



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, AUGUST 14, 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.

PUBLIC COMMENT: Comments by the public on Closed Session items only. These comments will be limited to **three** minutes. 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.

6:00 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:

INCHEON, SOUTH KOREA EXCHANGE STUDENTS.

RECOGNITION: 2007 U. S. GIRLS' JUNIOR CHAMPIONSHIP.

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 August 6, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

REPORTING ON CLOSED SESSION:

PUBLIC COMMENT: (Five minutes on any matter concerning City Business.) A **YELLOW** card must be completed and presented to the City Clerk.

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 Public Comment.

Written Communication. Members of the public seeking to present documents to the Council must provide ten (10) copies of such documents or the documents will not be accepted.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any public comment period or at any public hearing. Such tapes may not exceed the time limit of the applicable Public Comment 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 public comment period during which 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 Public Comments, 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 PUBLIC COMMENT:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. PROPOSED AMENDMENT TO A LEASE WITH THE FAMILY SERVICE AGENCY - 2721 WEST BURBANK BOULEVARD:

The purpose of this report is to provide information to the Council on a proposed amendment to the lease with the Family Service Agency (FSA) for property located at 2721 West Burbank Boulevard; and, to request Council and Redevelopment Agency Board approval of necessary budget amendments and a related cooperation agreement. As part of the existing lease agreement, the FSA is responsible for

funding all tenant improvements to the building. The City is responsible for the major building systems. Therefore, the City expected to fund and install an elevator for the required American Disabilities Act (ADA) access, ensure ADA compliance on the front and/or rear entrances to the building and replace the roof at an estimated cost of \$100,000. Since that time, construction plans have been developed and the FSA design team was informed of additional requirements for the rehabilitation of the building. These items are fire sprinklers and seismic upgrades. In addition, the scope of work and cost estimates for the anticipated costs have changed based on the construction plans. The total estimated cost for these new required items and previously-expected improvements is estimated to be \$509,000.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2007-2008 ANNUAL BUDGET, APPROPRIATING FUNDS IN THE AMOUNT OF \$509,000 AND APPROVING A COOPERATION AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK (2721 WEST BURBANK BOULEVARD).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH OPTION TO PURCHASE FOR THE FAMILY SERVICE AGENCY OF BURBANK (2721 WEST BURBANK BOULEVARD).

RECESS for the Redevelopment Agency, Housing Authority and Parking Authority meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 8)

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.

3. BURBANK WATER AND POWER WATER AND ELECTRIC MONTHLY OPERATIONS REPORT:

Staff has prepared the Burbank Water and Power Water and Electric Monthly Report regarding water quality and power issues for August 2007. The Water and Electric Divisions have no new operational or safety issues to report. June water production, quality and system reliability were as planned and within standards. There were three minor electrical outages in June however, overall electric reliability continues to be very high. Water and Electric fiscal year-to-date financial results and reserve balances are better than budgeted. A June refinancing of the Magnolia Power Project debt will result in an annual estimated interest savings of \$260,000 per year through the year 2036.

Recommendation:

Note and file.

4. AUTHORIZATION TO EXTEND THE BURBANK LOCAL TRANSIT FIXED ROUTE SHUTTLE SERVICE AGREEMENT:

Staff requests Council approval of a fourth contract extension with Southland Transit (ST) to provide fixed route transit services. The City entered into a two-year agreement with ST on July 24, 2002. Since 2002, ST has performed the necessary services under the existing agreement. The agreement has been extended three times due to the implementation of expanded services. ST has also made a considerable investment in additional equipment in order to meet the transit needs of Burbank.

The current agreement expires on August 31, 2007 and staff has been preparing the Request for Proposal (RFP) for the operation of the Burbank Bus Fixed Route Service; however, due to the recent resignation of the Transportation Services Manager, this process was delayed. Staff anticipates distributing the RFP by September 1, 2007 and recommends extending the current agreement on a month-to-month basis to allow for sufficient time to go out to bid and evaluate the proposals. The shuttle operations contracts are paid out of Proposition C transportation funds. These funds are available in the approved Fiscal Year 2007-08 Budget, and therefore there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND SOUTHLAND TRANSIT SERVICES, INC.

5. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MOBILE ENERGY SOLUTIONS FOR THE CONSTRUCTION OF A HYDROGEN HYBRID FUEL CELL TRANSIT BUS:

The purpose of this report is to request the Council authorize the execution of an agreement with Mobile Energy Solutions (MES) for the construction and demonstration of a Hydrogen Hybrid Fuel Cell Transit Bus (HHFCTB). The City along with MES and their partners Hydrogenics Corporation and Martin Marietta Composites, submitted an application to the California Air Resource Board (CARB) as a public-private partnership to fund the development and demonstration of a zero emission transit bus that will be owned and operated by the City. On June 26, 2006, the Council adopted a resolution authorizing staff to enter into an agreement with CARB to accept grant funds in the amount of \$1,370,000 for the purchase and demonstration of a HHFCTB. MES is estimating that it will take approximately one

year to complete the construction and testing of the hydrogen hybrid bus. Staff has estimated that the hydrogen bus will be in service by summer 2008. There is no fiscal impact as a result of this action.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE BUS PURCHASE AGREEMENT BETWEEN THE CITY OF BURBANK AND MOBILE ENERGY SOLUTIONS.

