



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 20, 2004
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 – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- 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: 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.

CODE ENFORCEMENT STUDY SESSION:

At the December 9, 2003 meeting, several Council Members requested that staff return with a discussion on code enforcement activities. Council Members were particularly interested in the manner in which the Burbank Municipal Code (BMC) and project conditions of approval are enforced.

The purpose of code enforcement is to ensure that activities being conducted within a community are consistent with the applicable regulations of the community to protect the public health, safety and welfare. Code enforcement generally is viewed in terms of responding to and correcting violations after they occur. While this is an important and visible component of any code enforcement program, it is only part of a comprehensive code enforcement program.

The Community Development Department's code enforcement program consists of activities that the Department conducts to ensure that projects, businesses and residents are complying with the requirements of the BMC, other relevant codes, and, where applicable, project conditions of approval. While code enforcement is generally envisioned as activities that occur once a business is opened, after construction is completed, or as part of daily residential life, enforcement is actually a process which begins with activities that occur before construction or operations begin, such as the Building Division's plan check process, and continues beyond construction or operations.

The manner in which the Community Development Department conducts code enforcement activities is governed primarily by prior policy decisions and fiscal and legal limitations. In general, the code enforcement program is initiated by the public, either through filing for permits or making complaints. The Department focuses on responding to customer requests and complaints in a timely manner. When violations are noted, the program aims to achieve voluntary compliance wherever possible and staff will suspend enforcement to provide an opportunity for the violation to be remedied. In those situations where voluntary compliance cannot be achieved, revocation of entitlements and ultimately legal action may be taken.

Recommendation:

This report is a summary of the manner in which code enforcement activities are conducted by the Community Development Department. Should the Council determine that the program should be conducted in a different manner or that new priorities should be established, staff recommends that the Council direct staff to investigate the potential changes and report back on any potential ramifications.

6:30 P.M.

INVOCATION: Rabbi Mervin Tomskey, Rabbi Emeritus, Temple Emanuel.
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.

PRESENTATION: CIVIC PRIDE COMMITTEE PLANT-A-TREE DONATION.

PROCLAMATION: EARTH DAY.

PROCLAMATION: NATIONAL LIBRARY WEEK.

PROCLAMATION: HOLOCAUST REMEMBRANCE.

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. CONTINUED PUBLIC HEARING:

1. APPEAL OF DEVELOPMENT REVIEW NO. 2003-27 – 637 NORTH FAIRVIEW STREET:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to conditionally approve Development Review No. 2003-27. This is a request by August Bacchetta (project architect) to construct a three-unit residential building (previously proposed as four units) at 637 North Fairview Street. Bob Jones (tenant of property at 631-633 North Fairview Street) and Leota Bancroft (owner of property at 641-643 North Fairview Street) are the appellants. The Community Development Director's decision to approve the project was appealed to the Planning Board by the same parties.

On March 9, 2004, the Council held a public hearing to discuss an appeal of a Development Review approval for a four-unit apartment project in the R-3 Low Density Multiple Family Residential Zone. The Council continued the hearing to April 13, 2004 to allow the developer time to modify his project in a manner that might be acceptable to the community and considered compatible given current codes. On April 13, 2004, the matter was further continued to April 20, 2004 to allow the applicant and appellants the time to meet and possibly come to a compromise on the project. The developer's architect met with the appellants on March 21, 2004 and with the developer on April 1, 2004. The plans have been modified in a manner consistent with the comments given by the appellants at these meetings.

Staff is requesting that the Council review the plans in light of the testimony given by the area residents on March 9, 2004 and determine if the modified plans are compatible with the surrounding neighborhood.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
DEVELOPMENT REVIEW NO. 2003-27 AND DENYING THE APPEAL OF THE
PLANNING BOARD DECISION (637 North Fairview Street).

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 April 19, 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:

CONSENT CALENDAR: (Items 3 through 6)

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. ACCEPTING THE CIVIC PRIDE COMMITTEE’S PLANT-A-TREE DONATION:

The Burbank Civic Pride Committee conducts the annual Plant-a-Tree program by soliciting donations from the public and donating the money collected towards the purchase of ornamental trees to be planted throughout Burbank's parks. Civic Pride Committee members have worked with staff from the Public Information Office and the Park, Recreation and Community Services Department throughout this project. This year, the Committee successfully raised \$4,470. This money will be used to offset the purchase of ornamental trees to be planted at Ralph Foy Park. A ceremony was held on March 25, 2004 at Ralph Foy Park to recognize the donors and present them with certificates.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF ACCEPTING BURBANK CIVIC PRIDE COMMITTEE'S PLANT-A-TREE DONATION OF \$4,470.

