



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JANUARY 25, 2005
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 Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3

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

- c. 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.

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.

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. PUBLIC HEARINGS:

1. SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 89-7 – M. DAVID PAUL DEVELOPMENT:

The developer, M. David Paul Development, LLC, is requesting to amend Planned Development No. 89-7 to expand the project boundaries to include 0.52 acres of property along the east side of Avon Street and expand the total project entitlement by 275,000 square feet. Additionally, the project includes a Summary Vacation (Vacation Map No. V-335) of an existing, unused utility easement on the 0.52-acre property.

Recommendation:

Staff recommends that the Council continue the public hearing until February 15, 2005.

2. APPEAL OF A DECISION TO DENY A COMMERCIAL APPLICATION FOR A PERMIT TO CONDUCT A RUNNING PROGRAM:

The purpose of this report is for the Council to consider an appeal of the Park, Recreation and Community Services Director's decision to deny the Commercial Application for a permit to conduct a running program. The request by Ms. Tina Castaldi, applicant and appellant, was to approve a class held in the parking lot adjacent to

Wildwood Canyon Park and the roads around the DeBell Golf Course. It was to be held Monday through Friday from 5:00 a.m. to 6:30 a.m.

Staff received the Commercial Permit Application on December 6, 2004. The program was proposed to begin on January 24, 2005 and end on April 22, 2005. The anticipated enrollment was 50 individuals. The permit did not request to utilize an amplified sound system.

Upon receiving the Commercial Permit Application, a public notice was given to the Burbank Leader for publication and notices were mailed to residents in the surrounding neighborhood. Any interested individual was requested to forward any comments within a prescribed time frame. Over 2000 notices were mailed. Staff received 67 responses which opposed granting the permit and one response which was in favor.

The applicant anticipated 50 participants. This would create a significant increase in traffic in this area Monday through Friday. There are basically two access roads to the requested area. Even if the class participants were required to take various designated travel routes, potentially there could be as many as 25 vehicles stopping and starting at the Harvard Road and Sunset Canyon Drive intersection, as well as the Walnut Avenue and Sunset Canyon Drive intersection. Other streets leading to the access roads would also encounter increased traffic.

The proposed class would commence at 5:00 a.m. This would result in vehicles driving through residential neighborhoods as early as 4:45 a.m. Generally, programs and services which could negatively impact residential neighborhoods do not start until 7:00 a.m. The exception to this policy is the DeBell Golf Course. The course has been in operation over 45 years, and residents are aware of the need for early morning maintenance and starting times commencing at sunrise.

Given that during certain times of year it is still dark at 5:00 a.m., there would be potential safety issues. With limited light, it is difficult to see where one is running. In addition there could be concerns with vehicle traffic as they approach groups of runners.

In addition, this type of program is not compatible with the surrounding neighborhood and could create conflicts between program participants and the residents.

To mitigate some of the concerns, staff could be assigned to oversee the activity. The cost of one recreation leader working a two-hour shift would be \$150 per week. The staff member would ensure that class participants would not run through the adjacent residential neighborhood and that program leaders would not utilize an amplified sound device. However, even with supervision the neighborhood would be negatively impacted at an unreasonable early morning hour and thus the permit was denied. Ms. Castaldi appealed the denial on December 22, 2004.

The approval of the appeal by the Council would allow the applicant to conduct the

program for up to 50 participants, Monday through Friday, from 5:00 a.m. to 6:30 a.m., in the parking lot adjacent to Wildwood Canyon and the roads around DeBell Golf Course. The permit requested that the program begin January 24, 2005 thus the dates of the activity would be adjusted. Notices of this appeal were sent to the residents who received the initial notification concerning the application.

Recommendation:

It is staff's recommendation that the Council uphold the Park, Recreation and Community Services Director decision and deny the appeal.

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 3 through 12)

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. YOUTH BOARD APPOINTMENTS:

As currently structured, the Youth Board is comprised of school representatives and at-large members. A school representative is designated for each high school and middle school within Burbank. The school representatives include both the public and parochial schools in the City. All school appointments are for two-year terms.

Due to a resignation, there is a school representative vacancy at St. Finbar School which requires a mid-term appointment. There is no fiscal impact as a result of the recommended action.

Recommendation:

Based on the submitted application and recommendation from St. Finbar School, it is staff's recommendation that the City Council confirm the mid-term appointment of Jackie Balousek as the St. Finbar School representative on the Youth Board.

4. R-1 INTERIM DEVELOPMENT CONTROL ORDINANCE AND BASEMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES:

On September 14, 2004, 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 single-family residential zones while staff completes work on the ongoing study of single-family development standards. On October 26, 2004, the Council extended the IDCO through June 30, 2005 and requested that staff return in 90 days with a status report. Also on October 26, 2004, a public speaker suggested that basements not be included in the Floor Area Ratio (FAR) calculation to provide an opportunity for homeowners to create additional space without adding to the above-ground mass of the house. The Council requested that staff study this matter and return after 90 days with more information.

IDCO Status and Community Meetings:

Two community meetings on this issue have been scheduled for Thursday, January 27, 2005 and Wednesday, February 9, 2005. Both meetings will be at the Burbank High School library at 6:30 p.m. As with the previous community meetings on this issue, the purpose of these meetings is to receive community input on existing concerns with new and remodeled single-family homes and on staff's proposal for revised standards.

Staff continues to find that the interim standards have not generally affected single-family development. Of the 65 single-family projects submitted for plan check in November and December 2004, none of the proposed homes exceeds either the interim 0.45 FAR or the interim height of 23 feet to the top plate and 30 feet to the top of the roof. Further, staff has not received any Administrative Use Permit applications from applicants requesting to exceed the interim standards, as permitted under the IDCO. It appears that the interim standards are not restricting the abilities of homeowners to meet their space needs. The intent of the interim standards is to prevent the relatively small number of homes that are very large and offensive to neighborhood character. The vast majority of homeowners adding on to their homes are not proposing to build homes even as large as what would still be permitted under the interim standards.

Basements:

Currently, the total gross floor area of all enclosed structures on a property is included in the FAR calculation, including basements. Excluding basements from FAR seems logical since basements are located partially or entirely below grade and do not typically contribute to the overall mass of a house. However, there are several factors to consider, including: the affect of allowing additional living space not limited through FAR; the visual impact of basements on neighborhood character, depending upon how and where they are constructed; exiting, light and ventilation requirements for basements; the impact of basements on off-street parking demands; and, the unique impacts on sloped lots.

Staff is generally supportive of exempting basements from FAR calculations subject to certain limitations. Staff believes that a basement exempted from FAR should be mostly below grade such that the house's appearance would be substantially similar to a typical raised foundation house without a basement. Exempting basements from FAR provides homeowners with an opportunity to gain additional living space without being penalized and having to sacrifice above-grade living space in order to meet the FAR requirement.

Recommendation:

Staff recommends that the Council note and file this report, and direct staff to exempt basements from FAR calculations in the proposed set of new R-1 development standards, subject to the following requirements:

- The finished floor level of the first floor may not extend more than 24 inches above the adjoining ground surface for more than 50 percent of the perimeter of the structure;
- On lots with a grade difference of more than ten feet, the finished floor level of the first

floor may not extend more than six feet above the adjoining ground surface for more than 50 percent of the perimeter of the structure;

- The basement space exempted from FAR must be located directly beneath an enclosed space that is included in the FAR calculation (i.e. below the first floor and not below an open patio, deck or garage);
- The basement area is included in the total house square footage for the purposes of determining the number of required off-street parking spaces; and,
- The basement area in an accessory structure is counted toward the 300 square foot limitation on accessory structures before a Conditional Use Permit is required.

Staff also recommends that this issue be addressed in the comprehensive update of R-1 standards rather than being handled as a separate issue.

5. BURBANK WATER AND POWER MONTHLY OPERATIONS REPORT:

Staff has prepared the Burbank Water and Power (BWP) Water and Electric Monthly Report regarding water quality and power issues for January 2005.

WATER UPDATE

Water Quality

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

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

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	5,164,386	5,438,030	(273,644)	(5%)
Potable water sales (CCF)	5,099,585	5,179,415	(79,830)	(2%)
Reclaimed water sales (CCF)*	250,193	212,219	37,974	18%
Potable Revenues	\$8,029	\$8,810	(\$782)	(9%) (A)
Reclaimed and Power Plant Revenues	322	288	34	12%
Total Operating Revenues	\$8,351	\$9,099	(\$748)	(8%)
WCAC	3,644	3,787	143	4%
Gross Margin	\$4,707	\$5,312	(\$605)	(11%)
Operating Expenses **	3,886	4,101	215	5%
Operating Income	\$821	\$1,211	(\$390)	(32%)
Other Income/(Expenses) **	454	193	262	136% (B)
NI before Contr. & Transfers	\$1,275	\$1,404	(\$128)	(9%)
Transfers (In Lieu) **	(393)	(452)	(59)	13%
Contributed Capital (A.I.C) **	1,150	327	823	251%
Change in Net Assets (Net Income)	\$2,032	\$1,279	\$753	59%

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

** Year-to-date actual: July-November actual and December budget

(A) Staff is reviewing BWP's accounting policy for WCAC. Presently, revenues are reduced by the amount of the WCAC over-collection by \$482k.

