



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MAY 11, 2004
4:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48 hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

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 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.

b. Conference with Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

Name of Case: City of Burbank v. Bonneville Power Administration

Case No.: Energy Contract Board of Appeals No. C-0303364

Brief description and nature of case: Contract dispute regarding the price of electricity purchased by the City.

c. Threat to Public Services or Facilities:

Pursuant to Govt. Code §54957

Consultation with Burbank Police Department: Captain Bowers.

- d. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: The California Refund Proceeding
Case No.: Federal Energy Regulatory Commission No. EL00-95-000
Brief description and nature of case: Alleged refunds due from various power generators and marketers.

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: Pastor Paul Clairville, Westminster Presbyterian Church.
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: TREELINE USA DESIGNATION.

PRESENTATION: BURBANK HIGH SCHOOL CHOIR.

PROCLAMATION: OUTSTANDING SENIOR VOLUNTEERS.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to

the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for “cueing up” tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the “in cue” and the last sentence as the “out cue”.

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 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.

1. MINUTES:

Approval of minutes for the regular meeting of March 23, the adjourned meeting of March 29, and the regular meeting of March 30, 2004.

Recommendation:

Approve as submitted.

2. TREASURER'S REPORT:

The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending March 31, 2004.

Recommendation:

Note and file.

3. DRAFT RELOCATION PLAN AND REPLACEMENT HOUSING PLAN FOR 2321 NORTH FAIRVIEW STREET AND 2321-2323 NORTH CATALINA STREET:

The purpose of this item is to transmit to the Council the Draft Relocation Plan and to provide the Redevelopment Agency (Agency) with the Replacement Housing Plan for 2321 North Fairview Street and 2321-2323 North Catalina Street (Properties) to be acquired and rehabilitated by the Burbank Housing Corporation (BHC) pending future Agency authorization. The Properties are located in an R-4 medium density residential neighborhood within the Golden State Focus Neighborhood and are generally bound by Thornton Avenue to the north, Buena Vista Street to the east, Empire Avenue to the south, and Hollywood Way to the west.

On January 22, 2004, the BHC made an offer to purchase the Properties. Following negotiations, the BHC entered into a purchase agreement, subject to financing from the Agency. Agency staff in turn is preparing, for future Agency consideration, an Affordable Housing Agreement with the BHC that would finance development costs necessary for the BHC to acquire 18 rental units, convert one single-family residential unit into an activity center for common use, demolish three residential units and rehabilitate the remaining 14 residential units as a mixed-income project with an affordability component

for very low and lower-income households.

The Properties will adhere to a proven strategy for upgrading a neighborhood in decline.

As with other focus neighborhoods, such as the Elmwood area, the approach is to assist the BHC acquire and rehabilitate properties in the neighborhood, operate these sites as mixed-income projects with an affordability component, and construct an activity center from which to provide services that will help to integrate tenants into the community.

The City of Burbank (City) and the Agency assisted the BHC to acquire and rehabilitate 15 other units, all within several blocks of one another. The Properties would nearly double the BHC's units in the Golden State neighborhood.

Accepting the Draft Relocation Plan for the Properties is in anticipation of future consideration of an Affordable Housing Agreement that implements several elements of the aforementioned approach to revitalizing neighborhoods. This action also fulfills several housing objectives and programs adopted by the Agency and City, as recommended by the Blue Ribbon Task Force on Affordable Housing and as later reiterated at the July 2003 Study Session on an affordable housing strategy.

- Objective: Sustain and Strengthen Neighborhoods
- Program: Continue acquisition/rehabilitation activities in focus neighborhoods

These Properties would nearly double the BHC's units in the Golden State neighborhood.

- Objective: Create community in conjunction with housing
- Program: Integrate community-serving uses with housing development

Whenever possible, the Agency is to seek to incorporate community-serving uses within new and existing residential development that address the needs of the larger neighborhood.

The City's Draft Relocation Plan

A relocation plan is required for the Properties because of the necessity to relocate tenants for the conversion of a renter-occupied, single-family unit into a new activity center and for the demolition of three other units (a duplex with two studio apartments and a functionally obsolescent one-bedroom, single-family dwelling) to improve on-site parking and circulation. Under California Relocation Guidelines, a relocation plan is required after the initiation of negotiations (January 22, 2004 was the date of BHC's offer to purchase) and before any action triggering displacement, in this instance, rehabilitation and demolition actions. Consequently, the Agency's relocation consultants, Overland, Pacific and Cutler (Consultant), prepared the Draft Relocation Plan for the Properties, which serves as the initial step in the tenant relocation process.

