



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, FEBRUARY 28, 2006
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 Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Burbank Management Association, Unrepresented and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s):
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s):
- d. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee’s Position: City Manager and City Attorney.

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:

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

FLAG SALUTE:

ROLL CALL:

RECOGNITION: TRANSIT TASK FORCE.

PROCLAMATION: MAYOR'S CUP CHARITY GOLF TOURNAMENT.

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 HEARINGS:

1. A RESOLUTION ORDERING THE ABATEMENT OF NUISANCES AS CONTEMPLATED BY RESOLUTION NO. 27,169:

Staff is requesting Council approval of a resolution ordering the abatement of nuisances caused by weeds and debris on private properties, authorizing an assessment for cost reimbursement to the County of Los Angeles and giving notice for subsequent weed and debris abatement, if required.

The purpose of the annual weed abatement program is to remove the nuisances created on various private properties by weeds, rubbish, refuse and brush. These nuisances include potential fire hazards and a haven for rodents and vectors.

On February 14, 2006, the Council adopted Resolution No. 27,169 which declared weeds and debris on private properties a nuisance and requires abatement. Written notice of the February 28, 2006, public hearing was mailed to each property owner declared in the resolution notifying them of the time and place for appeal.

The owners of the privately-owned properties may complete the abatement themselves or have the County of Los Angeles Weed Abatement Division clear their

property. If the property is cleared by the County, the owner's property tax bill will be assessed for reimbursement for the cost incurred.

There is no cost impact to the City General Fund or the Redevelopment Agency budget for this program other than incidental administrative costs.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 27,169.

2. MODIFICATIONS TO FENCE STANDARDS IN RESIDENTIAL ZONES (PROJECT NO. 2005-63: ZONE TEXT AMENDMENT) AND APPOINTMENTS TO BLUE RIBBON TASK FORCE ON FENCES, WALLS, AND LANDSCAPING:

On January 17, 2006, the Council directed staff to return with an ordinance that would create interim standards for fences, walls, hedges and other yard features in single family and multiple-family residential zones. These standards are intended to be in place for an interim period, subject to review by the public and the Blue Ribbon Task Force on Fences, Walls and Landscaping. Currently, fences, walls and hedges are limited to a maximum height of three feet in front and street-facing side yards, and eight feet elsewhere. However, there are many fences, walls and hedges throughout the City that are not in compliance with these standards, which results in an inconsistent development pattern and creates enforcement concerns.

The interim standards recommended by staff include the following provisions:

- *Front yards:* The maximum height would increase from three to four feet. Any portion of the fence or wall higher than three feet would be required to be of open design, such as wrought iron or picket fence;
- *Retaining walls:* Retaining walls within front yards would be limited to four feet in height per section, with a step-back requirement between each section. A garden wall or fence on top of a retaining wall would be limited to three feet and required to be of open design;
- *Hedges:* Hedges within 10 feet of a public right-of-way would be subject to the same height limitations as fences. Trees planted within 10 feet of a public right-of-way would have to be planted a minimum of eight feet apart;
- *Arbors and pergolas:* These features would be limited to a maximum size of eight feet high, five feet wide, and two feet deep, with no more than one feature per street frontage;
- *Fence and wall ornamentation:* Ornamentation would be limited to a maximum height and width of one foot. The features would be required to be separated by at least eight feet;

- *Standalone ornamentation (fountains, art pieces, etc.):* These features would be limited to a maximum size of eight feet high, five feet wide and five feet deep, with no more than two features per frontage;
- *Street side yards in single-family zones:* The maximum fence and wall height in street side yards would increase from three feet to six feet beginning at the rear of the house and extending to the rear property line;
- *Height measurement:* In single-family residential zones, height would be measured from the abutting ground surface. In multiple-family residential zones, height would be measured from both the abutting ground surface and the average grade of the lot. In front and street side yards, the maximum height would be four feet above average grade and five feet above the abutting ground surface. In other areas of the lot, the maximum height would be eight feet above average grade and 10 feet above the abutting ground surface;
- *Corner cutoff provisions:* The existing corner cutoff provision for street and alley intersections would be retained, except that the height limitation would be increased from three feet to four feet. A new corner cutoff provision would be added for the intersections of driveways and sidewalks;
- *Exceptions:* Two new discretionary permits would be created to allow for exceptions to the fence standards when certain findings can be made; and,
- *Existing Fences:* Enforcement of pre-existing fences and walls that do not conform to the interim standards would be held in abeyance when the fence or wall is six feet or less in height and determined not to pose a safety hazard.