4. AWARDING A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1154–2003-04 COMMUNITY DEVELOPMENT BLOCK GRANT STREET, ALLEY, SIDEWALK AND PEDESTRIAN RAMP PROJECT:

Staff is requesting that the Council approve contract documents and award a construction contract for Bid Schedule (BS) No. 1154 – 2003-04 Community Development Block Grant (CDBG) Street, Alley, Sidewalk and Pedestrian Ramp Project.

In Fiscal Year 2003-04, the Council approved an appropriation of \$803,969.30 in CDBG funds for the Public Works Department to construct streets, alleys, sidewalks and pedestrian ramps. The scope of work for this project consists of reconstruction of Olive Avenue from the First Street Bridge to Third Street, including approximately 3,700 square feet of sidewalk along Olive Avenue. The eight pedestrian ramps at intersections along First Street and San Fernando Boulevard will also be reconstructed to conform to the latest Americans with Disabilities Act standards. In addition, this project will reconstruct the alley west of Buena Vista Street from Burbank Boulevard to Jeffries Avenue. The entire project will be done in regular concrete. All existing decorative concrete will be removed.

BS No. 1154 was advertised for construction bids on January 28 and 31, 2004. A bid opening was held on March 23, 2004, and three contractors submitted bids ranging from \$598,010.88 to \$1,573,270. Kalban, Inc. of Sun Valley, California, submitted the lowest bid of \$598,010.88 which is 25.2 percent below the engineer's estimate of \$800,000. This project will commence at nearly the same time as the latest sidewalk project, which has been awarded to Kalban, Inc. The ease of transitioning to this project resulted in the cost savings. The unused balance of CDBG funds will be available for reallocation to CDBG projects next fiscal year. The carryover process is allowed under CDBG

regulations. Kalban, Inc. has previously performed work similar to the scope of work in this project for the City with satisfactory results.

Construction of this project is planned to occur in May and June 2004. The work will be completed within 30 calendar days. Residents and businesses along Olive Avenue will be notified of the project by mail before the end of April. The notification will include the scope of the project, potential lane closures and contact information, should the resident or business have questions. One week before the start of construction, the contractor will hand deliver notices of the project to nearby businesses on Olive Avenue and San Fernando Boulevard. Construction signs will also be placed, notifying pedestrians and drivers of construction and possible delays.

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 2003/2004 CDBG STREET, ALLEY, SIDEWALK, AND PEDESTRIAN RAMP PROJECT, BID SCHEDULE NO. 1154.

5. APPROVAL OF FINAL TRACT MAP NO. 53742:

Staff is requesting Council approval of Final Tract Map No. 53742. The property covered on Final Tract Map No. 53742 is a combined seven-lot subdivision totaling 61,962 square feet located at 711-737 East Olive Avenue. The new 36 condominium subdivision will consist of six buildings with six dwelling units per building. Owned by Tom Patty, the property is in the R-3 Multiple Family Low Density Residential Zone.

On April 4, 2002, the property owner requested City approval to convert the existing seven-lot subdivision into 36 residential condominiums with a subterranean parking garage. Final Tract Map No. 53742 finalizes the conversion of the existing properties to the condominium subdivision.

All conditions of approval and all requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 53742:

1. The tentative tract map was approved by the Community Development Director on May 16, 2002, pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains 36 condominium units at 711-737 East Olive Avenue, which is located in the R-3 Multiple Family Low Density Residential Zone.

3. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(3) relating to approval of final subdivision maps.
4. Conditions Of Approval for Vesting Tentative Tract Map No. 53742 have been cleared by the Planning Division for purposes of Final Tract Map approval with the exception of condition number two. This condition will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division.
5. According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Tract Map No. 53742 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 53742 (711-737 East Olive Avenue).

