



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, FEBRUARY 17, 2004  
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 Real Property Negotiator:

Pursuant to Govt. Code §54956.8

**Agency Negotiator:** Community Development Director/Susan Georgino

**Property:** 150 East Providencia Avenue (between South San Fernando Boulevard and the I-5 Freeway).

**Parties with Whom City is Negotiating:** Gary Gunton, 150 East Providencia Avenue.

**Name of Contact Person:** Bruce Stratton, a Broker with Bruce Stratton Real Estate Services.

**Terms Under Negotiation:** Possible acquisition by the City.

b. 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:** Contracts for Fiscal Year 2004-05.

- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s): 2**

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.

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. RESOLUTION ORDERING THE ABATEMENT OF NUISANCES AS CONTEMPLATED BY RESOLUTION NO. 26,651:

Staff is requesting Council approval of a resolution ordering the abatement of nuisances caused by weeds and debris on private properties listed in Resolution No. 26,651, authorizing an assessment for cost reimbursement to the County of Los Angeles, and giving notice for subsequent weed and debris abatement if required.

The purpose of the annual weed abatement program is to remove the nuisances created on various private properties by weeds, rubbish, refuse and brush. These nuisances include potential fire hazards and havens for rodents and vectors.

On February 10, 2004, the Council adopted Resolution No. 26,651 declaring weeds and debris on private properties a nuisance, which requires abatement. Written notice of the February 17, 2004, public hearing was mailed to each property owner declared in the resolution notifying them of the time and place for appeal.

The owners of the privately-owned properties may complete the abatement themselves or have the County of Los Angeles Weed Abatement Division clear their property. If the property is cleared by the County, the owner's property tax bill will be assessed for reimbursement for the cost incurred.

This program has no fiscal impact to the City's General Fund or the Redevelopment Agency budget other than incidental administrative costs.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK, AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 26,651.

REPORTING ON CLOSED SESSION:

AIRPORT AUTHORITY MEETING REPORT:

2. 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 February 17, 2004. 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 meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 5)

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.

3. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF ADMINISTRATIVE ANALYST II/BURBANK WATER AND POWER TO LEGISLATIVE ANALYST:

The purpose of the proposed resolution is to revise and re-title the specification for the classification of Administrative Analyst II/Burbank Water and Power (BWP) CTC No. 0016 to Legislative Analyst CTC No. 0483. BWP has been undergoing departmental reorganization over the past couple of years in order to keep current with utility industry changes. In order for BWP to be on the forefront of the changing issues, the Department has recognized the need for a position that can be proactive in the monitoring and tracking of new legislation. The new proposed title and revised specification more accurately describes the actual duties and requirements of this position. These revisions will also assist the Department in recruiting for this highly specialized field. There is no fiscal impact from the revision or re-titling of this specification as the salary will be set at the same level as the Administrative Analyst II/BWP. These revisions were reviewed and approved by the Civil Service Board at their regular meeting on January 7, 2004.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF ADMINISTRATIVE ANALYST II/BWP (CTC No. 0016) TO LEGISLATIVE ANALYST (CTC No. 0483).

4. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF WAREHOUSE SUPERVISOR/BURBANK WATER AND POWER TO WAREHOUSE MANAGER/BURBANK WATER AND POWER:

The purpose of the proposed resolution is to revise and re-title the specification for the classification of Warehouse Supervisor/Burbank Water and Power (BWP) CTC No. 0979 to Warehouse Manager/BWP CTC No. 0979. The utility industry is constantly changing and in order to remain competitive, BWP needs to continue keeping pace with these changes. In an effort to be consistent with the market, the Department has recognized the need to change the title and specification for this position to portray its management rather than supervisory functions. This position actually manages the warehouse operations within BWP. The revising and re-titling of this position not only addresses market consistency but also reflects the needs of the Department. There is no fiscal impact from the revision or re-titling of this specification as this position will be paid the same salary as was previously paid to the Warehouse Supervisor/BWP. The Civil Service Board approved this title change at their regular meeting on January 7, 2004 and the revision to the specification at their regular meeting on February 4, 2004.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF WAREHOUSE SUPERVISOR/BWP (CTC No. 0979) TO WAREHOUSE MANAGER/BWP (CTC No. 0979).

5. APPROVAL OF FISCAL YEAR 2003-04 MEMORANDA OF UNDERSTANDING WITH THE BURBANK CITY EMPLOYEES ASSOCIATION AND THE BURBANK MANAGEMENT ASSOCIATION AND COMPENSATION PACKAGES FOR THE UNREPRESENTED MANAGERS AND EXECUTIVES, INCLUDING THE APPOINTED OFFICIALS:

The purpose of this report is to request Council adoption of the Fiscal Year 2003-04 Memoranda of Understanding (MOU) for the Burbank Management Association (BMA) and the Burbank City Employees Association (BCEA), as well as the compensation packages for the Unrepresented Managers and the Executives, including the appointed officials.

