

TUESDAY, FEBRUARY 12, 2002

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:02 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski (arrived at 5:04 p.m.), Laurell, Murphy, Ramos and Kramer.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Mayor Kramer called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment was Marie Paino, on the Charter Cable rate increases, stating that it is difficult on those who are on fixed incomes; and asking if the Animal Shelter will have another free adoption day for seniors.

5:06 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 1. **Name of Case:** In the matter of the application of Burbank-Glendale-Pasadena Airport Authority – Administrative (Variance) Hearing conducted by Cal Trans.
Case No.: OAH No. L-9701269
Brief description and nature of case: Administrative review of Airport noise variance standards.
 2. **Name of Case:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.
Case No.: BC259852
Brief description and nature of case: Declaratory Relief.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957
Agency Negotiator: Management Services Director/John Nicoll
Employee Organization: Represented, Unrepresented and Appointed City Employees, Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Fire Fighters Association, and Burbank Fire Fighters Chief Officers Unit.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Pastor Reverend Harry Durkee, First United Methodist Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Nicoll, Management Services Director.

ROLL CALL

Present- - - Council Members Golonski, Laurell, Murphy, Ramos and Kramer.

Absent - - - Council Members None.

Also Present - Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Hearing Assistance Devices Mr. Nicoll, Management Services Director, demonstrated the three types of hearing assistance devices that will be available to Council Chamber audience members: 1) The ear bud device which picks up the wireless transmission of the meeting; 2) the conventional headphone type; 3) a device for the person already having a hearing aid which plugs directly into their device. Mr. Nicoll reported that provision of these devices was another step in compliance with the Americans with Disability Act.

6:47 P.M. Hearing 1701 ZTA No. 2001-12 (Non-Conforming Uses Mayor Kramer stated that "this is the time and place for the hearing on Zone Text Amendment No. 2001-12 regarding an amendment to the zoning ordinance relating to the amortization of certain legal non-conforming uses and a negative declaration related thereto."

and Structures
Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Mr. Forbes, Associate Planner with the Community Development Department, stated that that the subject Zone Text Amendment would amend Section 31-1815(8) regarding non-conforming uses and structures. He stated the proposed amendment would clarify staff's long-standing belief that the section applies to non-conforming structures only when they are occupied by non-conforming uses. He further stated this sub-section specifies requirements for the termination and removal of legal non-conforming uses and structures based upon the date the use in question became non-conforming and the age of the structure in which the use is located.

Mr. Forbes stated that staff believes the section applies to non-conforming uses under any circumstances and to non-conforming structures only when such structures contain non-conforming uses. However, he noted, a private property owner recently brought to staff's attention that the section may be interpreted to apply to non-conforming structures regardless of the conformance status of the use and to require demolition of the structure even if the use is consistent with current zoning. He stated that staff believes allowing non-conforming uses to be continued as long as they contain conforming uses is consistent with the overall planning and zoning objective of eliminating nuisances from the community.

He stated that staff believes the section should be clarified by amending the code to insure application in the future. Staff believes that the proposed zone text amendment will eliminate any potential confusion or inconsistency with the application of this zone section because the amendment is reflective of the historic and current application and enforcement of the code, there would be no tangible impact on the community resulting from the proposed amendment and the amendment would not result in any direct or indirect physical changes to the environment.

He stated the Planning Board considered the Zone Text Amendment at their meeting of January 28, 2002 and recommended approval of the Amendment to the City Council.

Hearing
Closed
Motion

There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.
It was moved by Mr. Golonski and seconded by Mrs. Ramos

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that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading and that the following resolution be passed and adopted:"

1701
ZTA No. 2001-12
Relating to Nonconforming Uses

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 31-1815 OF THE BURBANK MUNICIPAL CODE RELATING TO THE AMORTIZATION OF CERTAIN LEGAL NONCONFORMING USES.

1701
Adopt Neg. Dec. For ZTA No. 2001-12

RESOLUTION NO. 26,177:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR ZONE TEXT AMENDMENT NO. 2001-12.

Adopted

The ordinance was introduced and the resolution was adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.
Noes: Council Members None.
Absent: Council Members None.

