



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, NOVEMBER 25, 2003
 6:30 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.

INVOCATION: Reverend Ron Degges, Little White Chapel.
 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 COUNCIL MEETING ON DECEMBER 2, 2003.

PROCLAMATION: PEARL HARBOR 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:

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 meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 3)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda.

A **roll call** vote is required for the consent calendar.

1. **MINUTES:**

Approval of minutes for the regular meeting of November 11, 2003.

Recommendation:

Approve as submitted.

2. **AMENDING THE FISCAL YEAR 2003-04 BUDGET BY APPROPRIATING 2001 LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST:**

Staff is requesting that the Council appropriate \$5,233.48 of unexpended funds resulting from accumulated interest during Fiscal Years (FYs) 2002-03 and 2003-04 for the 2001 Police Local Law Enforcement Block Grant (LLEBG).

The purpose of the Department of Justice LLEBG program is to provide funds to units of local government for projects that reduce crime and improve public safety. During FYs 2002-03 and 2003-04 the City accumulated \$5,233.48 in LLEBG interest earnings for the 2001 grant. According to the grant provisions, the accumulated interest must be spent by January 24, 2004, or returned to the Department of Justice.

Recommendation:

Adoption of proposed resolution entitled:
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF APPROPRIATING INTEREST IN THE SUM OF \$5,233.48 FROM THE 2001 LOCAL LAW ENFORCEMENT BLOCK GRANT.

3. **APPROVING CONTRACT DOCUMENTS, AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1151, DEBELL GOLF COURSE PAR 3 RENOVATION PROJECT:**

The purpose of this report is to obtain approval of the contract documents, plans and specifications and the award of a construction contract for Bid Schedule No. 1151, DeBell Golf Course Par 3 Renovation Project, to Cinary Construction Co., Inc. in the amount of \$77,000.

DeBell Golf Course is a 27-hole golf facility that divides into one 18-hole regulation golf course and one 9-hole Par 3 executive golf course. Frequently, a variety of improvement projects are performed on the 18-hole golf course annually, including new green and tee construction or modifications, irrigation upgrades, new cart path

installation, and a variety of other budgeted miscellaneous capital improvement projects. However, the Par 3 course typically does not undergo the same level of major capital improvements.

Therefore, work is deemed necessary to improve both the safety and enhance the aesthetics of the Par 3 course. The scope of work for this project encompasses the relocation and resurfacing of the tee boxes, the repair of existing fencing along with the installation of protective barrier fencing, and the planting of new trees at strategic locations throughout the course.

Recommendation:

Adoption of proposed resolution entitled:

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 THE DEBELL GOLF COURSE PAR 3 RENOVATION PROJECT, BID SCHEDULE NO. 1151.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

4. APPROVING THE MASTER PURCHASE AGREEMENT FOR THE ULTRA-HIGH FREQUENCY SMARTZONE COMMUNICATIONS SYSTEM BETWEEN THE CITY OF BURBANK AND MOTOROLA:

Staff is requesting that the Council approve the Master Purchase Agreement for the ultra-high frequency (UHF) SmartZone radio communications system between the City and Motorola, Inc (Motorola).

Burbank Water and Power (BWP) installed the City's UHF system 12 years ago and, except for individual radios, has not yet replaced it. Normally, a UHF radio system this old would not be maintainable and the City would be facing an immediate expenditure of \$16 million to replace it. Instead, the City is able to get by with an expenditure of less than \$6.9 million over the next two years, and an expenditure of \$2.5 million or less over the following three years. BWP staff made this possible by:

- Adopting a program of aggressive preventive maintenance and phased-in replacements. BWP scheduled the most critical UHF system replacements, the system backbone and radio equipment for Police and Fire, for completion by the end of Fiscal Year (FY) 2004-05. Replacement of the remainder of the UHF system, which is mainly end user equipment for the non-safety departments, was scheduled over the following three years.

- Securing price reductions from Motorola even though it is the predominant supplier of radio equipment for safety services. BWP staff had secured a \$956,085 reduction (12.25 percent reduction) on Motorola’s initial price proposal of \$7,807,338, lowering it to \$6,851,253.

