



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, JULY 19, 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.

**POTENTIAL SOCCER FIELD SITES STUDY SESSION**

Staff will present the Council with various potential soccer field sites. Some of the items to be covered in the presentation include:

- Ideal size for playing;
- Cost of development;
- Type of surface;
- Support facilities;
- Neighborhood impact;
- Available parking;
- Dedicated vs. multi-usage facility; and,
- Ability to provide sufficient separate play areas for youth and adults.

**6:30 P.M.**

INVOCATION:

Reverend Ron Degges, Little White Chapel  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of July 18, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

REPORTING ON CLOSED SESSION:

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

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

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

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

be limited to **two** minutes.

**Agenda Item Oral Communications.** This segment of Oral Communications immediately follows the first period, but is limited to comments on action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. BURBANK BOULEVARD STREETScape PROJECT UPDATE:

The purpose of this report is to update the Council and the Redevelopment Agency Board (Board) on the progress of the Burbank Boulevard Streetscape Project (from Victory Boulevard to Clybourn Avenue) including: presentation of a conceptual design; the proposed project schedule; and, to request appropriation of funds for traffic/engineering studies and preliminary improvements to the area.

The 2004-05 Work Program called for continuing networking efforts with the Burbank Boulevard Merchants group and for coordinating possible streetscape plans. Staff initially met with the Burbank Boulevard Merchants last summer to discuss potential improvements to the area. As a result, the Burbank Boulevard banner program was initiated last November. At that time, staff began researching the feasibility of the Burbank Boulevard Streetscape Project.

The first step of the process included two community meetings with the residents, property owners and merchants in the area. These meetings were held on February 23 and 24, 2005. On March 29, 2005, staff presented an update to the Council and the Board on the progress of the Burbank Boulevard Streetscape Project and requested that two Council/Board members be appointed to the Burbank Boulevard Streetscape Oversight Committee. Mayor Jef Vander Borcht and Vice-Mayor Todd Campbell were appointed to the Oversight Committee. On April 12, 2005, the first project Oversight Committee meeting was held and a follow-up community meeting occurred on May 25,

2005 where the residents, merchants and property owners provided valuable feedback for this project.

There are numerous opportunities to improve “The Boulevard”, from both the perspective of enhancing a commercial corridor as well as creating a more pleasant environment for the residential neighborhoods that envelop Burbank Boulevard. One of the most notable conditions that currently exist is the “heat island” or more befitting in this case, the “heat corridor” that is caused by the predominance of concrete and asphalt. There is a severe lack of street trees, a lack of pedestrian amenities and an overall bleak “feel” to this 2.5-mile corridor. With the opportunity and need to improve this arterial, combined with direction from the project Oversight Committee as well as community input, staff proposes the following list of corridor improvements: street resurfacing; banners on light standards; street trees spaced every forty feet; tree grates; tree guards; painted light standards; new street signs as needed; accent trees (different than standard treatment trees); lighted bollards at major intersections; accent paving at major intersections; tree lighting at major intersections; palm trees spaced every fifteen feet in accent areas; benches at accent areas; low-growing landscape planting areas at accent areas; custom bike racks; flowering accent and palm trees at major intersections and accent areas; gateway/signage elements; landscaped medians at specified locations; and, public art.

The conceptual plan considers four levels of improvements containing a variety of components to create a special environment and develop an identity for the corridor through an enhanced pedestrian atmosphere. The estimated cost of the proposed streetscape project is \$8,613,600 (including a 20 percent contingency). The following is a summary of those costs:

Street resurfacing	\$1,800,000
Landscaping	2,442,000
Street furnishings (tree grates, signage, bike racks, trash receptacles, etc.)	1,131,600
Reclaimed water	2,040,000
Traffic signal interconnects	<u>1,200,000</u>
Total	\$8,613,600

Staff proposes to proceed with some improvements that can take place immediately, such as painting the traffic signals throughout the corridor, replacing street name signs and implementing the final phase of the banner program. In addition to the cost of these improvements, staff anticipates that additional funds may be required for traffic surveys, traffic signal design work and engineering studies. These costs are summarized as follows:

Painting traffic signals	\$50,000
Banner program	60,000
Enhance street signs	15,000
Surveys, traffic signal design work, engineering studies	<u>100,000</u>

Total

\$225,000

In order to proceed with these improvements, conduct the necessary surveys and studies, and continue with the Design Development Phase, staff recommends that a total of \$225,000 be appropriated at this time out of Golden State Bond proceeds for the proposed project.

