



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JUNE 27, 2006
5:00 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

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

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

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

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 Firefighters Association.

Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

5:30 P.M.

TELECOMMUNICATIONS STUDY SESSION:

As a follow up to the March 7, 2006 Utility Users Tax study session, staff has prepared an updated study session for Council discussion and direction on various developments in the telecommunications industry. Staff will provide an overview of recent State and Federal telecommunications-related legislation, the request from AT&T for implementation of their Fiber-to-the-Node (FTTN) program entitled Project Lightspeed, a status update on the current cable franchise agreement negotiations and the potential fiscal impacts to the General Fund resulting from existing legislation, litigation and changes in technology.

Recommendation:

Receive update and advise staff as necessary.

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:

ANNOUNCEMENT: DARK MEETING ON JULY 4, 2006.

RECOGNITION: SPECIAL AUDIENCE AWARD FOR TEENS IN ACTION DATING VIOLENCE PROGRAM.

PRESENTATION: REGIONAL OCCUPATIONAL PROGRAM CLASS GRADUATION.

PROCLAMATION: NATIONAL PARK AND RECREATION MONTH.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

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

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on action items on the agenda for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO OPEN PUBLIC COMMENT AND AGENDA ITEM PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 8)

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

1. MINUTES:

Approval of minutes for the regular meetings of May 30, June 6 and June 13, 2006.

Recommendation:

Approve as submitted.

2. REVIEW OF CONFLICT OF INTEREST CODE:

The purpose of this report is to request the Council direct staff to review the City's Conflict of Interest Code. Government Code Section 87306.5 requires that in each even-numbered year, the Council, as the Code reviewing body for the City departments, must review the Conflict of Interest Code, and if necessary, amend the Code by October 1 of the same year. The City has adopted by reference the standard Conflict of Interest Code as promulgated by the Fair Political Practices Commission as its Conflict of Interest Code. Employees who must comply with the provisions of the Conflict of Interest Code are designated by resolution.

At the Council's direction, staff will review the Conflict of Interest Code to determine whether or not all classifications of positions that must comply with this Code are included in the resolution. Once this review is completed, staff will report back to the Council.

Recommendation:

It is recommended that the Council direct staff to review the City's Conflict of Interest Code and classifications of positions subject to reporting requirements and return with a resolution for Council adoption prior to October 1, 2006.

3. TOURNAMENT OF ROSES 2007 FLOAT RENDERING:

The City has been represented in the Pasadena Tournament of Roses Parade each New Year's Day since 1913. Originally, the Chamber of Commerce and the schools entered floats on behalf of the City. In 1947, the Burbank Tournament of Roses Association became responsible for the float entries. The 2007 entry marks the Burbank Tournament of Roses Association's 60th consecutive float entry and the City's 72nd float entry in the parade.

The Burbank Tournament of Roses Association is a non-profit organization comprised completely of volunteers. Burbank's is one of six remaining self-built floats. Other self-built floats are entered by California Polytechnic Universities (Pomona and San Luis Obispo), and the cities of Sierra Madre, South Pasadena, La Canada-Flintridge and Downey. Each year, the Association is responsible for constructing and decorating a float to represent the City in the annual Pasadena Tournament of Roses Parade held every New Year's Day. The Association is located in the City's Public Service Yard at 320 North Lake Street. All construction and decoration takes place at the Public Service Yard.

The 118th Pasadena Tournament of Roses Parade theme is, *Our Good Nature*. In February parade officials approved the theme and conceptual design for the 2007 City of Burbank parade float entry named, *"Free Dog Wash"*. The float concept was submitted by Adam Ostegard of Burbank.

To commence production and funding of the float, the agreement between the City of Burbank and the Burbank Tournament of Roses Association calls for the approval of the parade float conceptual design by the Council. The Burbank Tournament of Roses Association presented its official float rendering to the Council at the June 20th meeting.

Recommendation:

It is recommended by staff and the Burbank Tournament of Roses Association that the Council accept and approve the 2007 Tournament of Roses float rendering.

