



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 26, 2005
4:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

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

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

- a. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan M. Georgino.
Property: 934 Lima Street – Parking lot located behind 3310 Magnolia Boulevard, between Lima Street and California Street.
Parties With Whom Agency is Negotiating: Burbank Community Church.
Name of Contact Person: Jack Lynch, Senior Redevelopment Project Manager.
Terms Under Negotiation: Long term lease.

- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. State Water Resources Control Board.
Case No.: BS 060960 (and related to Case No. BS 060957).
Brief description and nature of case: California Supreme Court decision regarding Waste Water Standards imposed by the Regional Board.

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

5:30 P.M.

PROPOSED NEW MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS STUDY SESSION:

At the November 9, 2004 meeting, the Council directed staff to prepare Zone Text Amendments for reducing residential densities and implementing new multiple-family residential development and design standards intended to increase the quality and compatibility of new multiple-family residential projects. Staff will present recommended changes to the City's Zoning Code which respond to the Council's concerns about residential compatibility and quality. The recommended changes include modifications to existing standards, such as eliminating semi-subterranean garage encroachment into required side yards, and the elimination of tandem parking, as well as the introduction of new standards which would codify design elements, such as building orientation, entries and porches and roof design.

Recommendation:

Staff seeks Council direction regarding the proposed new development standards.

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.

ANNOUNCEMENT: BOARDS, COMMISSIONS AND COMMITTEE VACANCIES.

PROCLAMATION: EARTH DAY.

RECOGNITION: PROVIDENCE SAINT JOSEPH MEDICAL CENTER.

PROCLAMATION: HOLOCAUST REMEMBRANCE.

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).

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under

City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 9)

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.

1. **DECLARING THE RESULTS OF THE 2005 GENERAL MUNICIPAL ELECTION:**

Pursuant to the provisions of Section 28 of the City Charter, the purpose of this report is to present the results of the General Municipal Election held on Tuesday, April 12, 2005 to the Council for approval.

A mail ballot Primary Nominating Election was conducted in the City of Burbank on February 22, 2005 for the purpose of nominating or electing candidates to three offices on the City Council and two offices on the Board of Education. Resulting from that election, one candidate received the majority of the votes cast for Member of the City Council, thereby being duly elected to office, and no candidate received a majority of the votes cast for Member of the Board of Education. The remaining two seats on the City Council and the School Board seats were to be filled in the General Municipal Election to be held on April 12, 2005.

On April 12, 2005, the City of Burbank conducted a mail ballot General Municipal Election, for the purpose of filling the above seats. Following, in ballot order, is the list of candidates who qualified for the ballot:

City Council Candidates:

Dave Golonski
Vahe Hovanesian
Michael Bergfeld
Marsha R. Ramos

Board of Education Candidates:

Larry Applebaum
Nikki Capshaw
Debbie Kukta
Susan Bowers

Notice of the Election was given, precincts established, election officers appointed and the supplies furnished. Of the 48,792 eligible Burbank registered voters, a total of 11,641 votes were cast, received and canvassed as required by law. The votes cast represent a

23.9 percent voter turnout rate.

The canvass of the Election was completed on Monday, April 18, 2005 with the official results posted on the same day. The five-day protest period expires on Monday, April 25, 2005 at 5:00 p.m. No protests were received as of the printing of the agenda.

A summary of the votes cast in each precinct as well as the absentee votes for each of the candidates. The summary indicates the following results:

Dave Golonski and Marsha R. Ramos received the majority of the votes cast for Member of the City Council and as such are duly elected to office for a full term of four years ending April 30, 2009.

For Member of the Board of Education, Larry Applebaum and Debbie Kukta received the majority of the votes cast and as such are duly elected to office for a full term of four years ending April 30, 2009.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 2005.

2. SHARED PARKING AGREEMENT WITH BURBANK COMMUNITY CHURCH:

The purpose of this report is for the Council to consider a Shared Parking Agreement with Burbank Community Church (Church). On September 21, 2004, the Council considered and approved the Magnolia Park Action Plan (Action Plan). The Action Plan is based on the findings of several focus group meetings and a neighborhood survey. One of the components to the Action Plan includes the implementation of the proposed shared-use parking arrangement with the Church. In exchange for providing certain improvements, the Church would allow the public to use the parking lot, since the Church usually only needs the parking lot on Wednesday evenings and Sundays.

