



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 28, 2004
5:30 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 Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 461 North Varney Street.
Parties with Whom Agency is Negotiating: Greg and Linda Owens.
Name of Contact Person: Susan Georgino.
Terms Under Negotiation: Proposed sale of real property.
- c. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Southern California Regional Railway Authority dba Metrolink, et al., vs. Personal Representative of Jacek W. Wysocki, deceased, et al.
Case No.: EC036018

- Brief description and nature of case:** Train accident on January 6, 2003.
- d. Conference with Legal Counsel – Existing Litigation:
 Pursuant to Govt. Code §54956.9(a)
Name of Case: Nolan v. Alvord.
Case No.: BS092136
Brief description and nature of case: Injunctive relief.
- e. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
 Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- f. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
 Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

RECOGNITION: STARLIGHT BOWL CORPORATE SPONSORS.

PROCLAMATION: HISPANIC HERITAGE MONTH.

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).

AIRPORT AUTHORITY MEETING REPORT:

1. 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 September 23, 2004. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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:

CONSENT CALENDAR: (Items 2 through 7)

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.

2. MINUTES:

Approval of minutes for the regular meetings of August 31 and September 7, 2004.

Recommendation:

Approve as submitted.

3. AMENDMENTS TO THE CITY'S CONFLICT OF INTEREST CODE:

The purpose of this report is for the Council to approve the proposed amendments to the City's Conflict of Interest Code.

Government Code Section 87306.5 requires that in each even-numbered year, the Council, as the Code reviewing body for the City departments, must review the Conflict of Interest Code and, if necessary, amend the Code by October 1 of the same year. The City has adopted by reference the standard Conflict of Interest Code as promulgated by the Fair Political Practices Commission as its Conflict of Interest Code. Employees who must comply with the provisions of the Conflict of Interest Code are designated by resolution.

At the June 15, 2004 meeting, the Council directed staff to review the City's Conflict of Interest Code and classifications of positions subject to the reporting requirements, and report back on this matter prior to October 1, 2004.

As required by Government Code Section 87306.5 and directed by the Council, all departments in the City have reviewed the classifications of positions subject to the reporting requirements of the City's Conflict of Interest Code.

It should be noted that public employees subject to the Code are those who may “influence a governmental decision.” Generally, a public employee is in a position to influence a governmental decision if the employee: 1) may make a final governmental decision; 2) may enter into any contractual agreement on behalf of the City; 3) may negotiate, without significant substantive review, with a governmental entity or private person regarding a decision; and, 4) may advise or make recommendations to the decision-maker, either directly or without significant intervening substantive review.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DESIGNATING CLASSIFICATIONS OF EMPLOYMENT WITH THE CITY SUBJECT TO THE REPORTING REQUIREMENTS OF THE CITY’S CONFLICT OF INTEREST CODE AND REPEALING RESOLUTION NO. 26,329 RELATING THERETO.

4. AUTHORIZING EXECUTION OF A SUPPLEMENTAL FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDS FOR THE DOWNTOWN BURBANK STATION LANDSCAPING ENHANCEMENT PROJECT:

Staff is requesting Council approval of a resolution authorizing the City to enter into a Supplemental Agreement with Caltrans in order to receive Federal Transportation Enhancement Act (TEA) funds programmed in the amount of \$127,000 for the Downtown Burbank Station Landscaping Project. The master agreement will identify procedures and requirements in order to receive grant funds, which has to be amended each time a Federally-funded project is authorized.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDS FOR THE DOWNTOWN BURBANK STATION LANDSCAPING ENHANCEMENT PROJECT.

5. AUTHORIZING THE ACCEPTANCE OF A \$24,435 UNITED STATES DEPARTMENT OF JUSTICE BLOCK GRANT AND AMENDING THE FISCAL YEAR 2004-05 BUDGET BY APPROPRIATING GRANT FUNDS:

Staff is requesting Council approval of a resolution authorizing the City Manager to accept \$24,435 in United States Department of Justice (DOJ) Block Grant funds for the Police Department, and amending the Fiscal Year 2004-05 budget by appropriating

grant funds.

