



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, AUGUST 19, 2003  
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.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

- a. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)
  - 1. **Name of Case:** Jose Guevara v. City of Burbank.  
**Case No.:** EC033729  
**Brief description and nature of case:** Individual fell into sidewalk vault.
  - 2. **Name of Case:** Sara Kirst, et al. v. City of Burbank.  
**Case No.:** BC203061  
**Brief description and nature of case:** Alleged employment discrimination.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 1
- c. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957 and 54957.6  
**Title of Employee’s Position:** City Attorney.
- d. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957 and 54957.6  
**Title of Employee’s Position:** City Manager.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

**6:30 P.M.**

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT:            WEDNESDAY NIGHT PRIME TIME PROGRAMS.

ANNOUNCEMENT:            DARK MEETINGS ON SEPTEMBER 2 AND 9, 2003.

ANNOUNCEMENT:            HOUSEHOLD HAZARDOUS WASTE ROUNDUP –  
SEPTEMBER 13, 2003.

ANNOUNCEMENT:            CHARTER REVIEW COMMITTEE AND TRAFFIC AND  
TRANSPORTATION COMMITTEE APPLICATIONS.

PRESENTATION:            SISTER CITY COMMITTEE REPORT:

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. CERTIFYING COMPLIANCE WITH LOS ANGELES COUNTY CONGESTION  
MANAGEMENT PROGRAM AND ADOPTING LOCAL IMPLEMENTATION REPORT:

Staff recommends the Council approve the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's

(MTA) Congestion Management Program (CMP) and adopting a Local Implementation Report (LIR) for the 2002-2003 reporting period as required by the CMP. Continued eligibility for Proposition 111 State Gas Tax revenues requires the City to conform with CMP requirements, including submitting an annual report documenting new commercial and residential development impacting the transportation system (debits) versus transportation-related capital improvements, changes in transit systems, and transportation demand management (TDM) programs that help to offset these impacts (credits). This debit-to-credit balance is maintained as a cumulative balance from year to year to show long-term trends in the transportation system.

The City accrued a total of 1,642 debit points from new development during the 2002-2003 reporting period, while gaining a total of 2,056 transportation improvement credits. This surplus of credits to debits is added to the City's overall credit surplus of 102,514 points from prior years for a total credit balance of 102,928. This credit balance, if approved by the MTA, ensures the City remains eligible for Proposition 111 State Gas Tax revenues as well as other transportation funding sources that require CMP compliance.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL IMPLEMENTATION REPORT.

JOINT PUBLIC HEARING WITH THE PARKING AUTHORITY:

2. PROPOSED FISCAL YEAR 2003-2004 LEVY FOR DOWNTOWN PUBLIC FACILITY MAINTENANCE ASSESSMENT DISTRICT NO. 1:

Pursuant to the 1972 Landscape and Lighting Act and Proposition 218 requirements, staff is requesting the Burbank City Council and Parking Authority conduct a public hearing regarding the proposed Fiscal Year (FY) 2003-04 levy for Downtown Public Facility Maintenance Assessment District No. 1, in order to:

1. Hear public testimony regarding the proposed assessment levy;
2. Confirm preliminary approval of the Engineer's Report;
3. Tabulate the ballots received from all affected parcel owners;
4. Adopt a resolution of the Burbank Parking Authority approving its portion of the proposed FY 2003-04 assessment; and,
5. Adopt a resolution of the Burbank City Council levying the FY 2003-04 assessment.

Downtown Public Facility Maintenance Assessment District No. 1 (District) was established in 1993 to pay for improvements to, and maintenance of, the five-level 505-space City-owned parking structure (commonly referred to as the AMC parking structure)

located at 133 East Orange Grove Avenue.

