

TUESDAY, NOVEMBER 25, 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 6:35 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Police Officer Joe Dean.

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.

301-1
Pearl Harbor
Day Mayor Murphy presented a proclamation in honor of Pearl Harbor Day to Don Farquhar, a member of the Veterans Commemorative Committee.

301-1
World Town
Planning Day Mayor Murphy presented a proclamation in honor of World Town Planning Day to the Planning staff in the Community Development Department.

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 J. Grassie, expressing concern about residents who do not pick up after their dogs; Ken Carlson, Attorney specializing in Landlord-Tenant Law, inquiring why a Just Cause Eviction Ordinance has not been proposed in Burbank; Molly Hyman, on violations of the voluntary curfew at the Airport and noting the need for the Airport Commissioner reports given at Council meetings; Stan Hyman, on donations accepted by the Committee for Lifelong Learning and on the renaming of the Airport in honor of Bob Hope; and, Mark Barton, commenting on the design of open house signage.

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 Larry Stamper, expressing appreciation to the Council for the way the City has handled the loss of Officer Pavelka, and announcing a fundraiser at Genio's Restaurant to benefit the Burbank Police Officers Association on December 1, 2003 from 4:00 p.m. to 10:00 p.m.; Mike Nolan and Howard Rothenbach, commenting on the prevailing wage policy and requesting that the item be postponed to a future date; David Piroli, commenting on curfew violation fines and requesting Charter Communications pay interest for overcharging customers; Mark Barton, on the Charter Communications Rate Order; and Martin Schlageter, representing the Coalition for Clean Air, on the Renewable Portfolio Standard, requesting that the Council set interim targets to review its implementation.
Staff Response	Members of the Council and staff responded to questions raised.
7:21 P.M. Recess	The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 7:32 p.m. with all members present.
Motion	It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meeting of November 11, 2003 were approved as submitted.
804-3 801-2 Local Law Enforcement Block Grant	<u>RESOLUTION NO. 26,608:</u> 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.

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1301-3
DeBell Golf
Course Par 3
(B.S. 1151)

RESOLUTION NO. 26,609:

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.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1506
Master Purchase
Agmt. with
Motorola

Mr. Davis, General Manager, Burbank Water and Power, requested 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). He stated that 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); and, the Master Purchase Agreement for the UHF SmartZone communications system with Motorola in order to replace the backbone UHF system and to provide end-user equipment for Police and Fire personnel. He added that the Council approved the JPA, but directed staff to provide a detailed cost breakdown of Motorola's system integration price as well as to re-examine Motorola's price proposal overall.

Mr. Davis informed the Council that staff has reviewed Motorola's hourly rates and concluded that they were reasonable. He explained that Motorola's system integration activities are primarily site-specific engineering, installation and testing and not project management, and that the equipment costs were tied to negotiated price agreements with the cities of Glendale and San Diego. He added that most of the system integration tasks require a team of technicians and engineers, and that the hourly rates are what one would expect for a highly-skilled technician or engineering position. He added that when staff contacted Motorola for further price reductions, Motorola responded that the reductions already offered to the City represented its best and final offer.

Mr. Golonski requested that the Council defer action on the matter pending additional information he requested from Motorola.

Mr. Vander Borcht inquired whether any delay would have a negative impact on safety services and Mr. Wildermuth, Electrical Test Superintendent, responded that the system was still in good shape but the City would lose the discounts provided by Motorola if the Agreement was not approved by the end of the 2003 calendar year. He also added that staff's efforts over the last nine months to secure the Agreement would also be jeopardized.

Mr. Campbell requested that the item be agendaized for a meeting prior to the end of the 2003 calendar year.

Ms. Murphy and Mrs. Ramos requested further clarification from Mr. Golonski on the costs he considered excessive. He noted that Motorola was the only vendor considered for this project and added that more time was required to review their implementation plan, rates and the overall cost.

Mr. Vander Borcht and Ms. Murphy expressed opposition to deferring action on the matter.

Motion It was moved by Mr. Golonski and seconded by Mr. Campbell and failed that "Council action on the matter be deferred and brought back prior to the end of the 2003 calendar year."

Motion Failed The motion failed by the following vote:
 Ayes: Council Members Campbell and Golonski.
 Noes: Council Members Ramos, Vander Borcht and Murphy.
 Absent: Council Members None.

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

1506 RESOLUTION NO. 26,610:
 Master Purchase A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Agmt. with APPROVING THE MASTER PURCHASE AGREEMENT FOR THE
 Motorola UHF SMARTZONE COMMUNICATIONS SYSTEM BETWEEN
 THE CITY OF BURBANK AND MOTOROLA, INC.

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Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Ramos, Vander Borgh and Murphy.

Noes: Council Member Golonski.

Absent: Council Members None.

907
801-2
Reward Leading
To the Capture
Of the Suspect
In the Police
Officer Shooting

Ms. Alvord, City Manager, reported that in the aftermath of the ruthless killing of Officer Matthew Pavelka, the Burbank Police Department, with much appreciated assistance from many other agencies, has worked tirelessly to apprehend those responsible for this murder. She added that on Thursday, November 20, 2003, Chief Hoefel felt that the time was right for a reward to be offered to aid in the capture of David A. Garcia, the suspect in this case. She stated that after consulting with Mayor Murphy, a reward of \$50,000 was offered for information leading to the suspect's arrest. She noted that although this amount is within the City Manager's purchasing authority as authorized by the Council, staff recommended that this action be formally ratified.