A current estimate indicates the cost of the improvements would be approximately \$247,500, which will be subject to a competitive bidding process through the City's Purchasing Division. The improvements include: two inches of resurfacing of the asphalt paving; striping; wheel stops; curbing and driveways; landscape improvements including a separate water meter; additional lighting including a separate electric meter; and, a new six-foot wall between the parking lot and the adjacent single-family homes.

The Agreement shall be for a period of ten years commencing on the completion date of the improvements. Per the terms of the Agreement, the improvements paid by the City will be in the form of a loan to the Church. For each year that the parking remains available to the public, one-tenth of the loan (\$24,750 per year) will be forgiven. In

addition, the City shall be responsible for paying approximately \$400 per month towards cleaning and landscape maintenance as well as pay for the water and electrical expenses for the lot.

The shared use parking agreement with the Church will provide much needed parking to the Magnolia Park District. The 40 spaces will provide the neighboring commercial businesses with additional parking for employees and customers and will assist in reducing the number of cars parking in the residential neighborhood. Also, the landscape improvements will help create a buffer between the residential and commercial areas. The approval of this Agreement would facilitate the implementation of the Action Plan.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SHARED PARKING AGREEMENT BETWEEN THE CITY OF BURBANK AND BURBANK COMMUNITY CHURCH, INC.

3. APPROVAL OF AN APPEAL OF PROJECT NO. 2004-181 – VARIANCE FOR FENCE HEIGHT:

The purpose of this report is for the Council to adopt a resolution granting the variance for Project No. 2004-181 to allow the homeowner, Michael Williams, to legalize an existing partially-constructed wall at 125 North Valley Street.

On April 5, 2005, the Council conducted a public hearing to consider a request by Michael Williams to appeal the Planning Board's denial of a fence height variance. The Council voted to reverse the Planning Board's decision and approve a variance for the fence height. The Council specifically voted to allow the block wall with wrought iron fencing and landscaping to reach a height of four feet maximum within the front yard setback area. Additionally, the Council required that the northerly pilaster and wall be permitted to a height of only three feet within the first five feet from the front property line to allow for visibility while exiting the driveway.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK GRANTING THE VARIANCE FOR PROJECT NO. 2004-181 (125 North Valley Street; Michael Williams, Applicant and Appellant).

4. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF ADMINISTRATIVE LEGAL SECRETARY TO LAW OFFICE ADMINISTRATOR:

The Administrative Legal Secretary position has become a true law office management position. In addition to general office administrative responsibilities and oversight of 19 staff members, the Administrative Legal Secretary is also required to have an extensive knowledge of court and other legal procedures, rules and concepts. This position is expected to actively and independently supervise and manage the workload of a staff of legal secretaries, including hiring, preparation and discussion of performance evaluations, discipline up to and including termination, and the preparation and administration of the City Attorney's Office budget.

The proposed revisions and re-titling of the classification for the specification of Administrative Legal Secretary to Law Office Administrator addresses the significant changes to the position and more clearly reflects the actual duties and requirements for this position. They also clearly address the current and on-going needs of the Department and will assist the Department as it needs to recruit for this highly specialized field.

This classification will be an Unrepresented Management (Z group) position, exempt from Civil Service and the Fair Labor Standards Act. This position will be included in the City's Conflict of Interest Code.

There is no fiscal impact from the revision or re-titling of this specification because the current salary range for this position will be maintained. However, it is possible that depending on future survey results, the salary range for this position may be adjusted next Fiscal Year.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF ADMINISTRATIVE LEGAL SECRETARY (CTC No. 0019) TO LAW OFFICE ADMINISTRATOR (CTC No. 0479).

5. REVISING THE SALARY AND SPECIFICATION FOR THE CLASSIFICATION OF PURCHASING MANAGER:

The current specification for Purchasing Manager is written similarly to specifications found in other cities for the positions of Senior Buyer or Purchasing Supervisor and requires only minimal education and management experience. In actuality, the job duties of the Purchasing Manager are more consistent with those of a manager level position and require extensive education and experience in order to be successful. The proposed revisions to the specification reflect the managerial duties of this position including, but not limited to, setting policies and planning, directing, and coordinating the work of subordinate staff. The proposed revisions also clearly reflect that this position is responsible for managing the warehouse functions. To successfully accomplish these

responsibilities, the proposed revisions reflect increased purchasing and supervisory experience.

