



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, AUGUST 30, 2005
5:30 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:

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.

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 Sally Kinarthy, Unity Church of Burbank and North Hollywood.

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE: Sam Engel.

ROLL CALL:

ANNOUNCEMENT: DARK MEETING ON SEPTEMBER 6, 2005.

RECOGNITION: WARNER BROS. DONATION TO THE BEST PROGRAM.

PROCLAMATION: MUSCULAR DYSTROPHY ASSOCIATION WEEK.

PROCLAMATION: PARK, RECREATION AND COMMUNITY SERVICES 80TH ANNIVERSARY.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

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

6:30 P.M. PUBLIC HEARING:

1. ORDINANCE TO EXTEND PLAN LIMITS OF THE GOLDEN STATE, CITY CENTRE, AND WEST OLIVE REDEVELOPMENT PROJECT AREAS AS AUTHORIZED BY SENATE BILL 1096:

The purpose of this report is to receive authorization from the Council to extend the Plan effectiveness date, and the debt repayment and receipt of tax increment date for the Golden State, City Centre and West Olive Redevelopment Project Areas as authorized under Senate Bill (SB) 1096.

SB 1096, adopted in 2004 by the California Legislature, requires every redevelopment agency to make an Educational Revenue Augmentation Fund (ERAF) payment to the County Auditor during Fiscal Years (FY) 2004-05 and 2005-06. However, in an effort to offset the financial burden caused by the ERAF payment, SB 1096 gives authority to a city to extend its redevelopment plan limits by one year for each year of the ERAF payments if the existing time limit of a project plan has no more than 10 years remaining or if the existing time limit is between 10 years and 20 years; provided that the agency is in compliance with housing requirements. The extension of the time limits will help minimize the impact that the ERAF payment may have on the agency's ability to do projects and repay debt by allowing agencies to extend the plan effectiveness date, and the date to use tax increment to repay debt. In Burbank, the FY 2004-05 ERAF payment was processed by the Redevelopment Agency on April 20, 2005. The FY 2005-06 payment will be paid on or before May 10, 2006. After payment has been made for FY 2005-06, the Council may consider the adoption of an ordinance for a second one-year

time extension.

The time limitations required by SB 1096 will be counted individually for each plan from the date of adoption of each plan. The Golden State, City Centre and West Olive Redevelopment Project Areas meet the eligibility requirements. The South San Fernando Redevelopment Project Area does not qualify for a timeline extension under SB 1096 as that Plan's effectiveness date is more than 20 years from the fiscal year in which the ERAF payment was made. By extending the plan effectiveness date and the date for debt repayment and receipt of tax increment by one year for the Golden State, City Centre and West Olive Redevelopment Project Areas, the Redevelopment Agency (Agency) will have another year to pay for costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plans. The Agency will receive an estimated total of \$57,158,079 in net tax increment during that year.

Pursuant to Section 33333.6 of the Health and Safety Code, notice of a public hearing was mailed to each affected taxing agency at least 30 days prior to the public hearing and a notice was published in the Burbank Leader, a local newspaper, on Saturday, August 20, 2005, Wednesday, August 24, 2005, and Saturday, August 27, 2005.

Recommendation:

Introduction of proposed ordinances entitled:

1. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.
2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.
3. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

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 2 through 8)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

2. MINUTES:

Approval of minutes for the regular meetings of May 2 and May 3, 2005, the adjourned meeting of May 7, 2005, and the regular meetings of May 10, May 17, May 24 and May 31, 2005.

Recommendation:

Approve as submitted.

3. BURBANK WATER AND POWER MONTHLY OPERATIONS REPORT:

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

WATER UPDATE

Water Quality

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

Fiscal Year (FY) 2004-05 Year-To-Date Water Fund preliminary Financial Results as of June 30, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	9,403,951	9,888,120	(484,169)	(5%)
Potable water sales (CCF)	9,072,456	9,417,118	(344,662)	(4%)
Reclaimed water sales (CCF)*	417,517	499,198	(81,681)	(16%)
Potable Revenues	\$15,889	\$16,019	(\$130)	(1%)
Reclaimed and Power Plant Revenues	531	678	(147)	(22%) (A)
Total Operating Revenues	\$16,420	\$16,697	(\$277)	(2%)
WCAC	7,231	6,657	(574)	(9%) (B)
Gross Margin	\$9,190	\$10,040	(\$850)	(8%)
Operating Expenses	7,833	8,209	376	5%
Operating Income	\$1,357	\$1,831	(\$474)	(26%)
Other Income/(Expenses)	809	335	474	141% (C)
NI before Contr. & Transfers	\$2,166	\$2,166	(\$0)	(0%)
Transfers (In Lieu)	(797)	(797)	(0)	0%
Contributed Capital (A.I.C)	1,677	654	1,023	156% (D)
Change in Net Assets (Net Income)	\$3,047	\$2,024	\$1,023	51%

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

(A) Budget includes reclaimed water revenue from MPP. MPP did not use reclaimed water due to on-going construction of the underground reclaimed water tank on-site.

