



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, OCTOBER 26, 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, Del 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): 2**
- e. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957  
**Title of Employee’s Position:** City Manager and City Attorney.

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:            BREAST CANCER WALK PARTICIPANTS.

PROCLAMATION:           BREAST CANCER AWARENESS.

PROCLAMATION:           TOASTMASTERS 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 October 18, 2004. Other Airport-related issues may also be discussed during this presentation.

#### Recommendation:

Receive report.

## 6:30 P.M. PUBLIC HEARING:

### 2. EXTENSION OF THE INTERIM DEVELOPMENT CONTROL ORDINANCE FOR R-1, R-1-E, AND R-1-H SINGLE-FAMILY RESIDENTIAL ZONES:

On September 14, 2004, in response to increasing concerns about the size and height of new and remodeled homes throughout the community, the Council adopted an Interim Development Control Ordinance (IDCO) to establish interim development standards for the R-1, R-1-E and R-1-H zones while staff completes work on the ongoing study of single-family development standards. The interim standards decrease the maximum allowed Floor Area Ratio (FAR) from 0.6 including the garage to 0.45 not including the garage, and decrease the maximum allowed height from 27 feet to the ceiling and 35 feet to the top of the roof to 22 feet to the top plate and 29 feet to the top of the roof.

Pursuant to State law, the IDCO is valid for 45 days and will expire on October 29, 2004 unless extended by the Council. After holding a public hearing, the Council has the ability to extend the IDCO for up to an additional 22 months and 15 days, for a total effective period of two years. As with the initial adoption of the IDCO, a four-fifths vote is required to extend the IDCO. The Council has the option of extending the IDCO using the same interim development standards adopted on September 14, 2004, extending the IDCO using amended interim standards or allowing the IDCO to expire.

Staff continues to work on the ongoing study of single-family standards to formulate recommendations for the permanent standards. Based upon input received from the Council on September 14, 2004, staff is revisiting several of the proposed standards, including those regarding size limitations on second stories and rear yard setbacks. Staff also continues to research options to address various issues raised by the community and the Council, including using a sliding scale based on lot size to limit the sizes of homes, and a special exception process for homes located in neighborhoods that are already developed to a level in excess of what would be allowed by the proposed

development standards.

Although staff continues to work on this issue, staff is not prepared to present revised standards to the Council or solicit adequate community input before the IDCO expires on October 29, 2004. Staff intends to develop a revised set of proposed standards and hold another community meeting to receive public input on the standards in January 2005. Following the January community meeting, staff anticipates returning to the Council in February or March 2005 for a study session to discuss the revised standards proposal and the input received at the community meeting. Depending upon the direction received from the Council, this would allow for Planning Board and Council hearings on the revised standards in May and June 2005, with new standards adopted before the end of June 2005.

Although the Council may extend the IDCO for an additional 22 months and 15 days, this length of time will not be required for staff to complete the ongoing study and present a revised set of proposed standards to the Council. Based upon the above schedule, staff recommends that the Council extend the IDCO through June 30, 2005. Staff believes this eight-month period should provide adequate time for the additional work and community outreach that is required. If new standards are not adopted before June 30, 2005 due to unforeseen circumstances, the Council would have the ability to further extend the IDCO for up to a total period of two years.

In order to extend the IDCO, the Council must make the same finding as when the IDCO was adopted that an ongoing threat would exist to the public health, safety or welfare without the IDCO in place. Staff believes that the circumstances since the IDCO was adopted have not changed and that the same finding can still be made to extend the IDCO. Staff finds that the extension of the IDCO and the interim development standards are necessary to protect the public welfare while staff's work on the revised standards continues.

Recommendation:

Introduction and adoption of proposed urgency ordinance entitled:  
AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
EXTENDING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH  
TEMPORARILY PROHIBITS THE ISSUANCE OF BUILDING PERMITS FOR  
BUILDINGS OR STRUCTURES IN THE R-1, R-1-E, and R-1-H SINGLE FAMILY  
RESIDENTIAL ZONES THAT DO NOT MEET SPECIFIED INTERIM DEVELOPMENT  
STANDARDS.