Staff believes that the proposed interim standards provide increased flexibility over the current standards in how homeowners can improve their yards. The interim standards would be subject to review by the Blue Ribbon Task Force. The Task Force would determine the effectiveness of the standards and make recommendations to the Council about whether the standards should be changed and whether they should be adopted as permanent standards. As of the January 31, 2006 deadline, the City Clerk's office received 13 applications from residents interested in serving on the Task Force. The Task Force Members are to be appointed by the Council.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR PROJECT NO. 205-63 (ZONE TEXT AMENDMENT RELATING TO FENCES).
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO FENCES.
3. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE III, SECTION 1 OF RESOLUTION NO. 26,994, THE BURBANK FEE

RESOLUTION, RELATING TO FENCES.
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 5)

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. REVISION OF THE SPECIFICATION AND SALARY FOR THE CLASSIFICATION OF TRANSPORTATION SCHEDULER:

The classification of Transportation Dispatcher was established in 1986 and was a modified version of the Intermediate Clerk specification. Later, in 1988, the title of the classification was revised to its current title of Transportation Scheduler, but the majority of the specification remained clerical in nature. Since 1988, both technology and the duties of the position have changed and the classification no longer needs to have a heavy clerical focus. Today, the duties of the classification have taken on an office coordinating role and the incumbents act as back-ups to the Transportation Services Drivers. This classification is also much more involved with the public, by phone and in person, as they request transportation services.

This classification will remain subject to the Civil Service Rules and the Fair Labor Standards Act and will not be included in the City's Conflict of Interest Code. The Burbank City Employees' Association (BCEA) will continue to represent this classification and has been advised of this revision. The Park, Recreation, and Community Services Director concurs with this recommendation. The Civil Service Board reviewed this revision at their meeting on February 9, 2006 and recommended approval of this change to the Council.

The new salary for the classification of Transportation Scheduler will be set at \$2,731 - \$3,411. This new salary represents a \$101 per month salary increase due to the enhanced requirements. There will be no fiscal impact to the Department since there is enough salary savings in this year's budget to offset the salary increase. The recurring cost for this increase will be budgeted next fiscal year.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF TRANSPORTATION SCHEDULER (CTC No. 0970) AND REVISING THE SALARY.

4. APPROVAL OF COMPENSATION PACKAGES FOR THE EXECUTIVES, APPOINTED OFFICERS AND UNREPRESENTED MID-MANAGEMENT EMPLOYEES FOR FISCAL YEARS 2005-2008 AND AMENDING THE FISCAL YEAR 2005-06 BUDGET:

The purpose of this report is to request that the Council consider approving the proposed resolutions approving the compensation packages for the Unrepresented Mid-Managers and Executives for Fiscal Years (FY) 2005-08.

Beginning in March 2005, the City began the FY 2005-06 negotiations with the Burbank Police Officers Association (BPOA), the Burbank Fire Fighters (BFF), the International Brotherhood of Electrical Workers (IBEW), the Burbank City Employees Association (BCEA), and the Burbank Management Association (BMA).

For many years, it has been the City's policy to look at four basic cornerstones when considering compensation issues for its employees: the condition of the economy as reflected by the Consumer Price Index (CPI); the capacity of the City's approved budget; the City's commitment to pay for performance; and, equity in the marketplace as determined by market survey. It is within this framework of both financial and market considerations as well as taking into account the recruitment and retention issues the City has been facing that the Council approved Memoranda of Understanding with the BPOA, BFF, IBEW and BCEA (BMA is still in the negotiation process).

Following the completion of these labor negotiations, with the exception of the BMA which is still in the negotiation process, staff completed the surveys for the Unrepresented Mid-Managers and Executives, including the appointed City Manager and City Attorney. The surveys are based on a 12-city survey methodology.

As was done with the IBEW and BCEA, staff is suggesting a three-year approach to the Unrepresented Mid-Managers' and Executives' compensation packages. This approach helps to maintain balance within the City's General Fund budgeting and forecasting plans. In addition, since a number of the benefits proposed for these groups are similar to those offered to the BCEA and IBEW, it makes sense to tie the proposals together.