The purpose of the DOJ Local Law Enforcement Block Grant program is to provide funds to units of local government for projects that reduce crime and improve public safety. Prior to receiving funds the City must meet two requirements before the grant funds can be appropriated. First, a local advisory board must meet to review the block grant application and its planned use of grant funds. Second, a public meeting must be convened where members of the public can attend and participate.

The advisory board met on August 31, 2004, and its recommendations, as listed below, are non-binding and serve as a one-time recommendation to the Chief of Police and the Council: Street Beat Cable TV Show - \$7,000; Material Costs for Crime Prevention and Education Programs - \$9,335; Purchase of Computer Equipment - \$5,000; and Special Response Team Ballistic Vests -\$3,100.

Accepting the grant will have no fiscal impact on the City. However, the City will be required to provide a match of \$2,715; a stipulated one-ninth of total grant funding. It is recommended that the matching funds come from the City's overtime safety salary account. There are no recurring costs associated with the block grant.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF A \$24,435.00 U.S. DEPARTMENT OF JUSTICE BLOCK GRANT AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET.

6. REQUEST FROM LEAGUE OF WOMEN VOTERS TO CONDUCT CANDIDATES FORUM ON OCTOBER 27, 2004:

The purpose of this report is to present the Council with a request from the League of Women Voters of Glendale/Burbank (League). In the fall of each election year, the League has traditionally presented a Candidates Forum for the offices of Congress, State Senate and State Assembly. This year, the League is requesting to cablecast the forum on Wednesday, October 27, 2004. This date was chosen by the League to insure that all candidates have returned from Washington, even if the congressional session runs long.

In recent years, the forum has been produced in cooperation with the City. The City has allowed the use of the Council Chambers, and has televised the forum live and then rebroadcast the forum until Election Day. The League has once again made this request.

This year, the League is emphasizing the importance of youth voting, and is working in cooperation with the Burbank Unified School District to include panelists from all local

public high schools. Panelists will also be selected from Woodbury University and Glendale Community College.

On May 21, 1996, the Council adopted Resolution No. 24,741, which establishes policies regarding the use of City cable facilities for Election Candidate Forums. Through adoption of the resolution, the Council expressed its belief that "it would be in the public interest for the City to permit, at no cost recovery, access by qualified organizations to use City facilities for the purpose of broadcasting debates and forums provided that neutrality is maintained in how the program is conducted so as to ensure that public funds are utilized solely for public education and information."

In that same Resolution, the League was recognized by the Council as a neutral, non-partisan organization that meets all established requirements. Additionally, as required by the Resolution, the League does not endorse or back candidates for elective office or take positions on local measures. They have, however, taken positions on State measures.

The League has conducted Candidate Forums in the past and indicates that feedback from the public in Burbank and Glendale in recent years has shown that these city-sponsored voter forums reach a wide audience. The Candidates Forum is proposed to be held on Wednesday, October 27, 2004. It is anticipated that the Forum will cost approximately \$395 to produce, broadcast, and replay on Channel 6.

Recommendation:

It is recommended that the Council approve the request from the League of Women Voters to conduct a Candidates Forum on October 27th, 2004.

7. ESTABLISHING THE TIME DEADLINES FOR PARK FACILITIES USE PERMIT APPLICATIONS AND ESTABLISHING AN INTERIM PERMIT APPEALS PROCESS FOR RECREATION AND COMMERCIAL USE PERMITS:

The purpose of this report is to request that the Council adopt a resolution establishing the time deadlines for park facilities use permit applications and establishing an interim permit appeals process for recreation and commercial use permits.