Per the 1972 Landscaping and Lighting Act, as amended by Proposition 218 and subsequent Legislation, the following steps are required to levy or increase maintenance district assessments:

1. On June 17, 2003, the Council approved Resolution No. 26,513 approving the Engineer's Report, and declaring the intention to levy and collect assessments for the City of Burbank Downtown Public Facility Maintenance Assessment District No. 1 for FY 2003-04.
2. Ballots and 45-day notices for the public hearing were sent certified mail to each parcel owner. Parcel owners have until the close of the public hearing to submit their ballots. A resolution of the Parking Authority approving or rejecting its portion of the assessment, will serve to cast its vote as a parcel owner.
3. The Council shall hear public testimony prior to tabulating ballots. Only those ballots submitted by the close of the public hearing may be counted to determine majority vote.
4. Upon close of the public hearing, the Council may adopt a resolution levying the FY 2003-04 assessment for the City of Burbank Downtown Public Facility Maintenance Assessment District No. 1.

Pursuant to the 1972 Landscape and Lighting Act, each fiscal year that maintenance district assessments are levied, an Engineer's Report containing the following information must be prepared: 1) improvements, maintenance and services assessed; 2) district boundaries; 3) annual cost estimate; 4) method of apportioning costs in proportion to the estimated benefit received; 5) assessment amount for each parcel; and 6) method of levying the assessment.

The FY 2003-04 cost to maintain and operate the City-owned AMC parking structure is estimated to be \$233,800, of which \$125,244 would be the Parking Authority's portion, with the remaining \$108,556 distributed amongst the parcel owners. The existing flat rate assessment will continue to be sufficient; therefore, no increase is necessary or recommended.

Recommendation:

1. Adoption of proposed Parking Authority resolution entitled:  
A RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BURBANK APPROVING ITS PORTION OF THE PROPOSED ASSESSMENT FOR THE CITY OF BURBANK DOWNTOWN PUBLIC FACILITY MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2003-2004.

2. Adoption of proposed City Council resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONFIRMING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, ORDERING IMPROVEMENTS AND LEVYING THE 2003-2004 FISCAL YEAR ASSESSMENT FOR THE CITY OF BURBANK DOWNTOWN PUBLIC FACILITY MAINTENANCE ASSESSMENT DISTRICT NO. 1.

JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY AND BURBANK PUBLIC FINANCING AUTHORITY:

3. ISSUANCE OF UP TO \$23 MILLION IN BURBANK PUBLIC FINANCING AUTHORITY, REVENUE BONDS 2003 SERIES C (CITY CENTRE REDEVELOPMENT PROJECT) AND UP TO \$11 MILLION IN BURBANK PUBLIC FINANCING AUTHORITY REVENUE BONDS 2003 SERIES D (GOLDEN STATE REDEVELOPMENT PROJECT):

The purpose of this report is to request authorization to: 1) issue up to \$23 million in Burbank Public Financing Authority (Authority), Revenue Bonds 2003 Series C (City Centre Redevelopment Project), to purchase in lieu of redemption \$21.285 million of the 1993 Series Tax Allocation Bonds; and, 2) issue up to \$11 million in Authority, Revenue Bonds 2003 Series D (Golden State Redevelopment Project), to purchase in lieu redemption Golden State Redevelopment Project \$8.53 million of the 1993 Series A Tax Allocation Bonds.

Tax Allocation Bonds for the Golden State Project Area were most recently issued in 2003 in the amount of \$87.265 million. The 2003 Tax Allocation Bonds were in-part issued to purchase in lieu of redemption \$50.24 million of the 1993 Tax Allocation Bonds. For tax reasons \$8.53 million remain outstanding and are eligible to be refunded no earlier than September 1, 2003.

Due to prevailing financial market conditions, it is in the best interests of the Agency to realize interest rate savings by refinancing a portion of the Golden State Bonds, and to refinance all of the City Centre Bonds. In connection therewith, it has been proposed that the Authority purchase the applicable bonds in lieu of redemption. In order for the Authority to raise funds necessary to provide for such purchase, refinancing and financing, the Authority proposes to authorize the issuance of its revenue bonds. The proceeds of the Authority Bonds will be used: 1) to purchase the outstanding City Centre Agency Bonds in lieu of redemption; and, 2) to purchase a portion of the Golden State Agency Bonds in lieu of redemption.