This classification will be a Civil Service position, exempt from the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Burbank Management Association will represent this classification and has been advised of this proposed revision. The Financial Services Director concurs with this recommendation.

The salary for the classification of Purchasing Manager has been set at 80 percent of the salary of the Deputy Financial Services Director or \$5,941-\$7,218. This equates to a \$542/month increase from the current Purchasing Manager salary. There will be no fiscal impact as there are adequate salary savings to absorb the increase in salary.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY AND SPECIFICATION FOR THE CLASSIFICATION OF PURCHASING MANAGER (CTC No. 0701).

6. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF BUYER TO BUYER I AND ESTABLISHING THE SPECIFICATION FOR THE CLASSIFICATION OF BUYER II:

As the demands on the Purchasing Division increase, the employees within the Division are becoming increasingly skilled in the purchasing arena. As skill sets increase, the Department finds it necessary to create a line of progression for the Buyer position. With this in mind, the Department is proposing to create a Buyer series to reflect the different levels of responsibility within this area. The proposed revisions to the specification for the classification of Buyer I make this an entry level training position while the proposed specification for the classification of Buyer II creates a journey-level position. These proposed specifications allow for growth and career advancement as employees take on more responsibilities. The proposed revisions, re-titling and establishment will also assist the Department as it needs to recruit for this highly specialized field.

These classifications will be Civil Service positions, subject to the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Burbank City Employees Association will represent these classifications and has been advised of the proposed revision and establishment. The Financial Services Director concurs with this recommendation.

There is no fiscal impact from the revision and re-titling of the Buyer CTC No. 0123 to Buyer I CTC No. 0123 because the salary range for this position will be maintained. The salary range for the Buyer II will be set at \$4,312 - \$5,385 which is 15 percent above the

Buyer I benchmark. There will be no fiscal impact since this position is being established as a line of progression for the future.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF BUYER (CTC No. 0123) TO BUYER I (CTC No. 0123).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF BUYER II (CTC No. 0124) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

7. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF LIBRARY ASSISTANT:

The classification of Library Assistant was established in 1962 and has been revised several times over the years to meet the changing needs of the Department and to remain current with technological advances. This specification was last revised in 2001 to include the use of library technology as an essential function of the position. The proposed revision builds on the technological concept to specifically include the Internet and online information searches. The proposed revision does not change any of the requirements for the position, but adds another qualifying option - education with no additional work experience necessary. This addition will open up the Library Assistant position to an entire new group of candidates who are more likely to continue their education in the library field and eventually seek advancement in the Library series. The revision of the specification for the classification of Library Assistant will broaden the pool of eligible candidates. This revision will also enhance the likelihood of Library Assistants moving on to become Librarians and/or Senior Librarians for the City in the future.

This classification will continue to be a Civil Service position and subject to the Fair Labor Standards Act. This classification will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association will continue to represent this classification and has been advised of these revisions. The Library Services Director concurs with this recommendation.

There is no fiscal impact from the revision of this specification because the current salary range for this position will be maintained.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF LIBRARY ASSISTANT (CTC No. 0488).

8. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF TIRE REPAIRER TO TIRE MAINTENANCE WORKER:

The specification for this classification was last revised in 1983. The proposed revisions will more accurately describe the current technical needs for this position. As technology has advanced, the field of fleet maintenance has greatly changed. The proposed revisions include a requirement for a certification that will ensure that the incumbent is well prepared for the most current advancements and will also update the license requirement so that the incumbent may operate all of the required equipment.

The proposed revisions and re-titling of the specification for the classification of Tire Repairer to Tire Maintenance Worker will technically update the specification and assist the Department as it needs to recruit for this specialized field.

This classification will continue to be a Civil Service position and subject to the Fair Labor Standards Act. This classification will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association will continue to represent this classification and has been advised of these revisions. The Deputy City Manager Public Works and Capital Projects concurs with this recommendation.

There is no fiscal impact from the revision or re-titling of this specification because the current salary range for this position will be maintained.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF TIRE REPAIRER (CTC No. 0952) TO TIRE MAINTENANCE WORKER (CTC No. 0952).

