

TUESDAY, AUGUST 29, 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 5:30 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Gordon, Vander Borght and Campbell.
Absent - - - - Council Members Golonski and Ramos.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Mayor Campbell called for oral communications on Closed Session matters at this time.

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

5:30 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:

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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:40 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Reverend Harry Morgan Moses, Spirit Works Center.

Flag Salute The pledge of allegiance to the flag was led by Cassandra Stearns.

ROLL CALL

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

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

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Campos, City Clerk.

301-1
Library Card
Sign-Up Week

Mayor Campbell presented a proclamation in honor of Library Card Sign-Up Week to Children's Librarians Hubert Kozak and Cassandra Stearns.

Reporting on
Council Liaison
Committees

Mayor Campbell reported on a visit by Mayor West of the City of Santa Clarita, who toured Burbank's redevelopment projects. He noted that Mayor West commended staff and the City for their efforts.

Mr. Vander Borcht reported that he represented the Council at the Back-to-School event for the Peyton-Grismer Project and commended staff and the businesses that participated in the event. He also reported on attending the Five-Points Art Selection Committee meeting with Mr. Campbell, at which seven art proposals were presented, noting the Committee will recommend three finalists who will make their presentations to the entire Council for final selection.

Mrs. Ramos reported on the Inter-Agency Communication Interoperability System subcommittee meeting that was held with Congressman Schiff.

Item
Removed
from Agenda

Ms. Alvord, City Manager, announced that the item regarding "Authorizing The Execution Of A Grant Agreement, Accepting Grant Funds And Amending The Fiscal Year 2006-07 Budget To Facilitate The Construction Of A Compressed Natural Gas Time-Fill Station" will be taken off the agenda due to the fact that it requires a four-fifths vote, noting that Mr. Golonski was absent and Mr. Campbell must recuse himself.

7:04 P.M.
Extending Redev.
Plan Limits

Mayor Campbell stated that "this is the time and place for the hearing on the extension of the redevelopment project area plans and the time limits to collect tax increments for the payment of indebtedness for the Golden State, City Centre and West Olive Redevelopment Project Areas:

Meeting
Disclosures

There were no meeting disclosures.

Notice

The City Clerk was asked if notices had been given as required by

Given law. She replied in the affirmative and advised that no written communication had been received.

Staff Report Ms. Roldan, Redevelopment Project Analyst, Community Development Department, requested the Council consider an extension of redevelopment plan time limits for the Golden State, City Center and West Olive Redevelopment Project Areas as authorized by Senate Bill (SB) 1096. She noted that as a component of the Fiscal Year (FY) 2004-05 State budget, the Legislature adopted SB 1096, which required every redevelopment agency to make Educational Revenue Augmentation Fund (ERAF) payments for two consecutive years. She noted that the required payments were determined based on a Statewide distribution of \$250 million and each agency's ERAF payment was based on the total amount of tax increment it receives. She added that in an effort to offset the financial burden caused by the ERAF payments, SB 1096 authorized redevelopment agencies to amend their plans for each year an ERAF payment was made. She explained that depending upon the time remaining in the lives of the project areas, the agency could extend the time effectiveness of their plans and the time limits to repay debt and receive tax increment. In addition to the required ERAF payment, redevelopment plans must meet a time limit threshold.

With regard to the West Olive Redevelopment Project Area, Ms. Roldan stated that plans of 10 or 20 years require the legislative body to determine that the agency is in compliance with major housing requirements. She reported that the requirements include the ability to show that twenty percent of gross tax increment has been set aside, housing implementation plans are in place, replacement housing and inclusionary housing requirements are being met, and no housing fund excess exists.

Ms. Roldan informed the Council that redevelopment plans of 10 years or less, as in the case of the Golden State and City Center Project Areas, can be extended without meeting housing requirements. She noted that the Agency has met the requirements within SB 1096 and the 2005 ERAF payment of approximately \$2.5 million has been made. She noted that the Golden State, City Center and West Olive Redevelopment Areas have less than 20 years remaining on their time limits, each project area is in compliance with the major housing requirements and the Agency has satisfied the public hearing requirements.

