



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 25, 2006
6:30 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.

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 AUGUST 1, 2006.

RECOGNITION: MILITARY SERVICE.

RECOGNITION: OTA EXCHANGE STUDENTS.

PRESENTATION: STATE OF THE STATE ADDRESS BY ASSEMBLY MEMBER
DARIO FROMMER.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

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

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of July 24, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. APPEALS AND DEVELOPMENT REVIEW PROCESSES FOR PLANNING APPLICATIONS:

Staff is requesting that the Council approve a Zone Text Amendment (ZTA) that would amend both the City's appeal and development review process for planning applications. The proposed amendment incorporates additional changes to the development review process as directed by the Council on June 27, 2006.

The roles and responsibilities of the applicant, appellant, public, Planning Board and Council, in the event of appeal, are not explicitly stated in the Burbank Municipal Code. The proposed ZTA would add new language to the Municipal Code, detailing the appeal process, obligations for recusal and Council's ability to take action as a body, in-lieu of appeal.

The proposed ZTA would create a cutoff date after which an appeal may not be withdrawn by the appellant. Rather than permitting an appellant to withdraw their appeal up until the public hearing, staff recommends that withdrawal not be permitted as of 20 days prior to the public hearing. As such, if an appellant does not withdraw their appeal prior to the 20-day deadline, the public hearing would occur. This cutoff is set to coincide with the mailing of public notices and advertisement of the public hearing in the Burbank Leader newspaper.

Staff additionally recommends codifying a citizen participation process that would require a community meeting for all development review projects. It is the intent of staff to provide the public with an opportunity to voice comments and concerns to staff and the project applicant prior to issuance of the decision by the Community Development Director. Staff is currently holding these meetings on alternate Monday evenings when there is no Planning Board meeting. Additionally, at the recommendation of the Council, staff proposes that the noticing radius for development review applications be increased from 300 to 1,000 feet.

On June 27, 2006, staff provided a report to the Council regarding the ongoing update to the Land Use and Mobility Elements of the City's General Plan and the related development and traffic model. Given the direction of the Council, staff is proposing additional changes to the development review process that are intended to be in place for an interim period of time until the Council considers the proposed General Plan update and related development regulations. As proposed by staff, all non-residential projects having 50 or more trips during the AM or PM peak traffic hours would be processed as discretionary applications and would be subject to environmental review. In addition, all projects generating 50 or more trips would be subject to additional discretionary findings. These projects would have to be approved by the Planning Board following a noticed public hearing, rather than being approved administratively by the Community Development Director.

The Planning Board considered the proposed ZTA (not including the additional changes requested by the Council as noted above) at a public hearing on June 12, 2006. All Board members expressed their support for the development review community meetings and increasing the noticing requirement from 300 to 1,000 square feet for development review projects. The Board voted 4-0 to recommend that the Council adopt the ZTA, as proposed by staff with the additional provisions requiring that the appeal hearing be heard, by the appropriate body, no later than 75 days following the filing of the appeal.

Recommendation:

Introduction of proposed ordinances entitled:

1. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO APPEALS AND THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).
2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).

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 and Parking Authority meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 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.

3. AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF A FLEET MANAGEMENT SYSTEM:

Staff is requesting the Council adopt a resolution approving the terms and conditions of an agreement with CCG Systems for the purchase of a Fleet Management System.

In January 2001, the Council authorized staff to implement a night shift vehicle service operation, develop and implement a vehicle standardization and alternate fuel

vehicle policy, conduct a vehicle utilization study, and purchase and implement a fleet management system. The first three aforementioned recommendations have been successfully implemented.

The next step, purchasing and implementing a fleet management system, is crucial because the current method used to manage the City's fleet is not capable of meeting the demands of the City. It does not provide details for cost and performance analysis, and does not have the capability of providing current and useful data for use in making decisions affecting fleet operations.

While researching fleet management system vendors, staff became aware of a Request for Proposal (RFP) that was recently issued by the City of Hurst, Texas. This RFP detailed the same requirements that the City of Burbank would have otherwise issued in an RFP of its own. After going through a formal competitive bid process, the City of Hurst selected the lowest responsible bidder, CCG Systems, to provide their fleet management software system and training. Burbank Water and Power (BWP), Public Works, Fire Department, and Purchasing reviewed the City of Hurst's RFP, the selected vendor and the contract. Staff verified that CCG Systems would honor all the prices in their contract with Hurst for the City of Burbank. All four departments agree that this is a good value and will benefit the City. In addition, it is the opinion of the Purchasing Manager that it would be to the City's advantage to enter into an agreement with CCG Systems for the purchase of the fleet management system that was purchased by the City of Hurst, Texas.