6. FREE PARKWAY PLANT A TREE PROGRAM:

Staff is requesting the Council appropriate \$15,000 from the Sustainability Holding Account to fund a continuation of the free parkway plant a tree program. The funds will allow for at least 150 parkway trees to be purchased and planted at the request of Burbank residents. The trees will be offered on a first-come first-serve basis. Additionally, staff will inform residents of their choice selection based upon the Street Tree Master Plan. During the FY 2007-08 Budget process, the Council set aside \$300,000 in a Sustainability Holding Account for future appropriations. Staff is requesting an appropriation from the Sustainability Holding Account to continue the free parkway tree program.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2007-2008 BUDGET FOR APPROPRIATING \$15,000 FOR THE FREE PARKWAY PLANT A TREE PROGRAM.

7. REQUEST FOR CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2006-07 TO THE 2007-08 FISCAL YEAR FOR THE CITY, REDEVELOPMENT AGENCY, HOUSING AUTHORITY AND PARKING AUTHORITY:

The purpose of this report is to request Council approval to carry over \$105.7 million of continuing appropriations from Fiscal Year (FY) 2006-07 to FY 2007-08 for the City, Redevelopment Agency, Housing Authority and Parking Authority. Carryover appropriations are requested on an annual basis by the departments for a variety of reasons. The most common reasons for manual carryover requests are for: ongoing capital projects; delayed program implementation; continuing operations (including projects and studies such as the Domestic Violence Task Force, Starlight Bowl, Burbank Athletic Federation, etc.); and, restricted dollars for a specific purpose (for example, grants awarded by the City, such as middle school grants; dollars received by the City such as Public Library Funds, Local Law Enforcement Block Grants and Drug Asset Forfeiture Funds; or, donations appropriated for a specific purpose that may cross fiscal years).

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 CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2006-2007.

8. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1230 – 2006-07 COMMUNITY DEVELOPMENT BLOCK GRANT STREET, SIDEWALK AND PEDESTRIAN RAMP PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (BS) No. 1230 – 2006-07 Community Development Block Grant Street, Sidewalk and Pedestrian Ramp Project. The project will include the reconstruction of Olive Avenue from Glenoaks Boulevard to Sixth Street, including approximately 2,500 square feet of new sidewalks along Olive Avenue. In addition, nine pedestrian ramps on Olive Avenue will be reconstructed to conform to the latest American Disabilities Act standards. Construction of this project is scheduled to begin in September 2007.

A bid opening for BS No. 1230 was held on June 5, 2007, at which time Excel Paving Co. of Long Beach, California (EPC) submitted the lowest bid in the amount of \$371,161.75. This contractor has previously performed work similar to the scope of work in this project for the City with satisfactory results. Therefore, staff recommends that the Council approve the contract documents and award a construction contract to EPC for BS No. 1230.

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 2006-2007 CDBG STREET, SIDEWALK & PEDESTRIAN RAMP PROJECT, TO EXCEL PAVING BID SCHEDULE NO. 1230.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

9. NIGHTTIME CURFEW ORDINANCE:

The purpose of this report is to respond to Council Member Golonski's July 10, 2007 request to discuss the nighttime curfew ordinance. This is the first step in the two-

step agenda process. Staff made available information related to Burbank's ordinance and compared it to similar laws relating to nighttime curfew from the cities of Beverly Hills, Culver City, Glendale, Inglewood, Monrovia, Pasadena, San Marino and Santa Monica.

Recommendation:

Staff recommends the Council discuss the matter and provide direction.

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:

Police Department Public Works	August 14, 2007
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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.

ADOPTION OF PROPOSED ORDINANCE:

11. STREAMLINING OF COUNCIL MEETINGS:

The proposed ordinance brings the Municipal Code into conformity with the Charter change approved by the voters at the April 10, 2007 General Municipal Election to provide that the City Council shall meet at least twice a month.

This ordinance was introduced at the July 31, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
SUBSECTION (A) OF SECTION 2-203 OF THE BURBANK MUNICIPAL CODE
RELATING TO MEETINGS OF THE CITY COUNCIL.

RECONVENE the Redevelopment Agency, Housing Authority and Parking Authority meetings for public comment.

PUBLIC COMMENT: (Three minutes on any matter concerning the business of the City.)
A **GREEN** card must be completed and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO PUBLIC COMMENT:

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**