



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, OCTOBER 19, 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

Name of Agency Negotiator: Assistant Executive Director/Susan Georgino.

Properties: Opportunity Site # 6B-Bounded by Magnolia Boulevard, First Street, Orange Grove Avenue and Bonnywood Place (I-5 Freeway). Opportunity Site #7-Bounded by Magnolia Boulevard, railroad tracks and Olive Avenue – adjacent to the Downtown Burbank Metrolink Station.

Party With Whom Agency is Negotiating: Nick Behunin, Rey Properties, 1036 North Lake Street Burbank, California 91502.

Name of Contact Person: Maribel Frausto, Senior Redevelopment Project Manager.

Terms Under Negotiation: Sale of City and Agency-owned property located on Opportunity Site 6B and Opportunity Site 7.

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.

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

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.

PRESENTATION: PROFESSIONAL ESTEEM AWARD – OFFICER VEE JONES.

PROCLAMATION: NATIONAL HEALTH EDUCATION WEEK.

PROCLAMATION: MAKE A DIFFERENCE DAY.

RECOGNITION: 2004 LIFEGUARD MEDAL OF VALOR FOR PATRICK O'NEILL.

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. JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY:

1. CONSIDERATION OF ADOPTION OF AMENDMENT NO. 6 TO THE CITY CENTRE REDEVELOPMENT PLAN, AMENDMENT NO. 2 TO THE SOUTH SAN FERNANDO REDEVELOPMENT PLAN, AND AMENDMENT NO. 5 TO THE GOLDEN STATE REDEVELOPMENT PLAN; APPROVAL OF THE NEGATIVE DECLARATION PREPARED IN CONNECTION HEREIN, AND ACTIONS RELATED TO THE PROJECT AREA MERGER OF THE GOLDEN STATE, CITY CENTRE AND SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREAS:

The purpose of this report is to present to the Council and Redevelopment Agency Board (Board) the information and documentation related to the proposed project area merger. The Council and the Board have been implementing the redevelopment plans for all four of the City's redevelopment project areas: Golden State (adopted in 1970); City Centre (adopted 1971); West Olive (adopted 1976); and, South San Fernando (adopted 1997). However, the implementation of the City Centre and South San Fernando Redevelopment Project Areas has been hindered by a shortage of tax increment funds. In the City Centre Redevelopment Project Area, the tax increment generated is sufficient to cover the Project Area's debt obligations; however, funds are limited for new projects. The South San Fernando Redevelopment Project Area, in its sixth year since adoption, is not expected to generate greater amounts of tax increment funds for new projects until later in the life of the plan. On the other hand, the Golden State Redevelopment Project Area, due to its lengthy existence, has had a greater capacity to generate tax increment funds.

Therefore, to provide balance, and give the Redevelopment Agency enhanced ability to use tax increment funds in the areas of greatest need, it is proposed that three of the four project areas be merged. West Olive is not part of the proposed merger as the only foreseeable projects in that area are public infrastructure improvements. The merger would allow the "pooling" of tax increment funds, thereby giving the Redevelopment Agency greater flexibility in the use of funds within the boundaries of the three merged redevelopment project areas. This flexibility will allow the Redevelopment Agency to concentrate on projects in areas of greatest need and highest priority.

As directed by the Council and Board, staff has been taking steps leading to the adoption of the proposed project area merger/amendments (Amendments) to the redevelopment plans for the Golden State, City Centre and South San Fernando Redevelopment Project Areas. The primary purpose of these Amendments is to allow the financial merger of the project areas and create the Burbank Merged and Amended Project Area (Merged Project Area). This merger will allow redevelopment funds

received in one project area to be used in any of the three project areas. Requirements for the merger of redevelopment project areas for financial purposes are established in Health and Safety Code, Section 33000 et. seq. (Community Redevelopment Law or CRL). The proposed Amendments to financially merge the three project areas will:

- Not alter the boundaries of the project areas;
- Not extend the Redevelopment Agency's ability in the three project areas to establish additional project area debt;
- Not raise the cap on the amount of tax increment the Redevelopment Agency may receive;
- Not change any time limits; and,
- Not re-establish lapsed Redevelopment Agency eminent domain authority.