The total cost of the purchase agreement is \$105,300. Sixty-seven percent of this total will be paid by Public Works and the remaining 33 percent will be paid by BWP.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND CCG SYSTEMS FOR PURCHASE OF A FLEET MANAGEMENT SYSTEM.

4. REVISING THE TITLE OF THE SPECIFICATION FOR THE CLASSIFICATION OF ELECTRICAL DISTRIBUTION SUPERINTENDENT TO MANAGER ELECTRICAL DISTRIBUTION:

The Electrical Services Division is a business unit within Burbank Water and Power (BWP), and is directed by an Assistant General Manager. The Division's primary activities are managing the electric power distribution system, servicing the City's radios and phones and providing electrical support to the other BWP business units as requested. Within the Division there are four sections (excluding clerical):

- The Engineering Section, led by the Manager Transmission and Distribution Engineering;

- The Electrical Equipment Section, led by the Manager Electrical Equipment;
- The Electrical Distribution Section, led by the Electrical Distribution Superintendent; and,
- The Communications Section, led by the Manager Communication Systems.

The classification of Manager Electrical Distribution will be subject to Civil Service. This classification is included in the City's Conflict of Interest Code and exempt from the Fair Labor Standards Act. The Burbank Management Association will continue to represent this classification and has been advised of this revision. The General Manager - BWP concurs with this recommendation. The Civil Service Board reviewed this revision at their meeting on July 5, 2006 and recommended approval of this change to the Council.

There is no fiscal impact from the revision of this specification because the current salary range for this position will be maintained.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF ELECTRICAL DISTRIBUTION SUPERINTENDENT (CTC No. 0283) TO MANAGER ELECTRICAL DISTRIBUTION (CTC No. 0541).

5. INTERNET BILLING:

The purpose of this report is to discuss cost efficiencies to be gained through outsourcing municipal service bill printing and mailing, and to provide information on electronic bill presentment and payment options for customers.

Burbank Water and Power (BWP) generates and mails invoices for municipal services to the City's 50,000 business and residential customers each month. Staff processes data, prints, folds and mails bills using specialized equipment and materials. The annual cost to provide this service is approximately \$500,000; which is \$.55 per bill. This process also consumes 12 hours of full time employees' time to monitor, produce, and mail paper bills. However, labor is not included in the \$500,000 and approving staff's recommendation will not displace any employees.

Staff budgeted to replace the mail inserter machine in 2005, due to the fact that it was 10 years old. Staff released a bid for proposals and received prices ranging from \$65,000 through \$110,000. During this time and due to other billing issues, staff decided to look at this project more globally. The billing issues included: replacing the mail inserter machine this year; replacing the large bill printer within two years, at a cost of \$70,000; the current bill print application vendor had become non-responsive and their costs were increasing; and, staff was interested in offering the customers electronic bill presentment and payment. Bill print and mail is also not

BWP's core business function. With all these events converging, staff thought it prudent and timely to explore the marketplace for a less expensive bill print and mail option and a possible integrated electronic bill presentment and payment solution.

In March 2006, staff released another request for bids for a bill print and mail, and electronic bill presentment and payment solution. Proposals were submitted that ranged from \$.40 to \$.70 per bill. Staff's vendor of choice is KUBRA who will charge \$.40 to print and mail a bill and they also have an integrated bill solution for paper and electronic bills. This would allow BWP an annual savings of \$126,000. This vendor also has a disaster recovery plan which would be an advantage BWP currently does not have. They would give more flexibility with the bills, notices and letters. Their programming would also allow BWP to market bill inserts to different customer classes.

Outsourcing these services will not displace any employees. Staff will utilize existing staff more efficiently with other work duties allowing for the flexibility to make additional process and staffing improvements.

Along with the bill print and mail information, KUBRA also presented their electronic bill presentment and payment services and fees. In fact, KUBRA offers an integrated solution and many enhanced bill payment options not offered by the other vendors. Staff will have the capability to perform a number of real-time functions like tracking activity, creating reprints, faxing and e-mailing copies of bills, and verifying all payments regardless of source, type, origin, channel or status. They also offer a 30 percent savings to customers choosing to pay their bill with a credit card. Besides providing a more technologically rich and convenient bill payment option, electronic bill presentment will, in the long run, reduce costs overall for the City.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE KUBRA ENTERPRISE SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KUBRA DATA TRANSFER LTD.