Reporting on Closed Session

Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings. He stated that in the case of the City v. Airport Authority, the Council considered the application of Ted McConkey to act as an Intervenor with the stipulation that the agreement include payment for any appeals filed and by a 3-2 vote, with Mr. Kramer and Mrs. Ramos voting no, the Council decided not to authorize the payment of an appeal and therefore not to approve the agreement with Mr. McConkey.

First Period of Oral Communications

Mr. Kramer called for speakers for the first period of oral communications at this time.

Citizen Comment

Appearing to comment was R. C. Czapiewski, stating that the Council passed a Resolution in October 2001 declaring that Measure A is the law.

Staff

Members of the Council and staff responded to questions

Response	raised.
Second of Oral Communications	Period Mr. Kramer called for speakers for the second period of oral communications at this time.
Citizen Comment	<p>Appearing to comment were Don Elsmore, on the Request for Default Judgment which was filed by the City, quoting that the power of the Council to approve airport expansion on Public Utilities Code (PUC) 21661.6 is not subject to delegation, that Measure A unlawfully usurps the approval authority under Section 21661.6 that the legislature granted exclusively to the Burbank City Council and that the provisions of Measure A should be declared illegal, and in that case Measure B should be recognized as being illegal as well because of the same reasons cited which allege Measure A is illegal, noting that a Declaration was included in the Judgement which stated pending items were being stalled because the need for clarification of Measure A including a project that the Airport Authority declared was complete; Tom Jamentz, Chair of the Burbank Water and Power Board, stating the Board unanimously approved the Magnolia Power Project Agreements and encouraged the Council to do the same as this project will keep the City independent and the project is clean, and efficient; Ted McConkey, accusing the Council of illegally trying to control the litigation, on Measure A being the law in Burbank as of October 10, 2001, that in failing to enforce Measure A, Council Members Golonski, Laurell, and Ramos are in violation of the California Constitution and the duly-enacted law of Burbank, on the Council refusing to fund an appeal and his belief the Council's offer to fund an Intervenor was not made in good faith; R. C. Czapiewski, stating his belief that the Council is derelict in its duty as three Council Members voted in favor of the lawsuit, and therefore the other two are the only ones obeying the law; Esther Espinoza, commenting on ZTA 2001-12 on the weed abatement resolution, and on various agenda items which she believes are just another way for the City to spend money; Ron Vanderford, stating that the Framework for Settlement was conceived in secrecy, and noting his belief Council Members Golonski and Laurell are not simply seeking Court guidance but are actually seeking to have it declared illegal, and asking Mrs. Ramos to put a stop to the lawsuit; Mark Barton, expressing hope this court filing is the end of the Measure A lawsuit, and on the latest FBI warning regarding terrorist attacks; David Piroli, stating that Stage 2 planes have been banned from the airport in Naples, Florida and the possibility that the Federal Aviation Authority will overturn the decision and noting that</p>

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the Naples Airport is being represented by Peter Kirsch, commenting on the Council's power belonging to the people so the Council cannot give it away as was the contention in the PUC case against the Airport with regard to the Joint Powers Agreement; Mike Nolan, reading from prepared text offering to act as an Intervenor in the Measure A lawsuit; Howard Rothenbach, distributing to the Council a newspaper article on Supervisor Gloria Molina announcing Los Angeles County is expected to approve closed session regulations pursuant to the Brown Act, on closed session reporting out requirements, stating when action is taken in closed session it is required to be reported on, and asking why there was no reporting on the filing of the Request for Default Judgment; Marie Paino, on the Burbank Transportation Efficiency Study and her opinion that we need more vehicles between the hours of 4:00 and 6:00 PM in order for people to be able to participate in public meetings; and Anita Gonzales, agreeing that Burbank Transportation is very busy and stating she has had difficulty getting transportation to church on Sunday, and noting problems using the service in the past.

Staff
Response

Members of the Council and staff responded to questions raised.

Additional
Agenda Item

Mr. Kramer asked that an additional item related to the Measure A lawsuit Intervenor be placed on the agenda stating that "there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted."

Motion

It was moved by Mr. Golonski, seconded by Ms. Murphy and carried that "the additional item related to Mike Nolan being an Intervenor be added."