The Agency's Replacement Housing Plan

California Redevelopment Law stipulates that a redevelopment agency is to adopt a replacement housing plan when entering into an agreement that would lead to the destruction or removal of residential units from the low and moderate-income housing market. A replacement housing plan identifies the effect a redevelopment project will have on the local jurisdiction's low and moderate-income housing supply and describes the measures an agency will undertake to provide comparable replacement housing. Replacement units must be in standard condition and be affordable to very low, low, and moderate-income households for the longest feasible period, but not less than the land use controls set forth in the redevelopment plan.

The Properties' replacement housing requirements involve four dwelling units comprised of four replacement bedrooms to be replaced due to removal or conversion. To replace the bedrooms by income category will necessitate three replacement bedrooms affordable to very low-income households and one unit affordable to a moderate-income household. A lesser number of units may serve as replacement units to the extent that the total number of bedrooms by income category is achieved.

The Agency has an inventory of 313 replacement units and 320 bedrooms created from other Agency affordable housing projects for very low, low and moderate-income households. The Agency will draw from this surplus or "banked" replacement units and bedrooms to satisfy the replacement obligations of the Properties, which will result in a remaining surplus of 309 units and 316 bedrooms available for any future replacement housing needs.

Recommendation:

Staff recommends that the Council accept the Draft Relocation Plan for 2321 North Fairview Street and 2321-2323 North Catalina Street and instruct staff to return at the end of the 30-day public review period.

4. AUTHORIZING THE SUBMITTAL OF FUNDING REQUEST FOR FISCAL YEAR 2004-05 FUNDING CYCLE OF THE CITY/COUNTY PAYMENT PROGRAM TO THE DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING:

Staff is requesting Council authorization to submit the Funding Request for the Fiscal Year (FY) 2004-05 funding cycle of the City/County Payment Program to the California Department of Conservation, Division of Recycling (DOC).

In 1986, the State Legislature passed Assembly Bill (AB) 2020 to keep recyclable beverage containers out of landfills and reduce litter. AB 2020 placed an additional charge of 2.5 cents on beverages in bottles under 24 ounces, and 5 cents on beverages in bottles over 24 ounces. This additional amount is called the California Refund (or Redemption) Value (CRV). In 2000, Senate Bill (SB) 332 expanded the criteria of bottles subject to the CRV to include all bottles except those that hold milk, medical food, infant formula, wine, liquor, 46-ounce 100 percent fruit juice and 16- ounce vegetable

juice containers. In 2004, SB 28 increased deposits from 2.5 cents to 4 cents for beverage containers less than 24 ounces and from 5 cents to 8 cents for containers 24 ounces or more.

Consumers may receive a refund for the CRV amount by taking eligible bottles to a recycling center, such as the Burbank Recycle Center. When consumers dispose of bottles in the trash, the unredeemed CRV refund amount remains with the DOC and is used to fund several different programs. One of the programs funded by the unredeemed CRV refund money is the City/County Payment Program, which was established by SB 332. The Program aims “to reach and maintain an 80 percent recycling rate for all CRV beverage containers” by annually allocating funds to eligible cities and counties on a per capita basis for beverage container recycling and litter cleanup activities. The funds must be used for DOC-approved activities related to beverage container recycling and/or litter reduction.

Under the City/County Payment Program, the City of Burbank is eligible to receive \$28,999 for FY 2004-05. The City must spend the funds by June 30, 2005. To receive payment, the City must submit a Funding Request to the DOC before the end of May. It must include a brief description of planned bottle recycling and litter abatement activities for DOC approval. The DOC expects to distribute the FY 2004-05 funds in July 2004.

Once the City receives the funds, the DOC requires that the City maintain documentation of the actual amounts expended in each funding cycle categorized by activity as specified in the City/County Spending Request Form. The DOC requires that the City maintain these records for five years from the date of preparation. Staff plans to use these funds for bottle recycling and litter reduction activities such as placing recycling containers in the local high schools and at City parks that currently do not have these containers or could use additional containers. Staff also plans to use these funds to pay for a portion of the Public Works Newsletter, which is an important part of the City’s public education and outreach activities related to bottle recycling and litter reduction.