Recommendation:

Adoption of proposed City Council resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSENTING TO THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK EXPENDITURE FOR CERTAIN BURBANK BOULEVARD STREETScape IMPROVEMENTS.

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK BY AMENDING FISCAL YEAR 2005-2006 BUDGET AND MAKING CERTAIN FINDINGS FOR THE PURPOSE OF FINANCING PART OF THE BURBANK BOULEVARD STREETScape PROJECT.

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 6)

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. PROFESSIONAL SERVICES AGREEMENT WITH CALIFORNIA ENVIRONMENTAL:

Staff is requesting Council approval to enter into a Professional Services Agreement (PSA) with California Environmental for a subsurface environmental evaluation to proceed with the Empire Interchange Improvement Project.

The Empire Interchange Improvement Project is a series of enhancements focused on improving the level of service within the Empire Avenue, San Fernando Boulevard, Victory Place and the Interstate 5 freeway vicinity. In conjunction with the California Department of Transportation (Caltrans), the project will include the following

improvements:

- Construction of the Empire Avenue Interchange which will improve traffic access to the Interstate 5 freeway and relieve traffic congestion at the Burbank Boulevard-Victory Boulevard intersections (Formerly “Five Points”).
- The railway paralleling the Interstate 5 freeway will be grade separated at both Buena Vista Street and the newly-constructed Empire Avenue, improving traffic flow and safety.

The project is currently in the design phase, with design completion expected by late 2006. Because of State fiscal problems, Caltrans had projected that project construction would not commence prior to 2010; however, the Metropolitan Transportation Authority (MTA) recently provided the necessary funding to permit construction to begin as soon as 2008.

In order for the Empire Interchange Improvement Project to proceed, six parcels of property along Victory Place adjacent to the Empire Center will be exchanged between the City, Caltrans and the MTA. Before the six property transfers can be made, an environmental evaluation of the soil conditions must be completed. This proposed contract will complete the task. The environmental evaluation consists of soil samplings obtained for analysis of various earth and vapor contaminants.

Staff received three bids from Leghton Consulting Inc., Petra Environmental Division and California Environmental for the environmental work. Staff recommends that the contract be awarded to California Environmental based on the combination of competitive fees, past work experience and knowledge of the surrounding area. California Environmental has experience with the City in preparing soil reports for the State Route 134 Westbound Ramp Project in September 2003.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND CALIFORNIA ENVIRONMENTAL FOR A SUBSURFACE ENVIRONMENTAL EVALUATION TO PROCEED WITH THE EMPIRE INTERCHANGE IMPROVEMENT PROJECT.

4. ARROYO VERDUGO TRANSIT CORRIDOR STUDY:

Studies by the Arroyo Verdugo Subregion and the Metropolitan Transportation Authority (MTA) have shown that there is a substantial unmet demand for transit services along the east-west corridor between the City of Pasadena and the North Hollywood/Bob Hope Airport area, and beyond in both directions. While the MTA provides regional bus services through the area, these transit services are generally too infrequent and the

routes too circuitous to provide viable travel alternatives for commuters and other travelers needing to make lengthy trips.

Existing high-capacity transit lines in the area include the Metro Gold and Red Lines, which radiate out to Pasadena and North Hollywood from Downtown Los Angeles, and the Metrolink Ventura and Antelope Valley commuter rail lines. The MTA expects to open the new Orange Line Bus Rapid Transit (BRT) service later this summer, which will connect the North Hollywood Red Line Station with Warner Center in Woodland Hills. Additionally, Phase II of the Gold Line will eventually extend that service to Claremont from its current terminus in East Pasadena. The development of an east-west transit connector to close the gap is the goal of this cooperative effort by the three cities.

The cities have met on three occasions to discuss the overall concept for developing the regional transit linkage, as well as to discuss with Planning Company Associates (PCA, David Grannis-Principal) their role in this study. Based upon those discussions, PCA submitted a work proposal for \$76,500 plus expenses to assist the cities in developing a strategic work program for funding and implementing the envisioned transit service. PCA is currently under contract with Burbank to provide ongoing transportation lobbying services, and has on several occasions been under contract by the cities of Glendale and Pasadena. Each city believes that PCA is uniquely qualified to provide the services needed for this effort to succeed.

