



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, OCTOBER 4, 2005
6:00 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

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

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

- a. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3

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 Tania Kleiman, Olive Branch Ministries.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PRESENTATION: BOOK DONATION FROM BURBANK WATER AND POWER.

PROCLAMATION: PUBLIC POWER WEEK.

PROCLAMATION: CALIFORNIA ARTS DAY.

PRESENTATION: SENATOR JACK SCOTT – STATE OF THE STATE ADDRESS.

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 October 3, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. CONTINUED PUBLIC HEARING:

2. CASTAWAY RESTAURANT AMENDED AND RESTATED LEASE AGREEMENT:

The purpose of this report is for the Council to consider the revisions made to the Amended and Restated Lease Agreement between the City and Verdugo Restaurant Corporation (VRC) for the Castaway Restaurant (hereafter the Agreement) and to adopt a resolution approving the Agreement.

On September 13, 2005, the Council held a public hearing to consider the Agreement for the Castaway Restaurant. After public testimony and Council deliberation, staff was directed to make certain revisions to the Agreement as follows:

- Include specifications prohibiting social functions such as “raves” and the like from taking place at the Castaway. This will prevent events unbecoming of a first-class

establishment from occurring at the Castaway's banquet facilities;

- Include provisions stipulating that the Castaway will provide free self-parking and free valet service to patrons. In addition, the Agreement will now require the Castaway to submit additional information in the Parking Plan that demonstrates which spaces will be available for self parking and which spaces will be used by the valet service. This is to ensure that there will be self parking in the upper portion of the hilltop parking area and not just the lower portion of the hilltop area;
- Address traffic concerns directly related to the Castaway and their vendors, by adding provisions to the Agreement requiring the Castaway to submit a delivery plan to the City for approval, which will specify delivery hours and truck routes. The purpose of this plan is to reduce impacts of the Castaway's vendor deliveries to the residential neighborhood;
- Modify the operating hours of the Luau Grounds whereas the area will be available for City-approved functions from Sunday to Thursday until 9:00 p.m. and Friday and Saturday until 11:00 p.m. Before this revision, operation hours at the Luau Grounds were from Sunday to Wednesday until 9:00 p.m. and Thursday to Saturday until 11:00 p.m. Any functions that are proposed to take place at the Luau Grounds will require approval by the Park, Recreation and Community Services Director before the event is booked;
- Include a provision prohibiting the sale of alcohol past midnight at the Castaway and its entire facilities which include the restaurant, the lounge and patio bar service, events at the banquet rooms and the Luau Grounds; and,
- Add provisions requiring the Castaway to provide a security guard whenever an event goes beyond twelve midnight at the banquet facilities. This requirement will further reduce the impacts of the Castaway's business on the neighboring residences.

Pursuant to Council direction, the Agreement has been revised to address the concerns and issues brought forth during the September 13, 2005 public hearing. The subsequent revisions made to the Agreement further enhance the Castaway Restaurant's operations, promote good relations with the neighboring residents and ensure that the restaurant remains as a first-class establishment.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF BURBANK AND VERDUGO RESTAURANT CORPORATION (CASTAWAY RESTAURANT).

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 3 through 10)

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. MINUTES:

Approval of minutes for the regular meetings of August 23 and August 30, 2005.

Recommendation:

Approve as submitted.

4. BURBANK WATER AND POWER MONTHLY WATER AND POWER OPERATING REPORT:

Staff has prepared the BWP Water and Electric Monthly Report regarding water quality and power issues for September 2005.

WATER UPDATE

Water Quality

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

Fiscal Year (FY) 2004-05 Year-To-Date Water Fund Financial Results as of August 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	2,076,070	2,039,915	36,155	2%
Potable water sales (CCF)	1,941,864	1,971,065	(29,201)	(1%)
Reclaimed water sales (CCF)*	98,613	210,952	(112,339)	(53%)
Potable Revenues	\$3,570	\$3,514	\$56	2%
Reclaimed and Power Plant Revenues	10	287	(276)	(96%) (A)
Total Operating Revenues	\$3,580	\$3,801	(\$220)	(6%)
WCAC	1,758	1,593	(166)	(10%) (B)
Gross Margin	\$1,822	\$2,208	(\$386)	(17%)
Operating Expenses	1,161	1,474	313	21%
Operating Income	\$661	\$734	(\$73)	(10%)
Other Income/(Expenses)	69	144	(75)	(52%)
NI before Contr. & Transfers	\$730	\$878	(\$148)	(17%)
Transfers (In Lieu)	(125)	(176)	51	29% (C)
Contributed Capital (A.I.C)	40	172	(132)	(77%)
Change in Net Assets (Net Income)	\$645	\$875	(\$230)	(26%)

