



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 27, 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: A new advertising sign (billboard) is being proposed on City property at the Recycling Center located at 500 South Flower Street which is bounded by Verdugo Avenue and Providencia Avenue.

Parties with Whom City is Negotiating: Ken Spiker and Associates, Inc. representing Clear Channel Outdoor, Inc.

Name of Contact Person: Ruth Davidson-Guerra

Terms Under Negotiation: Possible lease of City property to Clear Channel.

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.

6:30 P.M.

INVOCATION: Margaret Burdge, Providence Saint Joseph Medical Center.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

PRESENTATION: 2005 TOURNAMENT OF ROSES FLOAT RENDERING.

PRESENTATION: BURBANK POLICE DEPARTMENT COMMENDATIONS TO WENDY'S AND BOB'S BIG BOY RESTAURANTS.

PRESENTATION: CITIZEN COMMENDATION.

PRESENTATION: KIWANIS TOTAL K-DAY.

PROCLAMATION: ARMENIAN GENOCIDE MEMORIAL.

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 THE HOME DEPOT FINAL ENVIRONMENTAL IMPACT REPORT, CONDITIONAL USE PERMIT NO. 2002-6, SIGN VARIANCE NO. 2002-1 AND DEVELOPMENT REVIEW NO. 2002-12:

The purpose of this report is to consider an appeal of the Planning Board's decision of March 1, 2004 pertaining to the proposed Home Depot store on an 11.1-acre site zoned

M-2 Industrial and located at 1200 South Flower Street. The Planning Board adopted resolutions approving the following matters: certification of the Final Environmental Impact Report; adoption of findings of environmental impact and a statement of overriding considerations; a Conditional Use Permit; a Sign Variance for a second ground sign; and, a Development Review.

The Municipal Code establishes a 15-day appeal period beginning on the day a signed copy of the Planning Board's resolution approving the project is sent to the applicant. A signed copy of the Planning Board's resolution approving the project was sent to the applicant on Wednesday, March 3, 2004, and the 15-day appeal period ended on Thursday, March 18, 2004. An appeal of the Planning Board's certification of the Final Environmental Impact Report and approval of the project was filed by Howard Rothenbach and Mike Nolan on March 18, 2004.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF THE PLANNING BOARD'S DECISION AND APPROVING CONDITIONAL USE PERMIT NO. 2002-6, SIGN VARIANCE NO. 2002-1, AND DEVELOPMENT REVIEW NO. 2002-12 (1200 South Flower Street).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2002091134) FOR THE BURBANK HOME DEPOT PROJECT, MAKING FINDINGS FOR EACH ENVIRONMENTAL EFFECT OF THE PROJECT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM.

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 and 4)

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

3. APPROVING A HOUSEHOLD HAZARDOUS WASTE AGREEMENT BETWEEN THE CITIES OF GLENDALE AND BURBANK AND AUTHORIZING RENEWAL OF THE AGREEMENT BY THE CITY MANAGER OR DESIGNEE FOR ONE ADDITIONAL YEAR:

Staff is requesting approval of an agreement between the cities of Burbank and Glendale to allow continued use of the Glendale household hazardous waste (HHW) facility known as the Environmental Management Center (EMC) by Burbank residents. Staff is also requesting that the Council allow the City Manager or her designee to automatically renew the Agreement for one additional year as long as the terms and conditions do not change.

Burbank residents have been able to drop off their HHW at the Glendale EMC since 2000 at a cost to the City of \$50 per vehicle. Burbank's usage of the EMC has increased from 33 to 86 cars per month on average, increasing the City's annual financial commitment from \$20,000 in 2000 to \$45,000 in 2003. The City of Glendale has offered to renew the HHW Agreement with an increase in the per-car cost to \$55 for Fiscal Year 2004-05.

The use of the Glendale EMC has declined due to the availability of a new HHW collection facility at 11025 Randall Street in Sun Valley (open Saturday, Sunday and Monday from 9:00 a.m. to 3:00 p.m.). Burbank residents may use this facility at no cost to the City. Staff has actively directed residents to this new facility, with significant results. Burbank use of the Glendale facility during the months of October, November and December declined from 77, 54 and 49 cars in 2002 to 54, 35 and 29 cars in 2003. This reduction is directly attributable to the Sun Valley center.

While staff is promoting use of the Sun Valley center, it is an appropriate step to continue the City's contractual relationship with Glendale. To do so requires the City to agree to a \$5 per vehicle increase to cover the increased cost of running the EMC. This is the first increase sought since 2000.

