



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, DECEMBER 6, 2005
4:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

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

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

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

- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Nancy Chan v. City of Burbank
Case No.: EC040714
Brief description and nature of case: Plaintiff claims she tripped on sidewalk at 4000 Riverside Drive.

- c. 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; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

- d. Conference with Legal Counsel – Anticipated Litigation (City as potential plaintiff):
Pursuant to Govt. Code §54956.9 (c)
Number of potential case(s): 1

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: Senior Executive Pastor Rick Durrance, Emmanuel Church.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PROCLAMATION: PEARL HARBOR DAY.

RECOGNITION: FRED BALTAU FOR HIS CONTRIBUTIONS TO THE COMMUNITY.

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 December 5, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. CONTINUED PUBLIC HEARING:

2. PLANNED DEVELOPMENT NO. 2004-64 WITH TENTATIVE TRACT MAP NO. 61361, GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW – EMPIRE AVENUE AND BUENA VISTA STREET:

The developer, Fairfield Properties/Crown Realty, is requesting approval of a Planned Development to develop a project consisting of 276 multi-family residential units (including 44 townhome style units and 232 stacked flats) and 1,000 square feet (sf) of retail space at 1935 North Buena Vista Street. The site is currently developed with two single-story buildings, totaling 7,235 sf and 123,883 sf, and surface parking. Additionally, a General Plan Amendment is proposed to change the land use designation of the property from General Manufacturing to Limited Commercial and a Tentative Tract Map is proposed to permit the units to be sold as condominiums.

The proposed project involves the demolition of the existing buildings and the construction of up to 276 multi-family residential units, 1,000 sf of retail space, and associated parking. The residential units will consist of two building styles. Forty-four units are proposed to be constructed as townhomes, with two levels of living space above an attached garage. These units are proposed to be in four buildings located on the northern portion of the site. The townhomes will have a street orientation, either towards Empire Avenue, Buena Vista Street or a private street that runs through the project.

The remaining units are located on the opposite side of the private street from the townhome units. These units are designed as “stacked flats”, which are to be constructed in a four-story building. These units will be oriented around three courtyards. The courtyards are proposed to include resort-style amenities, such as a pool, spa and built-in barbecue facilities. Parking for these units is proposed to be provided within a four-level parking garage on the southern portion of the property.

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for the project. The Mitigated Negative Declaration indicates that, with the proposed mitigation measures, the project will not result in a significant impact on the environment.

On September 12, 2005, the Planning Board conducted a public hearing regarding the proposed amendment. At the completion of the public hearing, the Board recommended approval of the application to the Council by a vote of 5-0.

The Council conducted a public hearing on November 1, 2005 on this matter and requested modifications to the proposal. The project was reduced from 300 units to 276 units, the setback along Empire Avenue was increased, and a setback was provided adjacent to the railroad right-of-way. Conditions of Approval were also modified based on Council input. The item was continued so the developer could provide the updated

plans.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PLANNED DEVELOPMENT NO. 2004-64, A DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, DEVELOPMENT REVIEW, AND TENTATIVE TRACT MAP NO. 61361 (Fairfield Residential Project – 1935 North Buena Vista Street, Crown Fairfield Associates, LLC, Applicant).
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT ZONE NO. 2004-64 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2004-64 (Fairfield Residential Project – Crown Fairfield Associates, LLC, Applicant).
3. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A GENERAL PLAN AMENDMENT, DEVELOPMENT REVIEW, AND TENTATIVE TRACT MAP NO. 61361 (Fairfield Residential Project – 1935 North Buena Vista Street, Crown Fairfield Associates, LLC, Applicant).

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 9)

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

3. MINUTES:

Approval of minutes for the regular meetings of November 1 , November 8 and November 15, 2005.

Recommendation:

Approve as submitted.

4. ANNUAL ADJUSTMENT TO THE DEVELOPMENT IMPACT FEE SCHEDULE:

Ordinance No. 3340 establishes procedures for adoption of certain Development Fees in compliance with the provisions of Government Code Section 66000 through 60017, which enables the City to adopt such fees. The ordinance mandates the adjustment of these fees by a percentage equal to the construction cost inflation rate for the prior year as determined on December 1 of each calendar year. The Development Impact Fees

are adjusted using the Construction Cost Index as published in the Engineering News-Record. This year, the increase in construction costs is 4.3 percent, based on the latest data available by the Engineering News-Record in November 2005. The Council is authorized to further adjust this increase.