### **BOND STRUCTURE – CITY CENTRE**

Current market conditions have been deteriorating; however, staff believes that it is prudent to authorize the refinancing in the event the municipal bond market will yield a

minimum net present value savings related to the refinancing of 3 percent. Current market conditions generate a 3.1 percent net present value savings which represents net present value savings of \$678,000 and equates to an average annual debt service savings of \$51,700. The first payment date would be made December 1, 2003 with final maturity scheduled for December 1, 2023.

Standard and Poor's and Moody's Investor Services have been requested to provide a bond rating. Bond insurance is expected to be obtained from AMBAC Insurance or XL Capital.

## **BOND STRUCTURE – GOLDEN STATE**

Current market conditions generate a 3.7 percent net present value savings which represents net present value savings of \$315,000 and equates to an average annual debt service savings of \$92,700. The first payment date would be made December 1, 2003 with final maturity scheduled for December 1, 2008.

Standard and Poor's and Moody's Investor Services have been requested to provide a bond rating. Bond insurance is expected to be obtained from AMBAC Insurance.

Current market conditions will dictate the timing the bonds will be priced and will dictate the ultimate savings related to the bonds. Should the market conditions not generate a minimum of 3 percent net present value savings; the bonds will not be issued.

### Recommendation:

#### CITY CENTRE:

1. Adoption of proposed Burbank Public Financing Authority resolution entitled:  
A RESOLUTION OF THE BURBANK PUBLIC FINANCING AUTHORITY AUTHORIZING ISSUANCE OF REVENUE BONDS, APPROVING, AND AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN FINANCING DOCUMENTS AND AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN FINANCING DOCUMENTS AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO (CITY CENTRE PROJECT AREA).
2. Adoption of proposed Redevelopment Agency resolution entitled:  
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING, AND AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN BOND FINANCING DOCUMENTS RELATED TO THE REFINANCING OF REDEVELOPMENT ACTIVITIES WITHIN ITS CITY CENTRE REDEVELOPMENT PROJECT AREA AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO (CITY CENTRE PROJECT AREA).
3. Adoption of proposed City Council resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY

THE BURBANK PUBLIC FINANCING AUTHORITY (CITY CENTRE PROJECT AREA).

GOLDEN STATE:

1. Adoption of proposed Burbank Public Financing Authority resolution entitled:  
A RESOLUTION OF THE BURBANK PUBLIC FINANCING AUTHORITY AUTHORIZING ISSUANCE OF REVENUE BONDS, APPROVING, AND AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN FINANCING DOCUMENTS AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO (GOLDEN STATE PROJECT AREA).
  
2. Adoption of proposed Redevelopment Agency resolution entitled:  
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN BOND FINANCING DOCUMENTS RELATED TO THE REFINANCING OF REDEVELOPMENT ACTIVITIES WITHIN THE AGENCY'S GOLDEN STATE REDEVELOPMENT PROJECT AREA AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO (GOLDEN STATE PROJECT AREA).
  
3. Adoption of proposed City Council resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY, APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY (GOLDEN STATE PROJECT AREA).

AIRPORT AUTHORITY MEETING REPORT:

4. 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 18, 2003. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

**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 agenda items 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 INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

**AGENDA ITEM ORAL COMMUNICATIONS:** (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency, Housing Authority, Parking Authority, and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 5 through 9)

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.

5. MINUTES:

Approval of minutes for the regular meeting of July 15, the adjourned meeting of July 16, the regular meeting of July 22, the adjourned meeting of July 23 and the regular meetings of July 29 and August 5, 2003.

Recommendation:

Approve as submitted.