While the principal goal of the proposed transit corridor is to link the Downtown areas of Burbank, Glendale and Pasadena, as well as connect the Metro Red/Orange and Gold Lines, no work has yet been conducted to determine the actual route, or the type of transit technology. There has been some agreement that a route that generally parallels the 210 Freeway/State Route 134-Interstate 5 Freeway corridor may be the most feasible, but other alignments may prove to be equally feasible, and could potentially be better situated with respect to areas of anticipated demand.

The goal of providing a “high capacity” linkage could be met by several types of transit modes, including: a Metro Rapid line, a limited stop bus that operates in mixed traffic; a Bus Rapid Transit corridor, an example being the Orange Line which will operate larger-capacity vehicles on a dedicated corridor; a Metro Rail line, like the Gold Line; and, a Metrolink commuter rail line. No choice has yet been made as to which transit technology would be most feasible for this application, and it’s possible that the service could begin as a bus service and evolve into a rail corridor as necessary funding becomes available.

The cities have also discussed and agreed upon the need to develop a land-use vision for the transit corridor as a component of this study. Not only would that land-use vision aid the individual cities in implementing measures to facilitate transit-oriented development along the corridor, a coordinated land-use plan would be an important element of future initiatives aimed at securing funding for transit infrastructure.

Recommendation:



Staff recommends that the Council authorize staff to proceed with the study, and that \$30,000 be appropriated to fund the City's share of the consultant cost.

5. APPROVAL OF THE FISCAL YEAR 2005-06 MEMORANDUM OF UNDERSTANDING WITH THE BURBANK FIRE FIGHTERS:

The purpose of this report is to request Council approval of the proposed resolution which would adopt a one-year Memorandum of Understanding (MOU) between the City and the Burbank Fire Fighters (BFF). Staff has adhered to the City's compensation policy which includes the consideration of the condition of the economy as reflected by the Consumer Price Index (CPI); capacity in the City's approved budget; commitment to pay for performance; and, equity in the market place.

Staff has been negotiating with the BFF since March, 2005. In June 2005, the City and the BFF reached a tentative agreement on a one-year package. The BFF ratified this agreement, and staff is now requesting Council approval. This settlement took into consideration the traditional four-city survey (Glendale, Pasadena, Torrance, and Santa Monica), as well as the current CPI and the amount forecasted in the Fiscal Year (FY) 2005-06 budget.

The negotiated package will provide all BFF members with a 4.00 percent salary increase effective July 1, 2005. In addition, the package includes increases of another 0.50 percent for Paramedics, Assessment Medics, and Urban Search and Rescue (USAR) assignments for a one-year package totaling 4.50 percent. The Paramedic Pay will be converted to a percentage of salary in exchange for an Assessment Medic Program that will commence January 1, 2006. Although this new Assessment Medic Program will reduce the number of Paramedics by six, it will greatly enhance the Department's delivery of service over time. A total of nine Assessment Medics (qualified Paramedics) will provide the resources to place a Medic on each engine company. As such, each engine will be able to respond immediately with a Medic and address medical emergencies while awaiting the arrival of a rescue ambulance. The total cost for this package is 4.50 percent but will have an additional recurring cost of 0.26 percent going into FY 2006-07 due to the final portion of the Paramedic Pay increase (for Paramedics and Assessment Medics) that will go into effect June 30, 2006.

The proposed salary increases and assignment pay increases were anticipated in the FY 2005-06 budget preparation. However, the funds were not appropriated at the time of the budget adoption. As such, budget amendments are required to appropriate the necessary funds from the Unappropriated Fund Balance.

Recommendation:

Adoption of proposed resolution entitled:  
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIRE FIGHTERS (BFF) FOR FISCAL YEAR 2005-2006 AND AMENDING THE FISCAL YEAR 2005-2006 BUDGET.