Staff has held two community meetings to inform the public of the proposed project area merger. The meetings were held in May and June 2004 and approximately 10 to 15 people attended each meeting. There were no concerns expressed with the proposed project area merger, however, staff spent several hours answering questions on the different projects and programs being undertaken by the Redevelopment Agency. In addition, the public was informed that there will be a joint public hearing with the Council and the Redevelopment Agency to consider the proposed project area merger before final action is taken. Mailed notices of the joint public hearing were sent to all attendees on September 17, 2004.

Redevelopment Law stipulates that the notice of the joint public hearing be published in a newspaper of general circulation not less than once a week for three successive weeks prior to the hearing; that the notice be mailed to all affected taxing agencies via certified mail, return receipt requested; and, that the notice be mailed to all affected property owners, businesses and residents at least 30 days prior to the hearing via first-class mail. Notice of the joint public hearing was provided as follows:

- 1) Publication of a public notice in the Burbank Leader on the following dates - September 25, September 29 and October 6, 2004;
- 2) A mailed notice to all affected taxing agencies was sent via certified mail, return receipt requested on September 2, 2004;
- 3) A mailed notice to all affected property owners, businesses and residents was sent on September 17, 2004, more than 30 days prior to the hearing, via first-class mail;
- 4) Notice to attendees of the two community meetings;
- 5) Notice to interested groups and organizations in the City including the Burbank Unified School District, Bob Hope Airport, Chamber of Commerce, the Downtown Burbank Partnership, Inc. (PBID Board) and several City Boards and Commissions; and,
- 6) Posting of the joint public hearing notice at City Hall.

On September 27, 2004, the Planning Board adopted Resolution No. 2953 determining that the proposed amendments to the project areas were in conformity with the General Plan of the City of Burbank and recommended the approval of the three plan

amendments; the Amended and Restated Golden State Redevelopment Plan; Amendment No. 2 to the South San Fernando Redevelopment Plan; and, Amendment No. 6 to the City Centre Redevelopment Plan. The Golden State Redevelopment Plan Amendment proposes to authorize the merger of the Golden State Redevelopment Project with the South San Fernando and City Centre Redevelopment Project Areas for financial purposes and proposes to update land use language contained in the original 1970 plan text. The amendment will delete references to land uses in the Golden State Amended and Restated Redevelopment Plan and will instead state that land uses in the Golden State Redevelopment Project Area will be in conformity to the City's General Plan.

Prior to Council consideration of the ordinance adopting the Redevelopment Plan Amendments, a public hearing must be held to hear all testimony for and against the proposed project area merger. Section 33458 of the CRL provides that when a city council serves as the governing board of the redevelopment agency, both bodies may hold a joint public hearing to receive testimony on the redevelopment plan amendments.

Recommendation:

Adoption of proposed Redevelopment Agency resolutions entitled:

1. A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK; APPROVING AND TRANSMITTING THE REPORT TO CITY COUNCIL; APPROVING THE REDEVELOPMENT PLAN AMENDMENTS, AND THE NEGATIVE DECLARATION FOR THE MERGER OF THE GOLDEN STATE, CITY CENTRE AND SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREAS, AND ADOPTING RELATED OWNER PARTICIPATION RULES.
2. A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK FINDING THAT THE USE OF TAXES ALLOCATED FROM THE BURBANK MERGED AND AMENDED REDEVELOPMENT PROJECT AREA FOR THE PURPOSE OF AFFORDABLE HOUSING OUTSIDE OF THE MERGED PROJECT AREA WILL BE OF BENEFIT TO THE MERGED PROJECT AREA.
3. A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK ADOPTING RELOCATION GRIEVANCE PROCEDURES.

Adoption of proposed City Council resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING THE BURBANK REDEVELOPMENT AGENCY'S REPORT TO CITY COUNCIL ON AMENDMENT NO. 6 TO THE CITY CENTRE REDEVELOPMENT PLAN; AMENDMENT NO. 2 TO THE SOUTH SAN FERNANDO REDEVELOPMENT PLAN; AMENDMENT NO. 5, THE AMENDED AND RESTATED PLAN FOR THE GOLDEN STATE REDEVELOPMENT PLAN; AND THE NEGATIVE DECLARATION FOR THE FINANCIAL MERGER OF THE GOLDEN STATE, CITY CENTRE AND SOUTH SAN FERNANDO REDEVELOPMENT PLANS.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THAT

THE USE OF TAXES ALLOCATED FROM THE BURBANK MERGED AND AMENDED REDEVELOPMENT PROJECT AREA FOR THE PURPOSE OF AFFORDABLE HOUSING OUTSIDE OF THE MERGED PROJECT AREA WILL BE OF BENEFIT TO THE MERGED PROJECT AREA.

