



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, AUGUST 28, 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.

STUDY SESSION - FOLLOW-UP ON A CIRCULATOR TRANSIT SERVICE AND THE BURBANK TRANSPORTATION DEMAND MANAGEMENT PROGRAM:

Staff will discuss and request Council direction on Council Member Reinke’s Fiscal Year 2007-08 goal to explore the feasibility of implementing a circulating transit service within the City, and will follow up on Council direction and questions that arose from its review earlier this year of the National Renewable Energy Laboratory (NREL) report on the City’s Transportation Demand Management (TDM) program.

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:

ANNOUNCEMENT:

DARK MEETING ON SEPTEMBER 4, 2007.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

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:

CONSENT CALENDAR: (Items 1 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.

1. AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH GRIFFITH COMPANY TO INSTALL WATER TRANSMISSION LINES AS PART OF THE STATE ROUTE 134 RAMP PROJECT AND TO AMEND THE FISCAL YEAR 2007-08 BUDGET:

Staff requests the Council adopt a resolution authorizing staff to enter into a Construction Agreement with Griffith Company to install three relocated water transmission lines as part of the State Route 134 Ramp Project and to amend the Fiscal Year 2007-08 Budget in the amount of \$220,600. Staff is proposing to amend the Budget by using 127 Development Impact Fees to front the \$220,600 in increased costs required for the construction, which should be reimbursed by the California Department of Transportation as part of the overall 134 Ramp Project.

Recommendation:

Adoption of proposed resolution entitled
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A CONSTRUCTION CONTRACT WITH GRIFFITH COMPANY AND AMENDING THE FISCAL YEAR 2007-2008 ANNUAL BUDGET BY APPROPRIATING \$220,600 TO FUND ADDITIONAL COSTS FOR THE RELOCATION OF CERTAIN WATER TRANSMISSION LINES (RAMP IMPROVEMENT ON SR-134).

2. SECOND AMENDMENT TO RENTAL AGREEMENT BETWEEN THE CITY OF BURBANK AND THE BOYS AND GIRLS CLUB OF BURBANK:

The Council is to consider approval of an Amendment to the Rental Agreement between the City of Burbank and the Boys and Girls Club. The Amendment will allow the Boys and Girls Club to sublease a portion of their facility at 2244 North Buena Vista Street to Kedren Community Health Center to operate a Head Start Program. Head Start is a federally-funded program that was first established in 1965 to promote school readiness for low-income families by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services to enrolled children and families. The program, which serves children two to five years of age, will operate during the morning and early afternoon hours while Burbank schools are in session.

Recommendation:

4/5 vote required

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO THE RENTAL AGREEMENT BETWEEN THE CITY OF BURBANK AND BOYS AND GIRLS CLUB (2244 BUENA VISTA STREET).

3. APPROVING AND AUTHORIZING EXECUTION OF A WIRELESS COMMUNICATIONS USE AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY:

Staff requests the Council adopt an Agreement between the City and the Airport Authority whereby the City performs basic maintenance on 64 airport radios used for police, fire and operations safety; and also secures radio interoperability for these Airport safety functions. The Agreement would facilitate much-improved radio communications between the Airport and the City's Police Department without adverse financial or service impacts elsewhere. The Airport pays for the cost of these City services with a monthly fee per radio, periodically adjusted to account for general cost increases.

Recommendation:

Adoption of proposed resolution entitled

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE WIRELESS COMMUNICATIONS USE AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY.

4. RESOLUTION TO ISSUE A NOTICE OF INTENT TO CREATE QUIET ZONE:

Pursuant to Federal Regulations, staff is requesting Council approval of a resolution to issue a Notice of Intent to establish a railroad Quiet Zone on the Valley Subdivision at the Buena Vista Street crossing near San Fernando Boulevard. A Quiet Zone is a length of track where the sounding of locomotive horns is not required. In 2005, the Council directed staff to investigate the feasibility of establishing a Quiet Zone. Staff found that improvements to the at-grade rail / highway crossings on both the Valley and Ventura Subdivisions would allow the installation of a Quiet Zone. However, this resolution involves only the Valley Subdivision, as improvements necessary to qualify for a Quiet Zone on the Ventura Subdivision near Vanowen Street are still under design. The resolution will allow staff to proceed with the intent to establish a Quiet Zone, although it does not bind the City to implement a Quiet Zone. Regardless of whether a Quiet Zone is established, improvements that are planned and budgeted for the Buena Vista Street at-grade crossing will be completed.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ESTABLISH A QUIET ZONE PROCESS FOR LOCOMOTIVE HORNS WITHIN THE VALLEY SUBDIVISION AT BUENA VISTA STREET NEAR SAN FERNANDO BOULEVARD, IN ACCORDANCE WITH 49 CFR 222.