On September 14, 2004, staff presented a report to the Council to secure approval for the issuance of park permits for commercial uses on City-owned property, to amend the Burbank Fee Resolution relating to Park and Recreation fees, and to amend Sections 5-802, 5-804 and 5-805 of the Burbank Municipal Code establishing the time deadlines for park facilities use permit applications and establishing the permit appeals process for recreation and commercial use permits.

Staff presented three proposed appeal processes. The Council approved the staff recommended methodology which directs appeals to be initially heard by the Park, Recreation and Community Services Board. If desired by the appellant, their decision

could be appealed to the Council. While this was the Council's preferred procedure, they directed staff to develop an interim methodology which would be less time consuming to deal with current programs and potential appeals. Such an appeal would go directly to the Council.

Staff has developed a resolution detailing an interim appeal process, as well as establishing the time deadlines for park facilities use permit applications. An applicant or interested person has a right of appeal and shall file a written notice of appeal with the City Clerk no later than 10 days after the mailing of a notice of decision by the Park, Recreation and Community Services Director or his designee. Unless otherwise ordered and noticed, hearings shall be held as part of the regular meetings of the Council. This resolution shall be effective until midnight on December 31, 2004. The ordinance amending Sections 5-802, 5-804 and 5-805 (appeal to the Park, Recreation and Community Services Board) will become effective 12:01 a.m. on January 1, 2005.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TIME DEADLINES FOR PARK FACILITIES USE PERMIT APPLICATIONS AND ESTABLISHING AN INTERIM PERMIT APPEALS PROCESS FOR RECREATIONAL AND COMMERCIAL USE PERMITS.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

8. RESULTS OF THE UPDATED DOWNTOWN PARKING STUDY AND REQUEST FOR INPUT TO PROCEED WITH DEVELOPMENT OF A DETAILED DOWNTOWN PARKING MANAGEMENT PLAN:

The purpose of this report is to provide the Council with a summary of the results of an updated downtown parking study and to request input for the development of a detailed downtown parking management plan. The benefits of completing and implementing this plan include:

- Shifting employees out of desirable, prime parking spaces has the effect of building a 500-space parking structure in the core downtown area where employees currently park.
- Freeing up prime parking spaces closer to customers' destinations reduces frustration, vehicle queuing, air quality impacts, traffic congestion, and the potential for traffic accidents in the downtown area.
- Increasing the availability of prime parking spaces fosters continued economic growth by allowing additional customers to visit Downtown Burbank – the economic cap currently being imposed by customers' difficulty in finding parking would be lifted.

- Implementing a customer friendly parking system addresses the current negative enforcement program and encourages more efficient turnover of prime parking spaces through a system of paid parking and parking fee validation.
- Creating a revenue stream allows financial self sufficiency for the downtown parking area to provide improved infrastructure maintenance and enhanced public parking facilities, services, security and amenities.

In January 2003, the City contracted with JR Parking Consultants, LLC (JR Parking) whose original scope of work included completing an updated, detailed parking study in a 12-block area bounded by Magnolia Boulevard, Glenoaks Boulevard, Angeleno Avenue and Bonnywood Place. The data from this study would be used to develop a comprehensive downtown parking management plan, including a financial pro forma, for both on-street and off-street parking inventories. To date, the parking study has been completed, and the data discussed with the following organizations:

- Downtown Parking Management Committee (DPMC)
- Downtown Property Based Improvement District (PBID)
- Transportation Commission
- Burbank Transportation Management Organization
- Traffic and Transportation Committee
- Leadership Burbank
- Burbank Chamber of Commerce
- Burbank Superior Court

In addition, staff conducted more than 10 small-group meetings with representatives of the downtown community (merchants, tenants, property owners, and developers) to share the study findings and to solicit additional input regarding issues, concerns and perceptions related to downtown parking. The input from these outreach efforts was also used to develop a conceptual strategy for addressing the critical issues identified by the parking study. To fully develop this plan and move it toward implementation, a significant amount of staff time and resources will be needed. Therefore, before moving ahead with the final plan development, staff is bringing the concept before the Council for concurrence and policy direction.