9. ESTABLISHING THE SPECIFICATION FOR THE CLASSIFICATION OF PARKING ANALYST:

In the past, an Administrative Analyst II has assumed many of the parking-related responsibilities, including developing plans, implementing programs and dealing with the Metropolitan Transportation Authority on lease issues. However, this position has been vacant for several months. With all the current parking programs and the additional parking programs envisioned for the Downtown area, a staff of professionals will be needed to make sure that there are adequate resources to properly manage all these new approaches. A key element to ensure the continuing success of these parking programs citywide is to create a specialized position, Parking Analyst. This position will

make sure the existing programs stay on track, implement the new programs and provide the proper level of support for this important community service.

This classification will be a Civil Service position, exempt from the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Burbank Management Association will represent this classification. The Civil Service Board approved this establishment at their regular meeting on March 2, 2005.

The salary range for the Parking Analyst will be set at \$4,535 - \$5,510. This position will under fill a vacant Administrative Analyst II position, resulting in a salary savings for the Department.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF PARKING ANALYST (CTC No. 0588) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

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

REPORTS TO COUNCIL:

10. REQUEST FOR THE COUNCIL TO CONSIDER ANOTHER PUBLIC HEARING TO INCREASE THE CITY'S TRANSIENT TAX FROM 11 PERCENT TO 12 PERCENT:

The purpose of this report is to request the Council to consider a public hearing to increase the City's Transient Parking Tax (TPT) from 11 percent to 12 percent.

As presented in the initial study session for the Fiscal Year 2005-06 budget on April 19, 2005, the City's Five Year Forecast currently shows an increasing budget gap between recurring revenue and expenditures. At this meeting, Council Member Golonski requested that the Council consider raising the TPT an additional one percent beginning July 1, 2005. Staff recommends using the additional TPT revenues to unfreeze two Police Officer positions. This report serves as the first step in a one-step, two-step process to consider whether or not to proceed with another public hearing to increase the tax.

Recommendation:

It is staff's recommendation that the Council provide direction on whether to proceed with holding another public hearing on increasing the Transient Parking Tax from 11 percent to 12 percent.

11. RUNAWAY PRODUCTION – CONSIDERATION OF THE FILM AND TELEVISION ACTION COMMITTEE RESOLUTION:

The purpose of this staff report is to bring back the Film and Television Action Committee's request for the Council to consider adopting a resolution in support of a 301 (a) petition. On February 8, 2005, the Film and Television Action Committee requested the Council to consider its resolution to support the filing of a 301 (a) petition to help curb runaway production. On March 15, 2005, the decision to support this proposed resolution failed on a 2-2 vote. The Council approved a reconsideration of the Film and Television Action Committee Resolution for April 26, 2005. Staff was also given direction to conduct additional research about the runaway production situation and current legislative efforts. In preparation for this second Council discussion and after receiving input from various organizations, staff researched the following information:

Entertainment Industry Development Corporation - The latest 2005 statistics reflect the following figures: January 2005 total production numbers edged up 33 percent when compared to January 2004. February 2005 total production numbers are slightly down 3.9 percent when compared to last year's figures. However, feature film days increased from 718 (January 2004) to 1094 (January 2005) and 487 (February 2004) to 599 (February 2005). Both months reflect yearly increases in feature film activity of 52.36 percent and 22.99 percent respectively.

Local Burbank Film Activity Update - Production in Burbank has increased over the past two years, and Burbank feature film permit activity continues to grow in 2005. January-March 2005 figures in Burbank reflect the following: there were a total of 69 film permits (including ten feature films) issued during these three months. Comparatively, January-March 2004 figures include a total of 75 film permits (with only four feature films). Feature films increased 150 percent when comparing year-to-year statistics.

Motion Picture Industry Pension Health and Plans Organization - This organization provides a useful tool in tracking California entertainment industry activity, as reported hours cover employment on motion pictures and commercials (primary participating unions are International Alliance of Theatrical Stage Employees (IATSE) and Basic Crafts, the largest of which is the Teamsters). Ninety to 95 percent of this data tracks California payroll hours. Overall, the hours have increased from 67,181,876 to 71,218,529 from 2000 to 2004, an increase of 4,036,653 payroll hours, or six percent.