(B) During the year, 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 major wells down for maintenance. Thus, there was an increased need for purchased water from MWD. The BOU has an average of 55 percent operating capacity compared to 75 percent budgeted capacity.

(C) Additional income from closing of old work for others projects.

(D) Additional income from closing of old AIC projects.

FY 2004-05 Water Fund Financial Reserve preliminary balances as of June 30, 2005 are summarized in the following table:

Water (In thousands)	Balance	Recommended
	6/30/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$4,474	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$7,281	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,000	\$1,000
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$269	\$269
Parity Reserve Fund	\$743	\$743
Sub-Total Restricted Cash	\$4,112	\$4,112
Total Cash	\$11,393	\$12,122

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for Fiscal Year 2004-05 through June 30, 2005 as compared to the same time period for Fiscal Year 2003-04:

Reliability Measure	Fiscal Year 2003-04	Fiscal Year 2004-05
Average Outages Per Year	0.3993	0.3254
Average Outage Duration	50.05 minutes	73.64 minutes
Average Service Availability	99.9961%	99.9954%

Financial and Operations Update

FY 2004-05 year-to-date Power preliminary Financial Results as of June 30, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	1,146,281	1,153,052	(6,771)	(0%)
Weather Normalized NEL MWh	1,156,593	1,153,052	3,541	(0%)
Retail Sales MWh	1,077,658	1,095,399	(17,742)	(2%)
Retail Revenues	136,304	\$140,049	(\$3,745)	(3%)
Other Revenues	2,225	2,237	(12)	(1%)
Retail Power Supply & Transmission expenses	(81,218)	(82,650)	1,431	2%
Retail Gross Margin	57,310	\$59,636	(\$2,326)	(4%)
Wholesale Revenues	110,030	50,000	60,030	120%
Wholesale Power Supply	(105,840)	(46,500)	(59,340)	(128%)
Wholesale Gross Margin	\$4,189	\$3,500	\$689	20%
Gross Margin	\$61,500	\$63,136	(\$1,637)	(3%)
Operating Expenses	(34,293)	(33,775)	(519)	(2%)
Operating Income	\$27,206	\$29,362	(\$2,155)	(7%)
Other Income/ (Expense)	233	(2,097)	2,330	111% (A)
NI before Contr. & Transfers	\$27,440	\$27,265	\$175	1%
Transfers In/(Out) - (In lieu)	(8,829)	(8,753)	(76)	(1%)
NI before Contributions	\$18,611	\$18,512	\$99	1%
Contributed Capital (A.I.C)	2,434	2,758	(324)	(12%) (B)
Change in Net Assets (Net Income)	\$21,045	\$21,270	(\$225)	(1%)

() = Unfavorable

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

(B) MPP related projects account for approximately \$1.7 million.

FY 2004-05 Power Fund Financial Reserve preliminary balances as of June 30, 2005 is summarized in the following table:

Electric (In thousands)	Balance	Recommended
	6/30/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$48,074	\$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
Sub-Total Unrestricted Cash	\$65,879	\$61,770
Debt Service Fund & Other Restricted Cash	\$1,551	\$1,551
Parity Reserve Fund	\$11,042	\$11,042
Sub-Total Restricted Cash	\$12,593	\$12,593
Total Cash	\$78,472	\$74,363

Recommendation:

Note and file.

4. AUTHORIZING THE ACCEPTANCE OF THE FISCAL YEAR 2005 HOMELAND SECURITY GRANT AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING THE FUNDS:

The purpose of this report is to request Council approval of a proposed resolution that authorizes the City Manager to accept \$236,758 in State Homeland Security Grant Program (SHSGP) funds for the Fire and Police Departments, and amends the Fiscal Year (FY) 2005-06 Budget by appropriating the funds.