DOWNTOWN PARKING STUDY SUMMARY

Parking Supply and Demand. The data from the updated parking study indicate that the overall downtown parking inventory appears to be adequate. However, the absence of an effective parking management plan to effectively utilize the existing inventory results in specific problem areas within the downtown area. The area most affected is bounded by First Street, Magnolia Boulevard, Olive Avenue and Third Street.

Employee Parking Impacts. Within this core area, vehicles remain parked in on-street and off-street structure parking spaces longer than posted time limits and prime parking spaces are being occupied by employees of local area businesses. This situation results in few, if any, parking spaces in some structures being available for customers

and visitors. Furthermore, employees often park in the first available parking spaces in the structures, thus forcing customers to drive to the top or bottom of these facilities. Extensive outreach and educational programs to encourage employees to use the monthly permit program and move to outlying structures have not been particularly effective since the program is voluntary.

Prime, Peak Parking Spaces. Once prime parking spaces in the structures, lots and on-street spaces fill with employees, the area is further affected by visitors' vehicles queuing along streets and within structures waiting for parking spaces to become available. The proposed wayfinding signage system is designed to assist visitors in finding parking facilities, but without parking access control equipment at structure entrances and exits, driver patterns are unlikely to change and drivers will continue to ignore full signs and enter facilities with hopes of finding a parking space.

The current parking situation results in air quality issues, traffic congestion and driver frustration. The parking situation is causing the downtown area to become economically impacted due to the limited parking space availability in prime locations during peak times. However, on-street parking spaces, and off-street lots and structures just one or two blocks away from the core area maintain occupancies of less than 60 percent (most are less than 40 percent occupancy) during these same peak demand periods.

Enforcement. The current time-limit regulations are ineffective given the occupancy levels in the core area and the laborious efforts needed to adequately enforce time-limit regulations. The parking control officer who writes the citation for expired time must be the same officer who initially chalked the tires. In addition, no time-limit regulations exist for on-street spaces after 6:00 p.m. during the weekdays or at any time on the weekends.

Therefore, there is no enforcement of parking time limits during these periods, so employees and others can park for extended periods in prime on-street spaces.

While the current time-limit regulations of the existing downtown parking management system have served the City well in the past, the economic success of the recent redevelopment efforts have brought more visitors and shoppers into the downtown area, creating new parking challenges. The downtown area has now reached a density and desirability that draws more people, and the City's parking policies, operational strategies and parking management resources need to be modified to respond to the changing patterns of visitors, customers and employees.

RECOMMENDED PARKING MANAGEMENT STRATEGIES

To effectively manage the existing parking resources and to position the City for future parking demands in the downtown area, it is recommended that the City fully develop and implement a comprehensive parking management plan that addresses three key elements: 1) on-street parking; 2) off-street parking; and, 3) employee parking. Given the current parking situation in Downtown Burbank, it is important that this plan move forward in a timely manner to remove the economic cap that has been imposed on the area due to a perceived lack of convenient parking. Further delays in addressing the

critical parking issues in Downtown Burbank will only continue to cause visitors to go elsewhere seeking alternate entertainment venues to avoid the parking issues and challenges experienced in Downtown Burbank. It is also critical to the success of Downtown Burbank to address each of the three elements simultaneously. Otherwise, parking issues and demands will shift from one area to another without any real resolution.

Listed below are the highlights of each of the modified parking management plan. This list provides only a summary – detailed implementation plans will need to be developed for each element.