Motion

It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

907
801-2
Reward Leading
To the Capture
Of the Suspect
In the Police
Officer Shooting

RESOLUTION NO. 26,611:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF APPROPRIATING FUNDS IN THE AMOUNT OF \$50,000 FOR THE PURPOSE OF PROVIDING A REWARD FOR INFORMATION LEADING TO THE CAPTURE OF THE SUSPECT IN THE POLICE OFFICER SHOOTING.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1503
Renewable
Portfolio
Standard

Mr. Fletcher, Assistant General Manager, Burbank Water and Power/Power Supply, presented Burbank Water and Power's Renewable Portfolio Standard (RPS) for Council approval to comply with Senate Bill (SB) 1078. He explained that SB 1078, which became law on January 1, 2003, 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. He further explained that the legislation required that: IOUs have a target of 20 percent renewable energy sources by 2017; no rate increase needed to occur to achieve the goal; spending on renewables be limited to the Public Benefits Charge; and, the resources eligible for renewables remain as set by SB 1078. He added that for municipal systems, the Councils are to approve the RPS, set targets and schedules, and approve rate impacts and resource eligibility.

Mr. Fletcher stated that BWP's current energy resources are as follows: 50 percent from the Intermountain Power Project, a coal fired resource; four percent from Palo Verde Nuclear Generating Station; three percent from Hoover Dam, a hydro-electric resource; Bonneville Power Administration; and, the Olive and Lake One power plants which use natural gas. He added that the proposed RPS allows for the use of green tickets on an as-needed basis with a goal of developing alternatives to green tickets. He also stated that staff did not anticipate hydro-electric generation to be a significant renewable resource in view of its potential impacts on the environment. He then discussed several policy and implementation issues such as the uncertain future load growth which is dependent upon the weather, economy and conservation and the challenge of using existing contracts to secure renewable resources.

Mr. Fletcher then discussed the implementation strategy and the qualifying resources, and stated that renewable resources will be procured to the extent they fulfill unmet needs identified in BWP's Integrated Resource Plan. He noted that BWP will not uneconomically terminate, abrogate or otherwise end any existing long term contract in order to meet the renewable target portion of its energy portfolio. He also explained that in considering the appropriate prices for renewable resources, staff will consider, but not be limited to, the price benchmarks set by the California Public Utilities Commission for the State's IOUs and shall include the costs associated with transmission. He then discussed the limit of subsidies, and added that the addition of renewable energy resources should not materially increase system-wide rates.

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Mr. Campbell inquired about the possibility of limiting green ticket expenditures to local projects; how determination will be made on what constitutes low hydro-electric generation; and, requested that a progress report on the RPS implementation be provided every four years.

Motion It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the Renewal Portfolio Standard for Burbank Water and Power be adopted."

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.

1206
Charter Comm.
Rate Order

Mr. Morillo, Senior Assistant City Attorney, requested that the Council issue a Rate Order directing Charter Communications, the local cable television system operator, to refund or credit its subscribers the rate increase for basic cable service charged in the months of March, April and May 2003; and 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. He explained that the recommended action was based on the fact that the rate increase was implemented three months before Charter Communications could do so legally under FCC regulations. If approved, he stated that the refund to each subscriber would be approximately \$0.65 per month.

Mrs. Ramos inquired whether Charter Communications could provide a refund with interest and Mr. Morillo responded that the FCC regulations require that any refunds be given with interest at the rate prescribed by the Internal Revenue Service. He also clarified that the City had no ability to impose fines or penalties on Charter Communications. Mrs. Ramos also inquired about the possibility of rate increases to cover the loss of revenue and Mr. Morillo responded that Charter Communications had the right to increase rates as long as they did not exceed the maximum permitted rate.

Ms. Crafts, representing Charter Communications, gave a brief presentation on the matter outlining Charter Communications' position. She stated that Charter Communications will work with the City and refund customers as required by the pending Rate Order.

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

1206 RESOLUTION NO. 26,612:
Charter Comm. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Rate Order FINDING A REGULATED CABLE RATE OF CHARTER COMMUNICATIONS TO BE UNREASONABLE, PRESCRIBING A REASONABLE RATE AND ORDERING A REFUND TO SUBSCRIBERS.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

8:45 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 were Mike Nolan, on monitoring
Comment requirements with regard to the prevailing wage policy, suggesting the City include reverter clauses in Redevelopment Agency agreements; and, David Piroli, on the quality of service provided by Charter Communications and urging the Council to not renew their franchise agreement.

Staff Members of the Council and staff responded to questions
Response raised.

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Adjournment There being no further business to come before the Council, the meeting was adjourned at 8:52 p.m.

s/Margarita Campos
Margarita Campos, City Clerk

APPROVED DECEMBER 9, 2003

s/Stacey Murphy

Mayor of the Council
of the City of Burbank