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

- (A) MPP has not been billed for reclaimed water use since the plant is not operational. Reclaimed water for MPP is budgeted for 60,403 CCF or \$82k per month. In addition to that, a customer over billing of \$135k in prior fiscal year was reversed in July 2005.
- (B) The BOU has experienced reduced operating capacity due to carbon screen failures, water production problems associated with the persistent low water table and well maintenance. Thus, there was an increased need for purchased water from the Metropolitan Water District (MWD). The BOU has an average of 43 percent of operating capacity compared to a 75 percent budgeted capacity.
- (C) In-lieu accrual of \$39k was recorded in June 2005. This entry was reversed in July 2005.

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

Water (In thousands)	Balance	Recommended
	8/31/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$5,086	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$7,893	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$873	\$873
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$366	\$366
Parity Reserve Fund	\$620	\$620
Sub-Total Restricted Cash	\$3,959	\$3,959
Total Cash	\$11,852	\$11,969

ELECTRIC UPDATE

Electric Reliability

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

Reliability Measure	Fiscal Year 2004-05	Fiscal Year 2005-06
Average Outages Per Year	0.3254	0.3410
Average Outage Duration	73.64 minutes	59.91
Average Service Availability	99.9954%	99.9977%

Financial and Operations Update

FY 2004-05 year-to-date Power Financial Results as of August 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	241,067	230,068	10,999	5%
Weather Normalized NEL MWh	242,051	230,068	11,983	5%
Retail Sales MWh	215,261	218,565	(3,304)	(2%)
Retail Revenues	28,690	28,081	\$610	2%
Other Revenues	178	166	12	7%
Retail Power Supply & Transmission expenses	(19,402)	(16,431)	(2,971)	(18%) (A)
Retail Gross Margin	9,466	\$11,815	(\$2,349)	(20%)
Wholesale Revenues	33,055	12,500	20,555	164%
Wholesale Power Supply	(31,297)	(11,625)	(19,672)	(169%)
Wholesale Gross Margin	\$1,757	\$875	\$882	101%
Gross Margin	\$11,224	\$12,690	(\$1,467)	(12%)
Operating Expenses	(6,142)	(6,070)	(72)	(1%)
Operating Income	\$5,082	\$6,620	(\$1,538)	(23%)
Other Income/ (Expense)	98	(158)	256	162% (B)
NI before Contr. & Transfers	\$5,180	\$6,462	(\$1,282)	(20%)
Transfers In/(Out) - (In lieu)	(1,319)	(1,718)	399	23% (C)
NI before Contributions	\$3,861	\$4,744	(\$883)	(19%)
Contributed Capital (A.I.C)	44	397	(352)	(89%)
Change in Net Assets (Net Income)	\$3,906	\$5,141	(\$1,235)	(24%)

() = Unfavorable

(A) Replacement power is \$2.2 million because MPP is not operational yet.

(B) BPA settlement of \$591k.

(C) In-lieu accrual of \$364k was recorded in June'05. This entry was reversed in July 2005.

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

Electric (In thousands)	Balance	Recommended
	8/31/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$44,336	\$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	\$4,034	\$0
Sub-Total Unrestricted Cash	\$62,170	\$61,770
Debt Service Fund & Other Restricted Cash	\$3,119	\$3,119
Parity Reserve Fund	\$10,000	\$10,000
Sub-Total Restricted Cash	\$13,119	\$13,119
Total Cash	\$75,289	\$74,889

Recommendation:

Note and file.

5. HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING EXPENSE AGREEMENT WITH THE BURBANK HOUSING CORPORATION:

The purpose of this report is to request Council approval of a HOME Community Housing Development Organization Operating Expense Agreement that would grant \$88,054 in HOME funds to the Burbank Housing Corporation for Fiscal Years (FY) 2004-05 and 2005-06, and would authorize staff to administratively approve an allocation of up to five percent for future HOME allocations through FY 2007-2008 (the term remaining in the Five-Year Consolidated Plan). The purpose of this grant is to assist the Burbank Housing Corporation to pay operating expenses to continue and expand their work in focus neighborhoods.