On-Street Parking Plan Highlights

- The on-street parking program should be designed to recognize on-street parking as the highest real estate asset in the downtown area, and should reflect that spaces for on-street spaces should be managed for high turnover, short-term use for visitors and customers, rather than employees.
- On-street passenger loading zones and opportunities for managed valet parking should be included in the on-street parking program.
- Parking regulation hours should be extended in the downtown area to match parking occupancy demands and area business operating hours – i.e., 8:00 a.m. to 10:00 p.m., Monday through Thursday and 8:00 a.m. to 12 midnight, Friday through Sunday. Parking regulation hours should be extended to seven days per week except holidays to match operating hours of downtown businesses and parking demands.
- Given the utilization, occupancy, and turnover of spaces, parking meters are recommended as the parking management device for on-street spaces rather than current time-limit regulations and signage.
- Parking meter rates should be established based on surrounding municipalities and local commercial off-street rates. On-street parking spaces are the highest real estate value in a parking program and thus should be the highest priced. This will serve to discourage longer term parkers from using the spaces as well as employees. Market-valued parking rates will also encourage high parking turnover, allowing more visitors to have access to local businesses.
- Parking enforcement fees for expired meters and exceeding parking time limits should be evaluated to ensure that they serve as an appropriate behavioral modification tool. A parking enforcement rate study should be conducted to ensure that fines and penalties compare in a similar manner to surrounding municipalities.

Off-Street Parking Plan Highlights

- The off-street parking program should be designed to provide an inventory of spaces for longer term users.
- The off-street parking program should allow downtown businesses to offer discounted or validated parking programs, if desired. Such programs would allow businesses to “validate” parking for discounted parking or increased time for parking with a minimum purchase. This system will continue to offer free or reduced parking to

visitors to Downtown Burbank, which is consistent with the area's marketing plan that promotes free parking.

- Parking access and revenue control system (PARCS) equipment should be installed in parking structures to manage and control parking. Pre-paid and/or central cashiering options should be considered to expedite parking facility exiting.
- Parking lots should be equipped with "pay and display" equipment or "pay by space" equipment to provide a means for parking control in the lots.
- Parking rates should be set at market value for the area and may include lower rates during the first 60-90 minutes of customer parking. Since parking demand is fully established and parking facilities experience high usage, free time should not be offered to parking patrons.
- Parking rates should be established to balance parking demands. On-street parking rates should be established to encourage and maintain short-term, high turnover use of spaces. Parking structures rates should be established to encourage longer term parking use. Pricing tiers may also be used to shift parking demand from prime locations to areas away from the congested areas such as parking structure A and C.
- Parking revenues generated from off-street parking lots and structures and on-street spaces may be used to cover capital expenditures for parking access and revenue control equipment, meters, multi-spaces machines in the lots, smart signage, etc. The revenues also should cover operating and maintenance expenses of the facilities, lots, spaces and program services. After the initial implementation of the program, parking revenues may be sufficient to support other improvements or programs in Downtown, or for additional parking facilities.

Employee Parking Plan Highlights

- The employee parking program should be designed to offer reasonably convenient long-term parking outside the most desirable, prime parking areas that should be reserved for customers.
- Employees should be issued parking access cards and/or debit cards that monitor and control parking assignments and parking locations.
- If employee parking is allowed in parking facilities located in the prime demand areas of the core downtown area, assignments should be limited in quantity and not allowed during the peak parking periods, which are weekday evening hours and weekend day and evening hours.
- Monthly parking fees should be revised to reflect market rates for area parking facilities and surrounding municipalities.
- To provide incentives to employees to relocate to underutilized parking areas, parking rate tiers may be used as an incentive. For example, prime parking facilities will have limited availability and the highest prices for parking. More distant locations may offer lower prices to employees for monthly parking, and may even be free for the most remote parking locations.
- Part-time employees should also be assigned parking in designated locations. Parking access and parking pricing for part-time employees can be provided through debit cards, which charge only for frequency used and time parked.

Implementation of a parking program requires a number of tasks to be completed, including: development of parking policies and regulations; changes in the Burbank Municipal Code; development of a paid-parking financial pro forma; evaluation of staffing needs; and, parking equipment design, bidding, and installation. In addition, a comprehensive education and outreach program is needed to communicate the program goals and logistics with employers, employees and the general public. Throughout this process, staff will be returning to the Council for approval of the various implementation steps.