Motion

It was moved by Ms. Murphy and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

Minutes
Approved

The minutes for the regular meetings of November 13 and November 20, 2001 were approved as submitted.

1211
Reso. of Intent

RESOLUTION NO. 26,178:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

For Annual Weed Abatement Program DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

1502 RESOLUTION NO. 26,179:
403 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
PSA w/URS for APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH
I-5/134 URS CORPORATION FOR THE I-5/134 INTERCHANGE STUDY.
Interchange Study

1502 RESOLUTION NO. 26,180:
Coop. Agmt. w/ A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Metrolink for APPROVING A COOPERATION AGREEMENT BETWEEN THE
Empire/I-5 CITY OF BURBANK AND SOUTHERN CALIFORNIA REGIONAL
Interchange RAIL AUTHORITY.
Project

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos
 and Kramer.
Noes: Council Members None.
Absent: Council Members None.

1502 Mr. Flad, Park, Recreation and Community Services Director,
Transportation stated that the purpose of this report is to discuss the
Efficiency Study different transportation programs that the City offers. He
Update stated that the goal was to conduct an efficiency study, a peer
 study showing how the City compares to other service
 providers, as well as a historical efficiency study comparing the
 City's transportation services today to those provided ten years
 ago. Mr. Flad stated that both the peer review and the
 historical review were very favorable, noting the City is more
 efficient and is providing the service to many more patrons
 than in the past.

Mr. Flad introduced Andrew Carrasco, Transportation Services Coordinator, who reported on the three different services provided by the City: Burbank Local Transit (BLT), Burbank Transportation Service (BTS), and the Got Wheels Youth Transit Program (Got Wheels).

Mr. Carrasco stated that BLT is a peak hour commuter service operating on a fixed route mode and utilizing electric vehicles

augmented by Laidlaw, the current contractor. He stated the program operates from 6:00 a.m. to 10:00 a.m., then again from 3:00 p.m. to 9:00 p.m. and will soon hit the one million rider mark.

Mr. Carrasco stated BTS is a dial-a-ride program for the elderly and disabled, operating seven days a week for residents 60 years or older. He stated it operates on an advanced reservation system, but tries to accommodate emergencies when possible.

Mr. Carrasco stated that Got Wheels began operating two years ago as a pilot program, utilizing four retired BTS vans, on a fixed route for youth ages 10 to 18. He stated that during the school year, the program starts at 3:00 p.m. and ends at 6:30 p.m.; the summer program operates from 9:00 a.m. until 6:00 p.m. Monday through Friday. He noted that ridership has increased tremendously over the past two years and last year was adopted by the Council as a regular program.

Jim Moore, Moore & Associates, public transportation consulting firm managing partner, discussed the study point by point. The study objectives were to 1) analyze the efficiency of each service operation, 2) identify program needs, 3) identify opportunities for shared use of City assets such as equipment, 4) provide recommendations for improving service, and 5) provide recommendations for improving efficiency. He stated that the programs are all very efficient, meet the identified mission statement, and are distinctive in who they serve, how they are funded and how they are operated.

Mr. Moore stated that BLT is the largest of the three programs in terms of number of service hours and users, with a growth rate that far exceeds the national average. It is a model for other station-link programs within the system. He stated the program has two objectives, serving as part of trip reduction strategy as well as a tool for economic development with a low cost per passenger.

He then stated that BTS has a very distinctive customer group, seniors and persons w/disabilities and plays a key role in terms of providing essential mobility and mainstreaming the population. Mr. Moore stated the efficiency of BTS has increased significantly dropping from a cost per passenger of \$8.73 to \$6.84 which is rare for this type of system.

Mr. Moore reported that Got Wheels is a very unique program as well as one of the few in the entire State. There has been a ridership increase of 417 percent from year-to-year.

He then listed recommendation for each of the transportation

programs as follows:

BLT: Consider expanding the Golden State/Airport Area shuttle service area, and convert a portion of the Golden State/Airport Area service from current demand-response to a fixed route. The cost for the expansion is negligible. It would be a natural growth progression in the service and allows for service to the greatest number of people at the lowest reasonable cost. The customer base would increase without increasing hours while enhancing service to the employment community.