(B) Income from closing of old projects. YTD impact is \$206k.

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

Water (In thousands)	Balance	Recommended
	12/31/2004	Reserves
Unrestricted Cash		
General Operating Reserve	\$4,179	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$6,986	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,347	\$1,185
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$731	\$542
Parity Reserve Fund	\$811	\$794
Sub-Total Restricted Cash	\$4,988	\$4,621
Total Cash	\$11,974	\$12,631

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for Fiscal Year 2004-05 through December 31, 2004 as compared to the entire FY 2003-04:

Reliability Measure	Fiscal Year 2003-04	Fiscal Year 2004-05
Average Outages Per Year	0.3993	0.1200
Average Outage Duration	50.05 minutes	71.1 minutes
Average Service Availability	99.9961%	99.9964%

Financial and Operations Update

FY 2004-05 year-to-date preliminary Power Financial Results as of December 31, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	602,530	607,244	(4,714)	(1%)
Weather Normalized NEL MWh	610,177	607,244	2,933	0%
Retail Sales MWh	570,485	576,978	(6,493)	(1%)
Retail Revenues	\$71,751	\$73,779	(\$2,028)	(3%)
Other Revenues	1,113	1,035	79	8%
Retail Power Supply & Transmission expenses	(38,053)	(42,002)	3,949	9%
Retail Gross Margin	\$34,812	\$32,812	\$2,000	6%
Wholesale Revenues	68,803	25,000	43,803	175%
Wholesale Power Supply	(66,505)	(23,250)	(43,255)	(186%)
Wholesale Gross Margin	\$2,298	\$1,750	\$548	31%
Gross Margin	\$37,110	\$34,562	\$2,548	7%
Operating Expenses *	(16,527)	(16,887)	360	(2%)
Operating Income	\$20,583	\$17,674	\$2,909	16%
Other Income/ (Expense) *	(866)	(1,048)	182	17%
NI before Contr. & Transfers	\$19,716	\$16,626	\$3,091	19%
Transfers In/(Out) - (In lieu) *	(4,106)	(4,611)	505	11%
NI before Contributions	\$15,610	\$12,015	\$3,595	30%
Contributed Capital (A.I.C) *	625	1,379	(754)	(55%) (A)
Change in Net Assets (Net Income)	\$16,236	\$13,394	\$2,842	21%

() = Unfavorable

* Year-to-date: July-November actual and December budget

(A) BWP received a \$525k reimbursement from SCPPA for labor and projects related to MPP. These funds are applied against MPP expenses and offset the retail power supply expenses.

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

Electric (In thousands)	Balance	Recommended
	12/31/2004	Reserves
Unrestricted Cash		
General Operating Reserve	\$43,300	\$41,000
Capital and Debt Reduction Fund	\$10,000	\$15,100
Fleet Replacement Reserve	\$3,000	\$4,500
General Plant Reserve	\$800	\$1,170
Bond Cash	\$5,051	\$0
Sub-Total Unrestricted Cash	\$62,151	\$61,770
Debt Service Fund & Other Restricted Cash	\$7,201	\$5,107
Parity Reserve Fund	\$11,122	\$10,892
Sub-Total Restricted Cash	\$18,323	\$15,999
Total Cash	\$80,474	\$77,769

Recommendation:

Note and file.

6. AUTHORIZING THE ACCEPTANCE OF A FISCAL YEAR 2004 URBAN AREAS SECURITY INITIATIVE GRANT AND AMENDING THE FISCAL YEAR 2004-05 BUDGET BY APPROPRIATING FUNDS:

The purpose of this report is to request Council authorization for the City Manager to accept \$814,164 in Urban Areas Security Initiative (UASI) Grant funds for the Fire Department and amend the Fiscal Year (FY) 2004-05 budget by appropriating the funds.

The Federal Department of Homeland Security (DHS) is providing financial assistance to 30 selected urban areas through the FY 2004 UASI Grant Program to address the unique equipment, training, planning, exercise, and operational needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism. As one of these identified urban areas, the City of Los Angeles formed a Los Angeles Urban Area (LAUA) working group to assess the needs of the region, identify key projects and allocate their \$28,101,720 in grant funds accordingly. As a result, the City of Burbank was identified to receive grant funding in several categories including Emergency Management, Hazardous Materials (Haz Mat), Urban Search and Rescue (USAR) and Training, for a total of \$814,164.

This is a reimbursement grant and does not require matching funds. Staff is requesting that the Council accept the grant and appropriate the funds to the Fire Department to facilitate grant expenditures.

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 FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FY 2004 URBAN AREAS SECURITY INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$814,164 FROM THE DEPARTMENT OF HOMELAND SECURITY OFFICE FOR DOMESTIC PREPAREDNESS.

7. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR TRAFFIC IMPACT ANALYSIS OF THE PROPOSED A-1 NORTH DEVELOPMENT (2555 NORTH HOLLYWOOD WAY):

Zelman Development submitted applications to the City in 2003 for a tentative parcel map, conditional use permits, and Development Review for a proposed restaurant, service station and office development on the A-1 North property located at 2555 North Hollywood Way.

Kimley-Horn and Associates (KHA) was selected to conduct the traffic impact analysis for the proposed project and a Professional Services Agreement (PSA) was executed with KHA in the amount of \$49,115. As the traffic study progressed, the proposed project was revised several times by the applicant and the number of required tasks related to the traffic study increased. The PSA was amended and increased to \$71,165 to cover the cost of the additional services. As a result of the Burbank-Glendale-Pasadena Airport Authority's proposal to purchase about 27 acres of the 31-acre A-1 North property and use the property for parking, the proposed project has again been revised. The currently-proposed project would occur on about four acres of vacant land along the Hollywood Way frontage of the property. The proposed project is separate and independent from the Airport Authority's proposal. Zelman Development's proposed project now includes three drive-through restaurants, one restaurant with no drive-through and a multi-tenant "strip mall" restaurant building for smaller restaurant tenants, with no service station or office uses.

Because of these most recent project revisions, additional traffic analysis work is required. The cost for this work is \$5,950, for a total contract amount to \$77,115. Per City policy, the maximum PSA amount that may be approved by the City Manager is \$75,000. All PSAs over \$75,000 are subject to approval by the Council. Per the City of Burbank Fee Resolution, the project applicant is required to deposit with the City the amount of the contract plus a ten percent administrative fee. Because this deposit must be made prior to the execution of the PSA and payment of any fees to KHA, there would

be no fiscal impact to the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KIMLEY-HORN AND ASSOCIATES FOR PREPARATION OF A TRAFFIC STUDY.

8. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR THE SAN FERNANDO CORRIDOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECT, BID SCHEDULE NO. 1155:

Staff requests Council approval of contract documents and the award of a construction contract for Bid Schedule No. 1155, San Fernando Corridor Intelligent Transportation Systems (ITS) Project to KDC, Inc., dba Dynalectric.

The cities of Burbank and Glendale offered a joint proposal to the Los Angeles Metropolitan Transportation Authority (MTA) for an intelligent transportation project to effectively manage traffic congestion on the surface street network from incidents and recurring traffic congestion on Interstate 5. The ITS system includes Closed Circuit Television (CCTV) sites, Dynamic Message Signs (DMS), traffic signal system coordination and a congestion detection (system detectors) to identify and control congestion along the San Fernando corridor. These management devices are connected to traffic control centers in each city by a fiber optic communications network. MTA approved and funded the joint project.

Bid Schedule No. 1155 was initially advertised on December 1, 2004, and the bid opening was held on Tuesday, December 21, 2004. Project plans and specifications were given to seven contractors and five contractors submitted bids. One contractor was disqualified because their bid package was incomplete.

Dynalectric submitted the lowest responsible bid of \$3,162,654.46. This contractor is currently completing the Media District ITS project in Burbank, which included the installation of similar ITS devices.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE SAN FERNANDO INTELLIGENT TRANSPORTATION SYSTEMS PROJECT, BID SCHEDULE NO. 1155.