5. APPROVAL OF PARCEL MAP NO. 63790 (201 SOUTH BUENA VISTA STREET) AND SUBDIVISION IMPROVEMENT AGREEMENT:

Staff is requesting Council approval of Parcel Map No. 63790, a four-parcel subdivision totaling 4.31 acres located at 201 South Buena Vista Street. The subdivision consists of two medical office buildings, a cancer center and parking structure and is owned by Providence Health System-Southern California, a California non-profit Corporation, DBA Providence Saint Joseph Medical Center. Conditions of Approval for Tentative Parcel Map No. 63790 have been cleared by the Planning Division for the purpose of Parcel Map approval. The remaining off-site improvements to be completed include the reconstruction of certain curbs, gutters, and sidewalks, as well as the resurfacing of Frederic Street and Buena Vista Street from Alameda Avenue to Olive Avenue. According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Parcel Map No. 63790 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL PARCEL MAP NO. 63790 AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT (PMB BURBANK #1 LLC).

6. AUTHORIZING EXECUTION OF A COOPERATION AGREEMENT WITH THE CITY OF GLENDALE FOR THE GLENOAKS BOULEVARD REHABILITATION PROJECT:

The City of Glendale's Glenoaks Boulevard Rehabilitation Project includes the resurfacing of Glenoaks Boulevard from Grandview Avenue in Glendale to the Burbank/Glendale boundary. A portion of the City boundary runs through the roadway of Glenoaks Boulevard between Spazier Avenue and approximately 180 feet north of Alameda Avenue. Staff recommends including this portion of Glenoaks Boulevard in Glendale's project by participating in a cooperation agreement. Under the terms of the agreement, the City of Glendale will handle the bidding process, as well as the construction management of the project; the City of Burbank will pay for the portion of the project within Burbank in an amount not to exceed \$108,530.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CITY OF GLENDALE FOR THE GLENOAKS BOULEVARD REHABILITATION PROJECT.

7. ACCEPTING A DONATION TO BUILD A SHADE STRUCTURE AT IZAY PARK BURBANK CITY STADIUM AND AMENDING THE FISCAL YEAR 2007-08 BUDGET:

Staff requests Council approval to accept a donation of \$100,000 from The Barbara and Garry Marshall Family Foundation. The intent of the donation is to pay for the construction of an overhead shade structure covering the bleachers at Burbank City Stadium located at George Izay Park. Mr. Marshall, a successful writer, director, producer, actor, and owner of the Falcon Theatre in Burbank, is also a sponsor, manager and participant in the City of Burbank Park Recreation and Community Services Adult Softball League. The Foundation will donate \$50,000 in December 2007 to initiate construction and \$50,000 in 2008 once the project is complete. The donation will pay for expenditures associated with engineering, performance and payment bonds, and construction of the shade structure. A permanent park bench with an engraved brass plaque acknowledging the Foundation's donation will be installed at the ball field.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE DONOR – DONEE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE BARBARA AND GARRY MARSHALL FAMILY FOUNDATION AND AMENDING THE FISCAL YEAR 2007-2008 BUDGET BY ACCEPTING THE DONATION OF \$100,000.

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

REPORTS TO COUNCIL:

8. DEBELL CLUBHOUSE CONCESSION AGREEMENT:

The purpose of this report is multifold. The existing DeBell clubhouse is due to be demolished in September 2007 and the new clubhouse will be completed during the Winter of 2008-09. As such, staff is requesting: approval of an Interim Operating Agreement with Raymond and Michelle Lucero (d.b.a. R&M Concessions, Inc.) for the DeBell Golf Course while the new clubhouse is being constructed; approval of a temporary agreement to lease a catering truck to provide continued food and beverage services during the demolition and construction of the DeBell Clubhouse; approval for EZ-Go Textron to enter into a 48 month lease for the mobile food and

