

TUESDAY, SEPTEMBER 16, 2003

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 5:04 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.

Absent - - - - Council Members None.

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

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

Citizen Comment Appearing to comment was Mike Nolan, on the State Water Resources Board litigation.

5:07 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:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.
Case No.: BC259852
Brief description and nature of case: Declaratory Relief.
 2. **Name of Case:** City of Burbank v. State Water Resources Board.
Case No.: Court of Appeals Case No. B150912
Brief description and nature of case: Waste Water Discharge Requirements.
 3. **Name of Case:** McMurray v. City of Burbank, et al.
Case No.: L.A.S.C. BC247304
Brief description and nature of case: Alleged employment discrimination.
- 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

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:39 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Cele Burke.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.

Absent - - - - Council Members None.

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

Reporting on Council Liaison Committees Mr. Campbell reported on the Arroyo Verdugo meeting and noted a presentation of the Southern California Association of Governments (SCAG) regional transportation plan that will be reducing funds for public transit and increasing funds for highways and roads, stating this approach would not help solve traffic congestion. He also expressed disagreement with SCAG's continued contest of the air quality standards that may result in loss of Federal highway funds. He then commented on the League of California Cities conference he attended, and noted receipt of complaints from a hillside neighborhood regarding excessive development and less parking availability and requested clarification on whether building standards were less stringent in Burbank than in Glendale. Mrs. Georgino, Community Development Director, responded that the two cities' codes were very similar, noting differences such as the Development Impact Fee required in Burbank and not in Glendale, and stating Burbank had more availability of land zoned to higher densities that has not been developed. She emphasized that new construction on the hillside meets parking requirements, but sometimes construction parking impacts surrounding immediate neighborhoods in the short run. She explained the Design Review process in Glendale, which is an additional step in the process that is not required in Burbank.
Mr. Golonski stated Burbank allows a higher density in the R4

Zone than Glendale, and noted the restrictions imposed by Measure One only affect residentially-adjacent properties, but recent construction projects are not taking place on residentially-adjacent properties. He recommended the Council direct staff to report on current construction activity, and suggested adopting an Interim Development Control Ordinance (IDCO) with a Conditional Use Permit process, pending the adoption of the Land Use Element.

Mr. Vander Borcht reported on the Environmental Oversight Committee meeting at which residents questioned the drilling taking place at the Empire Center, and stated the drilling was in response to the request of a closure on the vapor extraction system that is in operation, necessitating further testing by the Regional Water Quality Control Board and Burbank's consultants. He commented on the League of California Cities conference he attended, and reiterated the dire state of the economy. He also made remarks on Assembly Bill 990, which will facilitate the collection of sales tax in the City and reported on the Smart Schools energy efficiency seminar which was presented to the Burbank Unified School District recently.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

Initial Open
Public Comment
Period of Oral
Communications

Ms. Murphy called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were David Uehlein, in opposition to excessive development on the hillside, disagreeing that parking impacts are generally caused by construction as parking problems are prevalent in the evening when no construction is taking place, and expressing appreciation to the Council for agendizing future discussion on the matter; Gary Garrison, inquiring whether there are female employees in the Police and Fire Departments; Robin Vanderveer, representing Gitana, noting the activities which previously caused problems have been eliminated, security procedures have been enhanced, more personnel has been acquired, and major changes in management have occurred in an effort to mitigate impacts, stating their attorney would be unable to represent them at the September 23, 2003 Conditional Use Permit revocation hearing, and requesting a one-week postponement; Wendi Westbrook, expressing concern with the front yard fencing

restrictions; Dr. Theresa Karam, commenting on the outcome of her litigation with the City; David Piroli, in opposition to naming the Airport in memory of Bob Hope; C.L. Stack, in opposition to naming the Airport in memory of Bob Hope; and Grace Summers, urging the Council to change the name of the Airport back to Lockheed Airport.

Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Ms. Murphy called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were David Sims, representing Strategic Hotel Capital, owners of the Burbank Airport Hilton Hotel, urging the Council to accept the prepayment offer; David Piroli, in opposition to naming the Airport in memory of Bob Hope, noting there has not been enough public debate on the topic; C.L. Stack, in opposition to naming the Airport in memory of Bob Hope; Mike Nolan, in support of the change order to the Indus Agreement, in opposition to the Council accepting the Hilton's prepayment offer, encouraging the Council to share contacts they had with legislators in Sacramento with regard to pending legislation; and Howard Rothenbach, in opposition to acceptance of the Hilton prepayment offer, reading from a letter from the California Conference on Redevelopment Abuse, taking place in Oakland on October 4, 2003.
Staff Response	Members of the Council and staff responded to questions raised.
Jt. Mtg. with Redev. Agency 804-1 Nexus Study	Mr. Young, Administrative Analyst, Community Development Department, presented a report requesting Council direction on proceeding with a nexus study to update the City's development impact fees, and authorization to enter into a Professional Services Agreement (PSA) with a qualified consultant for the purpose of conducting the study. He recounted that in December 2002, during the annual review of the City's Development Impact Fee Schedule, staff reported that a nexus study would be conducted to review and update the existing fees. He informed the Council an in-house committee was established with representatives from the various affected City departments, including: Community

Development, Police, Fire, Library Services, Park, Recreation and Community Services, the City Attorney's office, Information Technology, and Public Works, to review the existing fees, evaluate the methodology used to develop fees during the first nexus study, conduct a preliminary assessment of the future needs of the City, and discuss options for proceeding with the study. He added over \$3.6 million has been accumulated since the inception of the fees in 1993 and proceeds have been used to fund projects such as the Police/Fire Headquarters, the Emergency Operation Center (EOC) relocation, and McCambridge Park improvements among others.

Mr. Young explained Development Impact Fees allow cities to collect funds from new development projects for infrastructure and facilities relating to the impact of new development on those facilities. He added that in order to impose Development Impact Fees, a reasonable connection or nexus must exist between the new development and the improvement of a facility for which the fees are to be assessed. In addition, he stated a determination must be made that the projected improvements to be financed by the impact fees will benefit those required to pay them, and this fee must be proportionate to the amount of benefit received. He further stated, considering the very specialized nature of nexus studies, staff concurred that the best method for facilitating the development of new fees would be to retain the services of a qualified consultant, one that is familiar with the intricacies of impact fees, the methodologies for calculating them, the applicable State law that affects impact fees, and the implementation procedures.

Mr. Young informed the Council that, in June 2003, a Request for Proposals (RFP) was sent to ten consulting firms and proposals were received from Maximus; Gruen Gruen & Associates (GG&A); and Economic & Planning Systems, Inc. (EPS). He reported the three proposals demonstrated a great deal of expertise with, and interest in, this type of project and met the intent of staff's request, however, after considerable review by the Nexus Study Committee and further interviews with EPS and Maximus, staff concurred that EPS was the strongest candidate for the study. He noted EPS' proposal includes analyzing all types of community facility, utility, and public services fees common to other cities; involving the public and key stakeholders in the process with flexibility and interest in pursuing fees such as technology development, or Geographic Information Systems (GIS) fees relatively uncommon to this process; determining the appropriate level of each fee by conducting an analysis of the future needs of public facilities based on growth projections; testing these

fees to ensure that the market will support them; and, ensuring that Burbank will remain competitive in attracting desired development.

Mr. Young further reported that based on the proposals received from the RFP process, the cost per study ranged from \$50,000 to \$112,955. He added that should the Council support staff's recommendation, the proposed resolution would authorize the City Manager to enter into a PSA with EPS for an amount of up to \$50,000, recommended to be funded from the Golden State Redevelopment Project Area, Unappropriated Fund Balance. He explained any appropriation from the General Fund Unappropriated Fund Balance would have a negative impact on the Public Employees Retirement System and budget stabilization funds, and added by utilizing Redevelopment Agency (Agency) funds, the General Fund would not be impacted. In addition, he stated the Agency would benefit from the study as it will provide additional funding sources for costs related to infrastructure improvements that are part of future redevelopment projects.