6. APPROVAL OF AMENDMENTS TO MAGNOLIA POWER PROJECT AGREEMENTS AND APPROVAL OF REIMBURSEMENT AGREEMENT FOR GIS EXPANSION AT OLIVE SWITCHING STATION:

The Magnolia Power Project (MPP) is currently under construction on the Burbank Water and Power plant site and is expected to be completed in the Spring of 2005. Staff is requesting Council approval of minor amendments to two of the MPP project agreements and a new agreement by which Burbank will reimburse the Southern California Public Power Authority (SCPPA) for a portion of the cost of new facilities being added to the existing Olive Switching Station. The two amendments and the new agreement are as follows:

1. **Amendment No. 1 to the Burbank Interconnection Agreement between the City of Burbank and the Southern California Public Power Authority.** The original Burbank Interconnection Agreement allows SCPPA, as the owner of the MPP, to construct interconnection facilities at Burbank's Olive Switching Station and gives Burbank the right to charge SCPPA for a portion of the future costs of operating and maintaining the switching station. This amendment would revise two appendices in the original agreement to reflect the configuration of the switching station after modification by SCPPA and to make necessary revisions to the formula for charging SCPPA a portion of the future Operation and Maintenance costs. The amendment would also permit future revisions to be handled administratively, without a formal amendment of the agreement, when the configuration of the switching station

changes.

2. **Amendment No. 2 to the Site Lease and Services Agreement between the Southern California Public Power Authority and the City of Burbank.** The original Site Lease and Services Agreement gives SCPPA the right to use up to four acres of the BWP plant site for an initial term ending in the year 2036, at a rent of approximately \$35,000 per month. The proposed Amendment No. 2 would make two changes to the Site Lease. First, it would revise the diagram of the site to accurately show the four acres occupied by the MPP, which has changed slightly since the original Site Lease was approved in 2002. Second, it would implement a change requested by BWP staff in the way Burbank will be compensated for providing electrical energy to the generating station when the MPP is offline. The amendment would allow Burbank to charge SCPPA according to the wholesale cost of such energy rather than allowing SCPPA to return “like energy” when the MPP is back in operation, which BWP staff believes is more equitable to both parties.
3. **Reimbursement Agreement for GIS Expansion at Olive Switching Station between the City of Burbank and the Southern California Public Power Authority.** Under the proposed agreement, Burbank would reimburse SCPPA for 20 percent of the cost of constructing the new interconnection facilities at the Olive Switching Station. Burbank has requested that additional capacity be incorporated into the new facilities, which Burbank will use for purposes unrelated to the MPP. The 20 percent share corresponds to the cost of the additional capacity. The total cost of the Olive Switching Station expansion project is \$4.5 million, making Burbank’s 20 percent share \$900,000.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE BURBANK INTERCONNECTION AGREEMENT BETWEEN THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND THE CITY OF BURBANK.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT NO. 2 TO THE MAGNOLIA POWER PROJECT SITE LEASE AND SERVICES AGREEMENT BETWEEN THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND THE CITY OF BURBANK.
3. (4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A REIMBURSEMENT AGREEMENT FOR GIS EXPANSION AT OLIVE SWITCHING STATION BETWEEN THE CITY OF BURBANK AND THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND DIRECTING THAT CERTAIN FUNDS BE APPROPRIATED IN THE FY 2004-2005 BUDGET.

REPORTS TO COUNCIL:

7. APPROVAL AND FILING OF THE FISCAL YEAR 2004-05 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS:

Staff is requesting that the Council approve/file the Fiscal Year (FY) 2004-05 Annual Plan of the Consolidated Plan (2003-08) submission involving community planning and development programs and activities pursuant to Federal regulations dated January 5, 1995 (24 CFR Part 91) including: 1) filing Federal fund applications for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs (HOME); 2) filing the Final Statement of Community Development Objectives and Projected Use of Funds for FY 2004; and, 3) authorizing the City Manager to execute United States Department of Housing and Urban Development (HUD) funding agreements for CDBG and HOME; act as the City's Certifying Officer under 24 Code of Federal Regulations, Part 58 – Environmental Review Procedures, and execute sub-recipient contracts with organizations utilizing CDBG and HOME funds, as applicable.

The Consolidated Plan includes, but is not limited to, a needs assessment of housing/community development and the homeless, a housing market analysis, a strategic plan, an annual plan, a monitoring plan, program certifications, and a description of the citizen participation and consultation process undertaken. The Consolidated Plan is required every five years and was last submitted for the period 2003-08.