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 meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 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.

3. CHILD CARE COMMITTEE APPOINTMENTS:

The purpose of this report is to make recommendations to the Council for the approval and appointment of this year's Child Care Committee members.

The Council appointed citizens to the Child Care Committee when it was formed in 1988. Upon adoption of the Child Care Master Plan in 1991, the Committee became a regular Council appointed committee. Pursuant to the by-laws of the Burbank Child Care Committee, appointments to the Committee are recommended by Committee members and forwarded to the Council for approval.

At the October 12, 2004 Child Care Committee meeting, the current members met and discussed the submitted applications. The Committee agreed that they represented a solid cross section of the community with a demonstrated interest in child care issues.

Recommendation:

Staff recommends that the Council appoint the recommended candidates to the Child Care Committee as follows:

Goldie Bemel	Burbank Unified School District
Jodi Bodwell	Burbank Child Care Center
Yvette Coontz	St. Anne's Maternity Home C.F.O
Mildred Engel	Retired Educator
Annabelle Godwin	Retired Provider, College Instructor
Barbara Gunderson	The Walt Disney Company, Work and Family Specialist
Tracy Lynch	Mother/Business Owner
Kelly McGowan	Stony Apparel
Carol Miller	Pre-school Director
Deane Phinney	Retired Provider/Administrator
Nancee Rodriquez	Child Care Center Director
Karel Roland Armstorff	Parent and Previous Horace Mann Children's Center Parent Representative
Shanna Vaughan	Boys and Girls Club
Helen von Seggern	Retired Educator
Robin Wright	Child Care Instructor

4. APPROVAL OF FINAL MAP NO. 53771 (727 NORTH HOLLYWOOD WAY):

Staff is requesting Council approval of Final Tract Map No. 53771. The property covered on Final Tract Map No. 53771, a subdivision totaling 5,253 square feet, is located at 727 North Hollywood Way. The property is in the R-4 Multiple Family Medium Density Residential Zone. The property is owned by Hollywood Way, LLC, A California Limited Liability Company.

The existing property had a two-story duplex on the property at 725-727 North Hollywood Way. In July 2001, the applicant requested to construct a new two-story five-unit multi-family complex with subterranean parking. In May 2002, the owner requested to subdivide the new two-story five units into a condominium complex. Final Tract Map No. 53771 finalizes the conversion of the existing property to the condominium subdivision.

All conditions of approval and all requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 53771:

1. The tentative tract map was conditionally approved by the Community Development Director on July 18, 2002 pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains five condominium units at 727 North Hollywood Way, which is located in the R-4 Multiple Family Medium Density Residential Zone.
3. Conditions of approval will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division. All other requirements as set forth in the tentative tract map conditions have cleared the Planning Division for purposes of Final Tract Map No. 53771 approval.
4. The Public Works Engineering Division has cleared all conditions for the approval of Final Tract Map No. 53771.
5. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15268(b)(3) relating to approval of final subdivision maps.

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458 and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 53771 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:



Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE  
FINAL MAP OF TRACT NO. 53771 (727 N. Hollywood Way).

5. AUTHORIZING THE CITY TO PARTICIPATE IN THE ELECTRONIC WASTE RECOVERY AND RECYCLING PAYMENT SYSTEM IN ACCORDANCE WITH SENATE BILL 20, THE ELECTRONIC WASTE RECYCLING ACT OF 2003:

Staff is requesting Council approval of a resolution authorizing the City to participate in the Electronic Waste Recovery and Recycling Payment System in accordance with Senate Bill (SB) 20, the Electronic Waste Recycling Act of 2003.