MOTION PICTURE INDUSTRY PENSION & HEALTH PLANS – ANALYSIS OF PENSION & HEALTH HOURS

TOTAL HOURS COMPARISON - 2000 – 2004

2000	2001 Comparison		2002 Comparison		2003 Comparison		2004 Comparison	
2000	2001	% of Prior Year	2002	% of Prior Year	2003	% of Prior Year	2004	% of Prior Year
67,181,876	68,055,208	1.3%	68,354,055	0.4%	66,756,594	-2.3%	71,218,529	6.7%

Los Angeles Economic Development Corporation – According to Jack Kyser, Senior Vice-President and Chief Economist of the Los Angeles Economic Development Corporation, there has been a shift in runaway production from international to domestic runaways. Mr. Kyser stated that although some of the major studios still sometimes go overseas, independent producers that do produce outside of the State are now almost always going to other states (rather than outside of the country) due to the incentives provided by such states. Mr. Kyser believes this pattern will continue to shift as more states' incentive practices are growing.

California Film Commission – According to Amy Lemish, Director of the California Film Commission, the runaway production issue is shifting from an international issue to a domestic issue. She mentioned that there are ten states offering current incentives and another 17 states with pending legislation, all working to lure production to their states. She believes that the best way for California to curb the runaway production issue is to create state incentives and level the playing field.

Legislation - Staff is in regular contact with the various legislative offices sponsoring entertainment industry bills and the California Film Commission to support the proposed legislation. As of April 11, 2005, when this staff report was finalized, no new information or language was available on Senate Bill 58, Assembly Bill 261 and Assembly Bill 777. The language is expected to be drafted in May 2005 in partnership with the California Film Commission. The California Film Commission is working very closely with the Governor's staff, California entertainment industry organizations and local entertainment industry labor unions (IATSE, Teamsters, Director's Guild of America, Screen Actor's Guild, etc.) on the proposed legislation to make sure that the language is geared towards areas of film production that are most susceptible to leaving the State.

Local Labor Unions - In the previous staff report, it was indicated that the IATSE opposed the proposed petition. During the Council meeting, there were concerns raised about whether individual Locals support or oppose the petition. The IATSE wrote a letter to the Council Members on behalf of approximately 29,000 members to oppose the Film and Television Action Committee Resolution, based on a 2001 Convention Action where representatives from each individual Local voted by overwhelming numbers against these types of petitions. Staff contacted the Locals under the IATSE organization as well

as the local Basic Crafts unions and received the following input from representatives of these organizations:

APRIL 2005			
SUPPORT FTAC RESOLUTION	DO NOT SUPPORT FTAC RESOLUTION	NO POSITION	NO RESPONSE
5	9	7	2

In addition to the above-mentioned responses, the Motion Picture Association of America, the Directors Guild of America, the Independent Film and Television Alliance and the IATSE do not support the Film and Television Action Committee petition.

As evident by this information and entertainment industry statistics, film production has increased in California and other states. However, it is important to note that domestic runaway production to other states appears to be growing. With the recent Federal and pending State legislation to keep production in the country and the State, it is hoped that this situation will continue to improve so our local entertainment industry can continue to flourish.

Recommendation:

It is recommended that the Council direct staff to move forward with the following (or a combination of the following) options:

1. Send letters of support to the three legislative offices and the three committees where the legislative bills are heard.
2. Have Council representation at the committee hearings in Sacramento for each bill.
3. Determine which other cities are interested in pursuing this effort as a group and work together through the League of California Cities to promote production retention in the State.

12. COST ANALYSIS OF EMERGENCY MEDICAL SERVICES:

At the request of the Council, staff will provide an analysis of the fiscal obligation and revenue resources of the Emergency Medical Services (EMS) Division of the Fire Department, commonly known as the paramedic program. In addition, staff will discuss EMS billing and collection procedures as they relate to current issues within the health industry and other associated agencies.

The Fire Department manages a multitude of programs related to public safety, and, in 1974, was charged with implementing and maintaining a new proposal called the paramedic program. The Department placed the first Mobile Intensive Care Unit Paramedics and Rescue Ambulances (RA) into service in January 1975. As the paramedic program grew and pre-hospital care matured throughout the nation, innovative changes were taking place within the industry. Public and private providers of

EMS began to visualize a revenue stream, through paramedic care and transportation, as a viable means of partially offsetting program costs. In 1978, the Fire Department was granted permission by the Council to charge for services and began transporting patients. A nominal fee, far short of that allowable, was charged for Advanced Life Support (ALS) or Basic Life Support (BLS), which can include paramedic and Emergency Medical Technician level 1 (EMT-1) care, medical supplies and transportation.

