS FOR VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES:

The purpose of this report is to present for Council consideration Council Member Bric's request to discuss prioritizing the order of appointments for vacancies on boards, commissions and committees. At the present time, subsequent to the expiration of the application deadline for vacancies on boards, commissions and committees, the City Clerk's Office conducts a random drawing to select the order that the boards, commissions and committees are placed on the agenda for Council consideration. In addition, a random drawing is conducted to select the order the applicants appear on the voting sheets.

On May 22, 2007, the Council made appointments to fourteen boards, commissions and committees. At this meeting, Vice Mayor Golonski suggested that the Council consider prioritizing the appointments based on the vacancy to applicant ratio; however, the Council chose to maintain the random order selection process. At the

May 29, 2007 meeting, Council Member Bric requested that staff bring back for Council consideration a discussion of prioritizing the order of appointments for vacancies to mirror the suggestion presented by Vice Mayor Golonski.

Recommendation:

Staff recommends the Council discuss the matter and give direction as desired.

7. BURBANK COMMUNITY FOUNDATION UPDATE:

The purpose of this report is to provide an update on the previously-proposed City of Burbank and Burbank Community Foundation (Foundation) agreement. The agreement planned to create an additional platform for building a stronger community and would potentially expand funding possibilities to help meet the growing needs of the service-providing and non-profit community. On September 26, 2006, staff clarified the roles of the City and Foundation Board, described potential charitable giving programs, eligibility criteria for funding, types of funds and agreements, the grant allocation process, information about other successful City foundations and future steps. Based on the Council support and concept approval, efforts to reconstitute the organization and create a sound base to fulfill its mission were set in motion.

Subsequent to the Council's authorization to proceed with reconstituting the Foundation, on October 18, 2006, Foundation Chair Ernest Burger presented staff with additional reservations of the Foundation Board related to the proposed composition of the Board of Directors and the Brown Act applicability. Mr. Burger clarified that the elimination of the Brown Act requirement was necessary for the Foundation effort to continue. In October 2006, the Foundation Board maintained their hopes to move forward with the agreement but only without the Brown Act requirement and revisions of Board composition and responsibilities.

The proposed City-Foundation collaboration was an example of the City's continued efforts to provide additional opportunities for meaningful community participation and as a result, growth and sustainability. The proposed Foundation mission reflected these objectives, but without an established agreement and a strong understanding and commitment from all those involved, staff agrees that this approach would be difficult to pursue. However, through the efforts of the Community Resources Coordinator, Connect with your Community outreach and related programming (such as the City-wide volunteer program and Non-Profit Council), and City unions' charity funds, the core mission is still being pursued. In addition, the implementation of beneficial community programs and numerous partnerships with non-profits and businesses adds to the growth and success of the City's policies. With time, appropriate attention, and support, these programs shall continue to thrive and develop. They are vital to creating an environment that is continuously conducive to the creation of community partnerships, empowerment of individuals and organizations, giving opportunities, measurable development in the non-profit sector, and a broad community building effort.

Recommendation:

Staff recommends the City not continue with the proposal to reconstitute the Burbank Community Foundation at this time. Currently, staff is utilizing available resources to concentrate on other pivotal projects and programs that focus on opportunities to strengthen the community, local non-profits and assist in igniting and furthering the community service agendas of local businesses and other organizations.

8. PROPOSED FISCAL YEAR 2007-08 ANNUAL WORK PROGRAM AND PERFORMANCE INDICATORS:

The purpose of this report is to present the proposed Fiscal Year (FY) 2007-08 Annual Work Program (AWP) and Performance Indicators (PI) for Council discussion and direction. The AWP is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2007-08 AWP contains over 350 work items that have been identified by each department and suggested by the Council during the past year, the Council's Goal Setting Workshop and the annual budget study sessions.

The FY 2007-08 PI are used by the City to assess how efficiently and effectively programs and activities are provided and to determine whether organizational goals are being met.

Each Department Head will present his or her proposed FY 2007-08 AWP and PI for the Council's review per the following schedule:

Information Technology Community Development Department Burbank Water and Power	July 17, 2007
Library Services Financial Services Fire Department	July 24, 2007
City Manager's Office Management Services Park, Recreation and Community Services	July 31, 2007
Police Department Public Works	August 14, 2007

Recommendation:

Staff recommends that the Council review the proposed FY 2007-08 AWP and PI per the proposed presentation schedule and provide input and direction as necessary.

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**