Unrepresented Mid-Managers:

This three-year proposed compensation package includes salary range adjustments effective March 1, 2006, that range from 5.49 percent to 27.23 percent. These range increases will bring all of the positions in this group to the average market survey at a cost of 3.43 percent from March 1, 2006 to July 1, 2006 with a two-year cost of 10.28 percent. Any movement in the actual salaries of these employees will be performance based and require a current performance evaluation. However, in an effort to maintain parity and address compaction issues, the Police Captains will receive the same amount as the BPOA which will be a 6.0 percent salary increase effective July 1, 2006. There will be no salary consideration for the Unrepresented Mid-Managers in 2006-07; however, effective July 1, 2007, salary ranges will be

increased on a prorated basis pursuant to the FY 2007-08 survey with the total salary impact to the budget capped at 3.0 percent.

In addition to salary increases, it is also proposed that as a result of the rising costs of medical premiums this group receive increases in their cafeteria/medical premiums in each year. Further, the following benefits are proposed: effective July 1, 2006, a vision plan will be provided at no cost to the employee; effective July 1, 2007, a dental plan at no cost to the employee will be available; the Unrepresented Mid-Managers merit pool fund will be increased from 2.5 percent to 3.5 percent; tuition reimbursement will be set at 75 percent up to a cap of \$3,200 annually; and, effective April 1, 2006, an employee/employer match of \$52.50 per month to the Burbank Employee Retirement Medical Trust (BERMT), and effective April 1, 2007, an employee/employer match of \$65 per month to the BERMT.

Executives, including the Appointed Officials:

This three-year proposed compensation package includes salary range adjustments effective March 1, 2006, that range from 0.0 percent to 12.65 percent. These range increases will bring all of the positions in this group to the average market survey at a cost of 3.27 percent from March 1, 2006 to July 1, 2006 with a two-year cost of 9.81 percent. Any movement in the actual salaries of these employees will be performance based and require a current performance evaluation from the City Manager (or Council public action for the Appointed Officials). There will be no salary consideration for the Executives in FY 2006-07; however, effective July 1, 2007, salary ranges will be increased on a prorated basis pursuant to the FY 2007-08 survey with the total salary impact to the budget capped at 4.0 percent.

In addition to salary increases, it is also proposed that as a result of the rising costs of medical premiums this group receive increases in their cafeteria/medical premiums in each year. Further, the following benefits are proposed: effective July 1, 2006, a vision plan will be provided at no cost to the employee; effective July 1, 2007, a dental plan at no cost to the employee will be available; the Executives merit pool fund will be increased from 5.0 percent to 6.0 percent; tuition reimbursement will be set at 75 percent up to a cap of \$3,500 annually; effective July 1, 2007, a contribution of \$44 per month will be made toward a retiree health savings account; and, effective April 1, 2006, an employee/employer match of \$52.50 per month to the Burbank Employee Retirement Medical Trust (BERMT), and effective April 1, 2007, an employee/employer match of \$65 per month to the BERMT.

Through the negotiation process, the Council agreed to provide an enhanced retirement to the Miscellaneous (includes IBEW, BCEA, BMA) employees which includes the Unrepresented Mid-Managers and Executives. The City has committed to changing the Public Employees Retirement System (PERS) retirement formula from 2.0 percent at age 55 to 2.5 percent at age 55 effective June 16, 2008 should all Miscellaneous groups agree. At this point, only the BMA has to complete their negotiations in order for all Miscellaneous groups to be in agreement with the enhanced benefit approach. The City and the Unrepresented Mid-Managers and Executives will begin sharing in the cost of the benefit by each contributing 2.4

percent effective March 1, 2006. Should agreement be reached with all Miscellaneous groups, staff will return with an amendment to the City's PERS contract in early 2007.

The total maximum cost of the proposed three-year compensation package for the Unrepresented Mid-Managers is 18.46 percent (\$1,742,144)). The total maximum cost of the proposed compensation package for the Executives is 18.73 percent (\$534,161). The total maximum cost may be less than these amounts depending on the results of the market survey in the third year. It should be noted that these maximum costs include the 2.4 percent City contribution for the PERS 2.5% at 55 enhanced retirement formula.

Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN AND SALARIES FOR DEPARTMENT MANAGERS, APPOINTED OFFICERS, AND ELECTED OFFICERS FOR FISCAL YEARS 2005-2008 AND AMENDING THE FISCAL YEAR BUDGET FOR 2005-06.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO 22,795 RELATING TO THE COMPENSATION PLAN AND TO SALARIES FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES FOR FISCAL YEARS 2005-2008 AND AMENDING THE FISCAL YEAR BUDGET FOR 2005-06.