9. AWARDING AN ANNUAL CONTRACT TO PERFORM ASPHALTIC CONCRETE AND PORTLAND CEMENT CONCRETE REPAIRS FOR WATER, ELECTRIC AND FIBER OPTIC SERVICES PROJECTS FOR BURBANK WATER AND POWER, BID SCHEDULE NO. 1178:

Staff requests Council approval to award a contract under Bid Schedule No. 1178, Annual Contract for Asphaltic Concrete and Portland Cement Concrete Repairs, to Paveco Construction, Inc. The contract allows continuing street repairs in response to water and electrical service installation work. The budgeted amount for this contract is \$250,000. All paving work done during the term of this contract for the current and next fiscal year will be funded directly from budgeted and approved Capital Projects, or Operation and Maintenance activities.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE ANNUAL CONTRACT FOR ASPHALTIC CONCRETE AND PORTLAND CEMENT CONCRETE REPAIRS PROJECT, BID SCHEDULE NO. 1178.

10. AUTHORIZATION TO ACCEPT A CALTRANS BICYCLE TRANSPORTATION ACCOUNT GRANT FOR THE BEACHWOOD ENHANCED CLASS III BIKEWAY AND AMENDING THE FISCAL YEAR 2004-05 BUDGET:

Staff requests that the Council adopt the proposed resolution authorizing the acceptance of a Caltrans Bicycle Transportation Account Grant in the amount of \$265,500, with a local match requirement of \$29,500, for the construction of the Beachwood Enhanced Class III Bikeway.

Staff proposes to implement the Beachwood Bikeway as a Class III, on-street, signed route enhanced with additional signage, pavement stencils and traffic signal improvements to facilitate easy bicycle travel on lighter-traveled streets. The route would follow Beachwood Drive between Riverside Drive and Clark Avenue, Clark Avenue between Beachwood Drive and Mariposa Street, and Mariposa Street between Clark Avenue and the Chandler Bikeway.

The project includes new traffic signals at Beachwood/Alameda, Beachwood/Verdugo, and Beachwood/Olive to facilitate bicycle travel across these busy arterial roadways. These signals would feature bicycle detection and timing to sense the presence of a cyclist while discouraging automobile through traffic on Beachwood Drive. The project also includes upgrading the existing signal at Mariposa/Magnolia and

Mariposa/Riverside with bicycle detection and timing favorable to cyclists. The route would also feature additional signage including destination routing to and from the Chandler Bikeway and the Los Angeles River Bikeway to reinforce the route as a regional bicycle connector. Finally, this project would consider usage of a new Class III roadway stencil (recently considered for approval by the California Traffic Control Devices Committee) alerting drivers of the roadway's status as a preferred cycling route.

The Beachwood Enhanced Class III Bikeway would provide a high-quality on-street connection between two major regional Class I Bike Paths. It would connect the existing Chandler Bikeway in Burbank and North Hollywood, along with the Metropolitan Transportation Authority (MTA) Orange Line Bikeway currently under construction to the Los Angeles River Bikeway. When completed, cyclists would have a virtually uninterrupted route extending from Warner Center to Downtown Los Angeles. Locally, the route would provide an important north-south connection within the City as an alternative to busy arterials such as South Victory Boulevard or Buena Vista Street. As part of the overall Master Plan of routes, the Beachwood Bikeway provides an important segment of a larger bicycle network potentially connecting residential areas to commercial and employment centers.

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 FOR THE PURPOSE OF RECEIVING AND APPROPRIATING BICYCLE TRANSPORTATION ACCOUNT GRANT FUNDS IN THE AMOUNT OF \$265,500 FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND THE CITY'S LOCAL CONTRIBUTION IN THE AMOUNT OF \$29,500 FOR THE BEACHWOOD ENHANCED CLASS III BIKEWAY.

11. REWARD POLICY FOR INFORMATION LEADING TO THE APPREHENSION AND/OR CONVICTION OF PERSONS GUILTY OF CRIMINAL ACTIONS:

In the past, the Council has approved offering a monetary reward for information leading to the apprehension and/or conviction of persons guilty of committing high profile crimes within the City. Offering these rewards often encourages reluctant witnesses to provide information to assist in the investigation. Most recently, the Council offered a \$15,000 reward in the Sharon Santos murder investigation and a \$50,000 reward in the Officer Matthew Pavelka murder investigation.

To facilitate the use of monetary rewards in high profile crime investigations in the future, staff is requesting Council approval of a policy that will govern the use and administration of these rewards.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING A REWARD POLICY FOR INFORMATION LEADING TO THE APPREHENSION AND/OR CONVICTION OF PERSONS GUILTY OF CRIMINAL ACTS.

12. REORGANIZATION OF THE INFORMATION TECHNOLOGY DEPARTMENT AND ESTABLISHMENT OF NEW TITLES, SPECIFICATIONS, AND SALARY RANGES:

The information technology industry is extremely fast paced and must continually strive to keep up with an ever-changing environment. The City of Burbank's Information Technology (IT) Department was last reorganized in 2000 but now requires new skills and training to meet the evolution of the industry and the increasing needs of the City's infrastructure. Since March 2003, the IT Department has been undergoing a comprehensive review of all of the Department's job titles and duties below the level of Division Manager. This effort culminated in the development of new titles, specifications, and salaries with the appropriate skills sets and training requirements to meet the Department and the City's needs and created an appropriate career progression. These new titles and specifications will also assist the Department in recruiting for highly specialized fields.

As shown in the chart below, these new classifications will be Civil Service positions with the exception of five "Z" group classifications. None of the new classifications will be included in the City's Conflict of Interest Code. Five of these classifications will be represented by the Burbank City Employees Association (BCEA) and subject to the Fair Labor Standards Act (FLSA), 12 will be represented by the Burbank Management Association (BMA) and not subject to the Fair Labor Standards Act (FLSA), and five classifications will be unrepresented management ("Z" group) and not subject to the Fair Labor standards Act (FLSA).

CTC No.	Classification Title	Bargaining Group	Salary Schedule	Salary Range
0942	Technical Support Analyst I	BCEA	#1255	\$3110-\$3884
0943	Technical Support Analyst II	BCEA	#1385	\$3541-\$4423
0944	Technical Support Analyst III	BMA	#1511	\$4017-\$5016
0947	Technical	BMA	#1707	\$4886-

	Support Analyst IV			\$6102
0554	Network Support Analyst I	BCEA	#1333	\$3362-\$4199
0555	Network Support Analyst II	BMA	#1467	\$3844-\$4800
0556	Network Support Analyst III	BMA	#1687	\$4789-\$5981
0557	Network Support Analyst IV	Z	#1833	\$5542-\$6921
0426	Information Systems Analyst I	BCEA	#1382	\$3531-\$4409
0427	Information Systems Analyst II	BMA	#1520	\$4053-\$5062
0428	Information Systems Analyst III	BMA	#1742	\$5060-\$6319
0429	Information Systems Analyst IV	Z	#1941	\$6173-\$7710
0031	Applications Development Analyst I	BCEA	#1382	\$3531-\$4409
0032	Applications Development Analyst II	BMA	#1520	\$4053-\$5062
0033	Applications Development Analyst III	BMA	#1742	\$5060-\$6319
0034	Applications Development Analyst IV	Z	#1941	\$6173-\$7710
0277	Database Administrator I	BMA	#1770	\$5204-\$6498
0278	Database Administrator II	BMA	#1901	\$5931-\$7408
0279	Database Administrator III	Z	#2058	\$6939-\$8666
0576	Operating Systems Analyst I	BMA	#1502	\$3981-\$4971
0577	Operating	BMA	#1633	\$4538-

	Systems Analyst II			\$5667
0578	Operating Systems Analyst III	Z	#1790	\$5309-\$6630

The Civil Service Board approved these establishments at their regular meetings on May 5, 2004, August 12, 2004 and September 1, 2004.