In 2001 the Burbank Recycle Center (Center) initiated an electronic drop-off program in response to the large number of calls received regarding disposal of electronics, such as computers and televisions. At the time, the California Integrated Waste Management Board (CIWMB) touted a Gardena recycler, HMR, a company that collected e-waste at no charge; and the City enlisted its services.

Shortly thereafter, the State Department of Toxic Substances Control (DTSC) announced that electronics containing cathode ray tubes (CRTs), which include computer monitors and televisions, were not permitted in landfills and must be treated as universal waste. When quantities of e-waste dropped off at the Center grew to the point where Burbank needed almost weekly pickups, HMR began charging the Center for collecting monitors and television sets (CRTs) but continued to pick up other e-waste at no charge.

In June 2004, SB 20 became effective. SB 20, the Electronic Waste Recycling Act of 2003, established a funding system for the collection and recycling of e-waste that would:

- ◆ Reduce the hazardous substances used in certain electronic products sold in California;
- ◆ Collect an e-waste recycling fee at the point of sale of certain products. (For example, a consumer would pay a fee of between \$6 and \$12 when purchasing a computer, depending upon the screen size of the monitor.);
- ◆ Ensure that the fee would partially pay for the distribution of recovery and recycling payments to qualified entities (such as the Center and HMR, the recycler/processor) to cover the cost of collection and recycling; and,
- ◆ Direct the establishment of environmentally preferred purchasing criteria for State agency purchases of certain electronic equipment.

Under SB 20, the Center is eligible to receive 20 cents/lb. for products that are designated as universal waste electronic devices – those with CRTs. The Center would receive such payment from the recycler/processor after the company receives payment from the CIWMB. In Fiscal Year (FY) 2003-04 the Center collected 14.15 tons of e-waste, 11.82 of which contained CRTs. Based on this tonnage, payment to the Center would have been about \$1,200 less than the Center's \$5,944 cost of having the e-waste

collected.

The tonnage of e-waste collected and the payments to the Center could vary for reasons, including: 1) A recent CIWMB statewide survey which estimates that six million monitors and televisions in California households are waiting to be recycled; 2) Los Angeles County Household Hazardous Waste roundups which now also collect e-waste; 3) Donation programs or the Center's reuse program which could grow or shrink; and, 4) A glut of televisions which is expected on the market in 2006 when today's televisions become obsolete.

Based on the FY 2003-04 collection tonnage, the City could expect to receive approximately \$5,000 per year for the recycling of e-waste. This is 84 percent of the \$5,944 in actual costs incurred. Funds distributed to recyclers are not expected to be received for four months, after the CIWMB has worked out its administrative payment plan.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY OF BURBANK TO PARTICIPATE IN THE COVERED ELECTRONIC WASTE RECYCLING ACT OF 2003.

6. PROFESSIONAL SERVICES AGREEMENT FOR ENVIRONMENTAL DOCUMENT PREPARATION FOR PROJECT NO. 2004-64, PLANNED DEVELOPMENT – BUENA VISTA STREET/EMPIRE AVENUE RESIDENTIAL COMPLEX:

The purpose of this report is to request Council authorization for the Community Development Director to enter into a Professional Services Agreement (PSA) with EIP Associates to prepare an Environmental Impact Report (EIR) for a proposed residential project for the environmental and traffic review of the project application submitted as Planned Development (PD) No. 2003-1, also known as, The Platt Project.

On April 20, 2004, Fairfield Residential submitted a PD application to construct 300 residential units (256 for rent, 44 for sale) in an M-2 zoned property at the southwest corner of Buena Vista Street and Empire Avenue. The project also includes approximately 1,500 square feet of live/work office space and retail space. On September 13, 2004, the applicant made minor modifications to their proposal.

After an initial review of the project, staff determined that an EIR will be required to comply with the California Environmental Quality Act. A Request for Proposals to prepare the EIR was sent to seven qualified consulting firms; four of the firms responded. Staff reviewed and analyzed the proposals submitted and determined that EIP Associates was the best candidate based upon the quality, cost, subconsultants selected and work schedule anticipated in their proposal.

