

TUESDAY, JUNE 27, 2006

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:06 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Vander Borght and Campbell.

Absent - - - - Council Member Ramos.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:07 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

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

STUDY SESSION

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

5:44 P.M. Telecommunications Study Session Mr. Flad, Assistant City Manager, updated the Council on several telecommunication issues, including: legislation; negotiations with Charter Communications; AT&T's Project LightSpeed; the Utility Users Tax (UUT); and, fiscal impacts. He reported on the key pieces of legislation pertaining to telecommunications; Assembly Bill (AB) 2987 which passed the Assembly and has been forwarded to the Senate, House Resolution (HR) 5252, Senate Bill 2686 and Proposition 218. He noted that the major impact of the legislation is that the control and the franchising authority will be shifted from the City to the State in AB 2987 and to the Federal Government or Federal Communications Commission in HR 5252. He

elaborated that per the legislation: Public Education and Government (PEG) Channels are still required; the opportunity to collect a PEG fee is capped at one percent as opposed to the current two percent, noting that Burbank does not currently take advantage of the fee; a five percent franchise fee will still be collected either through the State or a franchise agreement with the Federal Government; no local fees are allowed, noting that the City's current franchise agreement with Charter Communications provides for a \$25,000 annual fee for the provision of PEG programming; services such as the free service connectivity for City buildings and the Burbank Unified School District (BUSD) will no longer be required; customer service enforcement still falls on the local jurisdiction although the authority for assessing penalties or disenfranchisement will reside with the State or the Federal Government; and, the right-of-way control would be shifted to the State and Federal Government.

Mr. Flad then discussed the legislation's pros, which include: streamlining the franchise process; providing uniform rules for service providers; may result in reduced costs for the services as competition would be encouraged especially for television services; may result in improved quality of services; and, the agreements in the State and Federal legislation are similar to the current franchise agreement, with the exception of the concerns discussed earlier. On the con side, he reported that the legislation: creates potential for redlining since new service providers will not be mandated to provide service to all potential customers; takes away local control; reduces Channel 6 funding; will result in loss of revenue control; and, will eliminate free service connectivity for the City and BUSD.

With regard to the franchise agreement negotiations with Charter Communications, Mr. Flad stated that negotiations have stalled pending the legislation outcome, noting that the cable industry has been active on the legislation and is now supportive of it since some language has been added that would allow providers to get out of their existing agreements.

Mr. Flad also reported on AT&T's Project LightSpeed, which will bring Fiber-To-The-Node to within 3,000 to 5,000 feet of residences in an attempt to enter into the television and video market. He stated that AT&T is interested in pursuing an agreement that would allow for expediting their encroachment permit process and partnering with the City in protecting some local revenues while guaranteeing some level of service to mitigate the impacts of the proposed legislation. He stated that the project's pros include: competition for cable providers; faster internet services; enhanced telephone service; potential for reduced costs; and, will mostly use existing conduit. He

also reported that the cons include: impacts on aesthetics in the right-of-way; the possibility of redlining; the eventual possibility of a Voice Over Internet Protocol service which may potentially impact the ability to collect UUT from such service; construction impacts; and, no build-out timeline has been provided.

With regard to the UUT, Mr. Flad stated that since the March 7, 2006 Study Session, the Internal Revenue Service has issued an opinion which puts the long distance UUT revenues at risk. He stated that staff is working on an administrative solution which will be brought back for Council consideration.

Mr. Flad recommended that the Council approve of: pursuing an agreement with AT&T to expedite the implementation of Project LightSpeed; commencing the processing of the encroachment permits; and, continuing to work with the legislators on protecting control of the revenue stream and the local rights-of-way.

Following Council deliberation, there was Council consensus that staff proceed with negotiations with AT&T. The Council generally expressed preference for: maintaining PEG Channels; ensuring that infrastructure obligations are on AT&T; ensuring as much build-out as possible; the fee structure being similar to Charter Communications'; eventually mandating universal access; maintaining municipal and school access; noticing the public about the citing of the proposed additional infrastructure; mitigations for the appearance of some of the infrastructure; a timeline and commitment from AT&T for the complete project; providing service to census tracts with the lowest income levels; collecting the PEG fee and maintaining the ability to collect the fee; maintenance provisions for the infrastructure; and, ability to landscape the infrastructure.