6. ACCEPTANCE OF THE DESIGN DEVELOPMENT PHASE AND AUTHORIZATION TO PROCEED WITH THE CONSTRUCTION DOCUMENTS PHASE AND AUTHORIZATION TO EMPLOY A PRE-QUALIFICATION PROCESS FOR THE GENERAL CONTRACTOR SELECTION AND BID PROCESS FOR THE DEBELL CLUBHOUSE REPLACEMENT PROJECT - BID SCHEDULE 1153:

Staff is requesting the Council accept the Design Development Phase for the DeBell Clubhouse Replacement Project – Bid Schedule No. 1153, authorize staff to proceed with the Construction Documents Phase and authorize staff to employ a pre-qualification process for the general contractor selection and bid process.

The existing clubhouse was dedicated in April 1970 and has since served its economic life. The facility is does not meet American's with Disabilities Act (ADA) compliance requirements for accessibility, structural integrity for earthquake standards, does not have a fire suppression system other than fire extinguishers and an ANSI system for its kitchen equipment, and is not energy efficient. In addition, County Health Department standards have become more stringent and would otherwise preclude the current snack bar and kitchen from operating under current applicable provisions.

The Clubhouse Replacement Project officially began in June 2002. Since that time, staff has reviewed the design, program alternatives and financial strategies. In addition, staff held outreach meetings with the Park, Recreation and Community Services Board; Greens Committee; golfing community; private golf clubs; and, the general public. In March 2006, the Council approved the \$8 million budget and schematic design.

The Design Development Phase includes a new two-story, 13,597 square foot clubhouse, a new surface parking facility for 70 vehicles, and ADA accessibility improvements across and along Walnut Avenue. The design is 822 square feet larger (6.4 percent) than the program presented to the Council in March 2006. Although the increased program area will increase the total project cost, the cost remains capped at \$8 million. The additional square footage allows for the addition of a separate handicap accessible men's and women's restroom, increased storage area/capacity and increased space in the mechanical and electrical rooms.

Recommendation:

Adoption of proposed resolution entitled:
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS (SOQ) FROM GENERAL CONTRACTORS FOR THE DEBELL CLUBHOUSE REPLACEMENT PROJECT.

7. APPROPRIATING FUNDS TO INSTALL SPEED CONTROL DEVICES ON TUJUNGA AVENUE:

On June 6, 2006, the Council directed staff to modify existing traffic controls on Tujunga Avenue between Sunset Canyon Drive and Via Montana. The required modifications included:

- A four-way stop at Sunset Canyon Drive and Tujunga Avenue;
- A three-way stop at Gibson Court and Tujunga Avenue;
- Raised, mountable delineators along the street centerline through the curves south of Gibson Court; and,
- Electronic speed awareness signs on Tujunga Avenue.

The stop controls were installed at both intersections during the week of June 12, 2006 using materials purchased with funds available in the current budget. The delineators and speed awareness signs will cost approximately \$24,550 and require funding beyond the capability of existing Public Works budgets. The devices will be acquired as soon as feasible after funds are available and installation will be completed by staff.

Recommendation:

Adoption of proposed resolution entitled:
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$24,550 FOR THE FUNDING OF SPEED CONTROL DEVICES ON TUJUNGA AVENUE BETWEEN SUNSET CANYON DRIVE AND VIA MONTANA.

8. PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS:

Pursuant to a request from the California Public Employees Retirement System (PERS), staff is requesting Council adoption of a resolution codifying the City's current practices and procedures regarding the Burbank City Employees Association (BCEA) Employee Paid Member Contribution (EPMC).

On November 30, 1999, the Council adopted Resolution No. 25,642 which approved the Memorandum of Understanding (MOU) between the City and the BCEA for Fiscal Years 1999-02. As part of that MOU it was agreed that effective July 1, 2000, the City would begin reporting the employee seven percent PERS contribution as part of their salary for purposes of retirement calculation.

In a recent actuarial report it was discovered that this benefit was not properly identified. Therefore, following conversations with PERS, the City became aware that a unique resolution is required for the implementation of this benefit and that there was no such resolution adopted in 1999 when this benefit was approved by the Council. Staff investigated the matter further and discovered that although all of the procedural steps had been taken by the City and all the correct payments had been made on behalf of the BCEA employees, in order to be in full compliance with the PERS EPMC commitment, a resolution memorializing the agreement must be adopted by the Council.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS.