The Consolidated Plan's strategy describes a general assessment of needs for all households, and particularly very low and low-income households at or below 80 percent of median family income, including minorities, elderly, disabled and large families. The strategy details Federal, State, local and private programs and resources available to meet eight priority needs including housing, homeless and special population(s) programs, community facilities and infrastructure, economic development and community services. The Annual Plan details the resources available this year to address strategy goals. Programs and activities, which meet Consolidated Plan goals are described, and unit objectives by fund resource are quantified. The Annual Plan must be submitted no later than 45 days prior to the start of the fiscal year, or on or about May 15, 2004 this year.

The Consolidated Plan covers applications for formula grants including CDBG and HOME programs. For 2004, CDBG funds (\$1,669,833) include the entitlement, reallocated Federal funds, and program income. HOME funds total \$898,493 for 2004.

Compared with last year, CDBG funds are \$70,471 less and HOME funds are \$6,123 less. CDBG resources and fund use by category are as follows:

Community Development Block Grant Resources (2004)

<i>Fund Source</i>	<i>Fund Amount</i>
2004 Entitlement	\$1,416,000.00
HUD Reallocated Funds	\$ 10,866.00
Program Income (2002-03)	\$ 242,967.00
Total 2004 Funds	\$1,669,833.00

Community Development Block Grant Funds by Category (2004)

Capital Project Funds	\$1,085,392.00
Public Service Funds	\$ 250,475.00*
Program Administration Funds	\$ 333,966.00*
Total Funds Available	\$1,669,833.00

* Statutory Limits: Program Administration (20 percent); Public Services (15 percent)

HOME funds (\$808,644) will be used by the Burbank Housing Corporation (a Community Housing Development Organization) for housing acquisition and rehabilitation activities, with HOME program administration funded at \$89,849 (Total: \$898,493). Specific HOME projects will be approved by the Council at a later date once projects are identified.

CDBG capital projects as recommended by the Community Development Goals Committee and the City's Executive Staff were considered and approved by the Council on January 20, 2004. The approval was based on an estimated 2004 capital fund total of \$1,104,242. After receiving formal notification from HUD, actual capital project funds available are \$1,085,392, or a shortage of \$18,850. Both the Community Development Goals Committee and the Executive Staff have revised their original recommendation based on the Council's approval of January 20, 2004 as follows:

CDBG Capital Projects (2004)

<i>Dept/Agency</i>	<i>Project</i>	<i>\$ Request</i>	<i>CD Goals Committee</i>	<i>Executive Staff</i>
Public Works Dept.	Olive Avenue	\$213,000	\$ 273,958 *	\$ 255,108 *
	Third Street	\$252,000		
	First Street	\$490,000		
	Alleys	\$100,000		
	Sidewalks	\$100,000		

	Pedestrian Ramps	\$ 40,000		
CDD-License & Code	Code Enforcement	\$147,284	\$ 111,434	\$ 130,284
Burbank School District	Washington – Lighting	\$ 41,500	\$ 50,000 *	\$ 50,000 *
	Washington – Fencing	\$ 18,000		
	Disney - Lighting	\$ 33,500		
Burbank Center Retarded	Utility Cabinets	\$ 15,000	\$ 15,000	\$ 15,000
Burbank Temporary Aid	2-Story Addition/Rehab	\$598,000	\$ 575,000	\$ 575,000
Build Rehabilitation, Ind.	Facility Improvements	\$ 70,000	\$ 60,000 *	\$ 60,000 *
Total Capital Projects		\$2.1 mill.	\$1,085,392	\$1,085,392
Capital Funds Available			\$1,085,392	\$1,085,392

* All Projects Included

Consistent with its original recommendation of not funding the Code Enforcement Program, the Community Development Goals Committee opted to reduce the Council's (1/20/04) \$130,284 Code Enforcement approval by the amount of the shortage (\$18,850) to \$111,434, while the Executive Staff recommends decreasing the amount approved for Public Works Department projects to \$255,108.