Staff budgeted \$45,000 for 70 Burbank resident vehicles per month on average to use the Glendale EMC. Staff believes that the current funding level is sufficient and will continue to manage the City's expenses with Glendale by promoting the Sun Valley Center as a primary HHW drop off location.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT REGARDING USE OF THE GLENDALE HOUSEHOLD HAZARDOUS WASTE FACILITY BETWEEN THE CITIES OF BURBANK AND GLENDALE AND AUTHORIZING RENEWAL OF THE AGREEMENT BY THE CITY MANAGER OR HER DESIGNEE FOR ONE ADDITIONAL YEAR.

4. BURBANK TOURNAMENT OF ROSES ASSOCIATION 2005 FLOAT RENDERING:

The City has been represented in the Pasadena Tournament of Roses Parade each New Year's Day since 1913. Originally, the Chamber of Commerce and the city schools entered floats on behalf of the City. In 1947, the Burbank Tournament of Roses Association became responsible for the float entries. The 2005 entry marks the Burbank Tournament of Roses Association's 58th consecutive float entry and the City's 70th float entry in the Parade.

The Burbank Tournament of Roses Association is a non-profit organization comprised completely of volunteers. Burbank's is one of six remaining self-built floats. Other self-built floats are entered by California Polytechnic Universities (Pomona and San Luis Obispo), Sierra Madre, South Pasadena, La Canada-Flintridge and Downey. Each year the Association is responsible for constructing and decorating a float to represent the City. The Association is located at the Burbank Water and Power (BWP) Yard at 320 North Lake Street in Burbank. All construction and decoration takes place at the BWP Yard.

The 116th Pasadena Tournament of Roses Parade theme is *Celebrate Family*. In February, Parade officials approved the theme and conceptual design for the 2005 City of Burbank parade float entry entitled, "*Dinner's On...Fire!*". The float concept was submitted by Bill and Carol Cotter and Stacia Martin.

To commence production and funding of the float, the agreement between the City and the Burbank Tournament of Roses Association calls for the approval of the parade float theme and conceptual design by the Council.

The Park, Recreation and Community Services Department has received a request from Teri Bastian, President of the Burbank Tournament of Roses Association, to secure approval from the Council for the 2005 Tournament of Roses float rendering.

Recommendation:

It is recommended by staff and the Burbank Tournament of Roses Association that the Council accept and approve the 2005 Tournament of Roses float rendering.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

5. EMPIRE INTERCHANGE DESIGN MODIFICATION:

Staff has recently been exploring with the California Department of Transportation (Caltrans) the feasibility of modifying the Empire Interchange project design to permanently close the San Fernando Boulevard underpasses of the Interstate-5 and railroad in both directions, and also closing the Northbound Interstate-5 Lincoln Street off-ramp. Northbound traffic currently using the underpasses and off-ramp would instead utilize the new Empire-North San Fernando connection, which would be accessed from the freeway via the northbound Scott Road off-ramp. Alternatively, northbound freeway traffic could continue to utilize the Buena Vista Street off-ramp farther north. Southbound traffic currently using the San Fernando Boulevard underpass would instead either access the new roadway connection to reach the east side of the freeway, continue southbound on Victory Place on the west side of the freeway, or for a longer trip would access the Southbound Interstate-5 via the relocated on-ramp at Empire Avenue. An analysis of the traffic re-distribution has shown that the new connecting roadway and other elements of the network have sufficient capacity to handle the forecasted traffic demand.

There are several benefits associated with this proposed design modification; including improved traffic safety, a more efficient and better designed street network, and a reduced level of traffic impacts to nearby residential neighborhoods. Staff is not aware of any significant impacts or disadvantages of proceeding with this change. The Police and Fire Departments support the design modification. While the Bob Hope Airport has some concerns related to maintaining adequate access to the Airport, especially in the immediate vicinity of the terminal, it has no objection to the proposed closures of the San Fernando Road underpasses and the Scott Road off-ramp.

Recommendation:

Staff recommends that the Council authorize the submittal of a letter to Caltrans requesting that the proposed design modification be incorporated into the Empire Interchange project.

6. AMENDING ARTICLE 11 OF CHAPTER 14 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE CITY'S UTILITY USERS TAX ORDINANCE:

Staff is requesting that the Council adopt an ordinance amending Article 11 of Chapter 14 of the Burbank Municipal Code (BMC) pertaining to the City's Utility Users Tax (UUT) to: 1) update and clarify the definition of telecommunication services; 2) update and clarify provisions for administration and collection of the UUT; and, 3) reorganize Article 11 into a more logical format.