Recommendation:

Staff recommends that the Council approve the adjustment to the Development Impact Fees in accordance with the current Construction Cost Index as required by Ordinance 3340.

5. SUBMISSION OF THE FISCAL YEAR END 2004-05 COMPREHENSIVE ANNUAL FINANCIAL STATEMENT:

The Council engaged an independent certified public accounting firm, Conrad and Associates, to perform the annual audit of the City and its component units. The results of the audit performed are formally published in the Comprehensive Annual Financial Report (CAFR).

The CAFR will be submitted to the Government Finance Officers' Association (GFOA) for an annual national achievement award. In order to qualify for this award, the City must publish an easily-readable and effectively-organized CAFR. Furthermore, the contents of the CAFR have to conform to the rigorous standards established by the award program. This report must satisfy both Generally Accepted Accounting Principles (GAAP) and applicable legal requirements. The City has received this national achievement award for **21 consecutive years**, and staff believes that the report submitted to the Council will continue to conform to the standards established by this award program.

Additionally, the CAFR is sent out to numerous financial institutions in order to comply with various financial and subsequent bond disclosure requirements.

The overall financial status of the City is presented, in accordance with the Governmental Accounting Standards Board (GASB) pronouncements, on a government-wide basis. This is designed to provide readers with a broad overview of the City's finances similar to a private-sector business. These statements show the June 30, 2005 Fiscal Year balances and overall results of operations for the period then ended, for all City funds, Redevelopment Agency, Housing Authority, Parking Authority, Burbank Community Services Fund and the Youth Endowment Services (YES) Fund. The statements are as follows:

- **The statement of net assets** which presents information on all City assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City is improving or deteriorating; and,
- **The statement of activities** which presents information showing how the City's net

assets changed during the most recent fiscal year.

Management's Discussion and Analysis (MD & A). This discussion and analysis starts the financial section of the CAFR and serves as an executive summary. GAAP requires that management provide this narrative introduction, overview and analysis to accompany the basic financial statements. The *letter of transmittal*, which precedes the MD & A in the introductory section, is designed to compliment the MD & A and should be read in conjunction with it. The MD & A is found immediately following the report from the independent auditors.

Following the government-wide statements in the CAFR, the Balance Sheet, and the Statement of Revenues, Expenditures and Changes in Fund Balances are presented for all major and non-major governmental funds. A major fund is one of material significance and is determined through prescribed calculations. The General Fund is always considered a major fund by definition. Other governmental funds can be declared major funds by management due to other factors, even if they fail the qualifications resulting from the calculations. Non-major funds are all combined for presentation. Reconciliations between these governmental statements and the government-wide statements are also presented, as well as a budget to actual comparison for the General Fund.

Proprietary fund statements follow the governmental funds. Included here are the Statement of Net Assets, Statement of Revenues, Expenses and Changes in Fund Net Assets, and Statement of Cash Flows. As with the governmental funds, these are also broken into major and non-major fund categories. All of these statements are followed by the Notes to the Basic Financial Statements.

The next two sections of the CAFR provide statements for each individual non-major governmental fund, as well as the Internal Service Funds. The governmental funds are presented in their various categories: special revenue funds, debt service funds and capital project funds.

The last section of the CAFR, which is unaudited, contains statistical data about the City. All of the tables and schedules present numerous facts about the City, many for the last 10 years. The statistical facts include population figures, principal taxpayers and assessed valuations of taxable property.

Recommendation:

Note and file.

6. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1203 – ROBERT GROSS PARK PICNIC FACILITY:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1203, Robert Gross Park Picnic Facility Project. The overall scope of the project encompasses the demolition of the existing shade structures, pavement, picnic tables and barbeque area. Renovation will incorporate replacement of the shade structures, new pavement, barbeques, picnic tables and other site amenities. The most appropriate exemption used for this construction and renovation project is Section 15301 of the California Environmental Quality Act (CEQA).

The landscape architectural firm of Hirsch & Associates estimated the construction cost to be \$390,000. Bids were solicited and a total of nine bids were received on November 8, 2005. Bids ranged from \$399,878 to a high of \$685,000. The successful low bid is the contracting firm of Vido Samarzich, Inc. Funding for this project is available in the capital improvement projects budget.

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 TO VIDO SAMARZICH, INC., FOR THE ROBERT GROSS PARK PICNIC FACILITY PROJECT, BID SCHEDULE NO. 1203.