4. REVISING THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF EQUIPMENT MECHANIC HELPER TO FLEET MAINTENANCE APPRENTICE, EQUIPMENT MECHANIC TO FLEET MAINTENANCE TECHNICIAN AND SENIOR EQUIPMENT MECHANIC TO SENIOR FLEET MAINTENANCE TECHNICIAN AND AMENDING THE FISCAL YEAR 2006-07 BUDGET:

The Equipment Mechanic series that is currently utilized in the Burbank Water and Power (BWP) and Public Works Departments was last revised in 1993. Since this time, the principle functions of these classifications have changed from making major mechanical repairs to preventative maintenance, hence the proposed revisions to the series. Part of this progression and evolution is the addition of the requirement of Automotive Service Excellence (ASE) certifications. ASE tests certify automotive professionals in all major technical areas of repair and service. This certification program benefits the City by assuring the public that its fleet is maintained by individuals who have demonstrated to an objective third party that they have appropriate technical competency. Both the BWP and Public Works Departments will be able to demonstrate that vehicles have been maintained by mechanics who meet industry standard certification criteria.

The classification of Fleet Maintenance Apprentice will be exempt from Civil Service but will be subject to the Fair Labor Standards Act (FLSA). There are no incumbents in this classification and therefore no employees will be affected. The classifications of Fleet Maintenance Technician and Senior Fleet Maintenance Technician will be subject to Civil Service rules and the FLSA. These classifications will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association will continue to represent these classifications and has been advised of these revisions. The General Manager - BWP and Public Works Director concur with these recommendations. The Civil Service Board reviewed these revisions at their meeting on June 7, 2006 and recommended approval of these changes to the Council.

There will be no change in the salaries to the revised specifications. There will be a Transition Plan in place that will give all current employees until December 1, 2008 to acquire all of the ASE certifications required for their classification. As the 16 Equipment Mechanics and seven Senior Equipment Mechanics acquire each required

certification, they will receive a salary differential of \$0.22/hour per certification. This increase in salary for all classifications combined will be approximately \$47,700 per year. These salaries are all non-General Fund monies.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF EQUIPMENT MECHANIC HELPER (CTC No. 0326) TO FLEET MAINTENANCE APPRENTICE (CTC No. 0369).
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF EQUIPMENT MECHANIC (CTC No. 0320) TO FLEET MECHANIC TECHNICIAN (CTC No. 0370).
 3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SENIOR EQUIPMENT MECHANIC (CTC No. 0801) TO SENIOR FLEET MAINTENANCE TECHNICIAN (CTC No. 0801).
5. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1209, SIDEWALK REPAIR PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (B.S.) No. 1209 – Sidewalk Repair Project. This is the third year of the City's ten-year sidewalk repair program, which is designed to repair the sidewalks within two of the City's 20 sections every year.

B.S. No. 1209 was advertised on March 29 and April 1, 2006. A bid opening was conducted on April 18, 2006. Three contractors submitted bids ranging from \$535,230 to \$608,530. KALBAN Inc. of Sun Valley, California, submitted the lowest bid of \$535,230, which is 10.8 percent below the engineer's estimate of \$600,000. This contractor has previously performed work similar to the scope of work in this project for the City with satisfactory results. Construction of this project is planned to occur between July and October 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 FOR SIDEWALK REPAIR PROJECT, BID SCHEDULE NO. 1209 TO KALBAN INC.

6. APPROVING CONTRACT DOCUMENTS AND AWARDING A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1206 – 2005-06 COMMUNITY DEVELOPMENT BLOCK GRANT STREET, SIDEWALK AND PEDESTRIAN RAMP PROJECT:

Staff is requesting Council approval of contract documents and the award of a construction contract for Bid Schedule (B.S.) No. 1206 – 2005-06 Community Development Block Grant Street, Sidewalk and Pedestrian Ramp Project.

This project consists of reconstruction of Olive Avenue from Third Street to Glenoaks Boulevard, including approximately 6,600 square feet of sidewalk along Olive Avenue. In addition, the two pedestrian ramps at the northwest and southwest corners of Olive Avenue and Glenoaks Boulevard intersection will be reconstructed to conform to the latest Americans with Disabilities Act standards.

B.S. No. 1206 was advertised on March 22 and 25, 2006. A bid opening was conducted on May 16, 2006. Three contractors submitted bids ranging from \$340,504 to \$389,040. KALBAN Inc. of Sun Valley, California, submitted the lowest bid of \$340,504, which is 31.9 percent below the engineer's estimate of \$500,000. This contractor has previously performed work similar to the scope of work in this project for the City with satisfactory results. Construction of this project is planned to occur in July and August 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 FOR THE 2005-2006 C.D.B.G. STREET, SIDEWALK AND PEDESTRIAN RAMP PROJECT, TO KALBAN, INC., BID SCHEDULE NO. 1206.

7. AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO SOLICIT DESIGN-BUILD PROPOSALS FOR A REPLACEMENT BURBANK STATION:

Staff is requesting the Council authorize the General Manager of Burbank Water and Power (BWP) to solicit design-build proposals for the work under Request for Proposal (RFP) No. 1216 for a replacement Burbank Station.

BWP has an ongoing program of renewing its electric infrastructure, which includes replacing its oldest electric lines and stations. BWP's current top priority is to strengthen the electrical backbone for Burbank's downtown and hillside areas. BWP has just replaced two undersized transformer banks that supply five neighborhood

stations with new banks of twice the capacity, and is now concentrating on replacing its oldest electric facility, Burbank Station, with a modern station of larger capacity that can still fit within the BWP Yard.

In recent years, summer loads had stressed these “weakest link” facilities to the point where they might have caused cascading outages in Burbank’s downtown and hillside areas. Staff has confirmed that a replacement Burbank Station can fit in the southwest corner of the BWP Yard, near Olive Avenue and Lake Street. Staff’s goal is to energize the replacement Burbank Station by July 1, 2008, in time to handle the summer loads for that year. To meet this schedule, staff plans to issue RFP No. 1216 in early August 2006, and award the design-build contract in December 2006.

A design-build contract, awarded after competitive bidding, affords BWP the best chance of completing the replacement Burbank Station within schedule and budget, and in a manner that meshes smoothly with related capital improvement projects. Under the design-build approach, BWP would engage a single firm to be responsible for design, procurement and construction. Early collaboration between design and construction teams would occur and minimize the chance of costly errors. And even if such errors do occur, the design-builder has the obligation to correct them at their own expense. In recent years, BWP has successfully used the design-build method to construct or expand new electric stations, remaining within schedule and budget.

When designing and building the replacement Burbank Station, there will be a special coordination challenge, owing to the related BWP Yard improvements, undergrounding and voltage conversion that will take place concurrently. Having a single design-builder for the replacement Burbank Station will make inter-project coordination more manageable.

The Council can approve design-build projects on a case-by-case basis. In 2001, the Council added Section 9-101(g) to the Burbank Municipal Code whereby the Council has the authority to approve design-build projects on a case-by-case basis when it finds that use of this method is consistent with principles of competitive bidding.

Building a replacement Burbank Station is already a part of BWP’s approved capital improvement budget, of which the design-build contract would be \$16.42 million. Soliciting design-build proposals to build this station offers BWP the best chance of staying within schedule and budget; the fiscal impact is positive.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO SOLICIT DESIGN-BUILD PROPOSALS FOR A REPLACEMENT BURBANK STATION (RFP NO. 1216).

8. APPROVAL OF AN AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND CHARLES WALTON ASSOCIATES AIA, INC. FOR ARCHITECTURAL AND RELATED SERVICES FOR THE ROBERT R. OVROM PARK PROJECT, PHASE 1:

Staff is seeking Council approval of an Agreement for Architectural Services between the City and Charles Walton Associates AIA, Inc. in the amount of \$385,000 for architectural design, specialty consultants and engineering services for the Robert R. Ovrom Park Project, Phase 1.

On May 2, 2006, the Council directed staff to proceed with the re-design of the Robert R. Ovrom Park Project based on two conditions that rendered the Project financially infeasible: 1) the projected \$16 million total project cost compared to the accepted \$9.2 million budget; and, 2) the Burbank Unified School District's decision to relocate its Community Day School operations to the former Miller Elementary School facility. The maximum facility size of the project will be 6,800 square feet with 20 on-site parking spaces for a total projected cost of \$8 million. Limited changes to the previously-approved Park Program, Art-In-Public Places Program and other improvements would essentially remain the same.

Charles Walton Associates AIA, Inc. was selected for the re-design effort based on their proven track record with the City. Staff negotiated a lump sum fee of \$385,000 for the design services.

With Council's approval of the Agreement, the following schedule is anticipated.

- Complete Programming, Re-Design & Submit July 2006 - March 2007
- Public Agency Final Approvals April 2007 – June 2007
- Project Bidding Phase June – August 2007
- Council Approval August 2007
- Contract Award & Mobilization August 2007 – September 2007
- Construction Period September 2007 - September 2008
- Final Occupancy October 2008

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND CHARLES WALTON ASSOCIATES AIA, INC. FOR ARCHITECTURAL AND RELATED SERVICES FOR THE ROBERT OVROM PARK PROJECT, PHASE I.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

9. SELECTION OF TWO COUNCIL MEMBERS FOR THE CITY'S INFRASTRUCTURE SUBCOMMITTEE:

The purpose of this report is to request the Council select two Members to participate on a new Infrastructure Subcommittee to develop recommendations that address the City's infrastructure deficit.

