



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 26, 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 possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- b. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

- c. Conference with Real Property Negotiator:
Pursuant to Govt. Code § 54956.8
Agency Negotiator: Community Development Director/Susan M. Georgino.
Property: Located at the top of the knoll at De Bell Municipal Golf Course, referred to as “The Castaway” at 1250 Harvard Road, Burbank, California 91503 including the restaurant, banquet facilities, and luau grounds.
Party With Whom Agency is Negotiating: Specialty Restaurant Corporation – Castaway Restaurant: John Kenny and John Tallichet.
Name of Contact Person: Susan Georgino, Community Development Director.

- Terms Under Negotiation:** Amended and Restated Lease.
- d. Conference with Real Property Negotiator:
Pursuant to Govt. Code § 54956.8
Agency Negotiator: Community Development Director/Susan M. Georgino.
Property: 415 Front Street (APN 2449-036-904), Remnant High Rail Parcel (APN 2449-037-902) and Vacated Portion of Old Front Street.
Party With Whom Agency is Negotiating: Cusumano Real Estate Group.
Name of Contact Person: Susan Georgino, Community Development Director.
Terms Under Negotiation: Sale of Property.

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: Reverend Greg Batson, Burbank First United Methodist Church.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: DARK MEETING ON AUGUST 2, 2005.

ANNOUNCEMENT: NATIONAL NIGHT OUT EVENT.

RECOGNITION: FIRE REGIONAL OCCUPATIONAL PROGRAM GRADUATION AND RECOGNITIONS.

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 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:

CONSENT CALENDAR: (Items 1 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.

1. MINUTES:

Approval of minutes for the regular meetings of December 7, December 14, December 21, and December 28, 2004, the regular meetings of January 4, and January 11, 2005, the adjourned meeting of January 12, 2005, and the regular meetings of January 18 and January 25, 2005.

Recommendation:

Approve as submitted.

2. CONFIRMING THE ITEMIZED WRITTEN REPORT OF THE AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES FOR THE COUNTY OF LOS ANGELES FOR THE ABATEMENT OF WEEDS AND PUBLIC NUISANCES, AND CONFIRMING THE COSTS OF SUCH ABATEMENT AND ASSESSING SUCH COSTS AGAINST CERTAIN REAL PROPERTY:

Staff is requesting Council approval of a resolution confirming and approving the itemized written report submitted by the County of Los Angeles Agricultural Commissioner/Weights and Measures, and the special assessment for the costs to abate certain weeds and debris. This resolution also directs the Agricultural Commissioner to file with the County Auditor of Los Angeles County, a certified copy of this resolution, and a copy of the itemized list of private property costs for abatement work performed by the County of Los Angeles.

The purpose of the annual weed abatement program is to remove the nuisance created on certain private properties by weeds and debris. The nuisances are potential fire hazards and serve as a haven for rodents and vectors. Each December, the County provides the City with a list of properties in need of abatement.

On February 15, 2005, the Council certified the County's list and the property owners were notified of the status of their parcels. On March 1, 2005, following a public hearing, the Council ordered the abatement of nuisances caused by weeds and debris on the declared properties, and authorized an assessment for costs incurred for abatement work performed by the County.

The County completed the abatement of weeds and debris on all parcels that did not respond to the earlier notice and submitted a report to the City that identifies the parcels where abatement occurred and the cost of abatement.

The resolution before the Council confirms the report and the assessments against the affected properties, which if confirmed, will be submitted to the Los Angeles County Tax

Collector for inclusion in the 2005 and 2006 Property Tax bill. Those property owners who opted to pay their bill outside of this process will not have an assessment on their Property Tax bill.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONFIRMING THE ITEMIZED WRITTEN REPORT OF THE AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES FOR THE COUNTY OF LOS ANGELES FOR THE ABATEMENT OF WEEDS AND PUBLIC NUISANCES, AND CONFIRMING THE COSTS OF SUCH ABATEMENT AND ASSESSING SUCH COSTS AGAINST CERTAIN REAL PROPERTY.

3. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR THE MAGNOLIA BOULEVARD SANITARY SEWER MAIN PROJECT - BID SCHEDULE NO. 1188:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1188, Magnolia Sanitary Sewer.

Burbank Water and Power needed to locate major equipment and structures over an existing public sewer that runs across the power plant yard. In order to accommodate this new equipment and structures, the existing public sewer needs to be relocated to Magnolia Boulevard. This project consists of constructing 1000 feet of 10-inch diameter sanitary sewer main in Magnolia Boulevard between Victory Boulevard and Varney Street.

Bid Schedule No. 1188 was advertised in the Burbank Leader for construction bids on May 14 and May 18, 2005. A bid opening was held on June 14, 2005, and seven contractors submitted bids ranging from \$169,500 to \$465,500.

Dominguez General Engineering Contractor, Inc. of Rosemead, California, submitted the lowest bid of \$169,500 which is 15 percent below the engineer's estimate of \$200,000.

Construction of this project is planned to occur from August through November, 2005. Construction signs will be placed in the area notifying pedestrians and drivers of construction and possible delays.

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 MAGNOLIA BOULEVARD SANITARY SEWER MAIN PROJECT, BID SCHEDULE NO. 1188, TO DOMINGUEZ GENERAL ENGINEERING, INC.

4. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR THE BURBANK LANDFILL ACCESS ROAD EROSION CONTROL PROJECT - BID SCHEDULE NO. 1176:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1176, Burbank Landfill Access Road Erosion Control Project.

The Burbank Landfill consists of three distinct units; Landfill Nos. 1 and 2 have been closed for several decades, and Landfill No. 3 is active. Access to the closed landfills is via a gated, paved road that extends from lower Bel Aire Drive up to Lockheed View Drive. Over the years, a steep sideslope near the intersection of this access road with Bel Aire Drive has eroded and is affecting the adjacent property. Staff hired a consulting geotechnical firm who evaluated the site conditions and designed a retaining wall with shotcrete to stabilize the slope.

Bid Schedule No. 1176 was advertised in the Burbank Leader on May 18 and May 21, 2005. A bid opening was held on June 28, 2005, and three contractors submitted bids ranging from \$126,550 to \$180,000. Kalban, Inc. of Sun Valley, California, submitted the lowest bid of \$126,550 which is 15.6 percent below the engineer's estimate of \$150,000. Kalban, Inc. has completed several projects for the City with satisfactory results.

Construction of this project is planned to occur between September and October, 2005.

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 BURBANK LANDFILL ACCESS ROAD EROSION CONTROL, BID SCHEDULE NO. 1176, TO KALBAN, INC.

5. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR THE ANIMAL SHELTER DRIVEWAY RECONSTRUCTION AND LANDSCAPING PROJECT - BID SCHEDULE NO. 1191:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1191, Animal Shelter Driveway Reconstruction and Landscaping Project.

The project will modify the existing Animal Shelter driveway and provide new landscaping with an irrigation system along the frontage. The existing driveway, which allows inbound and outbound traffic, will be modified to permit inbound traffic only. A separate driveway will be constructed for outbound traffic at the north end of the property. The project will improve the ingress and egress at the Animal Shelter.

Bid Schedule 1191 was advertised on June 11 and June 15, 2005, and the bid opening was held on Tuesday, June 28, 2005. Five contractors submitted bids ranging from \$87,955 to \$112,555. Vido Samarzich, Inc. submitted the lowest responsible bid of \$87,955.

Construction of this project is planned to occur between September and October, 2005.

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 ANIMAL SHELTER DRIVEWAY RECONSTRUCTION AND LANDSCAPING PROJECT, BID SCHEDULE NO. 1191, TO VIDO SAMARZICH, INC.