6. BURBANK WATER AND POWER WATER AND ELECTRIC MONTHLY OPERATIONS REPORT:

**WATER UPDATE**

**Water Quality**

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

Fiscal Year 2004-05 Year-To-Date Water Fund Financial Results as of May 31, 2005:

	<u>Year - to - Date</u>			
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>% Variance</u>
Water put into the system (CCF)	8,602,664	8,958,550	(355,885)	(4%)
Potable water sales (CCF)	8,228,440	8,531,909	(303,469)	(4%)
Reclaimed water sales (CCF)*	376,327	417,163	(40,836)	(10%)
Potable Revenues	\$14,297	\$14,513	(\$216)	(1%)
Reclaimed and Power Plant Revenues	476	567	(91)	(16%)
<b>Total Operating Revenues</b>	<b>\$14,773</b>	<b>\$15,080</b>	<b>(\$306)</b>	<b>(2%)</b>
WCAC	6,481	6,039	(442)	(7%) (A)
<b>Gross Margin</b>	<b>\$8,292</b>	<b>\$9,041</b>	<b>(\$749)</b>	<b>(8%)</b>
Operating Expenses	7,057	7,522	465	6%
<b>Operating Income</b>	<b>\$1,235</b>	<b>\$1,519</b>	<b>(\$284)</b>	<b>(19%)</b>
Other Income/(Expenses)	652	303	349	115% (B)
<b>NI before Contr. &amp; Transfers</b>	<b>\$1,887</b>	<b>\$1,822</b>	<b>\$65</b>	<b>4%</b>
Transfers (In Lieu)	(686)	(723)	(37)	5%
Contributed Capital (A.I.C) **	1,577	600	977	163% (C)
<b>Change in Net Assets (Net Income)</b>	<b>\$2,778</b>	<b>\$1,699</b>	<b>\$1,079</b>	<b>64%</b>

( ) = Unfavorable

\* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

- (A) The BOU has experienced reduced operating capacity due to carbon screen failures, MWD shutdown, and water production problems associated with the persistent low water table and two of the major wells down for maintenance. Thus, there was an increased need for purchased water from the Metropolitan Water District (MWD). The BOU has an average of 55% of operating capacity compared to 75% of budgeted capacity.
- (B) Additional income from closing of old work for others projects.
- (C) Additional income from closing of old AIC projects.

Fiscal Year 2004-05 Water Fund Financial Reserve balances as of May 31, 2005 are summarized in the following table:

Water (In thousands)	Balance 5/31/2005	Recommended Reserves
<b>Unrestricted Cash</b>		
General Operating Reserve	\$4,092	\$4,430
Capital Reserve	\$2,807	\$3,580
<b>Sub-Total Unrestricted Cash</b>	<b>\$6,899</b>	<b>\$8,010</b>
<b>Restricted Cash</b>		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,130	\$1,130
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$1,016	\$1,016
Parity Reserve Fund	\$811	\$811
<b>Sub-Total Restricted Cash</b>	<b>\$5,058</b>	<b>\$5,058</b>
<b>Total Cash</b>	<b>\$11,957</b>	<b>\$13,068</b>

## ELECTRIC UPDATE

### Electric Reliability

The following table shows the system-wide reliability statistics for Fiscal Year 2004-05 through May 31, 2005 as compared to the same time period for Fiscal Year 2003-04:

Reliability Measure	Fiscal 2003-04	Year	Fiscal Year 2004-05

Average Outages Per Year		0.3993	0.3117
Average Outage Duration		50.05 minutes	74.11 minutes
Average Service Availability		99.9961%	99.9956%