As part of the recent Fiscal Year (FY) 2006-07 budget process, a presentation was given by the Public Works Director outlining the various infrastructure needs of the City. With an aging infrastructure, a considerable amount of projects were identified, including street improvements, sidewalk improvements, bridge maintenance improvements, traffic infrastructure improvements, debris basin cleaning and various municipal building/facility improvements. Currently, the overall cost estimate to complete all the City's infrastructure needs is in the range of \$192 to \$207 million.

Due to the magnitude of improvements and funding required, the Council directed staff to form a subcommittee to analyze and prioritize the City's infrastructure requirements in addition to exploring the full range of potential funding options.

Aside from two Council Members serving on the subcommittee, staff recommends the following City staff to participate on the subcommittee: City Manager, Assistant City Manager, Community Development Director, Financial Services Director, Library Services Director, Park, Recreation and Community Services Director, and Public Works Director.

It will be the subcommittee's job to assess infrastructure priorities as well as discuss all viable funding options. Ultimately, recommendations will be brought back to the full Council prior to the FY 2007-08 budget process in order to be included as part of the budget deliberations.

Recommendation:

Staff recommends that the Council select two Members to serve on the Infrastructure Subcommittee.

10. REQUEST FOR AUTHORIZATION TO EXECUTE AGREEMENTS FOR TWO RENEWABLE RESOURCE PROJECTS:

Staff seeks Council authorization for the General Manager of Burbank Water and Power (BWP) to enter into an amended Power Sales Agreement for the Chiquita Landfill Gas to Energy Project (Ameresco) and a Power Purchase Agreement with PPM Energy Inc. (PPM) for the energy associated with a 5 Mega Watt (MW) wind project located in Wyoming. The PPM power purchase agreement has an associated

corporate guarantee agreement with Scottish Power Finance (US), the parent of PPM that also needs to be executed by BWP. Through the guarantee, Scottish Power has agreed to backup payment obligations of PPM in the event any should arise out of the power purchase agreements.

THE AMERESCO AGREEMENT

Since 2003, BWP has worked with the Southern California Public Power Authority (SCPPA) to contract for renewable energy. The first agreement was with Ameresco for energy from a landfill gas project located at the Chiquita Landfill on Highway 126 West of Santa Clarita. On February 10, 2004, the Council approved BWP entering into a power purchase agreement for the energy associated with 1/6th of the output of the project. The contractual arrangements were for SCPPA to purchase the output of the project and then resell it to the cities of Anaheim, Burbank, Glendale and Pasadena.

Since then, the project has been under development. In May 2006, the project developer advised SCPPA that it would not be able to complete the project within their original budget and would not be going forward with the project unless they could negotiate a new energy price for the output. (The developer has an “out clause” in the agreement allowing termination of the agreement before the start of construction.)

The developer claims that costs have more than doubled. They attribute major cost increases to: a higher price for the landfill gas; having to change from internal combustion engines to combustion turbines to meet South Coast Air Quality Management District (SCAQMD) emissions requirements and associated gas cleanup system; higher than anticipated interconnection costs with the Southern California Edison Company (SCE); reconfiguring and relocating the plant for combustion turbine operation; a plant condensate disposal system; and, the cost of Sales Tax. Also, the SCAQMD has imposed new regulations requiring that a larger quantity of the site’s landfill gas be flared. In addition to added cost, the flare also reduces the gas available for generation resulting in a smaller plant from 13 MW to 8 MW. In fairness to Ameresco, BWP experienced similar problems and cost increases in developing its landfill generation.

The original contract had a fixed energy price of \$54/MWh for the 20-year term of the contract. They are now requesting a fixed price of \$65.25/MWh over the 20-year term of the agreement. If final approval is received this fall from the SCAQMD to use combustion turbines, the project is anticipated to be completed by the end of 2007.

This situation is regrettable but staff believes that the new price of \$65.35/MWh is fair when compared to alternatives, and recommends that the contract be amended to reflect the new price.

NEW AGREEMENT WITH PPM ENERGY, INC. FOR WYOMING WIND

Staff is also requesting authorization for the execution of a new power purchase agreement for renewable energy with PPM Energy, Inc. from wind resource. It is the best alternative available from the proposals currently under consideration for the following reasons:

- The project is already built;
- The price of the energy associated with the proposed power purchase agreement is very attractive compared to the other alternatives. Some of the other projects which might result in ownership have the potential of having a lower cost resource, however, the associated additional transmission costs will likely make them more expensive; and,
- Burbank has existing transmission in place to bring the power to Burbank from the point of delivery, which is not the case with all the projects under consideration.

