



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, NOVEMBER 16, 2004
4:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

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

- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
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.

5:30 P.M.

COMMUNITY SERVICES BUILDING DESIGN STUDY SESSION:

Staff will present the results of the November 4, 2004, Design Study Session that was held to address the exterior building design of the Community Services Building Project.

In general, the results listed below represent the primary concerns Council Members identified at the November 4, 2004 Design Study Session that staff and Leo A. Daly (Daly),

the project architect, will address as part of this follow-up session.

1. Provide alternatives for a “warmer” material palette than currently designed for all building exterior elements except the green tinted glass which is acceptable.
2. The water fountain design shall be active.
3. An accent material and color such as black onyx around windows and/or door openings, shall be considered and be compatible with changes to the material and color palette.
4. The main and secondary entrances are too cold and sterile and shall be “softened” with landscape color and other hard-scape or soft-scape modifications and/or elements.
5. A bas relief shall be considered at Third Street and Orange Grove Avenue to provide a link to City Hall.
6. Consider etching the City seal in the south elevation window.
7. Provide material alternatives for the window above the double doors at the community room, south building elevation.
8. Re-evaluate primary building set backs along Third Street and Orange Grove Avenue.

Daly will report back with alternatives for further Council input and direction.

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:

MOMENT OF SILENCE: In honor of Mathew Pavelka and all municipal employees who have lost their lives in the line of duty.

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

ANNOUNCEMENT: 2005 MUNICIPAL ELECTIONS NOMINATION PERIOD.

ANNOUNCEMENT: BURBANK LIBRARIES CLOSED FOR THANKSGIVING.

PROCLAMATION: CHILDREN’S BOOK WEEK.

PROCLAMATION: WORLD WAR II VETERANS MONTH.

RECOGNITION: WORLD WAR II VETERANS.

PRESENTATION: MIDDLE SCHOOL PRINCIPALS’ PRESENTATION ON THE

MIDDLE SCHOOL GRANT PROGRAM.

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 November 15, 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 and 3)

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. ACCEPTING A DONATION TO THE BURBANK POLICE DEPARTMENT, AND AMENDING THE FISCAL YEAR 2004-05 BUDGET FOR THE PURPOSE OF APPROPRIATING THESE MONIES:

Staff is requesting Council acceptance of monies donated to the Burbank Police Department and to appropriate the monies accordingly.

On September 28, 2004, the Burbank Police Department received a generous \$35,000 donation to the Animal Shelter from the estate of Peggy Ann Robinson. Ms. Robinson was a long time Burbank resident who was actively involved in animal care issues. She had visited the Shelter many times and was supportive of the City's efforts to provide care and find homes for Burbank's unwanted animal population. Ms. Robinson passed away in April and left a large portion of her estate to various animal causes to be selected by her trustees. Among those selected was the Burbank Animal Shelter. She stipulated that the money be used for animal health-related issues.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET AND ACCEPTING A DONATION OF \$35,000 FROM THE ESTATE OF PEGGY ANN ROBINSON TO PURCHASE MEDICAL SUPPLIES AND VACCINATIONS FOR ANIMALS AT THE BURBANK ANIMAL SHELTER.

3. APPROVING THE BURBANK FIREFIGHTERS – CHIEF OFFICER’S UNIT MEMORANDUM OF UNDERSTANDING AND AMENDING THE FISCAL YEAR 2004-05 ANNUAL BUDGET.

The purpose of this report is to request Council approval of the Fiscal Year (FY) 2004-05 compensation package for the Burbank Firefighters - Chief Officer’s Unit (BFF-COU). Staff has adhered to the City’s compensation policy which includes the following considerations: condition for the economy as reflected by the Consumer Price Index (CPI); capacity in the City’s approved budget; commitment to pay for performance; and, equity in the market place.

Staff began negotiating with the BFF-COU in October 2004. Both the City and the union have been willing to make concessions in order to reach a reasonable consensus. The end result of the negotiations is that the BFF-COU has accepted the City’s offer of a 2.40 percent salary increase effective July 1, 2004, and a 0.10 percent salary increase effective January 1, 2005. In addition to the salary increases, the City and the BFF-COU have agreed to a number of language changes that will both improve the application and implementation of the provisions of the Memorandum of Understanding (MOU).

The proposed BFF-COU MOU total percent increase to the General Fund is 2.50 percent for FY 2004-05. The recurring annual cost of this agreement is 2.60 percent.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIREFIGHTERS CHIEF OFFICERS UNIT AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET.