Dr. Gordon expressed concern with the process stating that the issue should have been considered as a regular agenda item and he would therefore not be supportive.

6:44 P.M.
Recess

The Council recessed at this time.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:52 p.m. by Mr. Campbell, Mayor.

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Invocation The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Rachel Freeman.

ROLL CALL

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell (Left at 7:57 p.m.).

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

301-1
Teens in Action
Dating Violence
Program Mayor Campbell congratulated the Teens In Action Media Communications Team which was recently recognized by the National Association of Telecommunications Officers and Advisors at the annual conference of the California Chapter. He noted that the Team was awarded a First Place Star Award in the Special Audience Category for their program entitled "Dating Violence." He also mentioned that the production has been nominated for an Emmy Award, and presented Certificates of Recognition to the following Team members: John Afi; Brittany Beaudry; Maria Clarke; Wendy De Leon; Fady Ellaham; Shady Ellaham; Brittany Flynn; Amaele Guerra; Johnathan Guerra; Mya Hawkins; Leilani Hingada; Ara Housepyan; Greg Karapetyan; Sako Karapetyan; Allen Kirokopsyan; David Knight; Maria Lavarreda; Hovik Mkrtchyan; Crystal Rachal; Valdan Sarukhanyan; Ani Torosyan; Rachel Freeman; Clark Shafer; Tara Garriot; Logan Felix; Nathaniel Felix; Victoria O'Neill; and, Colleen Duffy-Felix, who thanked the Council and recognized other members who helped with the production.

301-1
ROP Class
Graduation Mayor Campbell invited Fire Battalion Chief Sanders to present the graduates of the Fire Regional Occupation Program. Battalion Chief Sanders gave a brief overview of the program which is a partnership with Los Angeles County and the Burbank Unified School District, and introduced the following staff members who were involved with the program; Captain Rhoads, Firefighter/Paramedic Chulick, Fire Captain Talamantes and Fire Captain Walbert. Captain Rhoads commented on the program's goals and objectives. Firefighter Chulick showed a brief video of the winning class project on fire safety in a home. Mayor Campbell congratulated and presented Certificates of Recognition to the following graduates: Adison Arce; Joshua Balderas; Jason Barbic; Byron Becke; Freddy Boudier'; Thomas Conrad; Glenn Cooper; Greg Fields; Philip Filijan; Gabriel Gallegos; Brian Garcia; Jason Ghezzi; Brendon King; Ron Leuster; Andrew Loera; Lance Luciani; Spencer Luciani; Tavern

Martinez; Alexander Moroldi; Ryan Rhoads; Cory Ryan; Kyle Vickery; and, Russell Walbert.

301-1
National Park
and Recreation
Month

Mayor Campbell presented a proclamation in honor of National Park and Recreation Month to Jess Talamates, Chair of the Park, Recreation and Community Services Board.

Reporting on
Council Liaison
Committees

Mr. Campbell reported on attending a Family Service Agency (FSA) event with Vice Mayor Ramos. He also reported on attending the Burbank Tennis Center's hosting of the Second Annual Jensen-Schmidt Tennis Academy for individuals with Downs Syndrome.

Mrs. Ramos also reported on the FSA event and on attending a League of California Cities Community Services Policy Committee meeting as the Los Angeles County Region representative, at which an update was provided on the pending telecommunications legislation, which the League continues to oppose.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

Initial Open
Public Comment
Period of Oral
Communications

Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were: Mary Schindler; in support of an ordinance prohibiting campaigning during oral communications; Frank Kaden, on development agreements, enforcement of Conditions of Approval and the need for repairs on Buena Vista Street; Theresa Karam, on campaigning during oral communications, recent utility increases and funds for Ovrom Park; and, Esther Espinoza, on a police shooting incident.

Staff
Response

Members of the Council and staff responded to questions raised.