5. APPROVING COMMUNICATIONS TRANSPORT SERVICES-VIDEO AGREEMENTS WITH NBC UNIVERSAL, INC. AND KNBC, AND AMENDING THE FEE SCHEDULE TO ESTABLISH A RATE SCHEDULE FOR COMMUNICATIONS TRANSPORT SERVICES AND AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AGREEMENTS FOR TELECOMMUNICATIONS SERVICES:

Staff is requesting Council approval authorizing the General Manager of Burbank Water and Power (BWP) to execute master Communications Transport Services-Video (CTS) Agreements with NBC Universal, Inc. and KNBC, both local Burbank companies. These CTS Agreements will lease single-channel, uni-directional, point-to-point, transport services for high-quality composite video signals, Serial Digital Interface, Asynchronous Serial Interface and High Definition Television video services capable of transmitting a duplex video signal and up to four associated audio signals for each video signal. These CTS agreements are for a period of one year and thereafter extend annually for successive one-year terms. Staff also recommends that the Council approve a second resolution adding the CTS circuit costs into the Burbank Fee Schedule and authorizing the BWP General Manager to enter into future agreements.

In December 2003, both NBC Universal Inc. and KNBC requested information and a cost estimate for CTS services from 3000 West Alameda Avenue in Burbank to “The Switch”, located at 3400 Motor Avenue in the City of Los Angeles. “The Switch” was launched in 1991 as a joint service offering of Beers Entertainment Inc. (BEI) and precursor of GlobeCast. In January 2003, BEI bought out GlobeCast. Their facility in Los Angeles provides customer controlled video and audio switching with long-haul capability and connectivity to an operations center at 60 Hudson Street in New York City. BWP and the Los Angeles Department of Water and Power (LADWP) generated a Coordinate Network Agreement between Burbank and Los Angeles to provide this type of service to businesses in both cities. The Council approved the Coordinate Network Agreement on November 10, 2004 and Los Angeles’ City Council approved it in December 2004.

These CTS Agreements allow NBC Universal Inc. and KNBC to transport broadcast quality video and audio signals to “The Switch” in Los Angeles. NBC Universal Inc. will pay \$1,000 per CTS circuit per month for a total of \$24,000 a year for two CTS circuits. KNBC will also pay \$1,000 per CTS circuit per month for a total of \$24,000 a year for two CTS circuits. Per the Coordinate Network Agreement, this sum will be divided on a 70 percent (Los Angeles) – 30 percent (Burbank) split, yielding \$14,400 per year for Burbank. This project and the work required under these Agreements utilize existing facilities. No new facilities are needed at this time.

The two CTS Agreements being presented are the inaugural Agreements for this type of service. As per terms in the Coordinate Network Agreement, LADWP will be responsible for monitoring the day-to-day operation of the circuits via their Network Operations Center in Los Angeles, keeping Burbank’s operations and maintenance expenses to a minimum.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF OPTICAL NETWORK LEASE AGREEMENTS FOR COMMUNICATION TRANSPORT SERVICES-VIDEO (CTS) WITH NBC UNIVERSAL INC. (No. CTS-001/05) AND KNBC (No. CTS-002/05).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE XII OF THE 2005-2006 CITYWIDE FEE SCHEDULE TO ESTABLISH RATES FOR COMMUNICATIONS TRANSPORT SERVICES (CTS)-VIDEO AND AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO ENTER INTO AGREEMENTS FOR TELECOMMUNICATIONS SERVICES CONSISTENT WITH THE ADOPTED FEE SCHEDULE.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

6. LOS ANGELES INTERNATIONAL AIRPORT SETTLEMENT AGREEMENT:

On January 18, 2006, the Los Angeles City Council approved a settlement agreement concerning the Master Plan for Los Angeles International Airport. The text of the agreement has only recently been released. Although the full ramifications of the agreement are still unclear, many of the provisions may have an impact on the City of Burbank. As a result, the City Attorney will make an oral presentation on various aspects of the agreement for the benefit of the Council and the public.

Recommendation:

Note and file.