6. PROPOSED RESOLUTION FOR THE SUMMARY VACATION V-358 OF THE NORTHWESTERLY 3.5 FEET OF WARNER BOULEVARD BETWEEN CORDOVA STREET AND AVON STREET (WARNER BROS. STUDIOS - APPLICANT):

The applicant, Warner Bros., is requesting to vacate a portion of excess right-of-way affecting the northwesterly 3.5 feet along the southeasterly line of Warner Boulevard, between Cordova Street to the west and Avon Street to the east. Summary Vacation V - 358 is proposed to vacate a 3.5-foot strip of land which extends 325 feet northeasterly along the southeasterly line of Warner Boulevard from Cordova Street adjacent to the Warner Bros. property. The subject area has been improved with concrete for sidewalk purposes. The sidewalk is eleven feet wide extending easterly from Cordova Street and later reduced to seven feet wide towards Avon Street. There is a n eight-foot-high chain link fence located along the back of the existing sidewalk that has been erected to secure the property along Warner Boulevard between Cordova Street and Avon Street.

Located inside the Warner Bros. Studio lot on the southerly side of the existing chain link fence, the applicant has installed a mobile trailer, constructed a two story office building and transformer pad/emergency generator. The proposed resolution will summarily vacate a 3.5-foot portion of the existing 11-foot right-of-way. The Public Works Department, Burbank Water and Power (BWP) and all other outside public utility companies have determined that the northwesterly 3.5 foot area to be vacated is not needed for street purposes. There are no public utilities in the area to be vacated and staff has not received any objections to the proposed vacation.

The Streets and Highways Code, section 8334 (a) provides two procedures for vacating excess right-of-way. One procedure requires a public hearing unless at least one of the following two conditions is applicable:

- (a) An excess right-of-way of a street or highway not required for street or highway purposes,

- (b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

The summary vacation process differs from the normal vacation process in that a public hearing is not required. If one or more conditions, as stated above, are applicable, the summary vacation process may be used to vacate a portion of the easement. According to BWP, the northwesterly 3.5 foot portion of sidewalk area has been determined to be excess right-of-way. Therefore the vacation qualifies for the summary vacation process. The summary vacation will have no fiscal impact on the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PORTION OF EXCESS RIGHT-OF-WAY AT WARNER BOULEVARD, BURBANK, CALIFORNIA (V-358).

- 7. APPLICATION FOR FISCAL YEAR 2001-02 AND 2002-03 TRANSPORTATION DEVELOPMENT ACT (TDA) BICYCLE AND PEDESTRIAN FACILITY FUNDS (SB 821):

Staff requests Council authorization to apply for State funding under Article 3 of the Transportation Development Act (TDA), Senate Bill (SB) 821, for the project amount of \$49,786 from Fiscal Year (FY) 2001-02, and \$53,700 from FY 2002-03. Staff proposes to use the funds to provide for a portion of the Chandler Accessway construction costs.

The TDA funds are administered by the Los Angeles County Metropolitan Transportation Authority (MTA). Article 3 funds are not automatically distributed to the local jurisdictions.

To receive funds each fiscal year, a jurisdiction must file a TDA Article 3 Bicycle and Pedestrian Funds Claim Form which identifies the project to be funded. There are no matching funds or future funding commitments by the City associated with filing for these funds.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY TO DRAW DOWN TRANSPORTATION DEVELOPMENT ACT (TDA) BICYCLE AND PEDESTRIAN FACILITY FUNDS IN THE AMOUNT OF \$49,786 FOR FISCAL YEAR 2001-2002 AND \$53,700 FOR FISCAL YEAR 2002-2003.

8. MULTI-YEAR AGREEMENT FOR LIBRARY MANAGED SERVICES, HARDWARE, AND HARDWARE MAINTENANCE:

Staff requests Council approval to enter into a three-year agreement with Data Systems Worldwide (DSW) to provide the Library's managed services (consisting of firewall monitoring and administration, licensing, and software), replacement hardware, and hardware maintenance. In addition, staff requests approval of the total \$83,609.84 three-year cost during Fiscal Year 2003-04 in order to take advantage of a one-time discount.