Introduction of proposed City Council ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING THE BURBANK MERGED AND AMENDED REDEVELOPMENT PROJECT AREA THAT MERGES THE CITY CENTRE PROJECT AREA, SOUTH SAN FERNANDO PROJECT AREA AND THE GOLDEN STATE PROJECT AREA AS AMENDED.

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 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.

2. ESTABLISHING THE COST FOR CANDIDATE STATEMENTS FOR THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council approval of a proposed resolution that establishes the cost for candidates' statements for the 2005 Municipal Elections.

Section 11-1206 of the Burbank Municipal Code (BMC) states that before the nominating period opens, "the City Council shall, by resolution, determine whether charges shall be levied against candidates for the cost of sending the candidates' statements to the voters. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period." The nominating period for the 2005 Municipal Elections opens on November 1, 2004.

At the October 5, 2004 Council meeting, staff presented a report which provided various options available for determining whether or not the City will subsidize any or all of the costs for the candidates' statements for the 2005 Municipal Elections. Following discussion, the Council directed staff to prepare a resolution which states that the City shall pay a \$ 300 subsidy for each candidate's statement submitted to the City Clerk.

As directed by the Council at the October 5, 2004 meeting, a resolution has been prepared pursuant to BMC Section 11-1206. Based on the cost estimates submitted by the City's election vendor, Martin & Chapman Co., for printing the candidates' statement (\$650) as well as the \$300 subsidy approved by the Council, the City Clerk will require a deposit from each candidate submitting a statement with their nomination papers. The amount of the deposit will be \$350 for English only and \$1,000 for both English and Spanish. Actual translation costs will be paid by the City. Within 30 days of the Election, the City Clerk shall bill each candidate for any cost in excess of the deposit or shall refund any unused portion of the deposit.

The City Clerk will provide each candidate with a copy of the adopted resolution at the time the candidates are issued their nominating papers.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PERTAINING TO CANDIDATES' STATEMENTS FOR THE 2005 PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON FEBRUARY 22, 2005 AND APRIL 12, 2005, RESPECTIVELY.

3. REQUESTING COUNTY SERVICES FOR THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council adoption of a resolution requesting the Board of Supervisors of the County of Los Angeles to permit the Registrar-Recorder/County Clerk to render election services to the City of Burbank relating to the Primary Nominating and General Municipal Elections to be held February 22, 2005 and April 12, 2005.

In accordance with Section 10002 of the State of California Elections Code, the Board of Supervisors of the County of Los Angeles must be requested to permit the Registrar-Recorder/County Clerk to render specified services to the City of Burbank relating to the conduct of the Primary Nominating and General Municipal Elections. These services include providing the City with computer tapes for preparation of sample ballots for mailing, signature verification, as well as performing various other services required by law on behalf of the City of Burbank or such additional services as may be requested by the City Clerk.

The Registrar-Recorder/County Clerk is the only source for this official information. The City of Burbank is required by law to reimburse the County of Los Angeles in full for the services performed by the Registrar-Recorder/County Clerk.

The County's Voter Information Management System (VIMS), accessible via the Internet, will enable the City Clerk's Office to quickly access the County's voter database and verify most voters' signatures. This system was used during Burbank's 2001 Special Election and saved the City time and money in verifying signatures for vote-by-mail ballots; therefore, the City Clerk's Office will continue to use this system as much as possible for the 2005 Municipal Elections.

The cost for the services provided by the Los Angeles County to the City of Burbank over the past three municipal elections is as follows: 2001 - \$3,602.40; 2001 Special Election - \$14,398.67; and, 2003 - \$5,744.41. Staff estimates that the fiscal impact for the 2005 Municipal Elections' services will be \$5,000.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO PERMIT THE REGISTRAR OF VOTERS TO RENDER ELECTION SERVICES TO THE CITY OF BURBANK RELATING TO THE PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS TO BE HELD FEBRUARY 22, 2005 AND APRIL 12, 2005.