7. CONTINUATION OF DENSITY BONUS AGREEMENT FOR 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY, CONSIDERATION OF RELATED BUDGET AMENDMENT AND LEGAL OPINION REGARDING STATE DENSITY BONUS LAW:

The purpose of this report is to consider a request by Dan Moore, Trustee for Cheyenne Mission Trust, property owner, to enter into a Restrictive Covenant and Density Bonus Agreement (Agreement) with the City. On February 21, 2006, the Council considered the Agreement with Cheyenne Mission Trust for a 35-unit apartment building project located at 1241, 1245, 1301 and 1305 North Hollywood Way, which was approved by the Community Development Director as Development Review No. 2005-67. After considerable discussion, the Council continued this matter and requested an outside legal opinion regarding the City's obligation, if any, to approve the Agreement. Pursuant to the Council's request, the City Attorney's Office solicited a legal opinion from the law firm of Luce, Forward, Hamilton & Scripps, LLP. The firm provided its opinion on this matter.

This item includes a request for a budget amendment to pay for the cost of obtaining the legal opinions concerning the City's obligations under the State Density Bonus Law. A resolution amending the budget is presented for Council consideration.

Correspondence from attorneys to their clients is normally confidential unless the confidentiality is waived by the client. Thus, the confidentiality of the Luce, Forward, Hamilton & Scripps legal opinion may only be waived by an affirmative vote of the Council. A resolution waiving this confidentiality is presented for Council consideration.

Additionally, the Council should resume its deliberation of the Restrictive Covenant and Density Bonus Agreement. Therefore, the staff report for February 21, 2006, Restrictive Covenant and Density Bonus Agreement, and Council Resolution are presented for Council consideration.

Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 ANNUAL BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$20,000.00 TO FUND OUTSIDE LEGAL COUNSEL TO REVIEW OBLIGATIONS UNDER STATE DENSITY BONUS LAW AND FOR DENSITY BONUS ORDINANCE REVIEW.
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK WAIVING CONFIDENTIALITY OF LEGAL OPINION CONCERNING OBLIGATIONS UNDER THE STATE DENSITY BONUS LAW.
 3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE RESTRICTIVE COVENANT AND DENSITY BONUS AGREEMENT BETWEEN THE CITY OF BURBANK AND CHEYENNE MISSION TRUST FOR THE PROPERTIES LOCATED AT 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY.
8. APPROVAL OF COMPENSATION PACKAGES FOR THE ELECTED OFFICIALS – CITY CLERK, CITY TREASURER AND CITY COUNCIL:

The purpose of this report is to request Council consideration of the proposed ordinance and resolution approving the compensation packages for the Elected Officials including the City Clerk, City Treasurer and City Council.

The City Clerk and City Treasurer positions are both an integral part of the Executive Team. While it would be most appropriate to include their compensation package along with the Executives (which is also on the agenda for consideration), as Elected Officials their salaries must be discussed and determined in public session. Similar to the City Clerk and City Treasurer, Council compensation can also only be discussed and determined in public session.

The issue of compensation for the Elected Officials was last brought before the Council on February 17, 2004. At that time, they approved a 2.5 percent increase for the City Clerk and City Treasurer, as well as the City Council.

City Council Salaries:

According to the 12-city survey, the Council Members are behind the compensation levels provided in other cities by 45.24 percent (or \$463.71). All of the cities in the survey have part-time Council Members who work in a City Manager/City Council form of government. While Burbank's Council Members are significantly behind the survey average, pursuant to California Government Code Section 36516 (c), the Council compensation can only be increased up to a maximum of 5.0 percent from the previous year.

It is staff's recommendation that effective July 1, 2006, the Council approve a 5.0 percent increase to the current salary of \$975 per month. While the job of Council Member is part-time, the Council Members spend a tremendous amount of time researching issues, meeting with constituents, businesses, non-profit organizations, etc. to become more informed on the issues facing the community. The job of an elected policy maker in Burbank is a challenge to ones personal and professional life and requires commitment and dedication so that they can be prepared to make decisions that will impact Burbank today and well into the future. As such, the position should be given proper recognition as well as the credit it deserves.

It is also important to note that due to the passage of Assembly Bill 1234, monthly automobile allowances for Council Members are no longer permitted by law. Thus, effective February 1, 2006, the Council Members will lose the following car allowance: Mayor - \$185 per month, Vice Mayor - \$145 per month, and Council Member - \$125 per month. Thus, it is staff's belief that this recent reduction in the Council's pay only further supports the need to increase the Council salaries by the legally-permitted 5.0 percent.

City Clerk and City Treasurer Salaries:

Staff has completed a survey for the full-time elected City Clerk and City Treasurer positions using the traditional 12-city survey, which includes Anaheim, Garden Grove, Glendale, Huntington Beach, Inglewood, Long Beach, Pasadena, Riverside, Santa Ana, San Bernardino, Santa Monica and Torrance.