Ms. Roldan stated that as authorized by SB 1096, the Council adopted an ordinance in August 2005 to extend plan limits for payment of the 2004 ERAF for the Golden State, City Center and West Olive Redevelopment Project Areas. At that time, staff

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indicated that after the 2005 ERAF payment, staff would return with an extension of the plan limits for one additional year. She noted that by extending the plan effectiveness dates by one year, the Agency will have another year to repay indebtedness and to fund the cost of projects and activities necessary to carry out the goals and objectives of the redevelopment plans. In addition, the Agency will receive an estimated present value of \$6.7 million in tax increment and will deposit \$3.3 million in the housing fund. She noted that the proposed extensions do not amend, change or extend the Agency's ability to use eminent domain, nor do they alter in any way the project area boundaries or the ability to incur debt.

7:09 P.M.
Hearing
Closed

There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.

Ordinances
Introduced

It was moved by Mr. Vander Borcht and seconded by Mrs. Ramos and carried with Mr. Golonski absent that "the following ordinances be introduced and read for the first time by title only and be passed to the second reading." The ordinances were introduced and the titles read:

1103
Extend Time
Limits on the
Life of the City
Centre Redev.
Project Area

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1104
Extend Time
Limits on the
Life of the
Golden State
Redev.
Project Area

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1105
Extend Time
Limits on the
Life of the

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT

West Olive Redev. Project Area	FROM THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.
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: Gary Garrison, on a movie playing at the AMC Theater; Mark Barton, on oral communications criteria; and, Eden Rosen, on a letter to the editor.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Don Elsmore, on the request for the Attorney General Opinion and on recycling materials being brought to the Burbank Recycle Center by outside vendors; Susan Booker, representing Charter Communications, on the Public Benefits Agreement with AT&T; Eden Rosen, on the Public Benefits Agreement with AT&T; David Piroli, on the Youth Endowment Services Fund designations and the AT&T Public Benefits Agreement; and, Esther Espinoza, on recycling charges and the AT&T Public Benefits Agreement.
7:37 P.M. Recess	The Council recessed to permit the Redevelopment Agency and Youth Endowment Services Fund Board to hold their meetings. The Council reconvened at 7:38 p.m. with the same members present and Mr. Golonski absent.
Motion	It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
804-3	<u>RESOLUTION NO. 27,298:</u>

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811
Luther Burbank
Mid. Sch. Imp
and Desig. of
Funds for the
Ovrom Park
Project

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING CERTAIN YOUTH ENDOWMENT SERVICES EXPENDITURES FOR THE LUTHER BURBANK MIDDLE SCHOOL IMPROVEMENTS AND DESIGNATING FUNDS FOR THE ROBERT "BUD" OVROM PARK PROJECT.

1301-3
Public Works
Underground
Tank Retrofit
(BS 1197)

RESOLUTION NO. 27,299:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$144,755.62 FOR PUBLIC WORKS UNDERGROUND TANK RETROFIT PROJECT, BID SCHEDULE NO. 1197 AND APPROVING THE PROJECT AS MODIFIED.

1204-1
Final Map No,
54151 (414 E.
Valencia Ave).

RESOLUTION NO. 27,300:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 54150 (414 East Valencia Avenue).

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Gordon, Ramos, Vander Borgh and Campbell.
Noes: Council Members None.
Absent: Council Member Golonski.

916
Recycling Update

Mr. Hampel, Recycling Coordinator, Public Works Department, reported that staff previously presented a State of Recycling report in which the available capacity for collecting more recyclable materials at the curbside was highlighted. He added that staff was directed to evaluate the effectiveness of the Recycle Center's programs by conducting a waste characterization study and to provide information on Zero Waste.

