



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 24, 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:

PRESENTATION: 2008 BURBANK TOURNAMENT OF ROSES FLOAT RENDERING.

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. APPEAL OF PROJECT NO. 06-0201641 VARIANCE AND SECOND DWELLING UNIT – 2221 MANNING STREET:

The purpose of this hearing is to consider an appeal of the Planning Board’s decision to deny Project No. 06-0201641, a Variance and Second Dwelling Unit. The appeal was received from the applicant, Andy Ferrera, who resides at the subject property. Mr. Ferrera requests approval to legalize an existing converted garage as a dwelling

unit with substandard setbacks and without the extra parking space required. He also requests approval to construct a new garage with substandard dimensions and setbacks.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK UPD HOLDING THE PLANNING BOARD'S DECISION AND DENYING PROJECT NO. 06-0201641, A VARIANCE AND SECOND DWELLING UNIT (2221 MANNING STREET).

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 INITIAL 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 7)

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. AUTHORIZING THE ACCEPTANCE OF A 2006 URBAN AREAS SECURITY INITIATIVE GRANT AND AMENDING THE FISCAL YEAR 2007-08 BUDGET BY APPROPRIATING FUNDS:

Staff is requesting Council authorization for the City Manager to accept \$92,500 in Urban Areas Security Initiative (UASI) Grant funds for the Police Department and amend the Fiscal Year (FY) 2007-08 budget by appropriating funds. The Federal Department of Homeland Security, through the Office of Grants and Training, is providing financial assistance to selected urban areas in the United States through the FY 2006 UASI Grant Program. The UASI program is designed to address the unique equipment, training, planning, exercise and operational needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism. The City was identified to receive grant funding in three categories, including \$35,000 for personal protection equipment, \$50,000 for tactical equipment, and \$7,500 for training. This grant will not require matching funds. Recurring costs for the approved equipment items will be minimal and can be absorbed within the Department's existing budget. This is a reimbursement grant which will take approximately 60 days for the State and the City of Los Angeles to reimburse the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2007-2008 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FISCAL YEAR 2006 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS IN THE AMOUNT OF \$92,500.

3. ACCEPTING A DONATION TO THE BURBANK POLICE DEPARTMENT AND AMENDING THE FISCAL YEAR 07-08 BUDGET FOR THE PURPOSE OF APPROPRIATING THESE FUNDS:

Staff is requesting Council acceptance of monies donated to the Burbank Police Department and to appropriate the funds accordingly. On May 31, 2007, the Burbank Police Department received a generous \$5,000 donation to the Animal Shelter from the DISNEY Corporation, represented by Ms. Joan McCarthy. The award was based on the Shelter's joint participation with students from Burbank High School in Disney's Show Your Pride LA Project. The Shelter will utilize this donation to purchase equipment to improve the care and housing for the animals, and enhance the outdoor grass area with new vinyl fencing to create an exercise and get-acquainted area.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2007-2008 BUDGET ACCEPTING DISNEY CORPORATION'S DONATION OF \$5000 FOR THE "SHOW YOUR PRIDE LA PROJECT".

4. APPROVAL OF CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1212, THORNTON AVENUE AND HOLLYWOOD WAY INTERSECTION REALIGNMENT PROJECT; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR INSPECTION SERVICES; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SUPPORT; AND, APPROVAL TO AMEND THE FISCAL YEAR 2007-08 BUDGET:

In 2005, the Council approved a Development Agreement between the City and the Burbank-Glendale-Pasadena Airport Authority. Under the Agreement, the City and the Authority agreed to cooperate in realigning the intersection of Hollywood Way, Thornton Avenue, and the Airport access road. The total project cost, including design, construction, engineering support, inspection, and project contingency is \$863,202.51. In accordance with the Agreement, the project cost will be equally divided between the Airport Authority and the City.

Staff recommends that the Council adopt the proposed resolution to approve the contract documents and award a construction contract for \$625,189.83 to E. C. Construction for Bid Schedule No. 1212, Thornton Avenue and Hollywood Way Intersection Realignment Project; approve the establishment of a project contingency in the amount of \$62,518.98; approve a Professional Services Agreement with Tetra Tech, Inc. for inspection services for \$42,424.20; approve a Professional Services Agreement with VA Consulting, Inc. for engineering support for \$25,000; amend the Fiscal Year 2007-08 budget to appropriate \$243,083 from the Development Impact Fee unappropriated funds account to the project account; and, amend the Fiscal Year 2007-08 budget to appropriate the \$389,553.76 that was received from the Airport Authority to the project account.

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 THORNTON AVENUE AND HOLLYWOOD WAY INTERSECTION REALIGNMENT PROJECT, BID SCHEDULE NO. 1212, TO EC CONSTRUCTION; AMENDING THE FISCAL YEAR 2007 - 2008 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$632,636.76; AND APPROVING PROFESSIONAL SERVICES AGREEMENTS WITH TETRA TECH, INC. AND VA CONSULTING, INC.

5. APPROVAL OF STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS – SEWER SYSTEM MANAGEMENT PLAN DEVELOPMENT PLAN AND SCHEDULE:

Staff is requesting the Council approve of the proposed Development Plan and Schedule for the City's System-Specific Sanitary Sewer Management Plan (SSMP). On May 2, 2006, the California State Water Resources Control Board (State Board) adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (WDRs) No. 2006-0003. These WDRs are the regulatory mechanism for all agencies and cities that own or operate sanitary sewer collection systems greater than one mile in length that collect and/or convey untreated or partially-treated wastewater to a publicly-owned treatment facility. The ultimate goal of the WDRs is to reduce the frequency and volume of sanitary sewer overflows by requiring cities to properly operate, maintain and manage their wastewater collection system. According to the WDRs, each city must develop and implement a system-specific SSMP. Both the SSMP and the city's program to implement the SSMP must be certified by the City to be in compliance with all SSMP requirements and must be presented to the city's governing board for approval at a public meeting.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE DEVELOPMENT PLAN AND SCHEDULE FOR THE SEWER SYSTEM MANAGEMENT PLAN.