The City and Redevelopment Agency (Agency) have provided the Burbank Housing Corporation with funding since 1997 to upgrade rental properties and to implement youth and family services as a proven strategy for upgrading neighborhoods in decline. In each focus neighborhood (Elmwood, Verdugo-Lake, Peyton-Grismer, Golden State and soon Lake-Alameda), the approach has been to assist the Burbank Housing Corporation acquire and rehabilitate deteriorated properties, operate them as mixed-income

properties with an affordability component and develop activity centers from which to provide services that will help to integrate tenants into the community and build healthier, stronger families.

While the Agency and City have funded development costs for Burbank Housing Corporation-acquired rental properties, each of these properties have a restricted cash flow. The properties are covenanted with rent restrictions and non-income generating activity centers. These properties are purchased at market rates but must operate with suppressed rents, sometimes with fewer units than when acquired, such as the Peyton-Grismer Project where 99 units were bought but 70 units will remain post-rehabilitation. Consequently, the Agency and City have recognized that adequate funding to accommodate the capacity needs of the Corporation and the operational costs of the activity centers is necessary.

To help build the Burbank Housing Corporation's capacity for the above-mentioned responsibilities, staff is proposing the Council amend the City's Five-Year Consolidated Plan (2003-08) and FY 2005-06 Annual Action Plan to fund a new activity under the existing housing needs priority to "Sustain and Strengthen Neighborhoods." As previously described, an implementing program under this priority need is the Acquisition and Rehabilitation of residential dwellings in designated Focus Neighborhoods. The Program is funded primarily with Redevelopment Low and Moderate Income Housing Funds (LMI) with supplemental funding through the HOME Investment Partnerships program.

This amendment to the Consolidated Plan and Annual Action Plan proposes to provide funding that will offset operating expenses of the Burbank Housing Corporation. Under HOME regulations, the City is allowed to use up to five percent of its annual HOME allocation to enhance a Community Housing Development Organization's capacity by offsetting operating expenses it incurs (24 CFR § 92.208). Therefore, staff proposes that Burbank commit and expend up to five percent of its annual HOME allocation from FY 2003-2004 through FY 2007-2008 for the payment of operating expenses of the Burbank Housing Corporation as a certified Community Housing Development Organization. The funds will assist the Burbank Housing Corporation in its continuing efforts to acquire and rehabilitate residential properties in geographically targeted focus neighborhoods as described, and to expand projects and programs.

This HOME allocation for operating expenses is not a long-term remedy; it is a short-term solution. Staff is looking at other ways to free cashflow such as restructuring all of the Corporation's notes similar to the recent Verdugo-Lake restructuring that included the refinancing of conventional debt and the City/Agency restructuring their loans, all to provide the Burbank Housing Corporation with the administrative capacity needed in the Verdugo-Lake area and the operating funds necessary for the Verdugo-Lake Activity Center. The Burbank Housing Corporation also realizes these funds should not be seen as a permanent subsidy, but rather as a way of building and maintaining the capacity of the organization to maintain and expand operations as they work toward their long-term objectives (including a more self-sustaining organization).

Staff is proposing a n \$88,054 grant from FY 2004-05 and FY 2005-06 HOME allocations (a five percent allocation). Furthermore, staff recommends the Council approve an allocation of up to five percent of future HOME allocations after an annual request in writing from the Burbank Housing Corporation (to be approved by the City's Community Development Director or designee) through FY 2007-08; the term of the City's Consolidated Plan. While it is unknown what future allocations the City will receive, staff assumes future allocations will be similar to past allocations. Therefore, an estimated \$44,000 per year may be available under the HOME Entitlement allocation.

As required by the United States Department of Housing and Urban Development (HUD) stipulated in 24 CFR Part 91 (91.105) and the City of Burbank Citizen Participation Plan for the receipt and allocation of Federal HOME funds, an amendment to the City's 2003-08 Consolidated Plan has been prepared. A notice was published in the newspaper providing citizens with 10 calendar days' notice and an opportunity to comment on the proposed change on the use of HOME funds as outlined in the City of Burbank Citizen Participation Plan for Federal Programs. As of the completion of this report, staff had not received any comments on the amendment.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING EXPENSES AGREEMENT BETWEEN THE CITY OF BURBANK AND BURBANK HOUSING CORPORATION.