The project is located in Uinta County in Southwest Wyoming known as the Pleasant Valley Wind Energy Center. The project is owned by Florida Light and Power which has contracted with PPM for all the output. It became operational in December 2003 and consists of 80 Vestas V80 1.8 MW wind turbines with a total installed capacity of 144 MW. The facility is interconnected to PacifiCorp's transmission system. The energy from the Wyoming project will be delivered at the Mona Substation in Utah.

HOW RENEWABLE ENERGY FITS INTO BWP'S RESOURCE PORTFOLIO

Because BWP is a fully-resourced utility, it is challenging to add renewable energy to the portfolio and control costs. A way that it could be done is to back-down local gas fired generation as low as practical and substitute with renewable energy. This can be most readily and economically achieved using wind power. The idea is to bring wind power to BWP while simultaneously reducing natural gas generation in a like amount.

With current natural gas prices running in excess of \$8/Dth, wind energy is competitive with the cost of natural gas generation. (Ignoring variable O&M costs - \$8/Dth natural gas run through a 7,500Btu/KWh heat rate plant produces energy that costs \$60/MWh.) Therefore, by backing down natural gas generation to minimum load levels and substituting intermittent wind energy, it would be possible to increase the portion of renewable energy in our portfolio without significantly increasing costs.

BWP has a preference for locations where wind projects will produce most of their power during the day and during the summer months, when it is most valuable to the City. At those times, the less efficient natural gas generating units are more likely to be operating and curtailing their operation by substituting wind generation will save an even larger amount of fuel and money, further improving the relative economics of this renewable resource.

FISCAL IMPACT

There are anticipated annual costs associated with each agreement and the effect on power supply costs of adding the two proposed power purchase agreements to BWP's resource portfolio as further discussed in the staff report.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE CHIQUITA LANDFILL GAS TO ENERGY PROJECT POWER SALES AGREEMENT BETWEEN THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND THE CITY OF BURBANK.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A LONG-TERM POWER PURCHASE AGREEMENT (WINDPOWER) BETWEEN PPM ENERGY, INC., AND THE CITY OF BURBANK.

11. TRIP-BASED INTENSITY MEASUREMENT STANDARD UPDATE:

The purpose of this report is to provide the Council with background on staff's efforts to implement the proposed Trip-Based Intensity Measurement Standard (TIMS) Ordinance. One of the key programs of the Draft Land Use and Mobility Elements is the development of a new commercial development intensity measure based on trip generation. This new TIMS would limit "by-right" development based upon the number of peak hour trips a project is expected to generate. The TIMS methodology was first presented in detail to the Council on September 20, 2005 and staff then proceeded to incorporate TIMS as the primary commercial development intensity measure in the Draft Land Use Element. Following public release of the draft elements, staff is continuing to develop the details of the proposed TIMS methodology and is creating a proposed ordinance describing how TIMS will be integrated into the City's existing project review process. Staff recognizes that the proposed TIMS ordinance will change the way new development projects are reviewed and is aware that public notice and review are critical to successful implementation. Thus, ongoing public outreach and communication is critical to the implementation of this proposed standard, and staff will continue to provide information to all interested groups as the General Plan Update process moves forward.

Recommendation:

Note and file.

ADOPTION OF PROPOSED ORDINANCE:

12. ORDINANCE AMENDING THE ART IN PUBLIC PLACES COMMITTEE:

As currently structured, the Art in Public Places Committee is comprised of five members. The membership consists of a Park, Recreation and Community Services

Board member; a Planning Board member; and, three members at large appointed by the Council. All Council appointments are for four-year terms and expire on a rotational basis.

At the May 23, 2006 meeting, the Council requested that the number of at large members be increased from three to five, and appointed Carole Kubasak and Shannon Stevenson-Landon to serve on the Committee after the effective date of the amended ordinance. There is no fiscal impact as a result of the recommended action.

This ordinance was introduced at the June 20, 2006 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE
COMPOSITION OF THE ART IN PUBLIC PLACES COMMITTEE.

RECONVENE the Redevelopment Agency meeting for public comment.

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, July 11, 2006 at 5:00 p.m. for the Trip-Based Intensity Measurement Standard 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**