REPORTS TO COUNCIL:

9. ABANDONED SHOPPING CARTS:

At the April 19, 2005 meeting, Council Member Ramos requested staff to return with a report on the various practical ways the City may approach the increasing problems associated with abandoned shopping carts. Staff returned on August 23, 2005 with a staff report which detailed these issues. At that time, the Council directed staff to return with the status of the effectiveness of the new City of Glendale Shopping Cart Containment Ordinance in addition to a recommendation concerning a similar Burbank ordinance. Also, the Council directed staff to return with information gathered from community outreach efforts relative to the issue of abandoned shopping carts in Burbank.

Staff speculates that at any particular time, there are a minimum of 400 to 500 abandoned shopping carts in the City of Burbank. Abandoned shopping carts are a difficult issue to deal with because of a protective State law which limits a city's ability to provide uninhibited and expeditious code enforcement relief. As such, this State law prevents expeditious abandoned shopping cart removal by local governments. Provisions of the California Shopping Cart Law state that abandoned shopping carts, which are not impeding emergency services, can remain at the abandoned location for up to three working days (72 hours) prior to pick-up abatement efforts by a city. Further, this law also requires that after the 72-hour period has lapsed and the abandoned shopping cart has been impounded, the local jurisdiction must notify the owner of the cart of the impoundment within a 24-hour period. Impoundment fees may not be collected if an impounded cart is picked up by the cart owner within three working days of the impoundment notification. In the last decade, abandoned shopping carts have increased significantly in Burbank. This increase is probably due to:

- The adoption and imposition of the California Shopping and Laundry Cart Law;
- The successes of additional large retail businesses in Burbank which utilize shopping carts;
- The relocation of Costco from the border of Burbank to a more geographically interior location; and,
- Demographic factors.

There are four primary options for the Council to consider concerning the issue of abandoned shopping carts. These options are:

1. The Glendale Shopping Cart Containment Ordinance;
2. Funding and enacting comprehensive educational programs;
3. A code enforcement program with dedicated funding for specified personnel to primarily work on abandoned shopping cart enforcement; and,

4. Legislative action at the State level to change the State law.

Recommendation:

Staff feels that the responsibility of preventing shopping carts from becoming abandoned on public and private property should be borne by the businesses which own these carts. After observing how well the City of Glendale Shopping Cart Containment Ordinance is working, staff recommends the Council provide direction for staff to draft a Glendale-style abandoned shopping cart containment ordinance which is based on a zone text amendment, and forward the draft ordinance to the Planning Board for their consideration and recommendation.

10. MAGNOLIA PARK COMMUNITY ADVISORY COMMITTEE APPOINTMENTS:

The purpose of this report is for the Council to appoint new members to the Magnolia Park Community Advisory Committee (CAC) from the qualified applicants. As part of the City's effort to revitalize the Magnolia Park area, the CAC offers a balanced voice from residents and merchants to help encourage the vitality of the Magnolia Park area.

On February 1, 2005, the Council appointed three new members to fill vacancies on the Magnolia Park Community Advisory Committee. With the addition of the three members, the Committee consisted of eight business persons and seven residents.

Since the appointment of the three new members in February 2005, five Committee members have resigned. The five members that have resigned consist of three business persons, one resident, and one who was a business person and a resident.

The deadline for submitting applications to the City Clerk's Office was June 30, 2006. Staff received five applications, two from residents and three from business persons as follows:

Business/Commercial Property Owner

Kurt Banks
Brad Korb
Anthony Scuticchio

Residents

Sean Harkess
Edward Smith

Recommendation:

It is recommended that the Council appoint the above applicants to the Magnolia Park Community Advisory Committee.

11. AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 14-1101 AND 14-1102 OF THE BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX OR AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 14-1101 AND 14-1102 OF THE BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX:

Since 1969, the City of Burbank has imposed a Utility Users Tax, and specifically a Telephone Users Tax on every person using intrastate telephone communication services. In 1991, the Telephone Users Tax was amended to include interstate and international telephone communications services. The definition of “telephone communication services” contained in Burbank Municipal Code (BMC) § 14-1102 contains definitional references to provisions of Federal statutory and regulatory laws, including those relating to the imposition of the Federal Excise Tax on certain types of telecommunication services.

On May 26, 2006, the Internal Revenue Service changed its interpretation of the definitions contained in the Federal Excise Tax laws and determined that it would no longer impose the Federal Excise Tax on long distance and bundled telecommunications service. While Burbank’s Municipal Code provisions referenced these Federal statutes and regulations for purposes of definition and ease and consistency of administration, the City of Burbank has, at all times, since its adoption in 1969 and as subsequently amended, intended that the imposition, administration and calculation methodology of its Utility Users Tax remain within the sole and exclusive jurisdiction of the City of Burbank and the BMC.