Mr. Hampel informed the Council that in May 2006, staff conducted a two-week waste characterization study to evaluate the potential effects of additional public outreach on recycling behavior. He stated that the study consisted of 44 randomly-selected homes. He reported that the study revealed that curbside collection consisted of approximately 50 percent refuse, 35 percent compostable materials and 15 percent recyclables.

Mr. Hampel added that a packet of materials was left at the selected homes, including a letter that requested residents to respond with a rating of the Center's materials or services. He

noted that staff did not receive any response and the study results did not indicate a direct relationship between enhanced outreach efforts and recycling behavior; however, it did provide valuable information about residential recycling habits and identified the types of materials that are being placed in the incorrect curbside carts. He stated that staff will utilize this information when determining where material specific outreach efforts should be focused. He noted that the results of the study indicate that publicity focusing on food waste and plastics disposal could reduce contamination.

With regard to Zero Waste programs, Mr. Hampel noted staff's intent to strive to eliminate waste rather than manage it. He reported that in 2001, the California Integrated Waste Management Board (Waste Board) adopted a strategic plan to reduce waste within the State, including the promotion of Zero Waste. Consistent with this strategy, a growing number of California cities, including Santa Monica, San Francisco, Los Angeles, Alameda County, Del Norte County and San Luis Obispo County, have either adopted a Zero Waste policy or set diversion goals of over 70 percent. He noted that the practical application of Zero Waste hinges upon several measures such as partnerships with public and private agencies, developing green business protocols, financial incentives and continuous public education. He stated that one of the elements of Zero Waste includes extended producer responsibility or product stewardship, which has been popular in Europe since the early 1990s.

Mr. Hampel reported that Zero Waste was introduced in the City of Burbank in 1997, and in 2001 the City's campaign, Race to Zero Waste, won the League of California Cities' Helen Putnam Award. He noted that Burbank's dedication to Zero Waste was also recognized by the Waste Board's quarterly publication in 2002. He stated that Burbank's efforts towards Zero Waste include: a material's recovery facility that is processing recyclables; an automated collection program; a variable cart rate; commercial recycling; one-stop drop-off for all recyclables; greenwaste collection; a backyard composting program; and, public education. This has resulted in an over 60 percent diversion rate in the City, which is approximately 20 percent above the State average.

Mr. Hampel added that the City's renewed commitment to waste prevention and recovery would extend the life of the landfill, increase recovery at the Recycle Center, and aid the long-term health of the community. He noted that staff is suggesting several approaches to achieving Zero Waste in the City, including: expanding and augmenting green purchasing specifications; revising the Green Building Ordinance to mandate construction and demolition waste recycling; developing Zero Waste practices Administrative Procedures; providing waste hauler recycling incentives; establishing performance-based refuse fees for the

Burbank Unified School District based upon their recycling participation; supporting State and Federal Extended Producer Responsibility (EPR) and Take Back Program legislation; expanding the backyard composting program; exploring the feasibility of other Zero Waste programs for carpets, food and manure; and, redesigning the Recycle Center to include a refuse sorting line.

Following Council deliberation, staff was directed to proceed with: adopting a Zero Waste Resolution; revising the Administrative Procedures; preparing an analysis of the Recycle Center optimization; conducting the outreach study; developing performance-based refuse fees for the Burbank Unified School District; adopting a Green Purchasing Policy; revising the Green Building Ordinance; and, reviewing waste hauler recycling incentives or requirements. The Council also approved of staff's suggestion to support State Extended Producer Responsibility legislation and to assess the feasibility of food, manure and carpet recycling collections.