4. APPROVAL OF THE CONSOLIDATED PRECINCT MAP FOR THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council approval of the proposed consolidation of the Los Angeles County precincts for the City of Burbank's Primary Nominating Election to be held on February 22, 2005 and the General Election which will be held on April 12, 2005.

Burbank Municipal Code Section 11-804 permits the Council to consolidate voting precincts established by the County of Los Angeles Board of Supervisors. Section 11-805 states that the precincts must be established within 90 days before any election. In previous elections, consolidating precincts provided the City with the ability to maximize the use of public facilities and other buildings such as churches and offices; in addition to cost savings because there was no rental fee charged for the public facilities and fewer poll workers were required. However, on April 27, 2004, the Council adopted Ordinance No. 3637 mandating that all municipal elections starting in 2005 be conducted wholly by mail. Therefore, the precincts will only be utilized for the purpose of counting ballots and for canvassing election results.

The County of Los Angeles Board of Supervisors has established 77 precincts in the City of Burbank for the November 2, 2004 General Election. It is recommended that these precincts be reduced to 42 for Burbank's 2005 Municipal Elections.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSOLIDATING PRECINCTS ESTABLISHED BY THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS INTO 42 MUNICIPAL PRECINCTS FOR THE 2005 PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

5. SUPPORT FOR PROPOSITION 1A (PROTECTION OF LOCAL GOVERNMENT REVENUES) ON THE NOVEMBER 2, 2004, GENERAL ELECTION BALLOT:

The purpose of this report is to seek Council approval of a resolution to support Proposition 1A (Prop 1A). This proposition, if passed by the voters, would restore local control over local tax revenues by preventing the State Legislature from taking or cutting funding that belongs to local governments whenever it finds itself in a budgetary bind. In addition, Prop 1A provides that State mandates must be reimbursed or suspended if no reimbursement is provided (with exceptions for specified employee rights and benefits).

For over ten years, the California State Legislature has been taking away increasing amounts of local tax dollars that local governments use to provide essential services such as police and fire protection, emergency and public health care, roads, parks and libraries. The aggregate loss to Burbank from the State's diversion of Property Tax alone over the last ten years is over \$30 million dollars.

Prop 1A is a historic bipartisan agreement between Governor Schwarzenegger, local governments, legislators of both parties, police, fire, paramedics, healthcare advocates, taxpayers and community leaders. A partial list of organizations that support Prop 1A include the League of California Cities, California State Association of Counties, California Society of Municipal Finance Officers, California Special Districts Association, California Fire Chiefs Association, California Professional Firefighters, Peace Officers Research Association of California, California Association of Public Hospitals and Health Systems, California Police Chiefs Association and California State Sheriffs' Association.

Prop 1A restricts the State Legislature's ability to raid local government funding, including local government share of existing Sales Taxes, Property Taxes and Vehicle License Fee revenues but also provides flexibility by allowing the State to borrow local revenue in case of a fiscal emergency. Prop 1A does not raise taxes nor reduces funding to schools or other State programs.

Recommendation:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK EXPRESSING SUPPORT FOR PROPOSITION 1A (PROTECTION OF LOCAL GOVERNMENT REVENUES) ON THE NOVEMBER 2, 2004, GENERAL ELECTION BALLOT.

6. MOBILITY ELEMENT 2025 TRAFFIC FORECASTS:

At the September 28, 2004 meeting, the Council considered three alternative scenarios

for commercial and industrial growth during the 20-year period covered by the current Land Use and Mobility Element updates. After reviewing the results of year 2025 traffic forecast for each of the growth scenarios, the Council directed staff to develop a fourth growth scenario, somewhat lower than the prior "Moderate Growth" scenario, and to forecast the traffic conditions that would result from that set of assumptions. Staff will present the results of this new growth scenario, as well as the results of a fifth growth scenario that allocates additional commercial development to the City Center and South San Fernando redevelopment project areas. The Council is being asked to select one of the growth scenarios to be the basis for analysis in the Environmental Impact Report being prepared for the joint update of the Land Use and Mobility Elements of the City's General Plan.