It is projected, that given adequate resources to implement the program, that the initial implementation of the program could begin within 9 to 12 months for most of the program. A fully developed program with adjustments and modifications will require at least a year to implement.

Recommendation:

Note and file.

9. COUNCIL MEMBER MURPHY'S REQUEST TO DISCUSS PLACING AN ART INSTALLATION ON THE CHANDLER BIKEWAY:

At the August 10, 2004 Council meeting, Council Member Murphy requested that staff place an item on the agenda to discuss the potential of developing a public art installation on the Chandler Bikeway.

The Art in Public Places Ordinance requires that a development project needing a building permit with a construction budget over \$500,000 contribute one percent towards an art installation. Since the Chandler Bikeway has no buildings, it did not need to comply with the Ordinance. The Chandler Bikeway will cost in excess of \$2,000,000. Most of the funding came from resources that are transportation specific and are not available to fund an art project. The General Fund, which is not transportation specific, contributed \$784,729. The Transportation Commission and Citizens Advisory Committee expressed an interest in honoring the site's rail history. These plans were dropped due to cost considerations; however, some of the railroad fixtures were saved to be potentially utilized in a future project.

Funding this proposed project can be accomplished by appropriating a specific amount from the general fund or by utilizing a portion of the Public Art Fund. The current Public Art Fund policies govern the manner in which projects are brought forward by entities other than the Council. They do not specify a procedure which the Council must follow. However, the policies dictate the process through which publicly funded art projects are to be developed. If the Council funded this project through unappropriated general funds they could direct staff to negotiate directly with specific artists to secure proposals and costs that meet their desires.

As the first step in a two-step agenda process, this item is being presented for discussion and additional Council direction only.

Recommendation:

Staff recommends that the Council initiate discussion on the possibility of initiating the process of developing an art installation for the Chandler Bikeway.

10. MOBILITY ELEMENT TRAFFIC FORECASTS AND EMPIRE INTERCHANGE PROJECT UPDATE:

The Mobility (Transportation) and Land Use Elements of the City's General Plan are being updated concurrently, with scheduled completions in March 2005. This report presents the results of the traffic forecasts prepared for 2025 horizon year of the elements, and discusses the land use assumptions and methodologies that underlie those forecasts of future conditions. Staff requests that the Council discuss the transportation and land use information contained in this report, and provide direction to staff concerning the proposed incorporation of the recommendations into the joint Mobility/Land Use environmental impact report and the separate elements. This report also provides an update of the Empire Interchange project, and requests Council direction on the previously-discussed design modification.

Recommendation:

Staff requests that the Council consider the information discussed in the report and direct staff accordingly.

11. BURBANK WATER AND POWER MONTHLY WATER AND ELECTRIC OPERATING REPORT:

Staff has prepared the Burbank Water and Power Water (BWP) and Electric Monthly Report regarding water quality and power issues for September 2004.

WATER UPDATE

Water Quality

Water quality during August met or exceeded State and Federal drinking water standards.

Fiscal Year (FY) 2004-05 Year-To-Date preliminary Water Fund Financial Results as of August 31, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Potable water sales (CCF)	1,982,475	1,939,926	42,548	2%
Reclaimed water sales (CCF)*	67,277	68,787	(1,510)	(2%)
Potable Revenues	3,321	3,348	(27)	(1%)
Reclaimed and Power Plant Revenues	98	96	2	2%
Total Operating Revenues	3,419	3,444	(25)	(1%)
WCAC	1,503	1,552	49	3%
Gross Margin	1,916	1,893	24	1%
Operating Expenses **	1,198	1,369	171	13% (A)
Operating Income	719	524	195	37%
Other Income/(Expenses) **	65	64	1	1%
NI before Contr. & Transfers	783	588	196	33%
Transfers (In Lieu) **	(162)	(166)	(5)	3%
Contributed Capital (A.I.C) **	102	109	(7)	(6%)
Change in Net Assets (Net Income)	724	530	194	37%

() = Unfavorable

* Excluding Power Plant sales

** Year-to-date actual: July actual and August budget

(A) The Year-to-date operating expenses are lower than budgeted due to lower spending in professional services and special departmental supplies. In addition, the customer service cost allocation to the water division is lower than expected.