There will be no fiscal impact to the Fiscal Year 2004-05 budget from the establishment of these titles, specifications and salary ranges. The increases from the salary changes will be absorbed through salary savings from the vacant GIS Coordinator position. The recurring budget impact of approximately \$35,000 will be addressed by the IT Department through the annual budget process.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF APPLICATIONS DEVELOPMENT ANALYST I (CTC No. 0031) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF APPLICATIONS DEVELOPMENT ANALYST II (CTC No. 0032) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF APPLICATIONS DEVELOPMENT ANALYST III (CTC No. 0033) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF APPLICATIONS DEVELOPMENT ANALYST IV (CTC No. 0034) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF DATABASE ADMINISTRATOR I (CTC No. 0277) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
6. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF DATABASE ADMINISTRATOR II (CTC No. 0278) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

7. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF DATABASE ADMINISTRATOR III (CTC No. 0279) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
8. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF INFORMATION SYSTEMS ANALYST I (CTC No. 0426) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
9. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF INFORMATION SYSTEMS ANALYST II (CTC No. 0427) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
10. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF INFORMATION SYSTEMS ANALYST III (CTC No. 0428) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
11. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF INFORMATION SYSTEMS ANALYST IV (CTC No. 0429) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
12. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF NETWORK SUPPORT ANALYST I (CTC No. 0554) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
13. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF NETWORK SUPPORT ANALYST II (CTC No. 0555) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
14. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF NETWORK SUPPORT ANALYST III (CTC No. 0556) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
15. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF NETWORK SUPPORT ANALYST IV (CTC No. 0557) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
16. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF OPERATING SYSTEMS ANALYST I (CTC

No. 0576) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

17. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF OPERATING SYSTEMS ANALYST II (CTC No. 0577) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
18. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF OPERATING SYSTEMS ANALYST III (CTC No. 0578) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
19. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF TECHNICAL SUPPORT ANALYST I (CTC No. 0942) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
20. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF TECHNICAL SUPPORT ANALYST II (CTC No. 0943) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
21. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF TECHNICAL SUPPORT ANALYST III (CTC No. 0944) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
22. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF TECHNICAL SUPPORT ANALYST IV (CTC No. 0947) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL :

13. CONTINUED DELIBERATIONS ON THE AIRPORT DEVELOPMENT AGREEMENT AND RELATED ACTIONS:

This item was continued from the January 18, 2005 meeting for Council deliberation.

On January 18, 2005, the City Council held a public hearing to consider adoption of a Development Agreement (Agreement) and related project approvals affecting development at the Bob Hope Airport. The report prepared by staff to analyze the proposed Agreement and related actions recommended that the Council approve the following:

- 1) A Development Agreement between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority (Authority), proprietor of the Bob Hope Airport (Airport);
- 2) A California Public Utilities Code (PUC) Section 21661.6 application, Planned Development, and Development Review to authorize acquisition by the Authority of a portion of the A-1 North site located at 2555 North Hollywood Way and use of the property for a surface parking lot, relocated Airport access road and related facilities;
- 3) PUC Section 21661.6 application and Planned Development to authorize use of a portion of the Airport Adjacent Property located at 2729 North Hollywood Way at the terminus of Winona Avenue as a surface parking lot;
- 4) Amendment to Title Transfer Agreements and related documents for Trust and Adjacent Properties;
- 5) A Zone Text Amendment to replace the existing Airport Approach Map with a proposed Federal Aviation Administration (FAA) Filing Requirement Map that would dictate when a proposed structure would be required to undergo FAA review based upon the height and location of the structure;
- 6) A Burbank Municipal Code (BMC) amendment to require noise attenuation measures for all new residential structures located within the 60 dB CNEL contour; and,
- 7) Issuance of bonds by the Authority for the purchase of the A-1 North property pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA).

AIRPORT ZONING AND DEVELOPMENT AGREEMENT HISTORY

In August 2002, the Council adopted an Interim Development Control Ordinance (IDCO) that restricted development in the Airport Zone and allowed only certain minor projects to go forward. The Council extended the IDCO as authorized by State law for a total of two years, expiring in August 2004. In adopting the IDCO, the Council directed staff to prepare a zoning amendment to establish development standards and other development controls for the Airport Zone.

In April 2004, at the direction of the Council, staff met with Authority staff to discuss and receive input on the proposed zoning amendments. At that meeting, Authority staff suggested that, as an alternative to the proposed zoning, the City and the Authority enter into a development agreement to address development at the Airport for a certain period of time. Staff continued discussions with the Authority to determine whether an agreement might be possible. Based upon direction from the Council, staff temporarily suspended work on the rezoning to pursue the Agreement. The general terms of the proposed Agreement were announced at the Council meeting of June 22, 2004.

DEVELOPMENT AGREEMENT

The proposed Agreement would regulate development at the Airport for a period of seven years and would prohibit pursuit and construction of a new passenger terminal for a period of 10 years. The purpose of the Agreement is to provide greater certainty in relations between the City and the Authority and to provide a balance between projects that will meet the Authority's expected needs during the term of this Agreement and the desire to avoid projects that may adversely affect the City, its residents and property owners in the vicinity of the Airport. The most significant terms of the Agreement are as follows:

1. Vested Rights to Zoning: The Authority would receive vested rights to the current use and development standards of the Airport and M-2 zones, and certain other City laws for the seven-year term of the Agreement. This means that the zoning regulations in place at the time the Agreement is adopted will be locked in place for seven years as they apply to property that is subject to the Agreement, including portions of the Trust Property and the Airport parking lots located east of Hollywood Way.
2. Clarification of Airport Zone Uses: The Agreement memorializes an interpretation of the currently-permitted uses in the Airport Zone. The Agreement clarifies that uses such as aircraft hangars, air cargo facilities, emergency response facilities, airport-related parking, and car rental facilities are considered airport-related uses and permitted by right within the Airport Zone. Under the Agreement, such uses would not be subject to further City review or discretionary action.
3. Development Review Exemptions: Generally, all new or expanded building projects in the City are required to go through the Development Review process, but certain minor projects are exempt. The Agreement identifies nine types of projects considered exempt from Development Review. This means that during the seven-year term of the Agreement, any project that the Authority wishes to pursue that falls into one of the nine categories would not be required to go through the Development Review process.
4. Prohibitions on Development: The Authority would be prohibited under the Agreement from taking certain actions related to expanding the existing terminal and other Airport facilities, or building a new terminal. For the seven-year term of the Agreement, the Authority could not:
 - a. expand the square footage of the existing terminal building beyond its existing footprint except that the Authority may 1) enclose the existing covered Terminal A baggage claim area, 2) reconfigure internal terminal space, 3) remodel or re-face the exterior of the existing terminal building, 4) rebuild the terminal in the event it is destroyed by natural causes or an accident, or 5) provide additional terminal space if mandated by Federal law or directive;

- b. increase the number of passenger gates above the 14 existing gates;
- c. create any remote aircraft parking positions for commercial airline passengers above the 14 existing gates;
- d. increase the cumulative gross square footage of Airport land area allocated for general aviation uses;
- e. construct new buildings within the Building Restriction Line (except behind the existing terminal building); or,
- f. construct or provide parking facilities (other than employee parking) except where such parking already exists, as explicitly permitted by the Agreement, and on the Southwest Quadrant of the Airport beginning four years from the date the Authority begins using the A-1 North property.

For a period of 10 years from the effective date of the Agreement, the Authority could not take any of the following actions related to a new or relocated passenger terminal building:

- a. commence public review or publicly announce the intention to prepare any environmental document related to a plan or plans for a terminal building;
- b. submit applications for funding or permits for a terminal building to any local, State, or Federal agency; or
- c. take any action that would establish a deadline for the City to take public action or position on a plan for a terminal building.

In summary, the Authority could not publicly plan for or seek authorization to proceed with building a new passenger terminal for 10 years from the effective date of the Agreement.

5. Limitations on Parking: The parking modifications that would occur with the proposed Agreement would result in a net decrease of 316 parking spaces at and around the Airport. The following changes would occur in the number of passenger, employee and rental car spaces:

- Lot A and Adjacent Property: no change in passenger (self-park) spaces; increase of 385 employee spaces
- Trust Property: decrease of 1,265 passenger (valet) parking spaces; decrease of about 200 rental car spaces (elimination of all parking)
- A-1 North: increase of 764 passenger (valet and/or self-park) spaces
- Main Terminal Lots (south of Terminal A and east of Terminal B): no net change in total passenger and employee spaces
- Lot B and Lot C: no change in passenger (self-park) spaces
- Net Total: Decrease of 316 parking spaces

The number of parking spaces on the Adjacent Property (relocated Lot A) and the A-1 North property would be capped by the Agreement and related approvals. The elimination of all parking from the Trust Property would be permanent.