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Agenda Item Oral Communications Mr. Campbell called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment on the Trip-based Intensity Measurement Standard were: Larry Auzene, representing the Burbank Association of Realtors; Gary Olson, representing the Burbank Chamber of Commerce; Frank Kaden; Esther Espinoza; Phil Berlin; Rose Prouser; David Piroli; Eden Rosen; Nicole Kuklok-Waldman; and, Theresa Karam, who also commented on Ovrom Park. Also, Howard Rothenbach commented on the Gangi Project amendments and on the Infrastructure Subcommittee.

7:57 P.M. Mr. Campbell Left the Meeting Mr. Campbell left the meeting at this time.

Staff Response Members of the Council and staff responded to questions raised.

1600 TIMS Update Mr. Kriske, Senior Planner, Community Development Department, gave an update on staff's efforts on the implementation of the proposed Trip-based Intensity Measurement Standard (TIMS) as part of the General Plan Land Use and Mobility Element update. He stated that one of the major goals of the Land Use and Mobility Element update is to more closely relate land use decisions with their impact to the transportation system. He added that the Draft Land Use and Mobility Elements released for public review propose a number of policies and programs to more effectively integrate land use and transportation policy when planning for the City's future. He noted that one of the key programs proposed is the development of a new commercial development intensity measurement standard based on trip generation. He reported that TIMS would limit by-right development based upon the number of peak-hour trips a project is expected to generate. He explained that each land use category will be assigned a trip ratio in terms of peak-hour trips per 1,000 square feet of parcel land area, and based upon the amount of development anticipated under the proposed General Plan. He added that when combined with a specific parcel size, a property owner wishing to redevelop a site could develop a peak-hour trip budget specific to the site. He explained that using a set of specific trip rates and the trip budget along with various levels of potential trip reductions for transit usage and other factors,

various land use scenarios can be developed that if constructed would exhibit traffic impacts in line with the forecasted traffic study that is part of the Draft Mobility Element.

Mr. Kriske informed the Council that the Land Use and Mobility Element update process has been on-going since 2001, while specific work in development of land use forecasts, traffic modeling and transportation improvements to be analyzed as part of this process has been on-going for almost three years. He added that throughout 2004 and 2005, the Council held a number of traffic and transportation study sessions to review various development forecasts and their projected traffic impacts on Burbank streets. He stated that staff was directed to study the Reduced Growth Forecast as part of the Land Use and Mobility Element updates. He added that at a subsequent traffic and transportation study session held in June 2005, the Council provided further direction with regard to the level of street improvements that would be acceptable, including limiting additional through lanes on major arterials and that the right-of-way that would be required to construct street improvements not be expansive, such that sidewalk widths, on-street parking and overall neighborhood character was preserved. He added that the Council recognized that Level of Service (LOS) D shall remain the City's threshold for intersection performance but that poor levels of service could be tolerated if improvements needed to reach the LOS D were adequate. He noted that within this general policy framework, staff worked to incorporate the growth forecasts, street improvements and LOS standards into the goals and policies of the Draft Land Use and Mobility Elements. In particular, staff sought to develop a mechanism whereby future growth remains consistent with the growth forecasts and street improvements called for in the General Plan Update.

Mr. Kriske stated that staff subsequently proposed the TIMS development control to ensure that future development projects can be analyzed in terms of their impact to the transportation network and that future capacity of the network can be equitably distributed among all parcels in the City. He added that discussion of the TIMS standard started in late 2004 and was presented to the Planning Board and Council, during which time staff provided information regarding its implementation, methodology and limited economic review. He also elaborated on a number of informational notices and public meetings that have been provided to make the community, developers and property owners aware of the proposed changes and how they may be impacted.

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The Council generally expressed support for the TIMS model as a mechanism to control development, but directed staff to: slow down the process to allow for conducting an analysis of the potential economic impacts of adopting TIMS as proposed; retain the services of traffic and land use consultants to review the TIMS model; in the interim, amend the Development Review process such that all Development Reviews are subject to discretionary review by the Council; and, implement broader public outreach to all stakeholders including the business community and residents for additional input. The Council also expressed a desire that the current development agreements not be impacted. The Council was not supportive of establishing a Blue Ribbon Task Force on the matter.