Currently, the Library pays an annual cost of \$45,439.25 which no longer includes hardware maintenance. Information Technology staff was directed to assist the Library Services Department in an attempt to decrease the cost for their managed services. Information Technology staff requested three-year proposals from SBC Datacomm, the current vendor, and Data Systems Worldwide.

After reviewing both proposals, staff recommends the City enter into a three-year agreement with DSW which will result in an \$11,783.80 savings over the three-year term, plus provide replacement hardware and hardware maintenance. The Financial Services Department has approved the up-front payment-in-full option which will save an additional \$7,225.94. The \$83,609.84 for the renewal is appropriated in the Library Services Department's FYs 2003-06 operating budgets.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR MANAGED SERVICES, HARDWARE AND HARDWARE MAINTENANCE BETWEEN THE CITY OF BURBANK AND DATA SYSTEMS WORLDWIDE.

9. APPROVAL OF A REVISED PLAN DOCUMENT FOR THE CITY OF BURBANK VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION:

On November 25, 1997, the Council approved the establishment of the City of Burbank Voluntary Employees' Beneficiary Association (VEBA), an employer-sponsored welfare benefit plan authorized under §501(c)(9) of the Internal Revenue Code. This type of Internal Revenue Service (IRS)-approved trust allows employees, on a collective basis, to accumulate funds in a pre-tax account for the purpose of paying for retiree medical benefits.

On June 17, 2003, the Council approved three professional services agreements for a

new third party administrator, plan consultant, and legal attorney for the VEBA plan. After these agreements took effect on July 1, 2003, these consultants reviewed the VEBA's current plan, bringing it into compliance with newly issued IRS rulings.

In addition, staff recommends that the Administrator of the City's Welfare Benefit Plan shall, effective July 1, 2003, no longer be the Joint Administrative Committee (which operated pursuant to the previous Plan document). Instead, effective July 1, 2003, it is recommended that the City Manager or her designee shall serve as the Plan Administrator.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF BURBANK VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL :

10. BURBANK WATER AND POWER SUPPLEMENTAL GRANT PROGRAM:

At the August 7, 2003 Burbank Water and Power (BWP) Board meeting, the Board approved and recommended that the Council approve a \$10,000 Supplemental Grant Program to expedite the replacement of dry cleaning equipment in Burbank in order to improve air quality.

In March 2003, BWP reached a settlement with the Citizens for a Better Environment (CBE) where BWP is to expend \$10,000 to be used exclusively for the improvement of air quality within the City. Establishing a Supplemental Grant Program to augment the South Coast Air Quality Management District (SCAQMD) Perchloroethylene (PERC) Grant program would be an appropriate expenditure. This program would fulfill the CBE settlement by reducing the PERC air emissions, and thereby improving the air quality in the City. This expenditure will be funded by Power Supply Electric Generation Fund 62735 Emission Credits.

BWP proposes that \$2,000 in supplemental grants be awarded to the first five dry cleaners in Burbank who obtain an SCAQMD PERC Grant. BWP Supplemental Grants will be available until January 31, 2004. If fewer than five dry cleaners obtain an SCAQMD PERC Grant, the \$10,000 will be divided equally by those Burbank dry cleaners who receive such SCAQMD Grants. This deadline, of January 31, 2004, will encourage dry cleaners to participate in this program. If no Burbank dry cleaners apply by December 1, 2003, then the funds will be directed to a low-emission vehicle program.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A BWP SUPPLEMENTAL GRANT PROGRAM TO EXPEND \$10,000 BY JANUARY 31, 2004 TO IMPROVE THE AIR QUALITY WITHIN THE CITY OF BURBANK AND SPEED REDUCTIONS IN THE USE OF PERCHLOROETHYLENE BY DRY CLEANERS WITHIN BURBANK ( AND AMENDING THE FY 2003-04 BUDGET).

11. REQUEST FOR AUTHORIZATION TO FILE AN ALCOHOL LICENSE COMMENT LETTER FOR 237 EAST OLIVE AVENUE:

The purpose of this report is to request Council authorization for the City Manager to file comment or protest letters on behalf of the City to the California Department of Alcoholic Beverage Control (ABC) on any alcohol license applications at 237 or 245 East Olive Avenue.