6. Limitations on Use of the B-6 Property: As noted above, the Authority would receive vested rights to the zoning on the B-6 Property. However, the Agreement provides that the property could not be used for any airport-related purposes (except for Parking Lot A), whether or not such uses would be permitted under the zoning. As noted above, the Agreement would also require the removal of all parking from the Trust Property. Additional limitations on the B-6 Property are addressed in the proposed amendments to the Title Transfer Agreements.
7. Street Realignment Project: The City and the Authority would agree to cooperate in realigning the intersection of Hollywood Way, Thornton Avenue and the Airport access road. Thornton Avenue and the access road are currently offset from one another. Per the Agreement, the Authority would purchase the needed land and the City and Authority would split the cost of the improvements, including signals, curbing and paving to align Thornton Avenue with the access road.
8. Limitations on City Planning of Airport Property: The City would agree under the Agreement not to engage in planning activities related to a new passenger terminal or to the Airport property in general. During the seven-year term of the Agreement, the City could not do any of the following:
 - a. Publicly announce preparation of a master plan, specific plan, comprehensive plan, or zone change that provides specific development standards for a new or relocated passenger terminal building;
 - b. Commence public review or publicly announce the intention to prepare an environmental document related to any of the above; or
 - c. Take any action that would require the Authority to take any public action or position regarding plans for a new terminal pursuant to law or as a requirement for any other approval.
9. City and Authority Cooperation on Zoning Issues: The City Manager and the Executive Director of the Airport Authority recently established an informal "Airport Land Use Working Group" composed of City and Authority staff. No later than five years after the effective date of the Agreement, the group would meet to discuss possible courses of action following the termination of the Agreement, including extending or modifying the Agreement, returning to the pre-Agreement status quo, or adopting new zoning regulations.
10. City and Authority Cooperation on Noise Issues: The City Manager and the Executive Director of the Airport Authority also recently established an informal "Noise Working Group" composed of City and Authority staff. The Authority has been working on a noise study (the Part 161 Study) for several years that examines alternatives for a mandatory curfew. The purpose of the group is to "develop objectives, process, timing and measures to address how to achieve nighttime noise relief and how or whether to continue the Part 161 Study."

11. Transient Parking Tax: The City collects Transient Parking Tax from the Authority's parking operations as it does from other operators of transient parking in the City. There is currently a voter-approved cap of 12 percent on the Transient Parking Tax. Under the proposed Agreement, the Council would be prohibited during the term of the Agreement from seeking or supporting voter approval for an increase in the parking tax rate above the current 12 percent cap.
12. Electrification of Ground Support Equipment: The Authority has expressed its commitment to continue its program to enable air carriers to electrify their ground service equipment. The Agreement would require the Authority to report annually to the City on its progress. The Authority would also be required to install battery charging units at the aircraft parking positions, which would be available to all air carriers operating at the Airport. The program would commence with installation of approximately 30 such units for use by Southwest Airlines within six months of the effective date of the Agreement.
13. Limitations on Planning and Projects in the Event of Termination: The Agreement contains specific provisions for the City's and Authority's responsibilities in the event that the Authority's compliance with the Agreement becomes impossible, illegal, or would result in the Authority being ineligible to receive Federal or State grant funding or to impose, collect or use passenger facility charges. The Agreement specifies a sequence of events that would allow the City and the Authority to protect their interests in the event any provision of the Agreement terminates. Most notable among the provisions is that if the Authority elected to proceed with some project that would not have otherwise been permitted under the Agreement, the Authority would be required to prepare an Environmental Impact Report for the project.

Added Terms to Development Agreement Since Planning Board Hearing: The proposed Agreement has been the subject of negotiations for several months. At the time the Agreement was considered by the Planning Board, it was still a living document, and a few sections of the Agreement were the subject of additional negotiation and changes prior to the Council's consideration of the Agreement. City and Authority staff have reached agreement on the following terms and are continuing to work on the appropriate documentation of the terms as of the publication of this report. The resolution of these issues and resulting documentation will be addressed in an addendum to the staff report and at the public hearing on January 18, 2005.

1. Specific plan upon termination: In addition to the requirement to prepare an EIR in the event that all or a portion of the Agreement terminates, the Authority would further be required to prepare a specific plan for any project it wishes to pursue that would not have been permitted under the Agreement.
2. Air quality: The Authority has made commitments regarding the conversion of its shuttle bus fleet to alternative fuel vehicles and other air quality improvements associated with heavy vehicles. City and Authority staff have been negotiating some form of agreement by which the Authority would commit to implement that

- resolution in good faith just as the City would implement the Height Ordinance and Noise Attenuation Ordinance discussed elsewhere herein in good faith.
3. Development Review exemption: The Agreement exempts parking lots and ancillary structures serving those lots from Development Review. City and Authority staff agree that the intent of this provision is that such structures would only be exempt if the structure were less than 300 square feet, consistent with other sections of the Agreement. This would be clarified to ensure consistency.
 4. Airport Land Use Working Group: In addition to the other roles identified in the Agreement, the Airport Land Use Working Group would be authorized to consider future use of the Trust Property upon sale by the Trustee.
 5. Annual certification: The Authority would be required to provide certification to the City on an annual basis that it is complying with the terms of the Agreement and to provide a summary of projects and mitigation measures undertaken in the preceding year as authorized or required by the Agreement.

PARKING LOT A RELOCATION

The Authority is proposing to relocate long-term Parking Lot A from its current location just north of the east-west runway onto the Adjacent Property. The existing Parking Lot A contains 1,592 passenger parking spaces and 196 employee parking spaces. The relocated parking Lot A would retain the same number of passenger spaces at 1,592 and would create an additional 385 employee parking spaces for a total of 581 employee spaces. The total number of passenger and employee spaces would be 2,173. The proposed parking facility would be a surface parking lot with no above-grade parking structures. No structures are proposed as part of the project except for parking fee collection booths at the exit driveway and shelters for passengers waiting to board the circulating shuttle bus to the terminal building, which would be located throughout the parking lot. The only entrance to the parking lot would be at the intersection of Hollywood Way and Winona Avenue, where the current Lot A entrance is located. The proposed parking lot relocation would move the parking lot further away from the east-west runway and would allow the Authority to construct the completion of Taxiway D.

A portion of the Adjacent Property where Lot A would be located is zoned M-2, and airport uses conducted by the Authority are not permitted in the M-2 Zone. As such, the Authority applied for a Planned Development that would change the zoning of that land to a Planned Development Zone to allow for the parking lot use. The Planned Development Zone would provide strict zoning controls over the land and not allow it to be used for anything other than a parking lot. Use of the Adjacent Property is further governed by a plan that was previously approved by the City pursuant to PUC Section 21661.6. The Authority has applied under that Code section to amend the previously-approved plan specifically to allow the parking lot use.

Staff has reached the following conclusions about the proposed Lot A relocation:

- The proposed project would improve the margin of safety at the Airport by moving existing Lot A further away from the east-west runway.

- Although the total number of parking spaces in the relocated Parking Lot A would be greater than in existing Parking Lot A, this increase would be off-set by decreases in parking on other sites. Moreover, staff believes that the benefits of the proposed project outweigh any potential disadvantages that might result from this increase in employee parking.
- The proposed project satisfies the Planned Development design review criteria as required by the BMC and is consistent with the City's General Plan.
- The two findings required by the City's PUC 21661.6 procedures can be made to approve the Authority's application: (1) the advantages to the public of the proposed expansion outweigh the disadvantages to both the public and environment; and, (2) approval of the proposed project is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.

A-1 NORTH PROPERTY ACQUISITION AND USE

The Authority has applied to purchase 26.7 acres of the A-1 North property in two parcels, a 26.46-acre parcel and a 0.24-acre parcel. The larger parcel would be utilized for vehicle parking and storage and a relocated Airport access road and the smaller parcel would be utilized for a realigned Airport access road. As with the Lot A project, the Authority has applied to rezone the property from M-2 to Planned Development Zone to specifically allow for the proposed Airport parking lot. PUC Section 21661.6 requires the Authority to obtain Council approval before buying the property and the Authority has applied accordingly.

The Authority is proposing to relocate the north-south portion of the access road approximately 450 feet to the east such that it would run through the middle of the A-1 North property. The existing access points on Empire Avenue and Hollywood Way would remain unchanged (except for the proposed intersection improvements described below). The access road would be surrounded by surface parking on both sides. Toward the center of the A-1 North property, an underpass would be constructed to allow vehicle access between the parking areas on the east and west sides of the road.

The Authority has requested in its application the flexibility to utilize the various areas of the A-1 North property for valet parking, passenger self-parking, or new and rental car storage. The Authority has divided the property into four "zones" for planning purposes and is requesting entitlements that would allow variation in how each zone is used. The Authority is requesting authorization to construct 2,940 surface parking spaces in total among all four zones. This 2,940 would include any combination of valet, self-park, rental car storage and new car storage. The 2,940 spaces is the sum of the 2,176 spaces currently existing in the Star Park facility and 764 additional spaces that could be constructed on the six additional acres to be acquired by the Authority that are currently vacant.

Several improvements related to the valet operation are proposed for the A-1 North property. The existing car wash building at the south end of Zone 1 would be retained to provide car washing and detailing services for valet customers. The Authority proposes to construct a valet customer/operations building with an awning and porte cochere at the northwest corner of the property.