END OF CONSENT CALENDAR

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REPORT TO COUNCIL :

4. REVIEW OF THE FISCAL YEAR 2004-05 STATE BUDGET, THE GENERAL FUND'S FINANCIAL STATUS AS OF SEPTEMBER 30, 2004 AND THE FIVE YEAR FINANCIAL FORECAST:

Staff will provide the Council with a review of the impact of the Fiscal Year (FY) 2004-05 State budget and the City's General Fund financial status as of September 30, 2004.

The Governor signed the FY 2004-05 Enacted California State Budget (Budget) on July 30, 2004. The only change since the adopted budget is the restoration of booking fees which will add \$12,772 to the City's current revenue estimate.

Proposition 1A (Protection of Local Government Revenues) was passed by the voters on November 2, 2004. This proposition protects local governments' Sales Tax, Property Tax and Vehicle License Fee (VLF) revenue from future State raids, but will still allow for the State to borrow the funds in case of a fiscal emergency (under limited circumstances).

For the first quarter of the fiscal year, the General Fund received \$17,184,011 in revenue, which represents approximately 14.5 percent of the original estimated revenues. To put this figure in perspective, the City received 15 percent within the first quarter of FY 2003-04.

Overall, the General Fund (including the original appropriation and appropriation adjustments) has expended approximately 25 percent of recurring appropriations as of September 30, 2004. For comparison, on September 30, 2003, General Fund expenditures also represented 25 percent of recurring appropriations for FY 2003-04.

Based on the re-estimation of anticipated revenues and the adopted FY 2004-05 appropriations, the following is a recap of the FY 2004-05 budget:

Total Recurring Revenues	\$118,288,798
Less – Use of BWP Competitiveness Revenue	<u>(3,030,000)</u>
Net Recurring Revenues	\$115,258,798
Less:	
Recurring Appropriations	(115,580,444)
Potential Impact of Anticipated MOUs	(902,000)
Plus:	
Savings from Frozen Positions	2,025,060
Anticipated PERS Contributions Paid by Police Safety	<u>681,000</u>
Recurring Balance	<u>\$ 1,482,413</u>

Undesignated Fund Balance, July 1, 2004	\$4,851,227
Plus:	
Non-Recurring BAF Revenues	40,425
Non-Recurring Airport Police Overtime	390,000
Park Development Fees	173,624
Use of Set-aside UUT and In-lieu	<u>289,457</u>
Total Available Non-Recurring Sources	<u>5,744,733</u>
Less:	
Budgeted One-time Items	996,557
Increase in working capital reserves	768,000
Increase in emergency reserves	266,000
Uncompensated absences	<u>800,000</u>
Total Non-Recurring Uses	<u>2,830,557</u>
Available Non-Recurring Balance	\$2,914,176
Plus Available Recurring Balance (from above)	<u>\$1,482,413</u>
Estimated Available Fund Balance, June 30, 2005	<u>\$4,396,589</u>

The Executive Team recommends that the \$4,396,589 estimated available balance be set aside to fund the Community Services Building, Robert Ovrom Park and Police Records Management System Replacement projects.

Due to the combination of the overall economic recovery and the City's prudent spending, staff believes that the City is in a strong fiscal position for FY 2004-05, with a projected excess of \$1.4 million at the end of FY 2004-05. Due to the passage of Proposition 1A, Burbank is in a position to better project and retain revenue due to the inability of the State to divert Sales Tax, Property Tax and VLF revenue. Even if the State were to meet its "fiscal emergency" criteria in order to borrow funds from local government, Burbank's liability is capped at \$1.5 million (or 8 percent of its Property Tax). Future years are always uncertain, but compared to this time last year, the City was projecting a budget gap of \$7 million in year five (FY 2007-08). In contrast, the gap has decreased by nearly half, or to \$4 million in year five (FY 2008-09). Revenues are expected to increase at an average of 3.3 percent, while costs increase at an average of 4.2 percent. However, to put this into perspective, the five year budget gap average this time last year was \$5.2 million versus \$2.6 million at this point in time, therefore, the City's five year outlook has improved dramatically. In the meantime, staff is preparing plans to assist in the balancing of future fiscal year budgets.

Recommendation:

1. Note and file the staff report.

2. Adoption of proposed resolution entitled:
(4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
THE 2004-2005 FISCAL YEAR BUDGET AUTHORIZING FUNDING OF THE
KENNEL ATTENDANT POSITION AND APPROPRIATING THE SUM OF \$70,000.

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**