For CDBG public services, total proposals received were over \$538,000. The recommendations of both committees are as follows:

Fiscal Year 2004 CDBG Public Services

<i>Dept/Agency</i>	<i>Project</i>	<i>\$ Request</i>	<i>CD Goals Committee</i>	<i>Executive Staff</i>
Salvation Army	Emergency Services	\$ 27,000	\$ 18,000	\$ 27,000
Family Service Agency	At-Risk Youth Counseling	\$ 19,600	\$ 28,000*	\$ 28,000*
	Community Day School	\$ 20,000		
	Middle School Counseling	\$ 35,000		
Build Rehabilitation, Ind.	Disabled Job Training	\$ 15,300	\$ 15,000	\$ 10,000

Burbank Temporary Aid	Homeless Services	\$ 41,475	\$ 25,000	\$ 35,000
Burbank School District	Summer Employment	\$ 85,000	\$ 56,605	\$ 70,000
YMCA	Senior Citizen Fitness	\$ 12,000	\$ 20,000*	\$ 22,875*
	Child Care	\$ 30,000		
	Youth Fitness	\$ 20,000		
	Youth Summer Camp	\$ 3,600		
Boys & Girls Club	Tutoring/Technical Training	\$ 89,315	\$ 24,000	\$ 24,000
Burbank Center Retarded	Disabled Programs	\$ 20,000	\$ 13,000	\$ 13,400
Library Dept.	Literacy Program	\$ 5,970	\$ 5,970	\$ -0-
Partners in Care Foundation	Health Care Services	\$ 2,900	\$ 2,900	\$ 2,900
Fair Housing Council	Fair Housing Services	\$ 18,000	**	**
Burbank Noon Lions	Ear/Eye Care Program	\$ 7,595	\$ 2,000	\$ 2,000
Schutrum-Piteo Foundation	Adult Day Care Center	\$ 30,000	\$ 30,000	\$ 10,000
Armenian Relief Society	Social Services	\$ 55,655	\$ 10,000	\$ 5,300
Total Public Services		\$538,410	\$250,475	\$250,475
Pub. Svc. Funds Available			\$250,475	\$250,475

*All Projects Included

**Fund with Program Administration (\$18,000)

This year's Community Development Goals Committee recommendation is predicated on funding agencies with limited other resources, encouraging new programs that supplement existing City community services, and balancing the proportion of available funding between general and youth services with those supporting the homeless/need, disabled, senior citizens, and other very-low income residents.

Therefore, the Community Development Goals Committee's recommendation is to fully fund the Schutrum-Piteo/Burbank Adult Day Services program, increase the funding for

Build Rehabilitation compared with last year and partially fund the new program offered by the Armenian Relief Society.

To fund their recommendation, the Community Development Goals Committee reduced last year's Council approvals for the Salvation Army (\$9,000), Burbank Temporary Aid Center (\$10,000), Burbank School District (\$23,395), Burbank Family YMCA (\$2,800), and Burbank Center for the Retarded (\$400).

The Executive Staff, while supporting the notion of accommodating unique community services and adding new ones, felt that significantly increasing funding for newer or new activities in a year where public service funding decreased over \$10,500 was not an optimum use of funds. Therefore, they recommend that the Schutrum-Piteo Foundation be funded at the same level as last year (\$10,000), with the Armenian Relief Society recommended at \$5,300 as a first year recipient. To compensate for the \$10,570 decrease in 2004 funds while funding the Armenian Relief Society, the Executive Staff cut the Burbank Schools' Summer Youth Employment Program by \$10,000 compared with last year and opted not to fund the Library Literacy Program.

Both committees recommend the Federal requirement for fair housing services as proposed by the Fair Housing Council of the San Fernando Valley be funded (\$18,000) with CDBG program administration funds. Administration funds are recommended at the 20 percent statutory maximum or \$333,966.

In compliance with Federal requirements, the Community Development Goals Committee held a meeting March 4, 2004 to obtain public comment regarding the use of Federal funds. The Committee met on three other occasions from November 2003 through March 2004 to review proposals and make recommendations, while the City's Executive Staff met twice during that time to review proposals and make recommendations.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2004-05 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

8. AMENDMENT TO CHAPTER 11 OF THE BURBANK MUNICIPAL CODE RELATIVE TO ALL MAIL BALLOT ELECTIONS:

The purpose of this report is to present the all mail ballot election option for Council consideration, following voter approval of Measure M, the Advisory Vote on Mail Ballot Elections, at the February 25, 2003 Primary Nominating Election.