At the November 4, 2003 Council meeting, staff requested approval for two items related to the City’s radio system:

- The Joint Exercise of Powers Agreement to establish a Joint Powers Agency (JPA) in order to create the Interagency Communications Interoperability System (ICIS)
- The Master Purchase Agreement for the UHF SmartZone communications system between the City and Motorola, Inc. (Motorola) in order to replace the backbone UHF system and to provide end-user equipment for Police and Fire.

The Council approved the Joint Exercise of Powers Agreement, thereby continuing the City’s involvement in establishing seamless radio communications for police and other public safety personnel. As a result, the City can avoid the need for its own SmartZone Master Site, which would have cost \$1,115,425. The Council did not approve the Master Purchase Agreement and instead directed staff to provide them with a detailed cost breakdown of Motorola’s “System Integration” price item as well as to re-examine Motorola’s price proposal overall.

Motorola’s equipment price proposal, particularly after the reductions secured by staff, is reasonable. Its equipment costs are tightly tied to negotiated price agreements with the cities of Glendale and San Diego. Nevertheless, staff had been able to reduce the equipment price proposal from \$5,631,526 to \$5,076,441 by means of a \$555,085 Trade-In Credit, representing a 9.9 percent price reduction. The trade-in option was viable in Burbank’s case because the UHF equipment was still in good condition.

Motorola’s “System Integration” price proposal had been reduced from \$2,175,812 to \$1,774,812 by means of adjustment credits totaling \$401,000, representing an 18.4 percent price reduction. In judging the reasonableness of this reduced system integration price, staff first examined the nature of the major work elements, and which ones received the most cost emphasis:

System Installation	614,046
Engineering and Design Review	442,320
System Optimization	137,732
Acceptance Testing	106,632
Training	98,991
Project Management	<u>375,091</u>
Total, System Integration	\$1,774,812

Motorola’s system integration activities are primarily site-specific engineering, installation and testing, and not project management, which is only 21 percent of the

system integration cost. It is staff's opinion that the scope of work is appropriate and does not place undue emphasis on purely project management activities. Staff also reviewed the project timelines and concluded that Motorola could credibly meet the City's UHF radio replacement schedule. Staff has concluded that the scope of work, task emphasis and project schedule are all consistent with a cost-effective proposal.

Staff also reviewed hourly rates with Motorola and concluded that they were reasonable. Most of the system integration tasks require a team of technicians and engineers; on a cost-per-person basis, the hourly rates are what one would expect for a highly-skilled technician or engineering position.

When staff contacted Motorola for further price reductions, Motorola stated that the reductions it had already made represented its best and final offer.

Approving the Master Purchase Agreement with Motorola would secure a firm price for backbone and safety radio system upgrades that are well within the planned radio reserve funding. There would be funds remaining to upgrade the rest of the radio system over the three fiscal years immediately following the backbone and safety upgrades. Thereafter, the reserves continue to build to enable a future radio system replacement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MASTER PURCHASE AGREEMENT FOR THE UHF SMARTZONE COMMUNICATIONS SYSTEM BETWEEN THE CITY OF BURBANK AND MOTOROLA, INC.

5. RENEWABLE PORTFOLIO STANDARD:

The City must formally adopt a Renewable Portfolio Standard (RPS) Policy to comply with Senate Bill (SB) 1078. Signed by the Governor on September 12, 2002, it became law on January 1, 2003. SB 1078 provides specific guidelines to Investor Owned Utilities (IOU) in developing and implementing an RPS, and orders municipal electric utilities to devise local standards in light of the legislation's public policy goals.