Under Article 11 of Chapter 14 of the BMC, the City imposes a tax on the users of certain utility services including telephone, electricity and gas. In Burbank, the UUT is a very important General Fund revenue source and represents approximately 14 percent of the total revenue collected for Fiscal Year 2002-03. The revenues generated from this Tax help to fund many municipal services in the General Fund, such as Police, Fire, Parks

and Recreation and Libraries.

With society's rapid technological growth, the current UUT Ordinance does not reflect the ongoing changes in the telecommunications services industry. Amendments to the UUT Ordinance are necessary to update and clarify provisions for administration and collection of the Tax. Staff worked with the City Attorney's Office and the City's UUT consultant, MBIA MuniServices, on the revisions to the Ordinance.

These clarifying amendments neither increase the UUT nor expand the existing tax base and therefore do not require voter approval under Proposition 218. There would be no fiscal impact the City since this is only a change to the language within the BMC.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 11 OF CHAPTER 14 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE CITY'S UTILITY USER TAX ORDINANCE.

7. APPOINTMENT OF FINANCING TEAM – WASTEWATER TREATMENT REVENUE BONDS:

The purpose of this report is to request Council approval of the following: 1) a ppointment of a Financing Team to review the potential refunding of the existing Wastewater Treatment Revenue Bonds, 1995 Series A and issuance of new money bonds of \$5 million; and, 2) adoption of a reimbursement resolution to be reimbursed for capital expenditures should the bonds be issued.

As part of the annual budget process, staff updates the five-year cash flow projection for the Sewer Fund to review the adequacy of sewer rates to determine compliance with bond covenants, financial policies and cash flow needs. During the Fiscal Year (FY) 2003-04 budget process, it was disclosed that sewer rates would need to be increased by 8.5 percent in FY 2003-04 and seven percent for four years thereafter. Spreading needed rate increases over time has the negative consequence of reducing needed cash balances.

Staff is also recommending that the Council approve the appointment of a Financing Team to review the potential of refunding the Wastewater Treatment Revenue Bonds, 1995 Series A with a bond issue that would include \$5 million of funds for planned capital expenditures. The advantage of refunding existing bonds and issuing \$5 million in new money would be to restore available cash balances. The potential bond issue would only be issued if the net present value of the savings from the refunding of the 1995 issue was at least three percent. Interest rates have been fluctuating and currently are at a level that would not meet the City's savings target. At this point staff does not recommend issuing

bonds for the new money portion alone. By approving the Financing Team, bond documents can be developed and brought back to the Council for approval.

This resolution will give authority to issue the bonds when sufficient savings can be generated. The reimbursement resolution gives the City the ability, for Federal tax purposes, to reimburse itself from the proceeds of a tax exempt bond issue for capital expenditures made prior to issuance should the bonds ultimately be issued.

The Public Works Department is ready to proceed with phase two of a nitrogen removal project which has been estimated at \$5 million. This project includes the conversion of the disinfection process, modification of the return activated sludge pump system, construction of a new chemical storage building, modifications to the existing chlorine contact chamber, and electrical demolition, relocation and replacement.

Due to the market timing need and other financing challenges, it is to the City's benefit to appoint a Financing Team which has an understanding of the existing outstanding Wastewater Treatment bond issues. The Financing Team recommended is as follows:

Peter Ross, Ross Financial	Financial Advisor
Rich DeProspero, E.J. De La Rosa & Co., Inc.	Underwriter
Brian Quint – Quint & Thimmig, LLP	Bond Counsel

The Financing Team will also prepare the necessary bond documents and return for approval.

Compensation for the Financing Team will be paid as part of the bond issuance if the bonds are issued. The \$5 million in new money strengthens the cash balances of the Sewer Fund and would enable staff to recommend eliminating or reducing the planned seven percent rate increase scheduled for FY 2007-08.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS AND APPOINTING CONSULTANTS.

ADOPTION OF PROPOSED ORDINANCE:

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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. 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.

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.

This ordinance was introduced at the April 20, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 11-608 OF THE BURBANK MUNICIPAL CODE TO MANDATE 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. To Monday, May 3, 2004 at 10:00 a.m. in the Council Chamber for the Council Reorganization Meeting.

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