The intersection of Hollywood Way, Thornton Avenue, and the Airport access road is not aligned. As part of the proposed Planned Development, the Authority would purchase 0.24 acres of land at the northeast corner of the A-1 North property just west of the Hollywood Way right-of-way and south of the existing Airport access road. The access road would be widened approximately 25 feet to the south to accommodate two left-turn lanes onto northbound Hollywood Way, one through lane straight onto Thornton Avenue, and one right-turn lane onto southbound Hollywood Way. This action would align the Airport access road with Thornton Avenue such that the intersection accordingly would operate more safely and efficiently.

Staff has reached the following conclusions about the proposed acquisition and use of the A-1 North property:

- The proposed project satisfies the Planned Development design review criteria as required by the BMC and is consistent with the City's General Plan;
- The potential environmental effects of the project would be off-set by other parking-related projects in and around the Airport. The total number of parking spaces would decrease in the short-term and the Authority would be severely limited in its ability to increase parking in the future;
- PUC Section 21661.6 and the Planned Development Zone would limit the Authority's ability to redevelop or reuse the A-1 North property for purposes other than vehicle parking. The Authority could not reuse or redevelop the property for other purposes, including for construction of a new passenger terminal;
- The proposed realignment of the Hollywood Way/Thornton Avenue intersection would improve safety by aligning the airport access road with Thornton Avenue and further improve efficiency of vehicles moving through the intersection; and,
- The two findings required by the City's PUC 21661.6 procedures can be made to approve the Authority's application: (1) the advantages to the public of the proposed expansion outweigh the disadvantages to both the public and environment; and (2) approval of the proposed project is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.

TITLE TRANSFER AGREEMENTS

In November 1999, the City and Authority executed a series of documents controlling the use and disposition of the B-6 Property on Hollywood Way. These documents collectively are referred to as the Title Transfer Agreements. The Title Transfer Agreements were executed based on the Authority's condemnation of the B-6 Property

from the Lockheed Corporation. Although each document serves a distinct function, the documents contain overlapping requirements and obligations. Together, the Title Transfer Agreements impose the following controls on use and disposition of the B-6 Property:

- The Authority has title to the Adjacent Property but its use of the property is limited to temporary overflow parking on a portion of the property and vehicle and equipment storage by a private entity on another portion of the property.
- Title to the Trust Property is held by a Trustee. The Authority is obligated to market the Trust Property for sale. The Authority's use of the Trust Property is limited to temporary overflow parking on a portion of the property and parking by public and private entities on other portions of the property.

The proposed amendments to each of the Title Transfer Agreements are as follows:

Escrow Agreement and Trust Agreement: These two existing documents would be combined into a new single document and would provide as follows:

- References to the Authority's ability to acquire title to the Trust Property and references to the City's option to acquire the Trust Property would be deleted.
- The obligation to sell the Trust Property would be extended for 10 years. The Authority could however choose to sell the Trust Property or any portion of the property before the 10-year period expires.
- The Authority would be required to comply with detailed procedures and deadlines for marketing the Trust Property for sale.
- The Authority would keep 26 acres of the Trust Property vacant, for use only as passive open space. This provision corresponds with the acquisition of 26 acres of the A-1 North property.
- The Authority would be permitted to use the remaining 33-acre portion of the Trust Property for uses consistent with the current M-2 zoning and derive revenue from leases for such uses. However, the Authority would be prohibited from using any portion of the Trust Property for airport or related uses. The Authority would be prohibited from entering into any lease or other agreement permitting use of this portion of the Trust Property for longer than the 10-year extension period.
- The Authority would be permitted to use the Adjacent Property for the relocated Parking Lot A and for an existing studio vehicle storage facility only.

Adjacent and Trust Property Easements: The proposed amendments to these documents would continue to limit the Authority's use of the Adjacent and Trust Properties through easements and use restrictions; the fundamental nature of these agreements would not change.

Avigation Easement: The B-6 Property is subject to an avigation easement permitting aircraft overflights that will run with the land and apply to future owners. Staff is not recommending any changes to this avigation easement.

Staff recommends that the Council approve the amendments to the Title Transfer Agreements. The proposed amendments serve several valuable purposes as follows:

- The proposed amendments are consistent with the nature and purpose of the overall Agreement between the City and Authority. In particular, extending the obligation to sell the Trust Property for 10 years is consistent with the concept of a “standstill.”
- The proposed limitations on the Authority’s interim use of the Adjacent and Trust Properties provide an appropriate balance between the Authority’s interest in deriving revenue from the B-6 Property with the City’s objective of precluding airport-related uses of the property unless and until a comprehensive resolution on the issue of Airport expansion is achieved.
- Prohibiting the Authority from using 26 acres of the Trust Property for anything but passive open space provides a reasonable off-set for the Authority’s acquisition of the A-1 North Property.
- Several amendments clarify requirements and obligations that have proven contentious since the Title Transfer Agreements were executed in 1999 and streamline the documents to avoid potential confusion and dispute.

HEIGHT ORDINANCE

Federal Aviation Regulations (FAR) Part 77 establishes an imaginary surface that rises upward and outward from the Airport runways. Applicants for proposed structures that would rise above this imaginary surface are required to file notice with the FAA of the proposed construction. The FAA then determines whether the structure would pose an obstruction or hazard to air navigation. The proposed height ordinance would replace the existing Airport Approach Map in the Zoning Ordinance with an FAA Filing Requirement Map. The proposed map identifies five height zones across the City, each with criteria that identify when a project would require FAA notification. The ordinance would require applicants for projects requiring FAA notification to obtain an FAA determination before the City would issue building permits for the proposed structure. If the FAA determined that a structure would be a hazard to air navigation, the applicant would be required to obtain an Administrative Use Permit from the City before proceeding with the project. The proposed ordinance would ensure that prospective builders have followed the procedures required by Federal law to evaluate whether a structure would constitute an obstruction or hazard to air navigation.

NOISE ATTENUATION ORDINANCE

The BMC requires applicants for any multiple-family dwelling, hotel or motel projects located within the 60 dB CNEL noise contour (as identified in the General Plan Noise Element) to submit an acoustical study prior to obtaining a building permit. The study must show that the structure would be constructed so as to mitigate the impact of traffic, aircraft, and other noise on residents of the project and ensure that interior noise levels do not exceed 45 dB. The 60 dB CNEL noise contour encompasses areas adjacent to major arterial streets, freeways, and rail lines; and areas east and south of the Airport.

Single-family dwellings are exempt from the noise reduction requirements under the current Code. The proposed ordinance would amend the Code to require compliance with noise reductions standards for: (1) all new single-family residential projects; and, (2) single-family additions or remodels where more than 50 percent of the existing structure is being demolished.

In order to minimize the cost and burden on single-family homeowners, typical remodels and additions to single-family homes where the existing house is not demolished to an extent more than 50 percent would continue to be exempt from the noise reduction requirements. The proposed ordinance would establish prescriptive requirements for single-family dwellings within impacted areas with relatively lower noise levels. These prescriptive requirements would include additional insulation, window sealant, and sound-rated windows and doors. The requirement for projects in higher noise areas would be more restrictive, requiring homeowners to submit an acoustical analysis. The proposed ordinance would complement the Authority's Residential Acoustical Treatment Program by requiring noise mitigation for structures and projects not eligible for the Authority's Program but would limit the financial burden by requiring sound insulation only in the case of major improvements. The proposed ordinance would not affect most homeowners. Staff believes that this is a reasonable approach to the continuing problem of excessive noise in the community.

TEFRA BOND ISSUANCE

The Authority proposes to issue tax-exempt revenue bonds to fund the acquisition and improvement of a portion of the A-1 North property and to refund the outstanding bonds of the Authority's 1992 tax-exempt bond issue. Pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA), in order for the interest on bonds issued by the Authority to be excluded from gross income for Federal income tax purposes, an "applicable elected representative" of the host governmental unit, as well as the Authority, must approve the issuance of the bonds. Such approval must follow a public hearing, which will be held in conjunction with the public hearing on the other matters relating to the Agreement. Aside from assisting the Authority with meeting the requirements of TEFRA, the Council will have no role in the issuance of the bonds.

ENVIRONMENTAL REVIEW

On September 23, 2004, the Authority released an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Agreement and all related actions pursuant to the California Environmental Quality Act (CEQA). On October 27, 2004, the Airport Authority adopted the Final MND. As a CEQA responsible agency with jurisdiction over components of the project, the City is now required to consider the MND in deciding whether to approve the pending applications. The conclusions reached in the MND regarding the environmental impacts of the Agreement and related actions may not be changed by the Council and must be relied upon as they appear in the MND. The Council may not reach independent conclusions about the environmental impacts of the project or the validity of the analysis contained in the MND.

AIRPORT LAND USE COMMISSION

On December 8, 2004, the Airport Land Use Commission (ALUC) held a public hearing to consider the proposed actions. The ALUC voted 5-0 to determine that the proposed Agreement and related actions would be consistent with the goals and policies of the Los Angeles County Airport Land Use Plan.