As health care expenses were on the rise in the early 1990's, many insurance companies began capping the amount they would pay out for a specific service, regardless of the true cost to the health care provider. Government agencies like Medicare and Medi-Cal took this philosophy a step further, paying out only a small fraction of the actual fees billed. Over time, these "write-downs" by insurance companies and government health programs have resulted in health care and pre-hospital care providers (including paramedic transportation services) collecting smaller portions of their anticipated revenues each year. The County Board of Supervisors recognizes this problem and continues to raise the allowable fees so that private and public sector providers can overcome the discrepancy between real costs and written-down insurance payment.

The Burbank paramedic program operates with a budget of approximately \$3.6 million annually, with most of those expenses related to personnel. Unlike private transportation operations, a publicly-managed EMS program will rarely achieve a fiscal balance. Even in the most austere public programs, wages and the cost of equipment will out perform available revenue sources.

The two revenue streams used to offset the EMS program's operating cost combined produce approximately \$1.5 in revenue, leaving \$2.1 million in paramedic program costs to be paid by the General Fund. While expenses continue to grow as healthcare and personnel costs increase, revenue collection rates are on the decline due to insurance and Medicare write-downs. The only means to offset this growing financial disparity is to maximize revenues, which can be accomplished by raising fees for paramedic ambulance services. While raising fees is never an easy decision, staff believes this is the best option to minimize the impact of this financial gap on the City's General Fund and maintain the highest quality of EMS in Burbank.

Staff recommends the modification to Article V-Public Safety, "Paramedic Ambulance Services" fee schedule as follows:

(A) 1. Response to call with equipment and personnel at an advanced life support (ALS) level

Current: \$671.75 Proposed \$782.50 Percent Increase: 16.5 percent

(A) 2. Response to call with equipment and personnel at a basic life support (BLS) level

Current: \$438.00 Proposed \$532.00 Percent Increase: 21.5 percent

In order to offset a small portion of costs of operating the EMS Division, staff recommends that the Council approve the resolution amending the Burbank Fee Schedule to incorporate the fee increases for paramedic ambulance services allowed by the Los Angeles County Board of Supervisors.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 1 OF ARTICLE V OF RESOLUTION NO. 26,737, THE BURBANK FEE RESOLUTION, RELATING TO PARAMEDIC FEES.

13. CITY COUNCIL SUBCOMMITTEE'S REQUEST TO CONSIDER THE COMPENSATION OF THE CITY MANAGER AND CITY ATTORNEY:

Pursuant to a request from a Council Sub-Committee, the purpose of this report is to request Council consideration of the compensation of the City Manager and City Attorney.

As the City Attorney and City Manager are officials appointed by the Council, they are to receive their annual performance evaluations and salary compensation determinations from the Council. The Council recently completed the evaluations and appointed a sub-committee comprised of Mayor Ramos and Vice-Mayor Vander Borgh to make a recommendation to the entire Council on the compensation package for the City Manager and City Attorney. This compensation consideration is based upon potential movement the Council may consider within their respective salary ranges.

Effective July 1, 2004, the salary range for the City Manager position is \$12,636 to \$15,353, and the salary range for the City Attorney is \$11,327 to \$13,762 per month. The City Manager was promoted to the position on March 25, 2003 which provided for her current salary of \$12,650. The City Attorney's last salary adjustment was on July 1, 2003, which provided for his current salary of \$13,527.

While this item is not intended to provide for any consideration of changing the salary ranges for these positions as that was done in the early part of the 2004-05 Fiscal Year (FY), staff has begun the negotiation process for FY 2005-06, and in preparation for that process, a current salary survey of the City Manger and City Attorney positions has been prepared. Overall, this survey shows the City Manager position 7.33 percent below the average of the 12 survey cities (cities included in survey are Anaheim, Garden Grove, Glendale, Huntington Beach, Inglewood, Long Beach, Pasadena, Riverside, Santa Ana, San Bernardino, Santa Monica and Torrance) and the City Attorney position is 8.74 percent below the average of the survey cities.

If the Council were to consider increasing the current salaries of the City Manager and the City Attorney, there would be no impact to the budget as the current salary ranges for both positions are already accounted for in the FY 2004-05 budget.

Recommendation:

Pursuant to the request of the Council Sub-Committee, it is recommended that the Council discuss and consider the current compensation of the City Manager and City Attorney and direct staff as appropriate.

RECONVENE the Redevelopment Agency meeting for public comment.

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

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

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

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

ADJOURNMENT. To Monday, May 2, 2005 at 10:00 a.m. in the Council Chamber for the Council Reorganization Meeting.

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