10:01 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 10:15 p.m. with all members present except Mr. Campbell.

10:15 P.M.
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:40 p.m. with all members present except Mr. Campbell.

Item Removed
from Consent
Agenda

The item regarding Authorizing the General Manager of Burbank Water and Power to Solicit Design-Build Proposals for a Replacement Burbank Station was removed from the consent agenda for the purpose of discussion.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

Minutes
Approved

The minutes for the regular meetings of May 30, June 6 and June 13, 2006 were approved as submitted.

1006-1
Review of
Conflict of
Interest Code

A report was received from the City Clerk's Office requesting Council direction to review the City's Conflict of Interest Code. It was stated that 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. Staff indicated that 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 and the employees who must comply with the Code provisions are designated by resolution.

The Council directed 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.

305-2
Tournament of
Roses 2007
Float Rendering

A report was received from the Park, Recreation and Community Services Department, stating that 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 and in 1947, the Burbank Tournament of Roses Association became responsible for the float entries. It was noted that 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.

Staff reported that the Burbank Tournament of Roses Association is a non-profit organization comprised completely of volunteers. Each year, the Association is responsible for constructing and decorating a float to represent the City in the annual Pasadena Tournament of Roses Parade. Staff reported that the 118th Pasadena Tournament of Roses Parade theme is, Our Good Nature and that in February 2006, 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.

Staff stated that in order 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. It was noted that the official float rendering was presented to the Council at the June 20, 2006 meeting.

The Council accepted and approved the City's 2007 Tournament of Roses float rendering.

1007-1
Equipment
Mechanic Helper
to Fleet Maint.
Apprentice

RESOLUTION NO. 27,262:
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).

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1007-1
Equipment
Mechanic to
Fleet Maint.
Technician

RESOLUTION NO. 27,263:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF EQUIPMENT MECHANIC (CTC No. 0320) TO FLEET MAINTENANCE TECHNICIAN (CTC No. 0370).

1007-1
Sr. Equipment
Mechanic to Sr.
Fleet Maint.
Technician

RESOLUTION NO. 27,264:
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).

1301-3
Sidewalk Repair
Project (BS No.
1209)

RESOLUTION NO. 27,265:
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.

1301-3
CDBG Sidewalk
and Ped. Ramp
Project (BS No.
1206)

RESOLUTION NO. 27,266:
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.

703
1108
Agmt. with
Charles Walton
Assoc. for
Ovrom Park

RESOLUTION NO. 27,267:
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.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon (except on
 Resolution No. 27,267), Vander Borgh and Ramos.
Noes: Council Member Gordon (on Resolution No. 27,267
 only).
Absent: Council Member Campbell.

1503 Design-Build Proposals for a Replacement Burbank Station

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), requested the Council authorize the BWP General Manager to solicit design-build proposals for a replacement Burbank Station. He stated that BWP has an ongoing program of renewing its electric infrastructure, which includes replacing its oldest electric lines and stations. He noted that Burbank Station, which is the oldest electric facility, is becoming a reliability problem. He added that in recent years, BWP has successfully used the design-build method to construct or expand new electric stations, remaining within schedule and budget. He stated that with the Council's approval, staff will be soliciting competitive bid proposals and will return with a recommendation for the Council's approval.

Motion

It was moved by Dr. Gordon and seconded by Mr. Vander Borgh that "the following resolution be passed and adopted:"

1503 Design-Build Proposals for a Replacement Burbank Station

RESOLUTION NO. 27,268:
 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).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borgh and Ramos.

Noes: Council Members None.

Absent: Council Member Campbell.

800 Selection of two Council Members for the City's Infrastructure Subcommittee

Mr. Torrez, Financial Services Director, requested the Council select two members to participate on a new Infrastructure Subcommittee to develop recommendations that address the City's infrastructure deficit. He added that as part of the recent Fiscal Year (FY) 2006-07 budget process, a presentation was given outlining the various infrastructure needs of the City, with an overall cost estimate to complete all the City's infrastructure needs in the range of \$192 to \$207 million.