beverage refresher cart that will enhance a reduced level of service to our golfing patrons during the construction process; and, approval to enter into a five-year agreement with R&M Concessions, Inc. to commence once the new clubhouse has been reopened. The terms of the agreement will remain the same as required in their current agreement.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE INTERIM CONCESSION AGREEMENT BETWEEN THE CITY OF BURBANK AND RAYMOND AND MICHELE LUCERO, dba R & M CONCESSIONS, INC.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF BURBANK AND LUIS LARA, dba COMMAND PERFORMANCE FOR LEASE OF A CATERING TRUCK.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE MASTER LEASE AGREEMENT BETWEEN THE CITY OF BURBANK AND TEXTRON FINANCIAL CORPORATION FOR LEASE OF A BEVERAGE AND REFRESHMENT CART.
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE DEBELL CLUBHOUSE CONCESSION AGREEMENT BETWEEN THE CITY OF BURBANK AND RAYMOND AND MICHELE LUCERO, dba R & M CONCESSIONS, INC.

9. HOUSING ELEMENT UPDATE:

Staff will provide the Council with a report about the mandatory update of the General Plan Housing Element. Staff will highlight the schedule and deadlines for this project and the critical issues that must be addressed as part of this General Plan update. State planning law carefully regulates the content of the housing element and mandates that the City's Housing Element be updated by June 30, 2008. In order for a housing element to be found in compliance with State law it has to meet the detailed and increasingly-onerous mandates of the law and be consistent with the other adopted elements of the General Plan. Staff will work with the Council and the community to analyze Burbank's housing needs and the resources for meeting these needs in keeping with the rigorous State housing element mandates.

Recommendation:

Staff recommends that the Council note and file this report. Unless otherwise directed by the Council, staff will proceed in the direction outlined.

10. ART IN PUBLIC PLACES – BURBANK MUNICIPAL CODE SECTION 31-114 ZONE TEXT AMENDMENT (ARTS FOR ALL PROGRAM):

During the July 31, 2007 meeting, Council Member Golonski requested that staff return with an option to allow developers who are not interested in meeting the Art in Public Places obligation of installing an on-site art piece to contribute half of the one percent obligation towards the Burbank Unified School District’s Arts for All program, with the remaining funds placed in the Public Art Fund (PAF). Currently, developers who do not desire to install on-site art must contribute their entire one percent to the PAF. The funds are used exclusively for the financing of art projects including, but not limited to, the acquisition, installation, improvement, maintenance, and insurance of art work that will be located at public buildings or on public grounds. The necessary action to alter the Ordinance would be to initiate a Zone Text Amendment to expand the in-lieu fee to include the option of allocating half of the one percent towards the Arts for All program. This item has been placed on the agenda as the first step for additional Council direction and consideration.

Recommendation:

Staff recommends that the Council have a discussion on the possibility of initiating a Zone Text Amendment to expand the options developers might select if they choose not to incorporate art on-site.

11. BURBANK VOICES: THEN AND NOW TV SERIES:

Staff will provide the Council with a progress report on one of its goals for the year, establishing an Oral History Program for the City. Planning meetings for proceeding with this project have begun, and production of the series, now called “Burbank Voices: Then and Now” is about to begin. The project will receive guidance from the Public Information Office Subcommittee.

Recommendation:

Note and file.

12. COUNCIL DIRECTION REGARDING THE FOLLOW-UP STUDY SESSION ON A CIRCULATOR TRANSIT SERVICE AND THE BURBANK TRANSPORTATION DEMAND MANAGEMENT PROGRAM:

The purpose of this agenda item is to allow for subsequent public comment and Council action and direction as a result of the follow-up study session on a Circulator Transit Service and the Burbank Transportation Demand Management Program.

ADOPTION OF PROPOSED ORDINANCE:

13. REQUEST FOR AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY FOR RENEWABLE WIND ENERGY FROM THE MILFORD WIND CORRIDOR PHASE 1, LLC ("UPC"):

This Ordinance makes certain findings related to the City's participation in the Milford Wind Corridor Phase I Project and approves entering into the Milford Wind Corridor Phase I Project Power Sales Agreement between the City and the Southern California Public Power Authority.

This ordinance was introduced at the August 14, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ENTERING INTO THE MILFORD WIND CORRIDOR PHASE I PROJECT POWER SALES AGREEMENT.

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**