The Federal Department of Homeland Security (DHS), through the Office for Domestic Preparedness (ODP), is providing funding to California for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism. The grant provides for one-time funding for specialized equipment and training to enhance the capability of local agencies to prevent, respond to and mitigate incidents of terrorism.

Items approved for the City include identification software to assist with terrorism prevention, radios for first responders, hazardous materials training courses and associated backfill, and monitoring equipment for critical City infrastructure sites. This grant is a reimbursement grant and will not require matching funds.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FISCAL YEAR 2005 HOMELAND SECURITY GRANT PROGRAM GRANT FUNDS IN THE AMOUNT OF \$236,758 FROM U.S. DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE FOR DOMESTIC PREPAREDNESS.

5. AUTHORIZING THE ACCEPTANCE OF A FISCAL YEAR 2005 URBAN AREAS SECURITY INITIATIVE GRANT AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING THE FUNDS:

The purpose of this report is to request Council authorization for the City Manager to accept \$624,511 in Urban Areas Security Initiative (UASI) Grant funds for the Fire and Police Departments, and amend the Fiscal Year (FY) 2005-06 Budget by appropriating the funds.

The Federal Department of Homeland Security (DHS), through the Office for Domestic Preparedness (ODP), is providing financial assistance to selected urban areas through the FY 2005 UASI Grant program to address the unique equipment, training, planning, exercise and operational needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism. As one of these identified urban areas, The City of Los Angeles formed a Los Angeles Urban Area (LAUA) working group to assess the needs of the region, identify key projects and allocate their \$39,233,545 in grant funds accordingly. As a result, the City was identified to receive grant funding in several categories including training, hazardous materials, urban search and rescue and urban area prevention, for a total of \$624,511. This is a reimbursement grant and will not require matching funds.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FY 2005-2006 URBAN AREAS SECURITY INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$624,511 FROM THE DEPARTMENT OF HOMELAND SECURITY OFFICE FOR DOMESTIC PREPAREDNESS.

6. AMENDMENT TO THE COOPERATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 134 RAMP PROJECT:

A Cooperation Agreement was executed on October 8, 2002 between the California Department of Transportation (Caltrans) and the City, setting each party's responsibilities in completing the Westbound State Route (SR) 134 On-Ramp Project at Hollywood Way. Caltrans now proposes that an amendment to that Agreement be executed extending the term of the Agreement and including an additional responsibility for both parties.

Caltrans is requesting that the City be responsible for completing initial environmental investigations, and subsequent testing if warranted, to determine the soil conditions of several parcels of private property that Caltrans will need to acquire for temporary construction easements and permanent tie-back easements (subsurface anchors for retaining walls). The consultant being used by the City to test the City-owned properties has submitted a contract proposal of \$7,800 to complete this work. This task does not include any responsibility for remediating any contaminated soil conditions that may be found within any of the private property parcels investigated; that responsibility rests entirely with Caltrans.

In return for the City being responsible for completing the environmental investigations, and for prior design work on a portion of the electrical substation wall, Caltrans is agreeing to fund at State expense the cost of widening the south side of Alameda Avenue between Hollywood Way and the new on-ramp. This widening will create an additional eastbound lane that will lead directly onto the ramp, thereby facilitating a near free-flow condition of traffic entering the freeway. This construction had not originally been part of the Caltrans ramp project, and Caltrans now offers to construct it in exchange for the City performing the soil investigations. The preliminary cost estimate of the Alameda Avenue widening is \$60,000.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA (DEPARTMENT OF TRANSPORTATION) FOR THE PURPOSE OF THE RAMP IMPROVEMENT ON SR-134 BETWEEN CALIFORNIA STREET AND PASS AVENUE IN THE CITY OF BURBANK.

7. ACCEPTING A DONATION FROM WARNER BROS. TO THE BURBANK EMPLOYMENT AND STUDENT TRAINING PROGRAM AND AMENDING THE FISCAL YEAR 2005-06 BUDGET FOR THE PURPOSE OF APPROPRIATING THE FUNDS:

The purpose of this report is to request Council acceptance of funds donated by Warner Bros. to the Burbank Employment and Student Training (BEST) Program, and to amend the Fiscal Year (FY) 2005-06 budget by appropriating these donated funds.

The BEST Program has been very successful in developing the youth workforce within the Burbank community since 1996. The program hires youth workers between the ages of 16 and 18 with previous paid or volunteer work experience. Private businesses throughout Burbank hire youth workers through the BEST program and reimburse the City for their student's hourly wages. Local non-profit and not-for-profit organizations throughout Burbank who cannot afford to hire youth workers receive participants based on donations from community organizations, individuals and private businesses such as Warner Bros.