The amendments to this ordinance are intended only to remove obsolete references in the Telephone Users Tax ordinance to the now-repealed Internal Revenue Code rulings regarding definitions and exemptions, and to clarify the original intent and historical construction and practice of the City regarding the type of telephone service subject to the Utility User’s Tax. **This Ordinance does not impose any new tax, increase any tax, or revise existing tax administration or calculation methodology. This Ordinance does not, nor is it intended to impose, extend or increase the Telephone Users Tax.**

This Ordinance is proposed to be adopted as an urgency ordinance, which would go into effect immediately upon declaration of the Council that it is an urgency measure necessary for the immediate preservation of public peace, health or safety. The facts constituting such urgency include the potential loss of some or all of the approximately \$6.1 million dollars anticipated to be collected for Fiscal Year 2006-07. The revenues from the Telephone Users Tax are critical to the public peace, health and safety in that these revenues pay the costs associated with essential services, including public safety. The urgency ordinance requires a 4/5 vote of the Council. In the event the ordinance is not adopted as an urgency ordinance, it requires a 3/5 vote of the Council for passage.

Recommendation:

1. Introduction and adoption of proposed urgency ordinance entitled:
(4/5 vote required)
AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 14-1101 AND 14-1102 OF THE BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX.

or,

2. Introduction of proposed resolution entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 14-1101 AND 14-1102 OF THE BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX.

12. COUNCIL MEMBER GOALS, PROPOSED FISCAL YEAR 2006-07 ANNUAL WORK PROGRAM AND PERFORMANCE INDICATORS (CITY MANAGER'S OFFICE, MANAGEMENT SERVICES DEPARTMENT AND PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT):

The purpose of this report is to provide the Council with an opportunity to discuss each Council Member's individual Fiscal Year (FY) 2006-07 goals and, if desired by the Council, to work together to combine these individual goals into a consensus list of Council goals, as requested during the Council's Goal Setting Workshop held on May 6, 2006.

Staff is also presenting the proposed FY 2006-07 Annual Work Program and Performance Indicators for Council discussion and direction. The Annual Work Program is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2006-07 Annual Work Program contains over 275 work items that have been identified by each department and suggested by the Council during the past year, the Council's Goal Setting Workshop and the annual budget study sessions.

The FY 2006-07 Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met.

Each Department Head will present his or her proposed FY 2006-07 Annual Work Program and Performance Indicators for the Council's review per the following schedule:

City Manager's Office Management Services Park, Recreation and Community Services	July 25, 2006
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Police Department Public Works	August 8, 2006
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Recommendation:

Staff recommends that the Council discuss the individual Council Members' goals for the upcoming fiscal year and provide any additional direction to staff as may be desired. Staff further recommends that the City Council review the proposed FY 2006-07 Annual Work Program and Performance Indicators per the proposed presentation schedule and provide input and direction as necessary.

ADOPTION OF PROPOSED ORDINANCE:

13. REGULATION OF ELECTRONIC SIGNAGE:

The Burbank Municipal Code (BMC) currently prohibits signs that blink, flash, vary regularly in luminescent intensity, move or give the illusion of movement. The City's Sign Ordinance does not generally place restrictions upon the type of technology that can be used for signs. As such, the City would permit the installation of an electronic sign. Although not permitted under the BMC, such sign could be programmed to blink, flash, move or change text in contrast to BMC provisions.

The proposed ZTA would prohibit signs, or portions thereof, using any light source that constitutes the sign's text, image or border. This is not intended to prohibit internal or external illumination where the light source is used only to illuminate the sign and does not constitute text or image. Specific signs subject to this prohibition include: projected time and temperature displays, holographic displays, digital screens, light emitting diode screens, electronic message boards and other types of electric and electronic display boards and screens. Staff recommends prohibiting a broader array of sign types now so that future amendments may be avoided, as technology allows for new and inexpensive sign technologies.

Staff additionally recommends a number of minor substantive changes that would eliminate the differentiation between business and building identification signs and integrate the Magnolia Park and Media District Sign Regulations, located elsewhere in the BMC, into Articles 10 and 19. These changes would not significantly affect the area or type of signs that could be used.

The Planning Board considered the proposed ZTA at a public hearing on May 22, 2006. There were no public speakers in support of or opposition to the amendment. All Board members expressed their support for the action as recommended by staff and voted 5-0 to recommend that the Council adopt the ZTA.

This ordinance was introduced at the July 18, 2006 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE TO UPDATE SIGN REGULATIONS AND PROHIBIT ELECTRONIC SIGNS (Project No. 2005-126, Zone Text Amendment).

RECONVENE the Redevelopment Agency and Parking Authority meetings 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.

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