Staff has been negotiating for several months with both the BMA and the BCEA. Due to the severe budget constraints the City has been and will continue operating under, these negotiations have been very challenging. Both the City and the Unions have been willing to make concessions in order to reach a reasonable consensus. The City has negotiated a 2.5 percent total compensation package for both the BMA and the BCEA. In addition to the economic packages, the City negotiated some language changes to both MOUs.

Highlights of the BCEA MOU

The ten-city survey demonstrates that BCEA positions are under survey ranging from one percent to 17 percent. This package, ratified by the members, is divided into the following components: 1.5 percent cost of living adjustment (COLA) to all BCEA positions; 0.65 percent for survey adjustments with any excess funds deposited into a training fund; and, 0.35 percent (up to \$105 per month) to continue the out-of-pocket medical insurance premium supplement through June 30, 2004. This economic proposal for the BCEA equals a compensation package totaling 2.5 percent of General Fund dollars.

Highlights of the BMA MOU

The 12-city survey indicates that BMA positions are under survey ranging from one percent to 21 percent. It was not possible, within the current economic constraints, to bring the BMA positions to full-survey. As such, it was agreed upon between the parties, and ratified by the members, to bring each position to approximately 51 percent of the average market rate. This economic proposal for the BMA equals a compensation package totaling 2.5 percent of General Fund dollars, as well as some minor non-General Fund equity adjustments.

### Unrepresented Management and Executive Compensation

Staff is also proposing a comparable total compensation package of 2.5 percent for the Unrepresented Managers and the Executives. In addition to this economic package, the City is proposing an equity adjustment of 0.22 percent for the Police Captains and the Police Chief. This adjustment will maintain the parity of these positions within the command structure of the Police Department. In addition, the Police Captains and Police Chief have agreed to pay 3.5 percent, like the Burbank Police Officers Association, to help defray the cost of their enhanced retirement. The City is also proposing Universal Leave for the Unrepresented Managers. The Executives currently operate with Universal Leave and staff believes this will be a benefit for both the Unrepresented Managers and the City.

### Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK CITY EMPLOYEES ASSOCIATION AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2003-2004.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK MANAGEMENT ASSOCIATION AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2003-2004.

(4/5 vote required)

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN AND SALARIES FOR DEPARTMENT MANAGERS AND AMENDING THE FISCAL YEAR BUDGET 2003-2004.

(4/5 vote required)

4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY RANGE FOR THE POSITION OF CITY MANAGER AND CITY ATTORNEY AND AMENDING THE FISCAL YEAR 2003-2004 BUDGET.

(4/5 vote required)

5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 22,795 RELATING TO THE COMPENSATION PLAN AND TO SALARIES FOR UNREPRESENTED MID MANAGEMENT EMPLOYEES AND AMENDING THE FISCAL YEAR BUDGET FOR 2003-2004.



REPORTS TO COUNCIL:

6. APPROVAL TO USE THE DESIGN-BUILD METHOD FOR THE LAKE ONE SELECTIVE CATALYTIC REDUCTION PERFORMANCE IMPROVEMENT AND CARBON MONOXIDE CATALYST REPLACEMENT PROJECT:

Staff requests that the Council approve use of the design-build method of project delivery for the Lake One selective catalytic reduction (SCR) Performance Improvement and Carbon Monoxide (CO) Catalyst Replacement Project. The Lake One Power Project is composed of a General Electric LM6000 combustion turbine with an SCR. The SCR reduces the Nitrogen Oxide (NOx) and CO emissions generated within the LM6000 so that the resulting exhaust from the Lake One Unit stack conforms with South Coast Air Quality Management District regulations.

After operating the Lake One Unit for about six months, staff noted some loss in performance of the SCR. The two catalysts in the SCR were reaching the end of their useful life. In response to this, Entrix, an environmental engineering company, was assigned the task to review the design of the SCR and determine if the degradation could be reduced. Entrix advised that after-market modifications to these SCRs had become available that would extend the useful life of the catalysts.

Burbank Water and Power contacted several after-market contractors in order to evaluate retrofitting the SCR. The following findings were made:

- The life of the catalyst could be extended from one-to-two years to three-to-five years.
- The performance of the catalyst could significantly improve by more than 10 percent.

The retrofit could be performed with less than a two week shut down. The Lake One CO catalyst, the second of the two catalysts within the SCR, is currently showing signs that it will soon require replacement. This retrofit and replacement of the catalyst must be done on a design-build basis. The integration of design with the craftsmanship required to implement the design is required to assure the design will operate as intended.