At the October 8, 2002 meeting, the Council directed that an advisory Ballot Initiative amending the Burbank Municipal Code (BMC) to allow for conducting Primary Nominating Elections and General Municipal Elections wholly by mail ballots beginning in 2005, be placed on the ballot as soon as practicable. Subsequently, Measure M, the Advisory Vote on Mail Ballot Elections, was put on the ballot for voter consideration at the February 25, 2003 Primary Nominating Election. Burbank voters supported Measure M, and of 8,987 votes cast, 63.7 percent (5,724) were in favor and 36.3 percent (3,263) were against the Measure.

Chapter 11 of the BMC authorizes the conduct of polling place elections. On November 9, 1999, the Council passed Ordinance No. 3532 adding Section 11-608 which authorizes special municipal elections to be conducted wholly by mail ballots. The process for the all mail ballot election is comparable to that currently implemented for all Burbank permanent absentee voters. The voter receives a Sample Ballot, Voter Information Pamphlet and a ballot (along with instructions and a return envelope) in one packet delivered to their home, without submitting an application. For the Measure A Initiative mail ballot special election held in October 2001, the Council authorized paying return postage making it even more convenient for the voter to return the voted ballot.

The 2001 Restore Our Airport Rights Initiative (Measure A) Special Election

On April 17, 2001, the Council passed Ordinance No. 3573 calling for a special election for the Restore Our Airport Rights Initiative (Measure A), and ordering that the election be conducted wholly by mail on October 9, 2001 pursuant to BMC Section 11-608. Of the 55,997 ballots mailed, a total of 19,479 ballots were returned which equates to a 34.8 percent voter turnout. This represents the highest voter turnout ever in a City of Burbank Municipal Election.

All Mail Ballot Benefits:

Increasing voter turnout

A major challenge facing elections today, at the State and local level, is low voter turnout. Without exception, the City of Burbank has continuously struggled with low voter turnout in municipal elections. Coupled with this trend has been the increased number of absentee voters citywide. For the 2003 General Municipal Election, the City Clerk's office issued 5,321 absentee ballots, of which 3,591 were returned, representing a 67 percent return rate for absentee ballots only. Also, absentee voters accounted for 40 percent of all votes cast. Apparently, while the number of total votes cast remains constant, the percentage of absentee voters is steadily increasing. In addition, with more residents voting absentee, the all mail ballot option will eliminate the process of conducting two types of elections simultaneously; an absentee election and a polling place election. More than ever, convenience is becoming a major factor hindering voters from voting at polling sites. Despite the publicity and provision of early voting offered by the City Clerk's office prior to Election Day, many voters are still unable to make it to the polling sites. The all mail ballot option would therefore provide the ultimate convenience for the voter to vote at their home and have ample time to return the ballot.

Decrease in the cost per voter

An analysis of the costs incurred in the past three municipal elections and the October 2001 special election indicates that while the overall cost of the mail ballot election was higher than conducting a polling place election, the cost per vote cast was significantly lower. The cost per voter in the 2003 Primary Nominating Election (\$12.59) was almost twice the amount of the 2001 all mail ballot election (\$6.57). Assuming a 34 percent voter turnout (48,546 registered voters) for the 2005 municipal elections, the cost per voter, based on the estimated cost of \$232,776.12 is \$7.

Increasing the integrity of elections

Voters at polling places are not required to show identification, nor are their signatures checked against original registration affidavits. In mail ballot elections, signatures are required on all returned ballots, and voter registration and signatures are verified before the ballots are counted. Each returned ballot is accounted for by address and name to eliminate any possibility of duplicate votes.

Eliminating facilities and poll worker recruitment problems

The process of locating appropriate polling locations and recruiting poll workers is especially time and labor intensive. Burbank Municipal Elections are smaller than County Elections, necessitating the consolidation of precincts and polling location changes which confuse many voters. Even with fewer polling sites, the challenge remains to locate a site in each precinct which provides for disabled access, sufficient parking and sufficient space for polls without disruption to the normal use of the site, and amenities necessary for poll workers during a 12 to 14-hour day. The current \$25 polling location fee is an insufficient incentive for most business and private residence owners' inconvenience. School sites have been used as polling locations in the past; however, for security purposes, staff is facing more challenges in securing appropriate school sites that would allow the conduct of the election without interfering with normal school activities and providing excessive public access to the school campuses. Also, construction and remodeling projects have presented conflicts with the desired polling sites and impacted parking availability.