PLANNING BOARD

The Planning Board held a public hearing to consider the Agreement and some of the related actions at a special meeting on December 6, 2004. Each of the four Board members present expressed their support for the proposed Agreement and related actions. The Board members generally believed that the proposed Agreement would be positive for the City. The Board voted unanimously (4-0) to recommend approval to the Council of the proposed Agreement.

MEASURE B

The BMC requires that any agreement between the City and the Authority or other discretionary act by the City for a relocated or expanded Airport terminal project be approved by Burbank voters. This requirement was adopted by the voters in 2000 as "Measure B." Staff has considered whether the proposed Agreement or any of the proposed related actions is subject to this requirement and has concluded that none of the documents or actions is subject to voter approval under Measure B. No element of any agreement, ordinance, or other document recommended for Council approval would authorize the Authority to expand or relocate the Airport terminal. On the contrary, the Agreement *prohibits* the Authority from constructing a new terminal for 10 years and *prohibits* the Authority from expanding the existing terminal for seven years.

CONCLUSION

The proposed Agreement and the related actions would provide substantial benefits to the City of Burbank.

The Agreement and related actions would provide certainty over development at the Airport for seven to 10 years. The community would be assured that the existing terminal would not be expanded for at least seven years and a new terminal could not be planned for or built for at least 10 years. The Authority would gain certainty about the zoning regulations that would apply to its property for the next seven years. Without the proposed Agreement, there would be no guarantee that the Authority would not try to expand the existing terminal building or construct a new terminal.

The Agreement would encourage cooperation between the City and Authority to accomplish the City's long-time goal of achieving meaningful noise relief at the Airport.

The Agreement includes provisions for meetings of a noise working group composed of City and Authority staff to determine a course of action for pursuing noise relief. Working together in this manner is an important step in improving relations between the City and Authority and allowing the two agencies to cooperate on critical issues.

Perhaps most important for the City, the proposed Agreement would provide the City with substantially greater protections concerning development of land at the Airport than it has today. The Agreement, planned developments, PUC approvals, and contracts impose binding and overlapping obligations that the City can enforce through various mechanisms.

Recommendation:

Adoption of proposed resolution entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSIDERING A MITIGATED NEGATIVE DECLARATION FOR THE CITY DISCRETIONARY PROJECTS RELATED TO THE BOB HOPE AIRPORT PROJECT.

Introduction of proposed ordinances entitled:

2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BURBANK AND THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY CONCERNING THE BOB HOPE AIRPORT.
3. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PLANNED DEVELOPMENT FOR PROJECT NO. 2004-169 (BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, APPLICANT) (A-1 North Property).
4. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PLANNED DEVELOPMENT FOR PROJECT NO. 2004-170 (BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, APPLICANT) (Parking Lot A Property).

Adoption of proposed resolutions entitled:

5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AMENDED, RESTATED, SUPERSEDING AND COMBINED ESCROW AND TRUST AGREEMENT; APPROVING AN AMENDED AND RESTATED GRANT OF EASEMENTS, DECLARATION OF USE RESTRICTIONS AND AGREEMENT FOR ADJACENT PROPERTY; AND APPROVING AN AMENDED AND RESTATED GRANT OF EASEMENTS, DECLARATION OF USE RESTRICTIONS AND AGREEMENT FOR TRUST PROPERTY.
6. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY'S

APPLICATION FOR APPROVAL OF LAND ACQUISITION PURSUANT TO PUBLIC UTILITIES CODE SECTION 21661.6 (A-1 PARCEL).

7. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY'S APPLICATION TO AMEND THE LAND USE PLAN PURSUANT TO PUBLIC UTILITIES CODE SECTION 21661.6(e) (PARKING LOT A).

Introduction of proposed ordinances entitled:

8. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 7 OF THE BURBANK MUNICIPAL CODE RELATING TO NOISE ATTENUATION IN RESIDENTIAL STRUCTURES.
9. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO HEIGHTS WITHIN AIRPORT APPROACH AREAS.

Adoption of proposed resolution entitled:

10. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REGARDING THE ISSUANCE OF BONDS BY THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY.

14. APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT CAPITAL PROJECTS FOR FISCAL YEAR 2005-06:

Burbank submits an Annual Plan and applications for Federal funds, including the Community Development Block Grant (CDBG), pursuant to regulations (24 Code of Federal Regulations Part 91). The Annual Plan and Final Statement describe activities/projects stated in the Consolidated Plan (Fiscal Year (FY) 2003-08).

Burbank's CDBG entitlement allocation for FY 2005-06 is \$1,350,501. When the Annual Plan and Final Statement are finalized in April 2005, capital project approvals will coincide with the amount stated below. CDBG funds total \$1.8 million and compared with 2004, this year's funding is \$140,164 higher (8 percent) due to an increase in Program Income. For 2005, capital project requests total \$1,871,350 or a gap of \$694,852 when compared to funds available (\$1,176,498).

FY 2005 CDBG FUND RESOURCES

CDBG Fund Source	Fund Amount
2005 Entitlement	\$1,339,841.00
HUD Reallocated Funds	\$ 10,660.00
Program Income (FY 2003)	\$ 459,496.00
Total CDBG	\$1,809,997.00

FY 2005 CDBG FUNDS By CATEGORY

Capital Project Funds	\$1,176,498.00
Public Service Funds (15%)	\$ 271,500.00
Program Administration Funds (20%)	\$ 361,999.00
Total Funds Available	\$1,809,997.00

Capital project fund availability and a request for proposals was advertised and noticed to departments/agencies on September 15 and 18, 2004, with proposals accepted until October 15, 2004. Five City departments and organizations submitted 11 project requests. For specific requests, prior year information is provided to clarify this year's proposals:

Code Enforcement: In the past year, City staff surveyed 12 cities with CDBG entitlement dollars similar to the City of Burbank to determine if and how they fund code enforcement activities. Of the 10 cities that responded to the survey, seven conduct their code enforcement programs similar to Burbank's. Additionally, during an August 2004 Federal audit, the auditor commented that the City operates its Code Enforcement Program within regulations.

Public Works: The Department's request for 2005 includes reconstructing Olive Avenue (Third Street to Sixth Street) at an estimated cost of \$630,000. This proposal overlaps the 2004 Olive Avenue approved project, Third Street to Glenoaks Boulevard (\$255,000). Public Works wants to change its 2004 Olive Avenue project to Third Street (Olive Avenue to Verdugo Avenue) utilizing the \$255,000 plus cost savings from 2003 (\$133,000). Although the combined total (\$388,000) falls short of the estimated cost (\$620,000), leaving a gap of approximately \$232,000, there are prior year CDBG funds available to provide the difference. This proposed change has been publicly noticed and requires City approval to amend the Consolidated Plan to undertake the Third Street project and consider the revised Olive Avenue proposal for 2005.

Burbank Unified School District (Washington Elementary School): The District has CDBG funds remaining from previous years and requests that Washington school funds for FYs 2002 (\$111,616) and 2003 (\$100,000) be combined (\$211,616) to provide for the 2002 window installation project while foregoing the 2003 playground project. The District also proposes holding the savings (\$43,306) from the 2003 Disney Elementary grass playground project to provide for contingencies on the window project. FY2004 projects for school lighting, public address system, fencing and security gate improvements would only be undertaken if funds are left over.

Burbank Unified School District (Disney Elementary School): Of the 2003 appropriation (\$125,000) originally approved, \$43,306 is left as explained above. For 2004, the \$50,000 approved will be earmarked for the lighting and public address system. Proposed changes for both Washington and Disney schools have been publicly noticed and require City approval to amend the Consolidated Plan and undertake projects. In consideration of the approval of these changes and the time/planning required to complete projects, the District has withdrawn its 2005 capital project proposals.

Burbank Temporary Aid Center (BTAC): Phase II funding is requested at \$459,900 with

total project costs now estimated at \$1,149,428, of which CDBG's total share is \$1,034,900, with the balance (\$114,528) provided by BTAC. The increased costs are attributed to higher costs for materials and labor. Phase I approved last year (\$575,000) entails demolishing the existing rear structure and constructing a new two-story addition, with a certificate of occupancy completed by July-August 2005. BTAC received bids on December 14, 2004 ranging from \$1.1 to \$1.3 million that include both phases of the project. These bids are currently under review.

Build Rehabilitation Industries: Build's 2003 project (\$31,000) to convert two bathrooms in compliance with Americans with Disabilities Act (ADA) provisions generated only one bid which was over budget. Build now plans to combine the bathroom project with the projects approved for 2004 (\$60,000) which will be completed by July 2005. The completion of these projects will clear the way for newly-planned training rooms, which is entailed in Build's proposal for 2005.