Motion It was moved by Mr. Campbell and seconded by Mr. Vander Borght that "the following resolutions be passed and adopted:"

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2082 Approving a Cooperation Agreement between the Redevelopment Agency and the City of Burbank and Amending the Fiscal Year 2003-2004 Annual Budget in the Amount of \$50,000 for the Purpose of Funding a Nexus Fee Study was adopted.

804-1
Coop. Agmt. w/
& Redev. And
PSA with
Economic &
Planning
Systems
Adopted

RESOLUTION NO. 26,549:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF BURBANK AND THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, AND A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ECONOMIC & PLANNING SYSTEMS, INC.
The resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

Jt. Mtg. with Redev. Agency Mr. Solomon, Housing Development Manager, Community Development Department, presented a report requesting that

9/16/03

1702
2nd Amend. to
DDA with
United
Cerebral Palsy

the Redevelopment Agency Board (Agency) and Council consider approval of the Second Amendment to the Disposition and Development Agreement (DDA) with the United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties (UCP) for the purpose of granting additional HOME Investment Partnership (HOME) funds for the construction of an 18-unit accessible apartment project for very low-income disabled persons. He explained the project responds to a housing need in the community, one that is most pressing to a specific segment of the population. He referenced the recommendations of the Blue Ribbon Task Force on Affordable Housing, including that the City encourage construction of special needs housing through agency financial assistance and site assembly which would integrate community-serving uses with housing, while also providing needed support services to allow those with special needs to live independently.

Mr. Solomon reported under the terms of the DDA, the Agency would provide the site located at 600 South San Fernando Boulevard, and up to \$750,000 in HOME funds towards the construction of the project. In return, he reported UCP was to secure a highly competitive Federal Section 811 allocation needed to make the project financially feasible given the affordability restriction required by the United States Department of Housing and Urban Development (HUD) program. He explained under the Section 811 program, a nonprofit sponsor is advanced funds to finance construction of rental housing and is provided with annual operating subsidies to bridge the gap between the project's rental income and the project's operating expenses. He stated that in May 2001, the DDA was amended to allow UCP to apply for another round of Section 811 funding following notification from HUD that the developer's Burbank project had not been selected. He added UCP was subsequently awarded a Section 811 funding allocation of approximately \$2.5 million, however, the developer recently notified staff that in light of rising construction costs, additional funding would be necessary for the project to move forward. He further stated UCP and City staff have taken steps to reduce the funding gap and UCP has applied for \$190,000 in additional funding sources in addition to increasing its own equity participation from \$10,000 to \$250,000. He added value engineering was also undertaken to reduce development costs but noted there were no significant changes made to the originally approved plans that would affect the project's design or the quality of materials used.

Mr. Solomon concluded that while the Agency could terminate the DDA because the Developer is in default for not closing escrow by the outside date of October 2002, the need for

special housing warrants providing UCP with another time extension until November 14, 2003.

Motion It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following resolutions be passed and adopted:"

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2083 Approving the Second Amendment to Disposition and Development Agreement Between the Agency, the City of Burbank and United Cerebral Palsy/Spastic Children's Foundation of Los Angeles and Ventura Counties was adopted.

1702
2nd Amend. to
DDA with
United
Cerebral Palsy

RESOLUTION NO. 26,550:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, THE CITY OF BURBANK AND UNITED CEREBRAL PALSY/SPASTIC CHILDREN'S FOUNDATION OF LOS ANGELES AND VENTURA COUNTIES.

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.
Noes: Council Members None.
Absent: Council Members None.

8:22 P.M.
Mrs. Ramos Left
The Meeting

Mrs. Ramos left the meeting at this time. She returned to the meeting at 8:27 p.m.

8:22 P.M.
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:52 p.m. with all members present.

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

Motion Following a request by Mayor Murphy, it was moved by Mrs.

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Amended Ramos and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended with the exception of the item regarding the Civil Service Status of Unrepresented Mid-Management Employees which was postponed for two weeks."

Minutes Approved The minutes for the regular meetings of August 19, August 26, September 2 and September 9, 2003 were approved as submitted.