After establishing a current baseline, IOUs are generally required to procure additional renewable resources at one percent per year until the resource mix reaches 20 percent renewable by December 31, 2017. The IOU requirement to purchase renewable energy is limited to what can be procured at market rates plus available Public Benefit Funds. Currently, the available public benefit funds represent only a small portion of the total IOU Public Benefit Funds collected each year. The remaining Public Benefit Funds are to be spent on low-income, demand-side management, research, development, and demonstration programs, as well as improvements to existing renewable energy infrastructure. Municipals are required to

adopt and enforce an RPS that makes sense for their territory and their customers; they are also required to report annually to their customers the results achieved by those expenditures and programs. The mandate for municipal electric utilities from SB 1078 is as follows:

Public Utilities Code (PUC) Section 387:

- (a) Each governing body of a local publicly owned electric utility, as defined in Section 9604, shall be responsible for implementing and enforcing a renewables portfolio standard that recognizes the intent of the Legislature to encourage renewable resources, while taking into consideration the effect of the standard on rates, reliability, and financial resources and the goal of environmental improvement.
- (b) Each local publicly owned electric utility shall report, on an annual basis, to its customers, the following:
 - (1) Expenditures of public goods funds [Public Benefit Funds] collected pursuant to Section 385 for renewable energy resource development. Reports shall contain description of programs, expenditures, and expected or actual results.
 - (2) The resource mix used to serve its customers by fuel type. Reports shall contain the contribution of each type of renewable energy resource with separate categories for those fuels considered eligible renewable energy resources as defined by Section 399.12.

Excluding the energy BWP gets from large hydroelectric developments like the Hoover Project and contract from the Bonneville Power Administration located in the Pacific Northwest, the City's renewable energy resources are less than one percent of the total resource mix. These renewable energy sources include micro-hydroelectric at the Valley Pumping Plant, micro-turbines using landfill gas, and solar photovoltaic installations located on top of the BWP covered parking.

The RPS proposes a target portfolio level of 20 percent by December 31, 2017, measured by the amount of energy procured in making retail sales of electricity. Electricity produced from the following technologies constitute eligible resources: biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, low impact hydroelectric generation, digester gas, municipal solid waste, landfill gas, ocean wave, ocean thermal, tidal current, renewable components of system sales from other parties, or renewable distributed generation on the customer side of the meter.

Renewable resources will be procured to the extent they fulfill unmet needs identified in BWP's long-term resource procurement plan and BWP will not terminate, abrogate, or otherwise end any existing long-term contract in order to meet the renewable target portion of its energy portfolio. Facilities can be located anywhere in the interconnected transmission system located in the interconnected Western Electric Coordinating Council (WECC) electrical grid.

The RPS also authorizes BWP to purchase environmental attributes or "green tickets" from a renewable resource without purchasing the associated energy to comply with provisions of SB 1078.

This policy will be reviewed and revised as necessary. As always, the goal of BWP is to continue to provide reliable service at the lowest cost possible while supporting the State's commitment to green power.

Renewable energy is usually more expensive than conventional resources. Therefore, the renewable energy procurement obligation is contingent upon BWP having sufficient funds available to subsidize the above-market costs of the renewable energy sources. BWP is obligated to spend an amount equal to 2.85 percent of its annual electric revenue on qualifying public benefits and is committed to spending up to 17 percent of these funds as an above-market subsidy. In addition, the RPS includes a provision that limits the impact to systems-wide rates.

Recommendation:

Staff recommends that the Council, by motion, adopt the attached Renewable Portfolio Standard for Burbank Water and Power.

6. CHARTER COMMUNICATIONS RATE ORDER:

Staff recommends that the Council, by resolution, issue a rate order directing Charter Communications, the local cable television system operator, (1) to refund or credit to its subscribers the rate increase for basic cable service charged in the months of March, April and May 2003; and, (2) to make the modifications to its December 2002 Federal Communications Commission (FCC) Form 1240 submitted to the City and implement the other corrective actions indicated in the report to the City from Front Range Consulting dated November 14, 2003. The recommended action is based on the fact that the rate increase was implemented three months before Charter Communications could do so legally under FCC regulations. If approved, the refund to each subscriber would be approximately \$0.65 per month.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING A REGULATED CABLE RATE OF CHARTER COMMUNICATIONS TO BE UNREASONABLE, PRESCRIBING A REASONABLE RATE AND ORDERING A REFUND TO SUBSCRIBERS.

RECONVENE the Redevelopment Agency meeting 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.

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