6. V-370 RESOLUTION OF INTENTION TO VACATE A PORTION OF THE ALLEY ADJACENT TO THE FORMER BUENA VISTA LIBRARY LOCATED AT 401 NORTH BUENA VISTA STREET (APPLICANT - CITY OF BURBANK):

The purpose of this report is for the Council to consider adoption of a Resolution of Intention to set the hearing date to consider the Conditional Vacation of an alley adjacent to the former Buena Vista Library, located at the northwest corner of Buena Vista Street and Verdugo Avenue (401 North Buena Vista Street). This vacation is tied to the proposed childcare and family resource center project for which approval has been scheduled for August 23, 2005. Accordingly, the vacation public hearing has been scheduled for August 23, 2005 as well.

The applicant, the City of Burbank, is requesting to vacate the alley to allow for construction of a proposed outdoor play area in conjunction with the proposed reuse of the former library as a single-story childcare and family resource center. If adopted, the Resolution of Intention will set the public hearing date for August 23, 2005.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF A PORTION OF THE ALLEY ADJACENT TO THE FORMER BUENA VISTA LIBRARY LOCATED AT 401 NORTH BUENA VISTA STREET (V-370).

7. ESTABLISHMENT OF THE SPECIFICATION FOR THE CLASSIFICATION OF ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR – TRANSPORTATION AND PLANNING:

The recent resignation of the Assistant Community Development Director – City Planner provided the Community Development Department the opportunity to review their current organizational structure. The fact that the City has developed nearly all its existing land eliminates the need to differentiate between transportation and general land-use planning. Current land-use decisions must include traffic and transportation analysis. It is important to respond to the increased focus on traffic and transportation issues City-wide and their impact on land-use decisions. The required skill set for both areas is virtually identical. Any projects conducted in this area will mirror or build on each other, and the actual workload, often overlaps both disciplines. As such, it is more efficient to have one individual lead and coordinate both of these areas.

This classification will be an Unrepresented Management (Z group) position. Like the previous two classifications it is combining, it will continue to be exempt from Civil Service and the Fair Labor Standards Act. This position will be included in the City's Conflict of Interest Code.

The salary range for the Assistant Community Development Director – Transportation and Planning will be set at \$8,381 - \$10,183. Since this proposed classification will take the place of two existing classifications, there will be an annual salary savings of \$101,184 to 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 ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR – TRANSPORTATION AND PLANNING (CTC No. 0063) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

8. REVISIONS TO THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF BUILDING

INSPECTOR, SENIOR BUILDING INSPECTOR AND PRINCIPAL BUILDING INSPECTOR:

The City is in the process of implementing a new permitting software system and a document imaging system for the Building Division of the Community Development Department. There are also plans for wireless permit tracking and on-line permitting. These new systems will require daily record maintenance. This includes maintenance of permit status, route logs, permit extensions and cancellations, and inspection reports. It is critical that the staff maintaining these records understands the new software requirements. Currently, this level of automation and administrative emphasis is not included in the specifications for the Building Inspector series. It is important that the City's specifications accurately describe the duties of a position so that incumbents and future applicants are aware of the requirements.

These classifications will continue to be Civil Service positions, exempt from the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Burbank Management Association will continue to represent these classifications and has been advised of these proposed revisions.

The Civil Service Board approved these revisions at their regular meeting on July 6, 2005. There is no fiscal impact from the revisions of these specifications as the current salary ranges will be maintained.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF BUILDING INSPECTOR (CTC No. 0116).
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SENIOR BUILDING INSPECTOR (CTC No. 0760).
 3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF PRINCIPAL BUILDING INSPECTOR (CTC No. 0670).
9. REVISING THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF HOUSING ASSISTANT AND HOUSING SPECIALIST, AND REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF HOUSING ADMINISTRATOR TO HOUSING OFFICER:

Approximately seven years ago the Housing Authority and the Redevelopment Agency were merged into a single division under the direction of an Assistant Community Development Director – Housing and Redevelopment. As such, it was no longer

necessary for the Housing Administrator to serve as a Division Manager. At that time, the specification was not changed. However, with the retirement of the incumbent, this is the appropriate time to revise and re-title this specification in order to accurately reflect the responsibilities of the position. The specifications of Housing Specialist and Housing Assistant are also being revised to reflect current duties, responsibilities, and current industry standards for both recruitment and retention purposes.