7. BEACHWOOD BIKEWAY ALIGNMENT CHANGE AND BICYCLE MASTER PLAN UPDATE:

On January 25, 2005, the Council directed staff to accept a California Department of Transportation (Caltrans) Bicycle Transportation Account grant in the amount of \$295,000 with a local match of \$29,500 to construct an Enhanced Class III Bikeway along Mariposa Street and Beachwood Drive between Chandler Boulevard and Riverside Drive. In working on a final design for the route, it has been determined that two planned arterial crossings at Beachwood Drive and Olive Avenue, and Beachwood Drive and Verdugo Avenue will be infeasible because the traffic signals needed to facilitate bicycle crossings will introduce an unacceptable delay in the progression of vehicles on Olive Avenue. In consultation with Public Works Traffic Engineering Division staff, an alternative routing has been determined for the bikeway that will enable bicyclists to cross these streets at the existing traffic signal at Sparks Street rather than along Beachwood Drive.

Staff proposes to alter the alignment of the bikeway to use Sparks Street between Chandler Boulevard and Oak Street, Oak Street between Sparks Street and Beachwood Drive, and Beachwood Drive between Oak Street and Riverside Drive. This alignment will still provide a direct connection between the Chandler Bikeway and Riverside Drive geared towards novice cyclists, and will implement a north-south bicycle connection as an alternative to busy arterial streets. It will also permit connection to the Los Angeles

(LA) River Bikeway via the Riverside Drive bike lanes, and will accommodate a planned direct connection to the LA River via a future bicycle bridge over the river in the vicinity of Beachwood Drive. Staff has received approval from Caltrans to make this alignment change, and must now enter into an amended agreement with Caltrans to change the project alignment.

In addition to approval of this alignment change, staff has included an overall status update of implementation of the City's Bicycle Master Plan including recent new facilities, pending grant applications and upcoming bicycle projects.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDMENT TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE BEACHWOOD ENHANCED CLASS III BIKEWAY.

8. AMENDING THE FISCAL YEAR 2005-06 ANNUAL BUDGET FOR THE POLICE DEPARTMENT TO INCLUDE GRANT FUNDS RECEIVED FROM THE STATE OF CALIFORNIA:

Staff is requesting Council approval to appropriate funds already received from State Citizen's Option for Public Safety (COPS) grant funding in the amount of \$154,012, and to appropriate the prior year's State grant money that has accumulated interest in the amount of \$158,925.97.

In 1996, Assembly Bill 3229 was enacted as part of the State budget package. This bill established the COPS program which provides funding to local law enforcement agencies, based on population, for the purpose of ensuring public safety. To date, the City has received a total of \$2,044,651 in State COPS funding. State COPS funds must be appropriated for the purpose of providing front-line police services such as personnel, equipment, crime prevention/anti-gang programs and cannot be used to supplant the City's current law enforcement funding.

Historically, this funding has been used toward the matching requirement for the Federal COPS grant, which originally awarded \$675,000 for nine additional officers. All officers originally obtained via the Federal COPS grant have now been absorbed into the Police Department budget. On October 26, 2005, the City received \$154,012 in State COPS funds to continue funding officers working in community policing positions.

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 APPROPRIATING

STATE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$154,012 AND PREVIOUS GRANT FUNDS IN THE AMOUNT OF \$158,925.97 FROM THE STATE OF CALIFORNIA.

9. APPROVING CONTRACT DOCUMENTS AND AWARD OF CONTRACT FOR BID SCHEDULE NO. 1194 – PHASE II-B LINER INSTALLATION, BURBANK LANDFILL NO. 3:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule (BS) No. 1194– Phase II-B Liner Installation, Burbank Landfill No. 3. The work described in BS No. 1194 is a requirement of the landfill's operating permits. It includes approximately 96,000 cubic yards of subgrade preparation followed by construction of a leachate collection and removal system (LCRS). The LCRS consists of a geosynthetic clay liner and high-density polyethylene liner system as required by the Federal Resource Conservation and Recovery Act (RCRA) Subtitle D regulations.

BS No. 1194 was advertised on September 7 and 10, 2005. Ten copies of the bid were taken out and five potential bidders attended the mandatory pre-bid conference held on September 29, 2005. A bid opening was held on October 18, 2005, at which one bid was received.