## Financial and Operations Update

Fiscal Year 2004-05 year-to-date Power Financial Results as of May 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	1,049,070	1,053,677	(4,607)	(0%)
Weather Normalized NEL MWh	1,056,608	1,053,677	2,931	(0%)
Retail Sales MWh	985,576	1,002,582	(17,006)	(2%)
Retail Revenues	124,755	\$128,037	(\$3,282)	(3%)
Other Revenues	1,985	2,062	(78)	(4%) (A)
Retail Power Supply & Transmission expenses	(73,452)	(75,886)	2,434	3%
<b>Retail Gross Margin</b>	<b>\$53,288</b>	<b>\$54,213</b>	<b>(\$925)</b>	<b>(2%)</b>
Wholesale Revenues	104,060	45,833	58,226	127%
Wholesale Power Supply	(100,162)	(42,625)	(57,537)	(135%)
<b>Wholesale Gross Margin</b>	<b>\$3,898</b>	<b>\$3,208</b>	<b>\$690</b>	<b>21%</b>
<b>Gross Margin</b>	<b>\$57,186</b>	<b>\$57,422</b>	<b>(\$235)</b>	<b>(0%)</b>
Operating Expenses	(29,869)	(30,960)	1,092	4%
<b>Operating Income</b>	<b>\$27,318</b>	<b>\$26,461</b>	<b>\$856</b>	<b>3%</b>
Other Income/ (Expense)	(196)	(1,922)	1,726	90% (B)
<b>NI before Contr. &amp; Transfers</b>	<b>\$27,121</b>	<b>\$24,539</b>	<b>\$2,582</b>	<b>11%</b>
Transfers In/(Out) - (In lieu)	(7,744)	(8,002)	258	3%
<b>NI before Contributions</b>	<b>\$19,377</b>	<b>\$16,537</b>	<b>\$2,841</b>	<b>17%</b>
Contributed Capital (A.I.C)	2,457	2,528	(71)	(3%) (C)
<b>Change in Net Assets (Net Income)</b>	<b>\$21,835</b>	<b>\$19,065</b>	<b>\$2,770</b>	<b>15%</b>

( ) = Unfavorable

(A) Includes December and May settlement payments from El Paso for a total of 1.6 million.

Fiscal Year 2004-05 Power Fund Financial Reserve balances as of May 31, 2005 is summarized in the following table:

<b>Electric (In thousands)</b>	<b>Balance</b>	<b>Recommended</b>
	<b>5/31/2005</b>	<b>Reserves</b>
<b>Unrestricted Cash</b>		
General Operating Reserve	\$45,662	\$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	\$4,005	\$0
<b>Sub-Total Unrestricted Cash</b>	<b>\$63,467</b>	<b>\$61,770</b>
Debt Service Fund & Other Restricted Cash	\$10,246	\$10,246
Parity Reserve Fund	\$11,131	\$11,131
<b>Sub-Total Restricted Cash</b>	<b>\$21,377</b>	<b>\$21,377</b>
<b>Total Cash</b>	<b>\$84,845</b>	<b>\$83,147</b>

Recommendation:

Note and file.

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

REPORTS TO COUNCIL:

7. ORAL COMMUNICATIONS:

The law allows the Council some latitude in how it structures Oral Communications. The current practice has generally four periods of Oral Communications. First, Oral Communications for a designated maximum of three minutes for each speaker are allowed prior to the Council going into Closed Session. This session is designated on the agenda as "Closed Session Oral Communications." These comments are to be directed to the items listed on the Closed Session Agenda, and are not televised. Second, "Initial Open Public Comment Period of Oral Communications" for a maximum

of two minutes for each speaker are held prior to the regular agenda (but after the presentations, announcements and noticed public hearings). These comments may include agenda items and any other item within the subject matter jurisdiction of the City and are televised along with the rest of the City Council meeting. Next, is a period called, "Agenda Item Oral Communications," which allows a maximum of four minutes for each speaker. During this period of Oral Communications, speakers may address any "action" item on the agenda. Finally, the "Final Open Public Comment Period of Oral Communications" allows two minutes for each speaker and is held at the end of the meeting. This speaking period is again open to any item within the subject matter jurisdiction of the City Council, but is limited to those speakers who did not speak at the "Initial Open Public Comment Period of Oral Communications."

Previously, and for several years, just prior to the Council taking up agenda items, the period of Oral Communications was set at five minutes and was open to any item within the subject matter jurisdiction of the City Council, agenda or non-agenda items. What the Council found was that many speakers took the opportunity to speak during this period on non-agenda items, relegating those members of the public who came to speak to an agenda item often to a time very late in the evening. It was hoped that in adopting the current procedure, individuals who wanted to speak to the Council about a trash pick-up problem or another community need could do so without waiting for the entire agenda, and those who wanted to speak to specific agenda items could do so without the need to wait for lengthy periods of non-agenda comments.