The classifications of Housing Assistant and Housing Specialist will continue to be Civil Service positions, subject to the Fair Labor Standards Act (FLSA), and represented by the Burbank City Employees Association. They will not be included in the City's Conflict of Interest Code. The classification of Housing Officer will be a Civil Service position, exempt from the FLSA, and represented by the Burbank Management Association. This classification will be subject to the City's Conflict of Interest Code.

The Civil Service Board approved these revisions and re-titling at their regular meeting on December 1, 2004. Since this time, the City has been meeting with the affected employees and respective bargaining groups to negotiate equitable compensation and representation.

The Housing Officer salary range will be \$6,548-\$7,956. This range results in an annual savings of \$8,544 as compared to the previous Housing Administrator salary. The Housing Specialist salary range will be \$4,751-\$5,933. This equates to a \$14,904 annual salary increase. The Housing Assistant salary range will be \$3,802-\$4,748 which equates to a \$6,036 annual salary increase. Overall, there will be an annual salary increase of \$12,396 to the Division. This increase will be offset by salary savings this fiscal year.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF HOUSING ASSISTANT (CTC No. 0409) AND REVISING THE SALARY.
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF HOUSING SPECIALIST (CTC No. 0410) AND REVISING THE SALARY.
 3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF HOUSING ADMINISTRATOR (CTC No. 0407) TO HOUSING OFFICER (CTC No. 0407) AND REVISING THE SALARY.
10. RELEASE OF OBLIGATIONS UNDER DEVELOPMENT AGREEMENT AND RECORDED COVENANT IMPOSED AT 2411 WEST OLIVE AVENUE (RYANCO)

BUILDING) AND COLLECTION OF OUTSTANDING TRAFFIC IMPACT FEE:

The owner of the office building at 2411 West Olive Avenue, Ryanco Partners Ltd. No. IX., is requesting the City approve of the pending sale of the property, per the property's Development Agreement, and release a Recorded Covenant currently imposed on the property's title. One of the conditions of the Covenant Agreement is that the property owner pay into an assessment for transportation fees to mitigate traffic impacts caused by the development. Covenant Agreements for this property and five others in the late 1980s were crafted to allow these projects to proceed while the Media District Specific Plan and a local transportation funding mechanism or fee ordinance was being drafted. These fees were never paid by the property owner when they were invoiced by the City in the mid-1990s, after the Media District Specific Plan was completed, impacts to existing development were identified, and a transportation impact fee was implemented. Staff is requesting that a payment of \$80,618.72, based upon the project's square footage and the cost of the identified improvements as determined in the mid-1990s, be paid to satisfy this condition of the Covenant Agreement. A bond in the amount of \$82,000 has been posted by the property owner to satisfy the outstanding fee obligations with the understanding that the City will consider, at its sole discretion, a credit towards the fee for improvements performed by the property owner above and beyond those required by the Development Agreement. If the Council were to approve this action, staff would enter into a Release of Obligations arising under Development Agreement and Recorded Covenant to retire the Development Agreement and remove all obligations from the Covenant Agreement pertaining to traffic and transportation mitigations and fees from the property's title. Any consideration of fee credits back to the property owner will be resolved within two weeks of execution of the Release of Obligations Agreement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELEASE OF CERTAIN OBLIGATIONS BETWEEN THE CITY OF BURBANK AND RYANCO, INC.