6. APPROVAL OF FINAL TRACT MAP NO. 60402 (624 EAST ORANGE GROVE AVENUE):

Staff is requesting Council approval of Final Tract Map No. 60402. The property covered on Final Tract Map No. 60402 is a one-lot subdivision totaling 15,261 square feet and is located at 624 East Orange Grove Avenue. The property is in the R-4 Multiple Family Medium Density Residential Zone and is owned by Adam Pasori.

In March 2003, the property owner requested City approval through a Development Review to demolish 10 existing dwelling units to construct a three-story, 20-unit residential building with a two-level semi-subterranean garage. Final Map No. 60402 finalizes the conversion of an existing multi-family building into a condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 60402:

1. The tentative tract map was approved by the Community Development Director on February 3, 2004 pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map);

2. The Final Tract Map contains 20 condominium units at 624 East Orange Grove Avenue, which is located in the R-4 Multiple Family Medium Density Residential zone;
3. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act pursuant to section 15268(b)(3) relating to approval of final subdivision maps; and,
4. Conditions of Approval for Tentative Tract Map No. 60402 have been cleared by the Planning Division for purposes of Final Tract Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant can not record the CC&Rs until this tract map is approved by Council and recorded at the Los Angeles County Recorder's Office).

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 60402 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL TRACT NO. 60402 (624 East Orange Grove Avenue).

7. APPROVAL OF FINAL TRACT MAP NO. 60504 (220 SOUTH SEVENTH STREET):

Staff is requesting Council approval of Final Tract Map No. 60504. The property covered on Final Tract Map No. 60504 is a one-lot subdivision totaling 5,261 square feet and is located at 220 South Seventh Street. The property is in the R-3 Residential Multiple Low Density Zone and is owned by Grigor Greg Davtyan.

The owner applied for conversion of a four-unit apartment building into condominiums through an Administrative Use Permit in April 2004. Final Tract Map No. 60504 finalizes the condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 60504:

1. The tentative tract map was approved by the Community Development Director on August 25, 2004 pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map);
2. The Final Tract Map contains four (4) condominium units at 220 South Seventh Street, which is located in the R-3 Residential Multiple Low Density Zone;
3. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act pursuant to section 15268(b)(3) relating to approval of final subdivision maps; and,
4. Conditions of Approval for Tentative Tract Map No. 60504 have been cleared by the Planning Division for purposes of Final Tract Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant can not record the CC&Rs until this tract map is approved by Council and recorded at the Los Angeles County Recorder's Office).

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 60504 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 60504 (220 South Seventh Street).

8. AMENDING THE FISCAL YEAR 2005-06 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING BULLETPROOF VEST GRANT PROGRAM FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE:

Staff is requesting Council approval of a proposed resolution authorizing the City Manager to accept a grant in the amount of \$11,112.10 from the United States Department of Justice, Bureau of Justice Assistance, for the Police Department Bulletproof Vest Program.

The City has participated in this program since 1999 and has received approximately \$33,000 to help offset the cost of safety vests. On January 6, 2005, the Bureau of Justice Assistance requested that agencies desiring to receive bulletproof vest funding, submit a

grant proposal. An application was filed on August 24, 2005, and the Burbank Police Department has been notified that the application was approved. The revenue anticipated from the grant will help to defray a portion of the General Fund cost for safety equipment.

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 BULLETPROOF VEST GRANT PROGRAM FUNDS IN THE AMOUNT OF \$11,112.10 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE.

9. APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND STATE CONSULTING & INSPECTION SERVICES FOR THE ROBERT R. OVROM PARK PROJECT, PHASE I:

Staff is requesting Council approval of a Professional Services Agreement (PSA) for \$172,500 between the City and State Consulting & Inspection Services (SCIS) for the Robert R. Ovrom Park Project, Phase I.

The Robert R. Ovrom Park Project is a joint-use redevelopment project that includes a neighborhood recreation center, community day school and one-acre public park. Staff was directed to secure Department of State Architect (DSA) certified inspection services to enable the Burbank Unified School District (BUSD) future eligibility for California State Proposition 47 and/or Proposition 55 funds. These funds were established to partially reimburse school districts for new school construction projects. Based on staff's independent investigation, the BUSD may be entitled to a maximum of \$1.2 million from the State based on school size, student population and special needs students.