Sukut Construction, Inc. of Santa Ana, California, submitted the single bid of \$675,260, which is 17 percent above the engineer's estimate of \$577,000. Given the current regional demand for specialty landfill liner contractors and the nationwide escalation in construction costs, staff feels that rejecting this bid and rebidding the project would likely result in even higher bids.

Sukut Construction, Inc. has previously performed similar work at landfills for various other local governmental agencies, who reported excellent results. Construction of this project is planned to occur between December 2005 and February 2006.

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 TO SUKUT CONSTRUCTION INC., FOR PHASE II-B LINER INSTALLATION, BURBANK LANDFILL NO. 3; BID SCHEDULE NO. 1194.

END OF CONSENT CALENDAR

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REPORT TO COUNCIL :

10. AUTHORIZING THE PURCHASE OF SEVEN BURBANK TRANSPORTATION BUSES, AWARDING THE CONTRACT TO BUS WEST (QUOTATION NO. 2006032), AND AMENDING THE FISCAL YEAR 2005-06 BUDGET:

Staff is requesting Council approval to amend the Fiscal Year (FY) 2005-06 budget to appropriate \$326,325 from Fund 532 for the purchase of seven Burbank Transportation Service (BTS) buses. During the FY 2003-04 budget preparation process, it was determined that a longer life was possible for seven BTS buses based on vehicle usage at that time. Thus, the useful lives of these buses were extended to reduce Department operating costs and their replacement was scheduled for 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. The average mileage for each BTS bus is currently 120,000 miles, and it is very unlikely that they will last another year without expensive engine and transmission repairs. Because the useful lives of these buses were extended beyond their original replacement date of June 2005, the necessary capital to replace them has already been collected, and no additional funds are needed.

At their meeting in August 2005, the Transportation Task Force discussed the replacement of these buses and supported the idea of replacing the buses with either gasoline or CNG buses during FY 2005-06. It was also strongly recommended that the entire 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 to \$5,000. The cost of painting the current fleet of seven BTS vehicles is approximately \$28,000. It would not be practical to paint the existing seven buses now and then replace them in less than a year.

On October 6, 2005, the City issued Request for Quotation (RFQ) No. 2006032 for the manufacturing of seven para-transit buses. The RFQ called for quotations for both Gasoline-powered buses and CNG-powered buses. The RFQ closed on November 1, 2005, and three responsive bids were received from the following vendors: Bus West Corporation; Creative Bus Sales; and, A-Z Bus Sales. The bids received for gasoline buses ranged in price from \$55,189 to \$62,237.36 per bus (\$386,323.04 to \$435,661.54 for all seven (7) buses) and \$77,272 to \$81,956.82 per CNG bus (\$540,904.04 to \$573,697.75 for all seven (7) buses). The incremental cost for CNG ranges from \$19,720 to \$22,083 per bus (\$138,036 to \$154,581 for all seven (7)

buses).

Seating capacity is of paramount importance due to the utilization of the buses throughout all of the City's programs. The lowest bidder, Bus West, will provide the largest seating capacity at 21 seats in a gasoline bus, with the other two bidders closely behind at 19 and 20 seats. However, two of the three bidders were only able to propose a CNG bus with a seating capacity of 12 passengers due to weight restrictions. The third and highest bidder proposed a 15-passenger CNG bus.

BTS vehicles are first responders in the event of disasters. In the event of a natural disaster, the CNG fueling station may go off-line which would prevent these vehicles from operating. Gasoline would be a much easier fuel to acquire, such as through possibly siphoning gasoline from one vehicle into another in order to remain operational.

On August 8, 2005 President George W. Bush signed The Energy Policy Act of 2005. This energy bill provides a tax credit to the buyer for the purchase of a new, dedicated alternative fuel vehicle. Although the City pays Sales Tax, it does not file Income Tax returns. Therefore, the City is considered a non-tax-paying entity and unable to take advantage of the tax credit.

All seven buses have recovered their full replacement cost of \$55,000 each for a total of \$385,000. If the contract is awarded to the lowest bidder in the gasoline option, the total cost to replace all seven buses is \$386,323.04. During the FY 2005-06 budget process, \$60,000 was budgeted to replace the oldest of the seven buses; therefore, only \$326,325 is needed. These funds are available in the Unappropriated Fund Balance of the Vehicle Replacement Fund.

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 AND APPROPRIATING FUNDS IN THE AMOUNT OF \$326,325.00 FOR THE PURCHASE OF SEVEN REPLACEMENT BURBANK TRANSPORTATION SERVICE BUSES.

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**