Recommendation:

Staff recommends that the Council select the Strategic Growth scenario to be utilized as the theoretical build-out of commercial and industrial development for the Land Use and Mobility Element updates, and associated Environmental Impact Report.

7. APPROVAL OF COORDINATE NETWORK AGREEMENT WITH LOS ANGELES DEPARTMENT OF WATER AND POWER:

Staff requests that the Council adopt the proposed resolution which will enable the General Manager of Burbank Water and Power (BWP) to execute an agreement with the Los Angeles Department of Water and Power (LADWP) for the coordinate operation of BWP and LADWP fiber optic systems so that they may together provide to their customers telecommunication services which span the two cities. These services are designed to enhance the region's attractiveness to the media industry by providing a very reliable dedicated fiber optic transport service for video, film and audio. This Agreement does not include the equipment necessary to provide telephone, cable, internet or wireless services. This service will be funded from its revenues. It will not require support from the General Fund, nor will it result in any adverse rate impacts upon the electricity customers of the utility.

In 1987, BWP and LADWP began installing fiber optic cable into their electrical facilities in order to better operate those electrical facilities. In the early 1990's, the major media companies in Burbank requested that the City consider sharing BWP's fiber so that the companies might be better able to operate their businesses. In Los Angeles it was telecommunication companies, rather than media companies, that sought to use LADWP's fiber in order to expand those systems. Both utilities developed ways to provide the companies fiber that fully recovered the cost of providing such fiber to these companies.

Over the years as BWP and LADWP have provided such fiber, businesses have requested connections from Burbank into Los Angeles. However, because of the limited amount of fiber on the Los Angeles network between the Burbank fiber system at

Receiving Station E and the rest of the Los Angeles fiber network, it was not practical to provide such connections. Only recently has it become practical to provide such an option.

Last year, BWP and LADWP staff found a way that would allow for providing such connections across the combined systems. Early this year, LADWP sought a trial from BWP to test this approach. The service was embraced so strongly by the media companies that the trial remains in service even today.

While the trial was a success, there was no means in place to replace the trial with an on-going commercial service. BWP immediately notified LADWP to seek the development of an agreement which would allow Burbank to mutually serve these customers. Over the last six months, LADWP and BWP have developed this Agreement. This Agreement between BWP and LADWP will allow Burbank media companies to connect with media and telecommunication companies in Los Angeles. The services provided under this Agreement allow for the exchange of high bandwidth, high resolution video and electronic film formats that are used in the production of movies, television shows, television news and related media. These services are not used for providing telephone services, cable television or other commonly provided telecommunications service.

This service uses a technology called wave division multiplexing. This is a technology similar to dark fiber but with an important difference, it allows multiple independent uses of the same strand of fiber. Where dark fiber allows only one customer to transmit its own light signal down a single strand of fiber, wave division multiplexing allows multiple users or applications to each transmit its own light signal down a single strand of fiber. Wave division multiplexing allows multiple users to send multiple light signals down a strand of fiber by having each light be a different color.

Injecting these multiple colored light signals into a single fiber optic strand requires special equipment. The cost for the equipment required to take up to eight different video signals and send them down one fiber is about \$30,000 for each end of the fiber, for a total of \$60,000. The distance where it becomes more cost effective to use this equipment is in the range of two to four miles.

Under this Agreement, BWP and LADWP share the revenue associated with this service. BWP will receive 30 percent of the revenue and LADWP will receive 70 percent of the revenue. Los Angeles receives the greater share as they operate the system and provide the most assets.

This Agreement will cost BWP \$30,000 in return for a service contract that will produce sufficient revenues to return this investment in less than a year and half. If the service continues beyond 18 months, as expected, it will do so with a favorable cash flow. The Agreement's initial term is for five years and will be funded from the current telecommunications budget.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE
COORDINATE NETWORK AGREEMENT BETWEEN CITY OF BURBANK AND THE
CITY OF LOS ANGELES FOR THE PURPOSE OF COORDINATING
TELECOMMUNICATIONS SERVICES AND APPLICATIONS.

RECONVENE the Redevelopment Agency meeting for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes
on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

**COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD
OF ORAL COMMUNICATIONS:**

ADJOURNMENT.

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