The estimated cost of the SCR retrofit is \$550,000. It will extend the replacement of the CO and NOx catalyst by a factor of two to three times. The retrofit would have a payback of 4.12 years and a 24.2 percent rate of return.

The most critical operational issue associated with this project will be the down time for the Lake One Unit. The outage duration range estimated by potential vendors has been approximately one to two weeks. As the work is to be completed prior to summer loads, an outage of one to two weeks is not expected to be a problem.

The recently-approved Fiscal Year 2003-04 mid-year budget amendment included this

project as part of the current budget. The budget amendment for this line item was for \$750,000, of which \$200,000 will be utilized for the replacement of the CO catalyst and \$550,000 for the SCR retrofit.

Recommendation:

Staff recommends that the Council approve use of the design-build method of project delivery for the LM6000 SCR Performance Improvement and CO Catalyst Upgrade Project.

7. CONSIDERATION OF SALARIES FOR ELECTED OFFICIALS:

The purpose of this report is to request Council consideration of salaries for Elected Officials and Council Members.

Staff has completed the negotiation process with the Burbank Management Association (BMA) and the Burbank City Employees Association (BCEA). These bargaining groups' Memoranda of Understanding along with the compensation packages for the Executives and Unrepresented Managers are on the agenda. Since the Executives' compensation package is being considered for an increase and the elected positions of City Clerk and City Treasurer are both an integral part of the Executive Team, their proposed compensation package is also being brought to the Council for consideration. If the same methodology used for the Executive compensation package is applied to the City Clerk and the City Treasurer positions, this would amount to a 3.98 percent increase for each of these positions. Depending on which survey methodology is used, these positions range from 7.73 percent to 20.29 percent under survey. The proposed adjustment would raise the fixed monthly salary for both of these positions from \$7,284 to \$7,584 (\$300/month). As this amount was included in the overall 2.50 percent compensation package calculated for the Executives, there would be no further fiscal impact to the General Fund. As Elected Officials, the salaries of the City Clerk and the City Treasurer can only be discussed and determined in public session.

Similarly, the Council's compensation can only be discussed and determined in public session. The issue of the Council compensation was last considered in December 2000. At that time, the Council passed an ordinance that called for a special election for the purpose of asking the electorate to vote on Council compensation. The ordinance provided for a five percent increase for Fiscal Year (FY) 2000-01 and a 2.8 percent increase for FY 2001-02 based upon the Consumer Price Index (CPI). The voters approved both these salary increases. Subsequent to this ballot initiative, in November 2002, staff was asked to present a compensation option that would provide for annual Council salary adjustments based on the CPI. However, further research determined that this was not a possible option pursuant to California Government Code §36516(c). This Code, which was adopted by reference in Burbank Municipal Code §2-202, prohibits the City from enacting a salary ordinance which would provide for automatic future increases in salary. As such, staff is presenting survey information to facilitate discussions

regarding a Council compensation package for FY 2003-04. A comparison of Burbank's twelve survey cities shows the Council's compensation/benefits levels to be below the level provided in the other cities by 15.21 percent. However, it should be noted that, pursuant to California Government Code §36515(c), the Council's compensation can only be increased up to a maximum of five percent from the previous year. A five percent increase would raise the Council salary from \$951 to \$999 per month or an annual increase of \$2,880 to the General Fund. A 2.50 percent increase for the Council Members, which would be consistent with the other employee bargaining groups in FY 2003-04, would have a total annual impact of \$1,440 to the General Fund.

Recommendation:

Staff recommends that the Council discuss the matter, and if desired, adopt a resolution and an ordinance for compensation package adjustments to be effective July 1, 2003 for the City Clerk, City Treasurer and City Council, respectively.

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR CITY TREASURER AND CITY CLERK AND AMENDING THE FISCAL YEAR BUDGET 2003-2004.

2. Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-202 OF THE BURBANK MUNICIPAL CODE RELATING TO COMPENSATION OF COUNCIL MEMBERS.

8. MAYOR MURPHY'S REQUEST TO DISCUSS EMPLOYEE MEMORIAL:

At a recent Council meeting, Mayor Murphy requested that staff place an item on the agenda pertaining to her interest in establishing a memorial dedicated to City employees who have died in the line of duty.

Staff has conducted preliminary research regarding historical data on each of the employees who may be recommended for a potential memorial. Currently, there are nine employees whose names would be submitted for permanent inclusion. However, since this matter could ultimately affect all facets of the City employee family, staff requests that any further work on this matter be coordinated with departmental representatives and members of each bargaining group.

Other than the gathering of initial names, staff has conducted no further work on this matter.

Recommendation:

It is staff's recommendation that the Council initiate discussion on the establishment of a permanent memorial dedicated to City employees who have died in the line of duty. Additionally, if Council requests further work on this matter staff recommends that a committee is formed consisting of departmental representatives and members of each bargaining group.

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