Staff issued a Request for Proposal to eight inspection service providers and received five qualified submittals. Selection was based on using DSA-certified inspectors only and the hourly rate for each inspector level. DSA Class 1 inspectors will be utilized on a full-time, 40-hour per week basis for the project's duration. All respondents were considered qualified since all proposals identified only DSA-certified inspectors and had comparable field experience. SCIS provided the most cost effective hourly rate. The DSA will subsequently review and approve the selection made by the City and BUSD.

The Project will front the \$172,500 for this agreement and seek full reimbursement through the BUSD when they are reimbursed by the Office of Public School Construction for DSA-certified inspection.

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 STATE CONSULTING & INSPECTION SERVICES FOR THE ROBERT R. OVROM PARK PROJECT, PHASE I.

10. AUTHORIZING THE CITY ATTORNEY'S OFFICE TO RETAIN OUTSIDE COUNSEL FOR CIVIL SERVICE BOARD APPEALS:

The purpose of this report is to request Council approval to retain the law firm of Bannan, Green, Frank & Terzian, LLP to prosecute disciplinary appeals before the Civil Service Board. The City Attorney's Office has advised that due to recent court decisions, it is necessary to retain outside counsel to avoid any appearance of conflict of interest or unfairness to the appellant in the civil service appeal hearing.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL FOR CIVIL SERVICE BOARD APPEALS.

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

REPORTS TO COUNCIL:

11. USE OF VIDEO SURVEILLANCE TO COMBAT GRAFFITI:

The purpose of this report is to follow up on Council Member Golonski's August 23, 2005 request that the issue of using video surveillance to combat graffiti be agendized. This is the first step in the two-step agenda process.

At the August 23, 2005 Council meeting, Council Member Golonski requested that staff bring back a discussion on the use of video surveillance to combat graffiti. This staff report is the first step in the one-step two-step process to determine if the Council would like staff to bring back a second-step report and what that report should include.

Staff has submitted a report summarizing issues that might assist the Council in their decision.

Recommendation:

Staff recommends that the Council discuss the matter and provide direction as desired.

12. APPROVAL TO ENTER INTO AGREEMENTS WITH COMPU DYNE FOR THE UPGRADE OF THE POLICE PUBLIC SAFETY SUITE SYSTEM:

Staff is requesting Council approval to enter into agreements with CompuDyne for the upgrade/implementation, licensing and maintenance of a Public Safety Suite to replace the existing Police Department Public Safety Computer System and add new computerized functionality.

With the assistance of Thayer Consulting and the City Attorney's Office, staff has successfully negotiated agreements with CompuDyne which will provide the Burbank Police Department with a complete computer system that includes dispatch and incident control for law enforcement; records management for the capture, control, dissemination, and retrieval of incident and person records; and, mobile data computing.

The total project cost for the Police Public Safety Suite Project for Fiscal Year (FY) 2005-06 through FY 2011-12 has been estimated at \$2,703,251. Funds in the amount of \$1.5 million have been appropriated and additional funds are accumulating in Internal Service Funds over the duration of the project to completely cover the cost.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENTS BETWEEN THE CITY OF BURBANK AND COMPU DYNE FOR THE UPGRADE OF THE POLICE PUBLIC SAFETY SUITE SYSTEM.

13. CHARTER COMMUNICATIONS STIPULATED RATE RESOLUTION AND PROGRESS REPORT ON FRANCHISE RENEWAL:

This matter consists of two separate items, both involving Charter Communications (Charter), who is the City's franchised cable television system operator. The first item is a Stipulated Rate Resolution which, if adopted by the Council, would settle several minor issues between staff and Charter concerning rate filings submitted to the City in 2002 and 2004. This would result in a one-time \$0.25 credit on each subscriber's bill, at an overall cost to Charter of \$7,000.

The second item is a progress report regarding the franchise renewal process that began in May of 2003. The Council will hear reports from a consultant who conducted a May 2005 city-wide telephone survey designed to ascertain community perceptions about Charter and the level of satisfaction with Charter's service. A second report will be

received from a consultant who inspected Charter's physical plant in 2004, indicating that there are pervasive problems associated with improper grounding of customer drops, though several positive things were also observed about Charter's system. The Council is requested to note and file these reports.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK STIPULATING REGULATED CABLE RATES FOR CHARTER COMMUNICATIONS.
2. Note and file.

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**