1301-3 Stormwater Imp. Project– Burbank Landfill (B.S. No. 1148) RESOLUTION NO. 26,551:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR STORMWATER IMPROVEMENT PROJECT BURBANK LANDFILL NO. 3, BID SCHEDULE NO. 1148.

701 PSA with Data Systems Worldwide for Managed Tech. Services RESOLUTION NO. 26,552:
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.

1004 1010 Allow Executives To Participate in VEBA RESOLUTION NO. 26,553:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN TO ALLOW TWO ELIGIBLE EXECUTIVES TO PARTICIPATE IN THE VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA).

Adopted The consent calendar was adopted by the following vote:
Ayes: Council Members Campbell, Golonski, Ramos, Vander Borcht and Murphy.
Noes: Council Members None.
Absent: Council Members None.

203-2 Appt. to the Traffic and Mrs. Campos, City Clerk, requested the Council to make an appointment from the qualified applicants for one vacancy of an unexpired term ending June 1, 2004 on the Traffic and

Transportation
Committee

Transportation (T&T) Committee. She summarized that at the July 15, 2003 meeting, the Council appointed members to the Youth Endowment Services Fund Advisory Committee and Planning Board to fill unexpired term vacancies ending June 1, 2005, at which time Mr. Daniel Humfreville, a member of the T&T Committee, was appointed to the Planning Board. She noted that following Mr. Humfreville's resignation from the T&T Committee, staff began advertising for this vacancy with the issuance of a press release on August 6, 2003, and that the application period expired on August 29, 2003.

Mrs. Campos reported that staff conducted a random drawing to select the order that the applicants appear on the voting sheets, and the order was as follows: William Thomas Stevens, Brian Anthony Malone and Larry Wayne Cutler. She explained the Council votes based on the number of vacancies, therefore, each Council Member has one vote to fill this vacancy; and, the applicants receiving a majority of the votes in the first round move into the second round, with the process continuing for as many rounds as are necessary to fill the vacancy. She cautioned that this process is based on past practice and if the Council desired to make any changes to the process, that the process be clarified prior to any voting.

Following a vote of the Council, Brian Malone was appointed to fill the unexpired vacancy.

1503
Renewables
Portfolio
Standard

Mr. Fletcher, Assistant General Manager, Burbank Water and Power (BWP), presented a report to update the Council on the progress of the development of the renewable portfolio standard. He reported the State requires all electric utilities to develop renewable portfolio standards that will make renewable energy sources a significant source of electrical energy. He added that for investor-owned utilities such as Pacific Gas and Electric (PG&E) and Southern California Edison, the State sets the standards and schedules for the renewable energy standard, while for municipal utilities, the Council sets the standards, schedules, rates and resource eligibility.

Mr. Fletcher stated the City's policy would strive to ensure that conservation remains important; acquire renewables that fit Burbank's needs; secure and maintain a competitive position; and utilize green tickets as may be required. He also stated public input had been sought and recommendations would be incorporated into the final report to be reviewed by the BWP Board and presented to the Council for approval in December 2003.

Mr. Campbell noted the need for the City to abide by the State's determination of renewable energy resources pertaining to hydro-electric generation. He also stated he encouraged residents to purchase green tickets but noted they do not invest renewable energy in Burbank in the long term, and commended staff for encouraging public input.

Mr. Vander Borcht inquired as to the logic behind excluding large hydro-electric generation as a renewable source of energy and Mr. Fletcher responded there were several environmental issues associated with large hydro-electric generation including fish migration, mercury, flooding, and loss of natural habitat, but noted not all large hydro-electric generating sources had significant impacts.

The Council noted and filed the report.