6. AUTHORIZATION TO ACCEPT A SAFE ROUTES TO SCHOOL GRANT (CYCLE ONE) FROM THE FEDERAL HIGHWAY ADMINISTRATION AND AMENDING THE FISCAL YEAR 2007- 08 BUDGET:

Staff is requesting Council approval of a resolution accepting a Safe Routes to School Grant (SRSG) – Cycle One from the Federal Highway Administration (FHWA) and amending the Fiscal Year (FY) 2007-08 budget. The SRSG program is designed to improve and enhance the safety of pedestrian and bicycle facilities and related infrastructure on identified school travel routes. The California Department of Transportation (Caltrans) has historically funded the SRSG program using both Federal and local monies, but FHWA began to fully fund the program beginning in 2005 as a part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) transportation funding bill. These Federal funds are administered by Caltrans. This year is the first cycle of the new authorization, and California received a total of \$35 million for this fiscal year.

In September 2006, staff applied for a SRSG for student travel enhancements on two major corridors that involved seven elementary schools and two middle schools. On May 22, 2007, Caltrans notified staff that the grant application for this new program was approved as Project Number SRTSD07-0004 for the total requested funding of \$887,600. The Burbank grant was the fourth highest rated project among a total of 88

approved projects in California, which were selected from 459 applications. The grant funds must be used before the end of FY 2008.

The SRSG program will reimburse 100 percent of the total construction cost of the project. The \$887,600 required for the project will initially be funded by the City using Proposition C Transportation Fund monies. Caltrans will reimburse the City at the end of the project.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2007-2008 BUDGET FOR THE PURPOSE OF ACCEPTING AND APPROPRIATING THE SAFE ROUTES TO SCHOOL CYCLE ONE GRANT PROGRAM FUNDS IN THE AMOUNT OF \$887,600.

7. TOURNAMENT OF ROSES 2008 FLOAT RENDERING:

The purpose of this report is to request the Council accept and approve the 2008 Burbank Tournament of Roses (BTORA) float rendering submittal. The BTORA is a non-profit organization comprised completely of volunteers. Each year, the BTORA is responsible for constructing and decorating a float to represent the City in the annual Pasadena Tournament of Roses Parade (PTRP). The City has been represented in the PTRP since 1913. The 2008 entry marks BTORA's 61st consecutive float entry and the City's 73rd float entry in the parade. The 119th Tournament of Roses Parade theme is Passport To The World's Celebrations. In February 2007, parade officials approved the theme and conceptual design for the 2008 City of Burbank parade float entry named, Oktoberfest. The float concept was submitted by Bill and Carol Cotter and Stacia Martin. As stipulated by the agreement between the City and the BTORA, prior to commencing the construction of the float, the Council must approve the conceptual design.

Recommendation:

Staff and the Burbank Tournament of Roses Association recommend that the Council accept and approve the 2008 Tournament of Roses float rendering.

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

REPORTS TO COUNCIL:

8. CONSIDERATION OF PARKING RELIEF OPTIONS FOR THE 300 BLOCK OF LOMITA STREET NEAR JORDAN MIDDLE SCHOOL:

On June 19, 2007, at the request of residents of the 300 block of Lomita Street, the Council directed that staff investigate potential interim parking options near Jordan

Middle School for patrons of recreational facilities on the school grounds. Staff determined that any introduction of parking restrictions on Lomita Street or permanent closure of the Oak Street access gate and the opening of an access gate on Mariposa Street would move the parking impact associated with the recreational activities at Jordan Middle School to adjacent streets. The Burbank Unified School District has made the faculty parking area available to patrons of the recreational facility and limited access to the Oak Street gates. Staff has determined this to be the only viable option, until the addition of a 70-space parking lot off of Shelton Street is completed.

Recommendation:

Should the Council desire further investigation of the parking, staff recommends that additional data be gathered in August and September when demand is anticipated to be heaviest to gauge the magnitude of the parking problem. Staff recommends no other action at this time.

9. AMENDING BURBANK MUNICIPAL CODE SECTION 5-622 - ALCOHOLIC BEVERAGES:

The purpose of this report is to amend Burbank Municipal Code (BMC) Section 5-622, Alcoholic Beverages, by re-enacting BMC Section 5-622 (a) and thereby allowing the continuation of the sale and consumption of alcoholic beverages by the concessionaire in the area of the DeBell clubhouse and on the golf course. On October 3, 1989, Ordinance No. 3171 was adopted by the Council with a provision that subsection (a), which allowed the sale of alcoholic beverages at the clubhouse and golf course premises, shall remain in effect until September 30, 1990, and on such date is repealed. This sunset clause was never repealed prior to September 30, 1990 and as such, the sale of alcoholic beverages at the golf course is not consistent with the BMC provisions.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK RE-ENACTING SECTION 5.622 (a) OF CHAPTER 5 OF THE BURBANK MUNICIPAL CODE RELATING TO ALCOHOL CONSUMPTION AT THE DEBELL CLUBHOUSE AND GOLF COURSE.

10. 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:

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.

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,
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City of Burbank's Web Site:
www.ci.burbank.ca.us**