No costs will be incurred by the City by entering into a PSA with EIP Associates. The applicant will be required to deposit \$97,267.50 (PSA amount of \$88,425 plus 10 percent as required by City's Fee Resolution) to the City before the PSA is signed by the Community Development Director.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND EIP ASSOCIATES FOR THE PURPOSE OF PREPARING AN ENVIRONMENTAL IMPACT REPORT FOR PROJECT NO. 2004-64, A PLANNED DEVELOPMENT.

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.

END OF CONSENT CALENDAR                    \*\*\*                    \*\*\*                    \*\*\*

REPORTS TO COUNCIL:

8. APPOINTMENT TO AN UNEXPIRED VACANCY ON THE CIVIC PRIDE COMMITTEE:

The purpose of this report is to request that the Council consider making one appointment to the Civic Pride Committee for an unexpired term ending June 1, 2005. The vacancy was created by the resignation of Committee Member Valene Rolon.

On September 10, 2004, the City Clerk's Office began advertising and accepting applications for the vacancy on the Civic Pride Committee. This vacancy was advertised in the local newspapers, posted on the City Website and notices were run on the Channel 6 scroll in order to obtain qualified candidates. As of the October 8, 2004 deadline, two applications from Lisa Sue Lonsway and Robert Vincent Idavia have been received.

The purpose of the Civic Pride Committee is to devise and recommend ways in which to promote and project a positive and favorable public image of the City of Burbank through both public and private promotion campaigns and techniques, and to perform such other advisory functions as may be delegated to it by the provision of the Code and other action of the Council.

It should be noted that all Board, Commission and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. In addition, any person appointed to be a member of a Board, Commission or Committee must be an elector of, and actually reside in, the City of Burbank.

Recommendation:

Staff recommends that the Council consider the applications submitted and make one appointment to the unexpired term on the Civic Pride Committee ending June 1, 2005.

9. CONSIDERATION OF PLACING A MEASURE ON THE APRIL 12, 2005 GENERAL ELECTION BALLOT TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX:

The purpose of this report is to request that the Council consider placing a measure on the April 12, 2005 General Election ballot seeking voter approval to increase the City's Transient Occupancy Tax (TOT) rate from 10 percent to 12 percent.

The TOT, otherwise known as a "bed tax," is currently a 10 percent tax applied to the cost of occupying a room in a hotel, inn, motel, tourist home or other lodging facility (hereinafter referred to as facility operators) within the City's limits. It does not apply to persons who use the facility as their residence or stay in the facility for a calendar month (30 consecutive days) or more.

There are currently 16 facility operators in Burbank who remit TOT to the City, totaling

\$3.5 million in Fiscal Year (FY) 2002-03, \$4.2 million in FY 2003-04 and estimated at \$4.2 in FY 2004-05.

As of FY 2003-04, the TOT represents approximately 3.7 percent of the City's General Fund revenue. It was initially adopted in 1964 at a rate of four percent, and eventually increased over the years to 10 percent in 1983. It has remained at 10 percent for over 20 years.

Given that the TOT is paid primarily by non-residents who also use City services including public safety, public transportation and streets, it is only equitable they should also contribute to fund these services. Thus, the TOT allows the City to raise additional revenue necessary to accommodate this increased demand by taxing the actual recipients of the services.

The TOT is a general tax with the revenues collected placed in the City's General Fund to be allocated to various General Fund expenditures including Police and Fire services. As with all General Fund revenues, the Council has full appropriation discretion and authority over how the TOT proceeds are expended.

Since Burbank is contemplating putting the approval of the increase of the TOT from 10 percent to 12 percent before the voters, cities with TOT's were surveyed for comparison purposes. A focus of this survey were comparison cities (those cities which Burbank uses routinely as benchmarks for various comparisons [salary, tax rates, etc.]) as well as California cities surrounding airports similar to the Bob Hope Airport.