The Management Services Department would like to appropriate Warner Bros.' donation of \$6,600 to the 2005 BEST Program. This generous donation will not only positively impact the lives of the students, but will enrich our community by providing qualified youth workers to local non-profit and not-for-profit organizations such as the Burbank Boys & Girls Club, Salvation Army, Burbank Temporary Aid Center and the Burbank YMCA.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING DONATION FUNDS IN THE AMOUNT OF \$6,600 FROM WARNER BROS.

8. AUTHORIZING THE PURCHASE OF SEVEN BURBANK TRANSPORTATION SERVICE BUSES AND AMENDING THE FISCAL YEAR 2005-06 BUDGET:

Staff is requesting Council approval to replace seven Burbank Transportation Service (BTS) buses and amend the Fiscal Year (FY) 2005-06 budget to appropriate \$385,000 from Fund 532 for the purchase of these buses. These vehicles provide transportation throughout Burbank to senior and disabled persons, and are in need of replacement.

During the FY 2003-04 budget preparation process, it was determined that a longer life was possible for these buses based on vehicle usage at that time. Thus, the useful lives of these buses were increased to reduce Department operating costs, and they were scheduled for replacement in FY 2006-07. However, during FY 2004-05 and continuing

into FY 2005-06, these vehicles have served as back-up buses for the seven compressed natural gas (CNG) Media District shuttle buses, which have experienced excessive downtime resulting from many warranty repair issues. Ultimately, the additional use of the BTS buses has placed an unexpected burden on the vehicles, which are now experiencing significant mechanical problems. Furthermore, implementation of additional fixed route bus programs will potentially escalate the usage of these vehicles.

The Transportation Task Force strongly recommends that the entire transportation fleet have a uniform look, which will require all of the transportation vehicles, including BTS, to be repainted. The estimated cost of painting each vehicle is \$4,000-\$5,000. The cost of painting the seven BTS vehicles is approximately \$28,000. It would not be practical to paint the existing seven buses now, and replace them in less than a year. It would be more cost effective to replace the vehicles at this time.

Gasoline vs. Compressed Natural Gas

Staff recommends that the replacement buses be fueled by gasoline and not CNG for the following reasons:

- Incremental costs associated with gasoline vs. CNG;
- Availability of CNG fuel tanks;
- Exemption from Air Quality Management District Rule 1192;
- Loss of seating capacity for vehicle range; and,
- Emergency services logistical support.

The replacement cost for each gasoline bus is \$55,000, and its CNG counterpart costs approximately \$77,000 per bus. The incremental cost for a CNG vehicle of this type is approximately \$22,000 per vehicle, or 40 percent. The additional cost for all seven vehicles is \$154,000. Also, Ford Motor Corporation is no longer making the CNG chassis in the paratransit vehicle class; therefore a regular gasoline chassis must be converted to accommodate the CNG fuel type.

A primary material in the manufacturing of CNG fuel tanks, carbon fiber, is in high demand. Due to the conflict in the Middle East, military applications receive first priority for this material. Manufacturers of CNG tanks have provided notice to bus manufacturers that the earliest CNG tanks would be available is April 2006.

Another disadvantage to the CNG vehicle is that the seating capacity would be reduced by four seats. This is due to the fact that the standard single tank van has a range of approximately 100 miles and is insufficient for the BTS application as routes regularly exceed 100 miles daily. If an additional fuel tank is added in order to increase range, seating capacity must be reduced due to the additional weight of the tank.

Lastly, BTS vehicles are first responders in the event of disasters. In the event of a natural disaster, the CNG station may go offline which would prevent these vehicles from

operating. Gasoline would be much easier to acquire, such as the possibility of siphoning gasoline from one vehicle into another in order to remain operational.

All seven buses have recovered their full replacement cost of \$55,000 each, for a total of \$385,000. The total cost to replace all vehicles seven buses is approximately \$385,000. Funds are available in the Vehicle Replacement Fund's unappropriated fund balance.

If it is the Council's desire, staff also recommends that additional recovery funds be collected to accumulate sufficient dollars to enable the City to purchase alternative fuel vehicles in the future.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET IN THE AMOUNT OF \$385,000 FOR THE PURCHASE OF SEVEN REPLACEMENT BURBANK TRANSPORTATION SERVICE BUSES AND AUTHORIZING THE PURCHASE OF THE BUSES.