FY 2004-05 preliminary Water Fund Financial Reserve balances as of August 31, 2004 are summarized in the following table:

Water (In thousands)	Balance			Recommended Reserves
	6/30/2004	7/31/2004	8/31/2004	
Unrestricted Cash				
General Operating Reserve	\$4,644	\$4,563	\$4,400	\$4,430
Capital Reserve	\$2,807	\$2,807	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$7,451	\$7,370	\$7,207	\$8,010
Restricted Cash				
Water Replenishment Reserve	\$650	\$650	\$650	
WCAC	\$1,323	\$1,323	\$1,335	
Distribution Main Reserve	\$1,100	\$1,100	\$1,100	
Debt Service Fund	\$176	\$268	\$360	
Parity Reserve Fund	\$794	\$794	\$794	
Sub-Total Restricted Cash	\$4,043	\$4,135	\$4,239	\$0
Total Cash	\$11,494	\$11,504	\$11,446	\$8,010

ELECTRIC UPDATE

Electric Reliability

The following table shows the systemwide reliability statistics for FY 2004-05 as compared to FY 2003-04:

Reliability Measure	Fiscal Year 2003-04	Fiscal Year 2004-05
Average Outages Per Year	0.4206	0.0355
Average Outage Duration	50.89 minutes	30.40 minutes
Average Service Availability	99.9959%	99.9988%

Financial and Operations Update

FY 2004-05 Year-To-Date preliminary Power Financial Results as of August 31, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	220,635	227,505	(6,870)	(3%) (A)
Weather Normalized NEL MWh	228,957	227,505	1,452	1% (B)
Sales MWh	200,640	215,749	(15,109)	(7%)
Retail Revenues	25,971	27,611	(1,640)	(6%)
Other Revenues	379	345	34	10%
Retail Power Supply & Transmission	14,391	15,672	1,280	8%
Retail Gross Margin	11,959	12,284	(326)	(3%)
Wholesale Revenues	25,517	8,333	17,184	206%
Wholesale Power Supply	24,424	7,750	(16,674)	(215%)
Wholesale Gross Margin	1,094	583	510	87%
Gross Margin	13,052	12,867	185	1%
Operating Expenses *	5,412	5,629	218	4%
Operating Income	7,641	7,238	402	6%
Other Income/ (Expense) *	(403)	(349)	(53)	(15%)
NI before Contr. & Transfers	7,238	6,889	349	5%
Transfers In/(Out) - (In lieu) *	(1,637)	(1,726)	89	5%
NI before Contributions	5,601	5,163	438	8%
Contributed Capital (A.I.C) *	450	460	(10)	(2%)
Change in Net Assets (Net Income)	6,051	5,623	428	8%

() = Unfavorable

Year-to-date actual: July actual and August budget

(A) The actual NEL MWh is lower than budget due to cooler than average temperatures in July and August.

(B) The actual MWh sales differ from budget due to timing of customer billing.

FY 2004-05 preliminary Power Fund Financial Reserve as of August 31, 2004 is summarized in the following table:

Electric (In thousands)	Balance			Recommended Reserves
	6/30/2004	7/31/2004	8/31/2004	
General Operating Reserve	\$31,983	\$35,658	\$41,691	\$41,000
Capital and Debt Reduction Fund	\$7,473	\$7,473	\$7,473	\$15,100
Fleet Replacement Reserve	\$300	\$300	\$300	\$4,500
General Plant Reserve	\$200	\$200	\$200	\$1,170
Bond Cash	\$6,583	\$5,029	\$5,029	
Sub-Total Unrestricted Cash	\$46,539	\$48,661	\$54,693	\$61,770
Debt Service Fund & Other Restricted Cash	\$939	\$1,981	\$3,023	
Parity Reserve Fund	\$10,889	\$10,889	\$10,889	
Sub-Total Restricted Cash	\$11,828	\$12,870	\$13,912	\$0
Total Cash	\$58,367	\$61,531	\$68,605	\$61,770

Recommendation:

Note and file.