The following is a chart of the current and recent actions of the Council in fashioning a workable Oral Communications procedure:

	<b>Closed Session</b>	<b>Initial Open Public Comment</b>	<b>Agenda Items</b>	<b>Final Open Public Comment</b>
<b>Current, as of 7/15/03</b>	3 minutes	2 minutes	4 minutes	2 minutes
<b>As of 6/12/01</b>	3 minutes	1 minute	4 minutes	3 minutes
<b>As of 8/22/95</b>	3 minutes	5 minutes (any item within the subject matter jurisdiction of the City)		3 minutes

***"Action" Items***

There was some question raised about the current limitation which requires speakers during the "Agenda Item Oral Communication" to address only "action" items. This measure was adopted by the Council due to the practice of some speakers during this

period of Oral Communications of selecting an innocuous item listed on the agenda and twisting it in an attempt to speak about some item which was actually a non-agenda item. "Action" items are those items on the agenda that fall within the business portion of the meeting. They would include the Consent Calendar and any of the Reports to Council, even if no specific "action" is contemplated. "Action" items would also include the Closed Session items, although they precede the main portion of the agenda. They would also include Public Hearings although such hearings have their own Oral Communication period. "Action" items do not include, the invocation, the flag salute, the roll call, announcements, the recognitions and presentations, the Airport Authority Report, or perceived attacks by other speakers. Certainly members of the public are not prevented from speaking on these items, just not during the Agenda Item Oral Communications period.

Once the Council decides what changes should be made, if any, in the current Oral Communications procedure, staff will bring back the appropriate documents to formally implement that decision.

Recommendation:

Staff requests direction from the Council.

8. NBC OUTSIDE COUNSEL LEGAL OPINIONS:

Recently, the Council decided to retain outside counsel to respond to a list of questions relating to the proposed sale of the Catalina property by NBC. Staff has issued a Request For Proposals (RFP) to a number of experienced law firms with a deadline to respond of 5:00 p.m. on Friday, July 15, 2005.

Prior to the Council meeting staff will distribute the responses for Council consideration.

Recommendation:

It is recommended that Council select one of the firms to prepare the desired opinion.

9. APPROVAL OF ART IN PUBLIC PLACES PROJECT ON THE CHANDLER BIKEWAY AND AUTHORIZATION TO PURCHASE SCULPTURE:

Staff is requesting Council approval of the proposed Art in Public Places project on the Chandler Bikeway and authorization to purchase the selected bronze sculpture.

At the September 28, 2004 meeting, the Council discussed developing a public art installation on the Chandler Bikeway to enhance the active environment at the recreational venue. On October 26, 2004, the Council amended the Fiscal Year 2004-05 budget by appropriating \$50,000 from the Public Art Fund for the development of an art

project on the Chandler Bikeway.

The Site Specific Selection Committee formed in May 2004 for the purpose of selecting two Art in Public Places projects at Burbank Water and Power, was also directed by the Council to select the art piece for the Chandler project. In August 2004, the Committee attended an annual art festival in Loveland, Colorado, the home of many large-piece artist galleries, foundries and permanent displays. They also toured a variety of fountains and sculptures in the cities of Cerritos and Brea.

The artwork of dozen artists was carefully reviewed. The Committee reached a consensus on the selection of a bronze sculpture created by W. Stanley Proctor. The piece titled "The Wagon Pull" features two children, two dogs, and a wagon. The bronze sculpture weights approximately 1300 pounds and is mounted onto a stainless steel frame. Its dimensions are: 10' long x 45" wide x 44" tall. Upon placing the purchase order, the sculpture will be delivered within 14 to 18 weeks. The weight of the sculpture alone will deter most vandalism; however, the metal frame will be mounted onto a concrete base with threaded rods embedded in drilled holes filled with commercial grade epoxy.

The Committee also discussed potential site locations. Of the nine potential sites, the committee agreed that the ideal site would be the corner of Keystone Street and Chandler Boulevard, the site nearest to Edison Elementary School. The Traffic Engineer has approved the site for installation.

Staff has negotiated a price of \$44,000, not including Sales Tax. This is less than the list cost, and given the size of the piece and its detail, the Committee feels that the City is obtaining the sculpture at a very fair price. An additional \$1,500 will be needed for shipping costs. The cost of the installation will be approximately \$700, bringing the total cost to \$49,830. There is currently \$50,000 in the Chandler Bikeway Art Piece project account. There will be no additional fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE CHANDLER BIKEWAY ART IN PUBLIC PLACES PROJECT AND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND W. STANLEY PROCTOR.

