



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, OCTOBER 21, 2003  
4:00 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:** 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 §54957.6  
**Name of the Agency Negotiator:** Management Services Director/Judie Sarquiz.  
**Name of Organization Representing Employee:** Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Current Contracts and Retirement Issues.

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.

**5:00 P.M.**

**RECLAIMED WATER MASTER PLAN – STUDY SESSION:**

Burbank Water and Power will present a Reclaimed Water Master Plan Workshop for the Council. The workshop will provide a history of the Reclaimed Water System, uses and constraints to reclaimed water, a description of the existing Reclaimed Water System, and the Master Plan for additional development.

**6:30 P.M.**

INVOCATION: Chaplain Jon Arnold, Providence Saint Joseph Medical Center. 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.

PROCLAMATION: MAKE A DIFFERENCE DAY.

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).

**REPORTING ON CLOSED SESSION:**

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of October 20, 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:

CONSENT CALENDAR: (Items 2 through 4)

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.

2. MINUTES:

Approval of minutes for the regular meeting of October 7, 2003.

Recommendation:

Approve as submitted.

3. AUTHORIZING THE ACCEPTANCE OF STATE HOMELAND SECURITY GRANT PROGRAM 03, PART II CRITICAL INFRASTRUCTURE PROTECTION FUNDS:

Staff is requesting Council approval of a proposed resolution that authorizes the City Manager to accept \$43,744 in State Homeland Security Grant Program (SHSGP) 03, Part II Critical Infrastructure Protection funds for the Police Department.

In early 2003, the President signed into law the Wartime Supplemental Appropriations Act of 2003, which provided \$16 million to the State of California to reimburse local governments for the cost of protecting critical infrastructure sites during the hostilities with Iraq. The designated timeframe for reimbursement was March 17, 2003 to April 16, 2003.

On June 6, 2003, the Police Department applied for reimbursement for Police Officer overtime to protect critical infrastructure sites during the above timeframe. On August 8, 2003, the City was notified that the grant application had been approved.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF \$43,744 FROM THE STATE HOMELAND SECURITY GRANT PROGRAM 03, PART II CRITICAL INFRASTRUCTURE PROTECTION FUNDS.

4. ESTABLISHMENT OF A SEPARATE BANK ACCOUNT FOR SECTION 125 PLAN FUNDS:

The City offers a Section 125 Employee Benefit Plan which allows employees the opportunity to use pre-tax dollars to pay for benefits rather than through after-tax payroll deductions. The City contracts with Sheakley Uniservice Inc., to administer the Section 125 Plan. Each pay period, the City transmits employee contribution data to Sheakley Uniservice Inc., who then deposit the funds into a Trust established by the third party administrator. These funds are reimbursed to employees for claims submitted for unreimbursed medical expenses and/or dependent care expenses.

Sheakley Uniservice Inc. has changed their funding procedures to eliminate the Trust for the 2004 plan year. It will be the responsibility of each client to fund their own bank account for reimbursement to their employees. Staff recommends that the City set up a zero balance account with Bank of America to facilitate payment and processing of employees' Section 125 contributions by Sheakley Uniservice, Inc. This will replace the City's current procedure of issuing a check to Sheakley Uniservice, Inc.'s Trust. The purpose of maintaining a zero balance account is to retain control of the funds deposited into the account. Sheakley Uniservice Inc. will only be able to issue reimbursement checks to the employees from this account, but will not have access to the City's payroll account.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY TO SET UP A ZERO BALANCE ACCOUNT WITH BANK OF AMERICA TO FACILITATE PAYMENT AND PROCESSING OF EMPLOYEES' SECTION 125 CONTRIBUTIONS BY SHEAKLEY UNISERVICE, INC.

END OF CONSENT CALENDAR

\*\*\*                      \*\*\*                      \*\*\*

REPORTS TO COUNCIL :

5. GENERATING ADDITIONAL SAVINGS FOR THE BURBANK UNIFIED SCHOOL DISTRICT:

Staff is requesting Council approval of an additional \$42,000 in savings to the Burbank Unified School District (BUSD) under its current Electrical Services Agreement (Agreement) with Burbank Water and Power (BWP).

In June 1997, BWP entered into a 14-year Agreement with the BUSD. Under the terms of the Agreement, BUSD receives a 10 percent discount on part of its electric rates during the first seven years of the Agreement (Fiscal Year (FY) 1997-98 through FY 2003-04), and is subject to a 10 percent premium during the last seven years of the Agreement (FY 2004-05 through FY 2010-11).

At the July 16, 2003 joint meeting of the Council and the BUSD Board, staff reviewed the Agreement and presented several ways in which it could be modified. The Council directed staff to continue exploring appropriate ways of assisting the BUSD with its electric bill. Staff re-examined the Agreement as part of this exploration and refined the method of calculating the 10 percent discount. As a result, BUSD could realize a present benefit of \$42,000.

The fiscal impact of recalculating the discount savings using the refined New Equivalent Rate is \$42,000, and funds are available in BWP's budget.

Any further savings to BUSD from renegotiating the Agreement would come at the expense of other customers or BWP's ability to support the City's General Fund.

Recommendation:

Staff recommends that the BUSD receive an additional \$42,000 as the result of a more refined calculation of the dollar savings from the 10 percent discount currently specified by the Agreement. This adjustment would cover the period of July 1, 2001 through June 30, 2004, when the discount is scheduled to end. Staff also seeks direction from the Council regarding possible Agreement renegotiations for the period beyond July 1, 2004.

6. ADJOURNMENT OF OCTOBER 21, 2003 COUNCIL MEETING FOR THE INTERMOUNTAIN POWER PROJECT AND WEST RIDGE MINE FACILITIES TOUR:

Council Members and other City officials have been offered the opportunity of visiting the Intermountain Power Project (IPP) generating station in Delta, Utah, and the West Ridge Mine in Price, Utah. This is scheduled as a one-day tour on Thursday, October 23, 2003.

If three or more Council Members desire to take advantage of this opportunity, staff recommends that the regular Council meeting of October 21, 2003, be adjourned to 10:00 a.m. on October 23, 2003, at the IPP generating station in Delta, Utah and 1:00 p.m. at the West Ridge Mine in Price, Utah. The Brown Act expressly permits a meeting of a local legislative body to occur outside its jurisdictional boundaries to inspect real or personal property which cannot be conveniently brought within the territory over which the local agency exercises jurisdiction.

Recommendation:

Staff recommends that the Council adjourn the October 21, 2003 regular meeting to October 23, 2003 at 10:00 a.m. at the IPP Generating Station in Delta, Utah, and thereafter to 1:00 p.m. at the West Ridge Mine in Price, Utah.

**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.**

**For a copy of the agenda and related staff reports,  
please visit the  
City of Burbank's Web Site:  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**