12. APPROVAL OF ADDITIONAL ONE-TIME FUNDING FOR THE CONTINUATION OF MAYOR'S YOUTH TASK FORCE RECOMMENDED PROGRAMS:

Staff is requesting Council authorization to fund the continuance of Mayor's Youth Task Force recommended Youth Programs. The programs include the Peace Colors Middle School Grant Program, the Teens In Action Media Communication Team video productions and the Middle School Counseling Program. Staff requests authorization to appropriate \$100,000 from the previously-established Youth Programs Holding Account to fund the programs as proposed by the Mayor's Youth Task Force.

During the Fiscal Year 2002-03 budget process, the Council directed staff to set aside \$500,000 of one-time funding in a Non-Departmental Holding Account (Youth Services) to be utilized for teen services and programming. With direction from the Council, Burbank Unified School District's (BUSD) Board of Education, the Mayor's Youth Task Force, the Youth Board and the Teens In Action teams, staff continues to implement programs reflecting the solutions developed by youth. There is currently \$100,800 remaining in this account. The Mayor's Youth Task Force recommends continuance of services in these programs and the expenditure of \$100,000 from the balance of the holding account.

Recommendation

It is the recommendation of staff and the Mayor's Youth Task Force that the Council approve the one-time expenditure of \$100,000 from the Non-Departmental Holding Account to appropriate \$50,000 to the Middle School Counseling Program, \$30,000 to the Peace Colors Middle School Grant Program, and \$20,000 for the Teens In Action Media Communication Team video productions.

ADOPTION OF PROPOSED ORDINANCE:

13. AMENDING THE BURBANK MUNICIPAL CODE AND REVISING CITY PROCEDURE IN ACCEPTING SMALL MONETARY DONATIONS:

Staff proposes a Code change to provide automatic appropriation authority for contributions less than \$5,000. This change will grant departments administrative authority to accept and appropriate donations of less than \$5,000. These monies would still be used for the donor's intended purpose; however, no formal Council action would be required. Staff believes this would streamline the current process by making it less burdensome and more efficient to process small monetary donations.

This ordinance was introduced at the September 21, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-110 TO THE BURBANK MUNICIPAL CODE REVISING CITY PROCEDURE IN ACCEPTING SMALL MONETARY DONATIONS.

14. AMENDING THE BURBANK MUNICIPAL CODE TO EXEMPT IMPOUND OR STORAGE FEES CHARGED BY TOW OPERATORS FROM THE TRANSIENT PARKING TAX:

The amended Code will provide that fees charged by duly licensed Tow Operators for the impound or storage of vehicles incidental to services performed by such Tow Operators shall be exempt from the Transient Parking Tax. The proposed ordinance would clarify that storage facilities associated with tow operations are exempt from its provisions. Although the Parking Tax was not intended to apply to this type of storage facility, the language of the current Code could be interpreted to apply. Tow storage is typically involuntary. Currently, there are no taxes being collected from Tow Operators and the added exemption would not affect current revenue.

This ordinance was introduced at the September 21, 2004 Council meeting.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 19, CHAPTER 14, SECTION 14-1906 OF THE BURBANK MUNICIPAL CODE TO EXEMPT IMPOUND OR STORAGE FEES CHARGED BY TOW OPERATORS FROM THE TRANSIENT PARKING TAX.

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 Wednesday, September 29, 2004 at 5:30 p.m. in the City Hall Basement Lunch Room/Conference Room to continue the Closed Session.

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