The DOC plans to continue to distribute funds for bottle recycling and litter abatement during FY 2005-06 and beyond. The funds potentially available for the City in future years have not yet been determined, but are expected to be approximately \$30,000 per year based on Burbank’s population of approximately 100,000.

The City/County Payment Program funds available to the City total \$28,999 for FY 2004-05. The City is not obligated to provide matching local funds.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF A FUNDING REQUEST FOR THE FISCAL YEAR 2004/2005 FUNDING CYCLE OF THE CITY/COUNTY PAYMENT PROGRAM TO THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING.

END OF CONSENT CALENDAR
REPORTS TO COUNCIL:

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5. COUNCIL MEMBER GOLONSKI'S REQUEST TO DISCUSS THE FEASIBILITY OF FORMING A BUSINESS PROCESS REVIEW COMMITTEE:

At a recent Council meeting, Council Member Golonski requested that staff place an item on the agenda pertaining to his interest in establishing a community committee to examine the City's budget. Prior to expending any significant staff effort, this item has been placed on the agenda as the first step, in what is referred to as the "one-step, two-step process", for additional Council discussion and consideration.

Council Member Golonski recently met with staff to further define his desire to implement a committee-based audit and efficiency study of various departmental operations. With the ultimate goal of increasing the City's efficiency in providing specific services, a "Business Process Review" could be led by a review/audit committee consisting of staff, community leaders and elected officials to identify cost saving strategies for targeted City government functions. This process could include, but not be limited, to the following:

- A more in depth fiscal analysis based on the existing performance-based budget process
- Executive staff to make initial recommendations of targeted programs for review
- Potential Business Process Review Structure:
 - Identify potential programs for review (all departments)
 - Prioritize order of audit/review by committee
 - Collect/develop necessary data for analysis
 - Assemble data, analyze and present to committee
 - Present findings to City Council for adoption of recommended action
- Development of stronger individual performance standards related to efficiency

As the first step in the two-step agenda process, this item is being presented for discussion and additional Council direction only. There is no fiscal impact as a result of this agenda item.

Recommendation:

Discuss and provide direction as desired.

6. FISCAL YEAR 2004-05 BUDGET STUDY SESSION (City Attorney's Office, City Treasurer's Office, City Clerk's Office, Information Technology Department, Management Services Department, Community Development Department, Library Services Department, and Park, Recreation and Community Services Department):

As indicated at the initial Budget Study Session on April 13, 2004, staff has prepared a schedule for the Fiscal Year (FY) 2004-05 Department Budget Study Sessions to be held on Tuesday nights. This integration of the Study Sessions into the regular Council meetings has been accomplished by scheduling the sessions over the course of three Council meetings. The Department Budget Study Sessions are scheduled for May 11, May 18 and May 25, 2004. During these sessions, each Department will have an opportunity to fully disclose the details of proposed changes related to their respective department contained in the FY 2004-05 Proposed Budget.

The following is the Budget Study Session schedule:

BUDGET STUDY SESSION SCHEDULE		
May 11, 2004	May 18, 2004	May 25, 2004
Introduction	Fire	Police
City Attorney's Office	Public Works	Overflow Items
City Treasurer's Office	City Council Office	Final Decision Making
City Clerk's Office	City Manager's Office	
Information Technology	Financial Services	
Management Services	Burbank Water and Power	
Community Development		
Library Services		
Park, Recreation and Community Services		

Staff will provide a brief Budget Overview focusing on the General Fund status, followed by each department (in the order outlined above) presenting key components and changes to the prior year's budget. This includes proposed budget reductions, proposed fee changes, and any new positions or upgrades, and materials, supplies and services exceptions. During this time, the Council will have the opportunity to review and inquire about any of the recommended budget proposals.

Recommendation:

Staff recommends that the Council review the proposed budget materials and direct staff to incorporate any necessary changes into the June 8, 2004 Public Hearing report.

ADOPTION OF PROPOSED ORDINANCE:

7. 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.

This ordinance was introduced at the May 4, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

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.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings 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**