The overall average TOT rate is 11.1 percent, and Burbank's comparison cities average 11.6 percent. Fourteen, or over half, of the 23 cities surveyed charge more than 10 percent. Clearly, Burbank is well below the survey California cities' average. It should also be noted that the City of Santa Monica has put a measure on the November General Election ballot seeking voter approval to raise the TOT from 12 percent to 14 percent.

Taking all factors into account, it is certainly reasonable for the Council to consider increasing Burbank's TOT to 12 percent. Every half percent increase in the TOT equates to approximately \$210,000 in additional revenue to the City (based on the FY 2003-04 projected revenue). If the TOT were increased to 12 percent, this would equate to over \$800,000 in incremental revenue to Burbank. With this and the next few years being challenging budget years for the City, the State of California, and the Federal government, an increase in the TOT would certainly help Burbank to maintain existing services and programs. The increase of the TOT has been identified as an item in the City's Long Range Budget Balancing Plan as a potential way to increase City revenue.

Recommendation:

It is recommended that the Council consider directing staff to prepare an ordinance that

would place a measure on the April 12, 2005 General Election ballot seeking voter approval to increase the Transient Occupancy Tax from 10 percent to 12 percent.

10. PLACING AN ART INSTALLATION ON THE CHANDLER BIKEWAY:

The purpose of this report is to: propose additional Public Art Fund procedures for adoption which can be utilized by the Council when initiating the development of a public art installation; appropriate \$50,000 from the Public Art Fund to finance an art installation or installations on the Chandler Bikeway; and, request direction for staff to initiate a procedure which will recommend an art proposal to the Council for approval.

The Public Art Fund was created as an option for developers who do not desire to install on-site art. A one percent obligation is contributed to this fund which is to be utilized for maintaining publicly-owned art, enhancing new proposals and developing additional art installations on publicly-owned property. Currently, there is approximately \$375,000 in the fund.

Staff is proposing that the Public Art Fund Procedure be expanded to include an additional separate section of procedures. All existing procedures would remain as Option 1. Option 2 would only be utilized by Council-initiated projects. However, Council could select to utilize Option 1 if that was their desire.

Option 2 Procedure for Public Funded Art (Council-initiated projects):

- 1) Establish a committee to select an artist or specific art installation which would be recommended to the Council for final approval and funding.
- 2) If a committee is not desired, direct staff to contact a specific artist, or artist's representative concerning a potential art installation, which will be brought back to the Council for final approval and funding.
- 3) Direct staff to negotiate a price for a specific art work. The cost of the piece will be brought back to the Council for approval and funding.

Staff, with the Art in Public Places Committee's concurrence, will ensure that the proposed art installation will meet the Art in Public Places Ordinance's criteria.

Adding this proposed option to the existing adopted Public Art Fund Procedure will allow the Council flexibility when it is their desire to move forward with a public art installation. The existing procedures will continue to be utilized for all publicly-funded art projects initiated by entities other than the Council. Option 2 will be less time consuming and, if the Council had a desire to secure a specific art installation, staff or a committee could deal directly with an artist or his/her representative resulting in potential cost savings.

Recommendation:

1. It is the recommendation of staff that the Council adopt Option 2 to the Public Art Fund Procedure, and combine it with the previous approval procedures (Option 1) and direct staff to initiate the desired procedures to select art which will be recommended to the Council for approval.
2. Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET BY APPROPRIATING \$50,000.00 TO PROVIDE PUBLIC ART INSTALLATIONS ON THE CHANDLER BIKEWAY AND REVISING THE PUBLIC ART PROCEDURES.

ADOPTION OF PROPOSED ORDINANCE:

11. 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 Council and the Redevelopment Agency Board (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.

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.

This ordinance was introduced at the October 19, 2004 Council meeting.

Recommendation:

Adoption of proposed 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.

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](http://www.ci.burbank.ca.us)**