1501-2
AT&T
Project
Lightspeed

Mr. Flad, Assistant City Manager, requested authorization for the City Manager to enter into an agreement with Pacific Bell Telephone Company, a California corporation doing business as AT&T California, for the purpose of facilitating AT&T California's Project Lightspeed. He gave an overview on Federal House Resolution 5252 and State Assembly Bill (AB) 2987, noting that the intent of AB 2987 is to streamline the franchising process, provide uniform rules to service providers and may result in reduced costs for services. However, he reported that the legislation creates potential for redlining; takes away local control; reduces Channel 6 funding; will result in loss of revenue control; and, does not provide for free cable service for the City and the Burbank Unified School District.

Mr. Flad reported that Project Lightspeed will extend fiber closer to properties, enabling the provision of higher speed for internet and video services, and competition with local cable television providers. He stated that the benefits of Project Lightspeed include: enhanced internet service to residents; enhanced telephone service to residents; competition with cable television provider; potential for reduced television programming costs; and, ability to mostly use existing infrastructure/conduit. He reported that the project's drawbacks include: an aesthetic and space impact on public rights-of-way; no guarantee that all residents will be served; eventual Voice Over Internet Protocol build-out could impact Utility Users Tax (UUT); impacts during construction; and, no build-out timeline is provided.

Mr. Flad informed the Council that the proposed agreement

preempts some implications of AB 2987, provides competition for the current cable provider and the benefits associated with competition, will provide for expedited building prior to obtaining a franchise agreement from the State, and will provide for direct cost reimbursement and initial Public Education Government (PEG) payment which are not required under AB 2987. In addition, he stated that the City will have the ability to collect up to two percent for a PEG fee, five percent of gross revenue will be paid to the City, AT&T will work in cooperation with staff on panel locations, and free service will be provided to the City and the Burbank Unified School District. On the other hand, he noted that the agreement does not provide a build-out commitment which is also not required by AB 2987, provides no real aesthetic mitigation such as landscaping or screening, and provides no free advertising airtime for the City as this also is not a requirement in AB 2987.

With regard to fiscal impacts, Mr. Flad noted that AT&T will: provide \$75,000 in an upfront PEG payment; reimburse the City for costs associated with the encroachment permit process estimated between \$75,000 to \$80,000; pay five percent of gross revenues to the City; and, the City may collect up to two percent on PEG fees. He however noted that the future potential on the UUT is unknown.

Motion It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that " the following resolution be passed and adopted:"

1501-2
AT&T
Project
Lightspeed

RESOLUTION NO. 27,301:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PUBLIC BENEFITS AGREEMENT BETWEEN THE CITY OF BURBANK AND AT&T CALIFORNIA FOR AT&T'S PROJECT LIGHTSPEED.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Gordon, Ramos, Vander Borgh and Campbell.
Noes: Council Members None.
Absent: Council Member Golonski.

209
Attorney
General Opinion
Request

Mr. Barlow, City Attorney, reported that on July 25, 2006, the Council, by consensus, directed the City Attorney to seek an opinion from the Attorney General as to whether a member of the City Council may both appeal a decision from the Planning Board and then argue that appeal at the time and in the place and manner

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as a normal appellant. He requested that the Council determine whether or not to proceed with the opinion request and in what manner.

Motion It was moved by Dr. Gordon, seconded by Mrs Ramos and carried with Mr. Golonski absent that "staff be directed to withdraw the Attorney General Opinion request."

9:28 P.M. The Redevelopment Agency and Youth Endowment Services Fund Board meetings were reconvened at this time.
Reconvene
Redev. Agency
and YES
Meetings

9:28 P.M. Mr. Campbell called for speakers for the final oral communication period at this time.
Final Open
Public Comment
Period of Oral
Communications

Citizen Appearing to comment was Howard Rothenbach, announcing a
Comment conference on redevelopment abuse and encouraging the Council to attend.

9:30 P.M. There being no further business to come before the Council, the
Adjournment meeting was adjourned at 9:30 p.m. in memory of Blackie Winter.

Margarita Campos, CMC
City Clerk

APPROVED NOVEMBER 7, 2006

Mayor of the Council
of the City of Burbank