When an operator wishes to sell alcoholic beverages within the City, ABC notifies the City of their pending application. On certain licenses, the City may comment on the pending license or transfer and even protest the license. The governing body, or their designee, however, is the only entity permitted to file a protest letter on behalf of the City.

Therefore, if staff believes it necessary to file protest letters, authorization from the Council is necessary.

It is not often that the City would protest or request conditions on alcohol licenses. The reason is that the City maintains control over locations where alcohol is sold. Specifically, no one may conduct a business that sells alcohol without receiving a Conditional Use Permit (CUP) except for restaurants with incidental alcohol that are not residentially adjacent. This CUP requirement applies to convenience stores, billiard halls, dance clubs and residentially-adjacent restaurants. Therefore, the City is able to process a CUP and impose conditions on most establishments selling alcohol or simply deny the CUP. This process is an appropriate and good way to place site specific conditions on an establishment which is the reason that the City would not often file protest letters with ABC. However, in the case of 237 East Olive Avenue, the establishment was given a CUP approval in 1993 when the City was first beginning to realize the potential impacts of such establishments. This nightclub has the right through the CUP to operate a business that sells alcohol, but includes outdated conditions many of which are not enforceable until the business is in operation. By filing a comment letter now, it may prevent circumstances that can lead to a revocation hearing process.

Before filing any letter, the Planning Division will work closely with the Police Department, License and Code Services and any other department to determine the appropriate conditions. Staff will review the relevant Police reports and code violations on the property.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER OR DESIGNEE TO FILE AN ALCOHOL LICENSE COMMENT LETTER PERTAINING TO A PENDING APPLICATION AT 237 EAST OLIVE AVENUE AND FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO FILE ADDITIONAL COMMENT OR PROTEST LETTERS ON FUTURE ALCOHOL LICENSE APPLICATIONS PERTAINING TO 237 AND/OR 245 EAST OLIVE AVENUE.

12. FISCAL YEAR 2003-04 WORK PROGRAM AND PERFORMANCE INDICATORS PRESENTATION (PUBLIC WORKS DEPARTMENT AND COMMUNITY DEVELOPMENT DEPARTMENT):

The purpose of this report is to provide the Council with the proposed Fiscal Year (FY) 2003-04 Annual Work Program and Departmental Performance Indicators.

The Annual Work Program is used as a management tool to identify, prioritize, and monitor the City's projects in accordance with the Strategic Plan. The proposed FY 2003-04 Annual Work Program includes over 300 goals and objectives, including several capital improvement projects.

Generally, the Annual Work Program document reflects the objectives defined by each department and suggested by the Council during the annual budget study sessions. Listing all the specific objectives together in one document allows the Council, City staff, and the public an opportunity to comprehensively review the City's Annual Work Program as a companion volume to the 10-Year Strategic Plan.

Included with the Annual Work Program review are the FY 2003-04 Departmental Performance Indicators. Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided, and determine whether organizational goals are being met. Performance Indicators have become an integral part of the budget process for most cities and are a needed component to compete for State and national budget awards.

Although this is an "initial presentation" and not a "status update," each Department Manager will present their proposed FY 2003-04 Annual Work Program and Performance Indicators for the Council's review and be prepared to answer any questions from the Council as per the attached presentation schedule.

Recommendation:

Staff continues to believe that the Annual Work Program and Departmental Performance Indicators are effective project-tracking and work quality measurement tools that assist the Council in achieving their Strategic Plan goals. Staff requests that the Council review the proposed FY 2003-2004 Work Program and Departmental Performance Indicators for the Public Works and Community Development Departments, and provide input and direction as necessary.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority, Youth Endowment Services Fund Board and Public Financing Authority meetings for public comment.

**FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:** (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

**COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:**

ADJOURNMENT.

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[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**