Staff also increasingly faces the challenge of recruiting qualified election officers. Cancellations by poll workers are not uncommon due to illness or a change in plans, many of which happen at the last minute, including on Election Day. BMC Section 11-906 requires that election officers be residents and registered voters of Burbank, which further limits the pool from which the City can recruit.

Improving the quality of voter records

Mail ballots are non-forwardable and are returned to the City Clerk by the United States Postal Service. Copies of all returned ballots are sent to the Los Angeles County Registrar-Recorder/County Clerk to purge the records of voters who have moved or are deceased. Subsequent to the 2001 Special Election, copies of over 8,000 undeliverable ballots were forwarded to the Los Angeles County Registrar-Recorder/County Clerk with a request that the voter registration list be purged to accurately reflect active voters in the

City. On September 6, 2002 staff received confirmation from the County's Voter Records Division that Burbank's voter registration list had been purged. An up-to-date voter registration list decreases the cost of printing and postage for ballots.

All Mail Ballot Drawbacks:

Voter concerns

Voter fraud, which in California is punishable as a felony, is probably the largest concern in mail ballot elections. To address that concern, strong safeguards have been put in place to protect against any possibility of fraud. Most jurisdictions that use the mail ballot system contend it is safer from fraud than polling place elections because mail ballot elections have both a signature identification check and a residential address check. There is no such safeguard in polling place elections. The second major concern is the loss of secrecy. Polling places were established specifically to provide a safeguard against undue influence and to ensure the voter's privacy. However, it should be noted that current State law allows a voter at a polling site to receive assistance from a person of the voter's own choosing, as long as the assistant is not the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member. Therefore, the possibility of undue influence may very well exist in these situations at polling sites. In an all mail ballot election the high voter turnout would dilute any efforts of undue influence much more than in low turnout regular precinct elections, when the absentee voters may have much greater influence on the outcome. Burbank's experience with both absentee ballots and the all mail ballot election has not yielded evidence of problems in these areas.

Burbank voters have traditionally used the polling place during elections and some may be concerned with returning a ballot which clearly displays their signature through the mail. However, it should be noted that voters who prefer to return their ballots in person may do so at the City Clerk's office during regular business hours, or to a designated ballot drop-off site on a pre-scheduled Saturday and on Election Day. Also, Burbank voters are increasingly utilizing the absentee ballot process which is very similar to the all mail ballot process. State law currently allows any voter to request permanent absentee status. As of the 2004 California Primary Election, the City has 2,498 permanent absentee voters.

Fiscal impact

Staff contacted the City's election vendor, Martin and Chapman Co., for an estimate of election services costs associated with the all mail ballot option. The estimate for the vendor's services is \$63,258.56, which is \$7,385.95 less than the February 2003 Primary Election invoice. The City will also not be paying for poll workers and polling sites (approximately \$10,500 per election); however, the savings will compensate for any increase in Los Angeles County fees for signature verification, office assistance and public outreach programs.

For the 2001 Special Election, the Council authorized paying for the return postage which amounted to \$7,239.95. Also, the Council approved the additional expenditure of

\$15,000 for educational outreach and publicity in order to make voters aware of the election. Since this was a new concept to many voters, bus shelter posters, lawn signs, public service announcements, flyers, banners and ballot drop-off locations were used to make certain the voting public was aware of the election. While such an extensive campaign will not be necessary as the public becomes more familiar with this type of election, continuing voter education efforts will always be of benefit to the City.

It is important to note that regardless of the voting option, the cost of an election, vendor services and postage will continue to increase. The all mail ballot option attempts to achieve one of the primary objectives of the election process, which is greater civic participation in our electoral system, while significantly decreasing the cost per vote cast. It also eliminates the time-consuming and labor-intensive process of recruiting poll workers and locating polling sites.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 11-608 OF THE BURBANK MUNICIPAL CODE TO ALLOW FOR CONDUCTING PRIMARY NOMINATING ELECTIONS, GENERAL MUNICIPAL ELECTIONS AS WELL AS SPECIAL ELECTIONS WHOLLY BY MAIL BEGINNING IN 2005.

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**