1503
Update on
BWP's Public
Benefits
Programs

Mrs. Meyer, Marketing Manager, Burbank Water and Power (BWP), updated the Council on BWP's public benefits programs and introduced several proposed programs. She explained the 1998 legislation that passed California's energy deregulation bill includes a provision that a percentage of annual electric revenues be used for public benefit programs targeting low-income and disabled persons, energy efficiency and conservation programs, renewable energy and technologies, and research, development and demonstration projects. She added that in 1998 the Council approved a General Fund allocation of one percent with the utility providing the remaining 1.85 percent for public benefit programs. She discussed the existing programs which include: Made in the Shade Program that provides trees to residents; Compact Fluorescent Lights (CFL) Coupon Program that provided a \$3 off coupon for the purchase of energy star CFL lights; Torchieri Exchange Program that exchanged over 2,000 halogen lamps, which pose a fire hazard and use four times the amount of energy, for fluorescent lamps; Clean Green Support Program, a premium program that allows residents to purchase green tickets in support of renewable energy; Splash into Savings Program that provides a \$5 monthly credit to homeowners who run pool pumps during off-peak hours; Home Rewards Program that provides residents with up to \$500 a year in rebates for purchasing energy star appliances; and Energy Solutions, a business rebate program that provides up to \$10,000 in rebates for facility audits, energy efficiency upgrades, active solar installations and cool roof installations.

Mrs. Meyer then informed the Council BWP is proposing

several programs including: the On-Line Residential Audit Program that will enable households to use energy better by providing energy use comparisons and calculators; a Business Audit Program to replace the Energy Solutions Program that will provide audit services to businesses from one reputable auditing firm and provide up to \$1,000 in energy-efficient installations; installing a Solar Photovoltaic (PV) carport demonstration project; Solar Education Program that will conduct hands-on solar workshops in four schools; Landfill Microturbines Retrofit to return the landfill power plant to full operating capacity and increase landfill gas utilization; and noted the proposed Waterbroom Program was on hold pursuant to the City's Stormwater Discharge Permit and is pending product enhancement. She stated funds are available in the Fiscal Year 2003-04 budget to cover all programs with the exception of the Landfill Microturbine Program.

Motion It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the Council approve staff's recommendations for the proposed Fiscal Year 2003-04 benefits program and projects with the exception of the Solar Photovoltaic Program, and staff was directed to utilize the funds earmarked for the active solar photovoltaic installation for increased rebates for solar attic fans for Burbank residents and any remaining funds be considered for use for the landfill retrofitting."

Carried The motion carried by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

1503
BWP Billing
System

Mrs. Fletcher, Customer Service Manager, Burbank Water and Power (BWP), requested Council approval of a change order for BWP's customer information and billing system (CIS) implementation services. She explained the current system is over 30 years old and is in need of replacement, noting support services for the system are very limited, and the system has not been responsive to changes and upgrades. She stated the Council approved the implementation of a new CIS with the recognition that CIS installations were very complex and had a 50 percent failure rate. In preparation for the installation, she reported professional services from Langham Consulting, Inc. were retained to review staffing and resources

availability, and several recommendations were provided including: updating the current network and infrastructure to handle the complexity of the new system; securing talented staff to support the new system; and sufficient backup and information technology (IT) talent to support the implementation process.

Mrs. Fletcher reported the CIS project is currently underway, with 37 of 78 deliverables complete, forty three percent of the total project budget expended, and use of the new system was expected to commence before the end of June 2004. She informed the Council that during the implementation process, staff recognized the implementation team lacked expertise in IT project management and technical competence, which is vital to the project's success. Initially, she stated, staff expected that these critical skills would be in place well before the project became dependent upon them. She noted the IT Department needed to redevelop its capabilities, however, this development is taking significantly longer than planned, posing a significant challenge to the successful implementation of the CIS project. To correct the situation and reestablish the probable success of this project, Mrs. Fletcher reported staff explored three options: 1) put the project on hold until resources could be developed; 2) outsource the entire implementation and operation; or, 3) "outsource to insource", and determined that the first two options would not be optimal solutions. She explained that putting the project on hold would merely waste the time, effort, and money spent on the project to date, while Indus' estimate for outsourcing at the cost of \$2,000,000 was an expensive option, and provided no viable mechanism to maintain the system in the future without continued support. She stated staff considered the third option, outsource to insource, as the best all around solution as it would entail outsourcing sufficient IT activity to Indus to complete the implementation phase, and rather than displace IT staff completely, Indus would work in cooperation with IT staff, training them to eventually assume responsibility for CIS administration and operation after the system was in use. She noted this option allows staff to secure the skills needed to successfully implement CIS while simultaneously rebuilding IT staff competency. She reported Indus was requested to submit a proposal for this option and offered to support the system at the cost of \$1 million. She noted the benefits for the partnership with Indus including banner knowledge; contract accountability; over 5000 hours of support in data conversion, database administration, configuration management, disaster recovery, operations and systems administration; technical system documentation; and, technical assistance once the system was in operation and