BTS: Increase the number of subscription trips and investigate use of larger vehicles during midday hours when ridership is higher. The subscription trips offer customers an opportunity to ride without making a reservation, and getting customers to a given destination in a shorter time period.

Got Wheels: Consider development and implementation of a comprehensive marketing plan to support the summer service; coordinate the route and schedule with City-sponsored programs such as sports or summer camps; and evaluate the purchase of larger capacity vehicles. These would increase youth awareness of transportation programs and would improve access to city-sponsored programs.

Mr. Moore summarized the findings by stating that the programs are operating efficiently in terms of both peer review, historical review, and industry standards and have enhanced Burbank's position as a quality residential community.

In response to a question by Council, Mr. Carrasco stated that Proposition A funds are being set aside to purchase a new dispatch software system during the next fiscal year.

The Council noted and filed the report.

8:24 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 8:38 p.m. with all members present.

1503
411
Magnolia Power
Project – Power
Sales Agmt.
Project A

Mr. Fletcher, Burbank Water and Power Assistant General Manager, reported on the request to adopt an Ordinance authorizing execution of the Magnolia Power Project Power Sales Agreement Project A and the Construction Management and Operation (CM&O) Agreement.

He stated that the Magnolia Power Project (Project) is the first project of a regional nature to be built and operated by someone other than the Los Angeles Department of Water and Power, and noted that this is the optimum project for the site and is the best, most cost-effective project the City can build.

He stated the Project is larger than Burbank requires and other municipal agencies can share in the Project and its output; it will be a project of the Southern California Public Power Authority (SCPPA). He further noted that this Project represents the major resource addition recommended by the Integrated Resource Plan previously presented to the Council.

Mr. Fletcher stated the planning work is essentially complete and the project is expected to receive its license from the California Energy Commission (CEC) by May 2002 and the Power Sales Agreements are ready for execution. He stated the plans for financing the project have been developed and the participants are seeking approval to execute the power sales agreements. He also stated that two principal agreements are before the Council: The Power Sales Agreement Project A, which is an agreement for the power from the project; and CM&O Agreement, which identifies the terms and conditions of construction of the Project and designates Burbank as the Project Manager and as the Operating Agent for the life of the Project.

Mr. Fletcher stated that these Agreements will require an Ordinance for approval due to the long-term nature of the Agreements. He stated, upon approval, the Agreements will become effective when the Project receives its license from the CEC and when all of the Project participants have executed the Power Sales Agreement. Mr. Fletcher stated the Power Sales Agreement Project A, which will utilize tax exempt bonds, will enable the City to receive its share of the output of the Project and either use it or sell it in the wholesale market.

He continued by stating that this Project will be used to replace the capacity on-site that was built in the 50s and 60s and replace purchase arrangements with entities in the Pacific Northwest and to accommodate increased sales growth, and it is expected to generate electricity less expensively than the Intermountain Power Project which is the City's principal source of power. Mr. Fletcher stated that the Project will also be more flexible and more reliable due to its location within Burbank.

Mr. Fletcher further stated that following the licensing and approval by the participants of the Power Sales Agreements, financing can be accomplished by revenue bonds by the SCPPA and secured by the Power Sales Agreement, followed

by the start of construction. He stated that operation of the Project is scheduled to begin in late 2004 or early 2005.

He stated the Project will be governed by a Coordinating Committee with each participant having representation on the Committee and will be allocated voting shares based on the ownership participation in the Project. Mr. Fletcher noted that Burbank will chair the Committee. The participants, he stated, include the cities of Burbank (31%), Anaheim (31%), Cerritos (14%), Colton (4%), Glendale (8%), Pasadena (4%), and San Marcos (8%), with the Project estimated to cost \$214.5 million for construction with additional costs (approximately \$80 million) for purchase of emission credits for the life of the Project, funds for capitalization for the interest during the construction period, reserve funds for debt service and operations, and bond insurance and funds for cost of issuance of the bonds.

He stated the debt service for the Project is about one cent per kilowatt-hour, or \$10 per megawatt-hour, assuming a \$240 million bond issue, 30-year bonds, with an interest rate of five percent. The ideal debt service for the Project would be \$17.666 million. The operating costs for fuel and labor is expected to vary between \$20 (two cents per kilowatt-hour) to \$27 (2.7 cents per kilowatt-hour) per megawatt-hour. The total operating costs are expected to vary between 3.5 to 4 cents per kilowatt-hour.