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

REPORTS TO COUNCIL:

9. CHARTER REVIEW COMMITTEE APPOINTMENTS:

Staff is requesting the Council appoint members to the Charter Review Committee. On March 22, 2005, the Council directed staff to convene a Charter Review Committee charged with the task of working with staff and an outside consultant to review the Charter, identify necessary changes and make recommendations regarding those changes to the Council. At that time, the Council also gave direction regarding the make-up of the committee and the process to appoint its members.

The Charter Review Committee will be made up of 11 members. Each Council Member may select one member of the committee from among all qualified electors of the City for a total of five. The Council will select the remaining six members of the committee through a vote of the entire Council. The Council also tentatively agreed to select the chair of the committee at the same time it selects the members of the committee.

The City Council held interviews with the applicants at study sessions on August 16 and 23, 2005.

Recommendation:

Staff recommends that the Council appoint six members of the committee from the

applicant pool through a vote of the entire Council and each Council Member appoint one member of the committee from among all electors of the City for the remaining five members. Staff also recommends that the Council consider selecting the chair of the committee.

10. SUBSTITUTION OF WARNER BROS. CHILDCARE NEEDS SURVEY OBLIGATION WITH CHILDCARE PAYMENT AND APPROVAL OF A RELEASE AGREEMENT RELATED THERETO:

The purpose of this report is to seek Council approval of a substitution of a childcare needs survey obligation with a childcare payment obligation under the Development Agreements between the City and Warner Bros. Entertainment Inc. (Warner Bros.) for the Main and Ranch Studio Lots and the approval of a related Release Agreement.

On November 27, 1995, Warner Bros. and the City entered into two separate Development Agreements, one for the Main Lot and one for the Ranch Studio Lot, approving certain development on each site. An obligation in each of those agreements requires Warner Bros. to conduct a childcare needs survey every five years (Provision 3.4).

At the present time, halfway through the 20-year term of the Development Agreements, Warner Bros. has developed little of its entitlements authorized under the agreements. It currently operates an existing childcare center that serves over 100 children and provides an updated list of off-site childcare facilities in the area for its employees. However, Warner Bros. has not conducted the childcare needs survey required under the Development Agreements. It is in full compliance with all other provisions under the agreements.

The parties have a difference of opinion over the interpretation of Section 3.4, specifically as to the actions required once a survey is conducted. In order to resolve these differences, Warner Bros. proposes to substitute the childcare needs survey provision obligation with a childcare payment obligation under the Development Agreements. The proposal involves a one-time fee payment of \$150,000 by Warner Bros. to help fund new childcare facilities or community programs as determined by the City. This fee amount is commensurate to fees paid by other developers in the City for childcare. The developer of the Media Studio North project, included the \$100,000 childcare obligation for the Media Studios North project in their pro forma for the Cottages development and built the shell for what is now the Burbank Housing Corporation Children's Center. The developer for the Empire Center Project paid \$100,000 to the City for the development of childcare facilities in-lieu of on-site childcare.

A release agreement between the parties provides for the one-time payment of \$150,000 as full compliance with Provision 3.4 in each development agreement, and once paid, releases Warner Bros. from all obligations to comply with that section.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A SUBSTITUTION OF CHILDCARE NEEDS SURVEY PROVISION OBLIGATION WITH A CHILDCARE PAYMENT OBLIGATION UNDER DEVELOPMENT AGREEMENTS BETWEEN THE CITY OF BURBANK AND WARNER BROS. ENTERTAINMENT INC. AND APPROVING A RELEASE RELATED THERETO.

ADOPTION OF PROPOSED ORDINANCE:

11. ORDINANCE IMPLEMENTING CHANGES TO BURBANK WATER AND POWER RATE ASSISTANCE PROGRAMS:

On July 19, 2005, the Council approved a change to Burbank's rate assistance programs. The change adds an income means requirement for all customers who qualify for the rate assistance programs, including those who use essential life support equipment.

To accomplish this, the use of life support equipment has been added to the definition of "disabled person". In addition, the Ordinance updates the definition of "disabled person", updates obsolete references, and adds some language for clarity. These updates and clarifications do not change the essential meaning or guidelines for the rate assistance programs.

This ordinance was introduced at the August 23, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 30-201 AND 30-206 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE LIFELINE SERVICE RATE FOR UTILITY SERVICE.

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**