beyond. She noted the partnership would be a time and materials agreement, which would not require BWP to pay the full amount if all hours were not utilized. She stated this option was the least expensive in the short run, would invest in IT competency, and build an independent IT operation for the entire City. Mrs. Fletcher concluded by stating that sufficient funds are available in BWP's capital outlay program to cover the cost of the change order.

Mr. Golonski commended staff for the effort but stated he was not supportive of the recommendation, noting the hourly blended rate was too high considering the duration of the project and the skills to be provided.

Following Council deliberation, staff was directed to renegotiate with Indus.

1007-1
1009-1
Establish Spec.
Of Deputy City
Manager/Public
Works and
Capital Projects

Mrs. Sarquiz, Management Services Director, requested Council approval of a resolution and ordinance establishing the classification of Deputy City Manager/Public Works and Capital Projects. She stated the proposed title would formally acknowledge the duties that were assumed by the Public Works Director when the former Deputy City Manager in charge of capital projects retired in 2000. She clarified the existing classification of Public Works Director would be maintained in the City's Classification and Pay Plan due to the fact that the next incumbent may not possess the skills, expertise and abilities to assume the responsibility of managing the City's capital projects program.

Mrs. Sarquiz added this classification also required an amendment to Burbank Municipal Code Section 2-312 which establishes the composition of the Public Works Department and states that it will be supervised and directed by the Public Works Director. She also stated although this new classification is proposed to be established, it is intended to fully absorb the job responsibilities of the Public Works Director, and the amendment to the Municipal Code would provide that the Public Works Director, as established in the Charter, may, at the discretion of the City Manager, be appointed to the new position.

She informed the Council the Civil Service Board was advised of this establishment at their regular meeting on September 3, 2003 and added there was no fiscal impact from the establishment of this specification because the capital project duties were assigned to the Public Works Director without additional compensation.

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Motion and Introduction of Ordinance It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted and the ordinance be introduced and read for the first time by title only and be passed to second reading."

1007-1 RESOLUTION NO. 26,554:
1009-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Establish Title of ESTABLISHING THE TITLE AND CLASSIFICATION OF DEPUTY
Deputy City CITY MANAGER/PUBLIC WORKS AND CAPITAL PROJECTS
Manager/Public (CTC No. 0268 – EXEMPT) AND PRESCRIBING
Works and CLASSIFICATION CODE NUMBER, SALARY AND
Capital Projects SPECIFICATION THEREOF.

1007-1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
1009-1 AMENDING CHAPTER 2 OF THE BURBANK MUNICIPAL CODE
Amend BMC RELATING TO THE PUBLIC WORKS DEPARTMENT.
Relating to
Public Works
Dept.

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

Ayes: Council Members Campbell, Golonski, Ramos,
 Vander Borgh and Murphy.
Noes: Council Members None.
Absent: Council Members None.

10:24 P.M. The Redevelopment Agency meeting was reconvened at this
Reconvene time.
Redev. Agency
Meeting

Final Open Ms. Murphy called for speakers for the final open public
Public Comment comment period of oral communications at this time.
Period of Oral
Communications

Citizen Appearing to comment was Mike Nolan, commenting on the
Comment Hoover Hydroelectric Plant and the need to continue such
 agreements, noting that hydro electric power has been

considered a renewable source for over 55 years.

Staff
Response

Members of the Council and staff responded to questions raised.

301-2
Memorial
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:28 p.m. in memory of Mary Louise Paziak and Harry Bauch.

Margarita Campos, City Clerk

APPROVED SEPTEMBER 30, 2003

Mayor of the Council
of the City of Burbank