Mr. Fletcher stated the efficiency of the plant provides good fuel sensitivity. As the price of fuel goes up, the plant becomes more competitive than less efficient plants. Mr. Fletcher noted that the intrinsic value of actually owning a power plant as opposed to contracting for power includes: the physical assets provide cost-based rates for customers; there is no need for additional rates to cover profits for investors; it provides reliable delivery of power under a wide range of market conditions and contracts; power can be produced to meet the exact need indicated by varying temperatures; and municipal agencies can construct and operate plants at a lower cost than the private sector due to the tax-exempt financing.

He concluded by stating that the Power Sales Agreement Project A will be between Burbank, each participant, and the SCPPA and enables Burbank to receive 77 megawatts of the 250 megawatt portion of the Power Plant or 97 megawatts on peak of the optimum plant operating at 311 megawatts. It will also authorize the financing and construction of the plant, commit Burbank to pay for its share of the debt service and operating costs associated with the plant, and will be for the five SCPPA participants (Glendale, Pasadena, Anaheim,

Colton, and Burbank) that have electric utilities.

In response to a question by Ms. Murphy asking if there is the fear that Burbank will have a surplus of power, Mr. Fletcher stated that there has been a shortage of power in the Pacific Northwest and some outages in other parts of California, and with the Governor's plan of making 4,000 megawatts available to the market and the purchase of 4,000 megawatts of expensive power, the supply curve brought the costs back down. It is anticipated that there will be a new lack of electricity shortly after this plant is built and it is staff's opinion that it will be safer to satisfy Burbank's need with the City's own power than get involved in a volatile market.

Mr. Golonski stated that it is his understanding that this plant will provide a dramatic improvement in air quality by reducing emissions. Mr. Fletcher replied that in generating power last year during the energy crises, the City's older plant also generated 300,000 pounds of NOx emissions; the new Project will generate less than 50,000 in an entire year.

In response to Mr. Kramer's concern of a city dropping out of the Project, Mr. Fletcher stated that Los Angeles Water and Power and Metropolitan Water District are potential partners in the plant, as well as private investors, or Burbank could accept a larger share. Mr. Davis, Burbank Power and Water General Manager, stated that it would be more desirable to have a smaller share of more plants than a majority of one plant in the event of a breakdown in equipment or disaster.

Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following ordinance be read for the first time by title only and be passed to the second reading and that the following resolutions be passed and adopted:"

1503 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
411 APPROVING ENTERING INTO THE MAGNOLIA POWER
Magnolia Power PROJECT POWER SALES AGREEMENT (PROJECT A).
Project Power
Sales Agmt
(Project A)

1503 RESOLUTION NO. 26,181:
411 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Deliver Magnolia AUTHORIZING OFFICIALS TO EXECUTE AND DELIVER (I) THE
Power Proj. MAGNOLIA POWER PROJECT POWER SALES AGREEMENT
Sales Agmt & (PROJECT A) AND (II) APPROVING THE SHARE OF CAPACITY
Approve the AND ENERGY TO BE PURCHASED PURSUANT TO SUCH
Share of POWER SALES AGREEMENT.
Capacity and
Energy

1503 RESOLUTION NO. 26,182:
411 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Deliver Magnolia APPROVING AND AUTHORIZING OFFICIALS TO EXECUTE AND
Power Proj. DELIVER THE MAGNOLIA POWER PROJECT CONSTRUCTION
Construction MANAGEMENT AND OPERATING AGREEMENT.
Mgmt. and
Operating Agmt

Adopted The ordinance was introduced and the resolutions were
adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos
 and Kramer.
Noes: Council Members None.
Absent: Council Members None.