11. AWARD OF DESIGN-BUILD AGREEMENT TO ABB, INC. FOR REPLACING OLD AND UNDERSIZED POWER TRANSFORMER BANKS SERVING BURBANK SUBSTATION:

Pursuant to Section 54 of the Charter of the City of Burbank and Burbank Municipal Code 9-101(g), staff requests Council approval of a Design-Build Agreement (Agreement) with ABB, Inc. (ABB) in the amount of \$3,911,988 for replacing the old and undersized Power Transformer Banks A-4 and A-5 (Banks) that serve the Burbank Substation.

Burbank Water and Power (BWP) needs to replace at least one of the Banks by June 2006, and both of the Banks by June 2007, in order to maintain reliability of service to

some 40,000 customers during hot weather and other high load conditions. In response, the Council authorized negotiation of an Agreement with ABB, the design-build company which completed BWP's major electrical projects on a tight schedule and within budget (Council Resolution 26,986, adopted on May 24, 2005).

ABB and staff have agreed on a competitive, Fixed Lump Sum Price of \$3,911,988. ABB used a \$2,180,000 price estimate for the Banks, the lowest cost (consistent with schedule) that emerged in an informal bidding procedure among several transformer manufacturing facilities. This figure exceeds staff's initial estimate of \$1,900,000 mainly due to escalation in the cost of metals and transformer oil over the past several months. ABB accepted staff's estimate of \$1,731,988 for all other costs, plus profit.

- The price is fixed even if the underlying price of metals (mainly copper and steel) and transformer oil should continue to escalate.
- To meet BWP's schedule, ABB agreed to expedite ordering the transformers, so that they will be delivered to their permanent BWP location within 26 weeks (20 to 22 weeks for manufacturing and three to four weeks for transportation).

As part of its approval of BWP's Fiscal Year 2005-06 Budget, the Council authorized up to \$7,600,000 for replacing the Banks and beginning relocation of the Burbank Substation. The total cost related to replacing the Banks and taking immediate advantage of their greater capacity is \$4,755,908, of which the ABB portion would be \$3,911,988.

The fiscal impact is positive. Approval of the Agreement allows BWP to replace the Banks in a cost-competitive and timely manner, and protects BWP against further increases in the price of metals or transformer oil.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF A DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF BURBANK AND ABB, INC., FOR REPLACEMENT OF POWER TRANSFORMERS SERVING BURBANK STATION.

12. REQUEST FOR AUTHORIZATION TO APPLY FOR AND ACCEPT A WATER RECYCLING FUNDING PROGRAM PLANNING GRANT FOR THE CITY OF BURBANK RECYCLED WATER SYSTEM EXPANSION FACILITIES PLANNING STUDY AND FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD:

Staff requests authorization for the General Manager of Burbank Water and Power (BWP) or his designee to apply for and accept a Water Recycling Funding Program planning grant for the City of Burbank Recycled Water System Expansion Facilities Planning Study from the California State Water Resources Control Board (SWRCB).

The grant would cover 50 percent of eligible costs up to a maximum reimbursement of \$75,000 to prepare the Recycled Water System Expansion Facilities Planning Study. The planning study will include updating and refining the existing reclaimed water master plan, considering opportunities such as landscape irrigation, commercial/industrial use, fire suppression, groundwater recharge and regional system interconnections. The planning study will also fulfill the SWRCB requirements to apply for a potential next round of reclaimed water Construction grant funding for various reclaimed water projects including Public Works Flow Equalization Project and other BWP reclaimed water main expansion projects throughout the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER OR HIS DESIGNEE TO APPLY FOR AND ACCEPT A WATER RECYCLING FUNDING PROGRAM GRANT FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD.

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

REPORT TO COUNCIL :

13. PROPOSED FISCAL YEAR 2005-06 ANNUAL WORK PROGRAM AND DEPARTMENTAL PERFORMANCE INDICATORS (CITY MANAGER'S OFFICE/PUBLIC INFORMATION OFFICE, POLICE DEPARTMENT AND COMMUNITY DEVELOPMENT 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:

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.

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**