10. REVIEW OF RATE ASSISTANCE PROGRAMS:

Burbank's rate assistance programs are the most generous in the region. Burbank spends more, per customer, on rate assistance than any other local utility and customers receive approximately \$350 a year in assistance. To qualify for rate assistance, customers must be either 62 years and older or have a permanently disabled person



living in their household. In addition to meeting one of these criteria, they must have limited income. Threshold income levels vary with the number of people in the household. Customers who use specified medically-required life support equipment also qualify for rate assistance.

Last year, staff reviewed these programs and recommended maintaining the program for seniors and those supporting a disabled person. This program provides a robust benefit for the most vulnerable customers; customers whose circumstances are unlikely to change over time. In addition, staff recommended adding a means test for those customers using life support equipment. The Council asked staff to provide more information on the impact of a means test on the current Life Support Program customers and to explore the possibility of expanding rate assistance to more low-income households.

Expanding Rate Assistance - Staff reviewed five options for expanding program participation. All options to add participants also increase the level of support and funding required by BWP and the City. Expanded support could be handled two ways:

1. Reprogram dollars allocated to existing programs, such as the Shade Tree, Home Rewards and renewable energy programs; or,
2. Impose a rate increase.

If those options are not desirable, staff has another option to provide assistance to more low-income households without impacting programs or revenue. That is to modify the Project Share program to provide annual assistance rather than once in a lifetime assistance. Currently, Project Share provides up to \$100 to customers who are experiencing a temporary financial hardship. Modifying the program would allow qualifying customers to receive up to \$100 each year to help pay their municipal services bill.

Using Project Share to expand rate assistance to more low-income households has several advantages:

1. The program is already in place;
2. The impact on BWP and the General Fund would be neutral; and,
3. The impact on staff would be mitigated because Burbank Temporary Aid Center administers the Program.

Means Test for the Life Support Program – Income information for life support customers was needed to determine how a means test might impact current participants. Staff hired an independent research firm to contact all Life Support Program customers and ask them some questions about income and medical expenses related to their life support equipment. They found that most Life Support Program customers live in 1-2 person households and just over half earn less than \$30,000 a year. In addition, most had medical expenses under \$5,000 a year. Given this information, it's likely that about 56 percent of current participants would qualify for rate assistance if a means test were

required for Life Support Program eligibility.

Staff's conclusions and recommendations are as follows:

1. Existing Council policy to assist the most vulnerable in the community is sound and staff recommends that the Lifeline Rate Assistance Program continue without modification;
2. There is a need for financial assistance for customers who do not meet the Lifeline requirements and staff recommends that Project Share be modified to provide annual financial assistance; and,
3. Rate assistance for those with no demonstrated economic need is inconsistent with the philosophy to help those most in need and staff recommends adding an income means test to the Life Support Program.

Recommendation:

If the Council concurs with the recommendations, direct staff to prepare the necessary ordinance for the Council's consideration at a future meeting.

11. PROPOSED FISCAL YEAR 2005-06 ANNUAL WORK PROGRAM AND DEPARTMENTAL PERFORMANCE INDICATORS (INFORMATION TECHNOLOGY DEPARTMENT, MANAGEMENT SERVICES DEPARTMENT AND BURBANK WATER AND POWER DEPARTMENT):

The purpose of this report is to provide the Council with the proposed Fiscal Year (FY) 2005-06 Annual Work Program and Departmental Performance Indicators.

The Annual Work Program is used as a management tool to identify, prioritize, and monitor the City's projects and activities. The proposed FY 2005-06 Annual Work Program contains over 300 work items that have been identified by each department and suggested by the Council during the past year and the annual budget study sessions.

The FY 2005-06 Departmental Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met.

Each Department Manager will present their proposed FY 2005-06 Annual Work Program and Performance Indicators for the Council's review per the following schedule:

Information Technology Department Management Services Department Burbank Water and Power Department	July 19, 2005
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City Manager's Office/Public Information Office Police Department Community Development Department	July 26, 2005
Library Services Department Fire Department Park, Recreation and Community Services Department	August 9, 2005
City Treasurer's Office Financial Services Department Public Works Department	August 16, 2005

Recommendation:

Staff requests that the Council review the proposed Fiscal Year 2005-06 Work Program and Departmental Performance Indicators per the proposed schedule and provide input and direction as necessary.

RECONVENE the Redevelopment Agency meeting for public comment.

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

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

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

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

ADJOURNMENT.

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