With respect to the City Clerk, it is staff's belief that all 12 cities have comparable positions to Burbank's whether they are elected or appointed. By looking through the job descriptions of the other cities, it is clear that the scope of duties and responsibilities are similar and overall are representative of the job performed by Burbank's elected Clerk. According to the survey, the City Clerk position is behind the average market survey 20.78 percent.

Of the 12 cities in the City Treasurer survey, only seven have similar duties and responsibilities as Burbank's elected Treasurer. Some of the cities have part-time elected officials serve as their Treasurer, while others have another department manager serve in this capacity. According to the survey, the City Treasurer position is behind the average market survey 27.84 percent.

It is staff's recommendation that the City Clerk and City Treasurer receive the same salary consideration as that proposed for the Executives. Traditionally, the City Clerk and City Treasurer positions have been maintained at the same salary level. While there is no legal reason to keep the positions at the same salary, should the Council want to continue that practice, it is recommended that because the City Treasurer has fewer comparable positions in the 12-city survey, that the City Clerk survey be used for the salary consideration.

Thus, it is recommended that effective March 1, 2006, the City Clerk and City Treasurer positions be increased from \$7,690 to \$9,288. This reflects an increase of

20.78 percent and would bring both of these positions to the average market survey. Further, as is proposed in the Executive compensation package, it would be recommended that the Clerk and Treasurer's salaries be increased July 1, 2007 pursuant to the survey to be conducted at that time. The salaries for the Clerk and Treasurer would be prorated based on the Fiscal Year (FY) 2007-08 survey with the total salary impact to the budget capped at four percent for all Executive positions.

In addition to salary increases for the Elected Officials, it is also proposed that they receive increases in their cafeteria/medical premiums. For the City Clerk and City Treasurer, increases over three years have been included to match that of the Executives, while the City Council's is proposed to be increased for FY 2005-06. Any further increases needed for the Council due to increased premium costs will be brought to them for consideration in future years.

Further, effective July 1, 2006, a vision plan will be provided and effective July 1, 2007, a dental plan will be available to the Elected Officials. Also, to address retiree medical costs the City will provide the following to the Elected Officials: effective April 1, 2006 an employee/employer match of \$52.50 to the Burbank Employee Retirement Medical Trust (BERMT), and effective April 1, 2007 an employee/employer match of \$65.00 to the Trust; and, effective July 1, 2007, the City will contribute \$44 per month to a retiree medical account.

Through the negotiation process, the Council agreed to provide an enhanced retirement to the Miscellaneous employees, which includes the Elected Officials. The enhanced retirement was the most important issue to the miscellaneous bargaining groups (International Brotherhood of Electrical Workers, Burbank City Employees Association, and Burbank Management Association). More and more cities in the State have negotiated retirement enhancement provisions with their unions, and this made it extremely difficult not to make this concession.

A detailed explanation of this benefit is provided in the agenda report regarding the compensation packages for the Unrepresented Mid-Managers and Executives. The basic change is as follows: The City made a commitment to change the Public Employee Retirement System (PERS) retirement formula from 2.0% at 55 to 2.5% at 55 effective June 16, 2008. Both the City and Elected Officials will begin sharing in the cost of the benefit by contributing 2.4 percent effective whenever their new salaries go into effect.

The total proposed maximum cost of the compensation package for the City Council which has benefits going into effect in FY's 2005-06, 2006-07 and 2007-08 is \$18,321 (salary consideration is only allowed for in FY 2005-06). The proposed cost of the Council compensation package for FY 2005-06 is \$6,400.50. Due to the fact that the Council car allowance was removed effective February 1, 2006 (totaling \$4,875) and there are salary savings in excess of \$3,500, there will be no budgetary impact for FY 2005-06. The benefit costs in the following years will be addressed through the normal budget process.

The total cost of the compensation package for the City Clerk and City Treasurer has already been accounted for in the Executives compensation package (also on the agenda), so no further budgetary authority is needed to implement the staff recommendations.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR CITY TREASURER AND CITY CLERK.
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-202 OF THE BURBANK MUNICIPAL CODE RELATING TO COMPENSATION OF COUNCIL MEMBERS.

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. To Tuesday, March 7, 2006 at 5:00 p.m. for a Utility Users Tax Study Session in the Council Chamber.

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