Mr. Torrez informed the Council that 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. He added that aside from the 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. He noted that 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.

Mr. Golonski and Mr. Vander Borgh volunteered to serve on the Infrastructure Subcommittee.

1500
411
Renewable
Resource
Projects Agmts.

Mr. Jeider, Power Resources Manager, Burbank Water and Power (BWP), requested Council approval for two power purchase agreements; 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. He noted that the agreements would increase Burbank's level of renewable resources by about two percent.

With regard to the Ameresco Agreement, Mr. Jeider reported that in February 2004, the Council approved a power purchase agreement for the energy associated with one-sixth of the output of the project. The contractual arrangements were for the Southern California Public Power Authority (SCPPA) to purchase the output of the project and then resell it to the cities of Anaheim, Burbank, Glendale and Pasadena. He noted that the energy would originate from a landfill gas project located at the Chiquita Landfill on Highway 126 west of Santa Clarita and since then, the project has been under development. He noted that the agreement included an "out clause" for the developer, allowing termination of the agreement before the start of construction if financing cannot be secured. He added that 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 a new energy price for the output could be negotiated.

Mr. Jeider explained that the developer claims that costs have more than doubled due 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. He noted that similar to Ameresco, BWP experienced similar problems and cost increases in developing its landfill generation. He further explained that the original contract had a fixed energy price of \$54/MWh for the 20-year term of the contract and a new fixed price of \$65.25/MWh over the 20-year term is being requested. He also noted that transmission arrangements may also add to the cost.

Mr. Jeider then discussed the proposed power purchase agreement for renewable energy with PPM Energy, Inc. from wind resource in Wyoming. He stated that this is the best alternative available from the proposals currently under consideration for several reasons, which include: the project is already built; the cities of Glendale and Los Angeles are also concurrently working with Burbank to contract the resource; the contract has a 16 year-term fixed price of \$63/MWh; and, the energy would be delivered via an existing transmission.

Mr. Jeider also discussed the Wyoming wind profile, the impact of the proposed agreements to Burbank's Renewable Portfolio and the associated costs. He also noted the fiscal impact of increasing the Renewable Portfolio beyond five percent, which may impact electric rates as the public benefits spending obligation that is currently utilized to subsidize the cost of renewable energy will be exhausted.

Dr. Gordon expressed several concerns with the Ameresco Agreement.

Motion It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

1500 RESOLUTION NO. 27,269:
 411 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1st Amend to APPROVING AND AUTHORIZING EXECUTION OF A FIRST
 Chiquita Landfill AMENDMENT TO THE CHIQUITA LANDFILL GAS TO ENERGY
 Gas to Energy PROJECT POWER SALES AGREEMENT BETWEEN THE
 Power Sales SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND
 Agmt. with THE CITY OF BURBANK.
 SCPPA

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Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Vander Borght and Ramos.

Noes: Council Member Gordon.

Absent: Council Member Campbell.

Motion It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

1500 RESOLUTION NO. 27,270:
411 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Long-Term APPROVING AND AUTHORIZING EXECUTION OF A LONG-
Power Agmt. w/ TERM POWER PURCHASE AGREEMENT (WINDPOWER)
PPM Energy BETWEEN PPM ENERGY, INC., AND THE CITY OF BURBANK.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borght and Ramos.

Noes: Council Members None.

Absent: Council Member Campbell.

Ordinance It was moved by Mr. Vander Borght and seconded by Mr.
Submitted Golonski that "Ordinance No. 3698 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

203-4 ORDINANCE NO. 3698:
Amend the Art AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
in Public Places AMENDING CHAPTER 2 OF THE BURBANK MUNICIPAL CODE
Committee RELATING TO THE COMPOSITION OF THE ART IN PUBLIC
 PLACES COMMITTEE.

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borght and Ramos.

Noes: Council Members None.

Absent: Council Member Campbell.

11:37 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment was David Piroli, on the Cusumano Plaza parcel.

Staff
Response

Members of the Council and staff responded to questions raised.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:39 p.m.

Josephine Wilson
Deputy City Clerk

APPROVED JULY 18, 2006

Mayor of the Council
of the City of Burbank