1503 Mr. Davis, Burbank Water and Power General Manager,
1504 reported on the Burbank Water and Power (BWP) Monthly
BWP Monthly Operating Report for January 2002.
Report

He stated that many of the projects have come before the
Council in recent weeks. He noted the following:

Water:

Water quality for the City has met or exceeded State and
Federal drinking water standards as well as administrative rules
set by the Council; BWP again sampled for Chromium 6 at
public facilities and the average reading for the month is 3
compared to the administrative goal of 5; Council had
requested staff to track the benefits v. cost of returning Well
No. 1 to service which has been done and it was operated
several days during the past month and BWP saved about
\$13,000 in replacement water costs from Metropolitan Water
District and produced approximately 30 acre feet, or 10 million
gallons; the Water Division staff has been conducting security
upgrades and are looking into reimbursement of the upgrades
by grant funds; on the water cost adjustment clause, the
balance is approximately \$1 million which is at the upper limit
of the administrative range as recommended to Council due to
aggressive management and a non-recurring refund from the
Metropolitan Water District; ground water make-up credits will
need to be addressed during the next rate cycle in order to
prevent a greater rate increase in the future; the City has used
its bank of free groundwater and will now have to purchase
replacement water.

Electric:

The Federal Court of Appeals found in the City's favor regarding the resolution of a power contract dispute with Bonneville Power Authority and Mr. Davis thanked the City Attorney's Office for their efforts in this matter; upgrading distribution projects previously approved by the Council, giving the City ability to transfer power in and out of the City equal to or exceeding the City's summer peaks; the City's fourth switching station (Capon Station) is on schedule and within budget and is anticipated to be completed by August 2002.

The Council noted and filed the report.

201-2
Mid-Year Work
Program (Mgmt.
Services &
Financial
Services)

Mr. Nicoll, Management Services Director, reported on the following projects listed in the 2001-2002 Work Program:

Mr. Nicoll noted that the following Projects have been completed:

Conducted a joint Recruit Fire Fighter Academy with the City of Glendale; provided training for managers on the new BCEA merit plan which was completed during October for 232 managers and supervisors; and evaluated the City's existing salary survey system in order to pay competitive market-level compensation. The base cities of Glendale, Pasadena, and Burbank use differing methodologies and differing market surveys. As staff moves into negotiation with labor units, the goal is to discuss adding the appropriate cities to get a good market base, particularly when it comes to utility operations.

Mr. Nicoll then discussed the on-going goals:

Achieve a five percent reduction in the timeline for new hires and promotions using the baseline of 1999-2000. That goal was actually exceeded by using a department-based decentralized recruitment to speed up the process and departments were requested to provide advanced notice of those people who were leaving as well as an increase in the number of applications on-line;

Increase job opportunities for the developmentally disabled and vision impaired by continuing to use outreach programs and coordinate with the Work Training Program to insure that all jobs are available for persons with any ADA-recognized disabilities as well as using the TDD devices for all applications and providing accommodations for testing;

Utilize task specific employees to meet the varied needs (youth employment programs for at-risk teens, interpreters for the hearing impaired, program participants for seasonal employees

and summer aquatic programs) of the service departments. In conjunction with Parks, Recreation, and Community Services Department, Management Services set up an advanced program to fill the positions on a less hurried basis by beginning early in the year for summer positions;

Provide supervisory training for managers and supervisors, in areas such as sexual harassment, diversity, violence in the workplace, writing and presentation skills, and computer application and, thus far, have provided 350 hours of training to 75 employees throughout the City, including the use of an on-line training service called Work Place Answers in which employees are able to take the training program at their work stations during the work day;

Revise classification specifications in accordance with Federal requirements for all recruited positions in 2001-2002: Of the 49 positions recruited for this year, 27 have had the specifications revised;

Promote the City's quarterly blood drive with the goal of at least 200 units per year. In addition, a bone marrow program was instituted;

Maintain current hiring standards while at the same time targeting diversity. Advertising and outreach is working and a pool of applicants that represents all segments of the community has been achieved;

Provide safety training to all employees to support the City's Accident Prevention Program;

Protect the City resources by effectively managing the various insurance programs. The City is self-insured for Workers Compensation and for the first \$1 million of individual liability claims, and we purchase liability coverage above that. It is anticipated that rate increases will run between 20 and 50 percent in the upcoming budget year;

Mr. Nicoll concluded by noting the following delayed projects: Create a central database for survey cities for labor relations: The Southern California Public Labor Relations Association is currently coordinating a program through a vendor that cities can subscribe to at a substantially reduced price and it can be tailored so cities can extract only that information needed for an individual survey; and,

Negotiate multi-year labor contracts with the IBEW, BFF, and BFF-COU. On November 13, 2001, Council approved the IBEW

contract with the only remaining opening for retirement enhancements. For the BFF, the City is awaiting data return from the actuarial firm of AON on retirement enhancements. For the BFF-COU, negotiations will begin with AON numbers regarding retirement.