The Community Development Goals Committee met on November 18, 2004, to review proposals and make recommendations. The Committee's rationale for project approvals is predicated on creating a direct/visual impact, benefiting the appropriate citizenry, or providing funds where resources are limited or non-existent.

Consistent with this methodology and in keeping with the Committee's traditional view to not fund City staff costs with CDBG funding is a zero recommendation for License and Code Services Code Enforcement Program. The Committee recommends partial funding for Public Works projects to be utilized by the Department on priority projects at their discretion.

Department/Organization	Recommendation
Public Works Dept. (All Projects)	\$638,598
CDD-Code Enforcement	0
BUSD-Disney Elementary School (Campus Fencing)	0
BUSD-Washington Elementary School (Fencing/Gate)	0
Burbank Temporary Aid Center-Phase II Construction	459,900
Build Rehabilitation Industries – Facility Improvements	78,000
Total CDBG Capital Projects	\$1,176,498

Executive Staff met on December 8, 2004 to review proposals and finalize their recommendation listed below. Compared with the Goals Committee, the difference is in its recommendation for Code Enforcement (\$133,450), where staff feels this service maintains the viability and integrity of neighborhoods in CDBG areas, and cannot be presently funded with other resources. To fund the Code Enforcement Program, Public

Works is recommended at \$505,148, which is to be used at the discretion of the Department.

Department/Organization	Recommendation
Public Works Dept. (All Projects)	\$505,148
CDD-Code Enforcement	133,450
BUSD-Disney Elementary School (Campus Fencing)	0
BUSD-Washington Elementary School (Fencing/Gate)	0
Burbank Temporary Aid Center-Phase II Construction	459,900
Build Rehabilitation Industries – Facility Improvements	78,000
Total CDBG Capital Projects	\$1,176,498

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR (FY) 2005-06 AND AUTHORIZING THEIR INCLUSION IN THE FY 2005-06 ANNUAL PLAN AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USES OF FUNDS.

15. TRANSIT SERVICES TASK FORCE RECOMMENDATIONS:

The Transit Services Task Force (Task Force) was formed by the Council to review existing transit services within the City and to develop recommendations for expanding those services where appropriate. The Task Force is comprised of two Council members, one member of the Park, Recreation and Community Services Board, two members of the Transportation Commission, one representative of the Senior Advisory Committee and one representative of the Disabled Advisory Committee. The Task Force recommends that three phases of service expansions be made to the Burbank Local Transit (BLT) program:

Phase I – Media District-Red Line Connector

This new shuttle service would provide a connection between the Media District and Magnolia Park areas, and the Metro Rail Red Line station in North Hollywood. As proposed, two buses would operate during the two daily commute periods of 6 :00 a.m. to

10:00 a.m. and 3:00 p.m. and 7:00 p.m. The route is 7.5 miles in length and will take approximately 21 minutes to complete the entire circuit, 10-15 minutes of travel to Media District locations. Factoring in rest time for the drivers and waiting time at the Red Line station, a bus will arrive every 20 minutes. The projected recurring annual cost of the Phase I service is \$93,000, with a \$15,000 start-up cost. This service can be implemented by late February 2005.

Phase II—Conversion of On-Demand Service to Fixed Route

This would convert the existing on-demand Downtown and Airport BLT service to two separate fixed routes. The Downtown shuttle would loop through the Downtown area during the same hours proposed for the Red Line Connector, shuttling passengers to and from the Metrolink Station and other locations. This service would operate on a 15-minute headway or service frequency. The second fixed route would connect the Downtown Metrolink Station and the Airport/Empire area. Because of the length, three vehicles would be needed to provide 20-minute headways during the commute periods. The estimated recurring cost of operating the fixed route services would be approximately \$356,000 annually, or approximately \$35,000 more than the current cost for the on-demand services, with a non-recurring start-up cost of \$20,000. Staff recommends that this conversion be implemented in May 2005.

Phase III – Airport/Empire-Red Line Connector

The demand for this connection is anticipated to grow very quickly with the increasing employee population in this area. Additionally, this connection would facilitate the use of the Metro Red and Orange Lines by Airport passengers, potentially reducing traffic on Hollywood Way, Magnolia Boulevard and Victory Boulevard. Like the Media District-Red Line Connector, this service would have numerous stops along the route within the City to maximize accessibility for residents along corridors that are either underserved by MTA buses with low service frequencies, or not served by public transit at all. The estimated recurring cost of operating this service is \$156,000 annually, with a start-up cost of \$15,000. The Phase III service expansion is proposed to begin in August 2005.

The total additional recurring cost of these proposed services is projected to be \$229,000. This can be funded in subsequent years by Proposition A and C revenues. This year's expenses of \$78,500 would need to be funded from Prop A and C Unappropriated Reserves.

The Task Force requests Council authorization to continue meeting quarterly to oversee the proposed service implementations, and to monitor program costs, service and ridership. Periodic reports would be produced by the Task Force with staff support to keep the Council aware of the program indicators.

Recommendation:

The Transit Services Task Force and staff recommend that the Council approve the proposed transit expansions and conversions, and authorize staff to start the process of

implementing the Phase I services, pending subsequent approval of a budget amendment to fund the additional Fiscal Year 2004-05 BLT costs.

16. FOLLOW-UP TO FIRST QUARTER REPORT – SUMMARY OF AVAILABLE NON-RECURRING RESOURCES AND REQUEST FOR ONE-TIME PROJECT FUNDING LIST:

The purpose of this report is to provide the Council with a breakdown of the General Fund Projected Undesignated Non-recurring Fund Balance for June 30, 2005 in addition to other available non-recurring resources. Additionally, a list of items/projects that could utilize one-time funding has been prepared per Council request.

The following is a breakdown of the estimated available balance for non-recurring sources anticipated for June 30, 2005:

Non-Recurring Fund Balance (<i>as of the end of the 1st Quarter</i>)	\$2,914,176
<u>Less: Estimated Mid-Year Requests</u>	<u>(\$ 570,356)</u>
Estimated Non-Recurring Fund Balance	\$2,343,820

Other Available Non-Recurring Resources:

• PERS Ramp-up Savings Fiscal Year (FY) 2003-04	\$1,993,000
• Budget Stabilization Fund	\$1,573,230
• Utility Users Tax (UUT) In-Lieu Set Aside (<i>estimated for 6/30/05</i>)	\$4,200,000
• Vehicle License Fee (VLF) Gap Securitization Funds	\$1,771,985
• Capital Projects Contingency Appropriation	\$3,928,292
• Interest Earned – Bond Proceeds	\$ 742,874

Per Council request, staff has compiled the following list of projects that could utilize these one-time funds.

- Community Services Building (CSB) - \$28,100,000
- Robert “Bud” Ovrom Park - \$10,200,000
- Public Safety Suite Project – Estimated \$1.3 million to \$3.4 million
- Mayor’s Youth Task Force- \$250,000 (Recommended for review by Council Member Golonski)
- Unanticipated Youth Services - \$150,000 (Recommended for Review by Council Member Golonski)
- Youth Services - \$100,000 (Recommended for Review by Council Member Golonski)
- Perform Arts Grant Program Restoration - \$74,500 (Recommended for Review by Council Member Golonski)

- Media District Shuttle Program - \$269,000 - \$500,000 (Recommended for Review by Council Member Vander Borgh)
- Frozen Staff Positions (Recommended for Review by Mayor Ramos)
- Capital Projects “Dream” List - In addition to the projects noted above, the Executive Staff has compiled a comprehensive list of Capital Projects throughout the City. This list, referred to as the “Dream” List, describes what the project is, the cost estimate, funding status, funding sources, start date estimates for design and construction, and the lead department is for the project.

The Fiscal Impact will be based upon the Council’s funding decisions. It is important to note that the funding resources previously listed are non-recurring. During the FY 2005-06 budget process, the City’s General Fund will still be faced with the challenge to balance recurring revenues and expenditures. Some of these available non-recurring revenues, such as the PERS Stabilization and Budget Stabilization Fund, may be beneficial to balance any future fiscal year budget gaps. Staff will continue to update the City’s Long Range Budget Balancing Plan which will program the use of these funds as appropriate.

Recommendation:

At the November 16, 2004 Council Meeting, the Executive Team recommended that the projected undesignated available balance of non-recurring funds be set aside to fund the Community Services Building, Robert “Bud” Ovrom Park and Police Records Management System Replacement Projects. It is still recommended that these projects be funded.

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. Tuesday, February 1, 2005 at 5:30 p.m. for a Sidewalk, Street and Alley Infrastructure Program Study Session.

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