Mr. Hanway, Financial Services Director, presented the 2001-2002 Work Program Items for the Financial Services Department, noting the following items:

One of the most significant projects is the implementation of GASB-34. Evaluation and Inventory of the Infrastructure Assets which have been implemented in conjunction with the Public Works Department with Phase One (Initial Assessment Phase) being completed and Phase Two (Evaluation Phase) will be completed by April 2002. The second part includes restating the Financial Statements, including the numbers and format, showing the government-wide statements as well as the fund statements and reconciliation between the two statements.

Created a user friendly budget summary for dissemination to the public.

Establish a Comprehensive Listing of Training Classes (Oracle) which has been completed, with 21 periodic training classes implemented. To date, 57 different training programs have been conducted with 180 participants.

Update the Burbank Municipal Code and Administrative Policies to implement new purchasing procedures. The last change to the Charter increased the limit for public works construction contracts to \$100,000 which requires conforming the code, as well as to modernize the language and recommend increasing other limits.

406
Intervenor in the
Measure A
Lawsuit

Mr. Barlow, City Attorney, reported that in November the Council appealed to the supporters of Measure A in the community to become an intervenor in the Measure A lawsuit. Mr. Barlow stated that no one came forward at that time, that Mr. Nolan did express interest but when asked to put the offer in writing, Mr. Nolan failed to do so.

He further stated that Mr. McConkey recently expressed written interest which was submitted to the Council, however Mr. McConkey stated he cannot accept an agreement without Council agreeing in advance to pay for any appeal that might be filed. Mr. Barlow stated that the Council will not agree to

pay for future appeals, and now Mr. Nolan has now come forward and offered to intervene under the terms offered to Mr. McConkey.

- Motion It was moved by Ms. Murphy, seconded by Mrs. Ramos and carried with Mr. Golonski and Mr. Laurell voting no "to allow Mr. Nolan to intervene in the Measure A lawsuit and direct staff to prepare an agreement which must be signed by Friday, February 15, at 5:00 p.m. and this agreement will be presented to Council at the February 19 Council meeting, and closing the period of intervention."
- Third Period of Oral Communication Mr. Kramer called for speakers for the third period of oral communications at this time.
- Citizen Comment Appearing to comment were Ted McConkey, on the Intervenor agreement, noting he declined the proposal because the Council was not willing to fund an appeal; Eden Rosen, on the need for customer service skills for City employees, on her difficulties in communicating with both public and private employees, and on traffic problems at the intersection of Olive and Clark; James Schad, stating 11,000 voters made their intention known and appreciation for Council support for Measure A, thanking the Police Department's Union for not taking a stand and trying to sabotage Measure A, requesting the monument on Gaylord Drive identifying "Rancho Section" be removed due to his opinion it constitutes a hazard, and on the Planning Board decision to turn down the Denny's Restaurant request to provide 24-hour service which was recommended by staff; Esther Espinoza, on discrimination lawsuits against the City, and on the City's hiring practices; Mark Barton, clarifying what he wants the City to do in the event of a terrorist attack, and encouraging the Council to call the CIA with specific questions; and Mike Nolan, stating his intention not to do anything to undermine Ted McConkey's position, stating he takes this assignment very seriously and the hope that they get an answer they can rely upon and that trial court decisions in the past were not reliable until there was an appellate decision, and noting his long history with regard to the Airport.
- Staff Response Members of the Council and staff responded to questions raised.

2/12/02

301-2
Memorial
Adjournment

There being no further business to come before the Council,
the meeting was adjourned at 10:26 p.m. in memory of Kevin
Cabrera.

Margarita Campos, City Clerk

APPROVED APRIL 16, 2002

Mayor of the Council
of the City of Burbank