



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, OCTOBER 24, 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 OCTOBER 31, 2006.

PROCLAMATION: CIVIC PRIDE’S MAKE A DIFFERENCE DAY.

RECOGNITION: CHARTER REVIEW COMMITTEE.

RECOGNITION: ANNUAL EMPLOYEE SERVICE AWARDS.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

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

6:30 P.M. PUBLIC HEARING:

1. ORDINANCE CALLING THE ELECTION FOR THE NEW PROPOSED CHARTER:

The purpose of this report is to request the Council accept the Charter Review Committee's recommendation to place a proposed Charter on the April 2007 General Election ballot as one measure for the voters' consideration.

Appointed by the Council in August 2005, the Charter Review Committee met 16 times between November 2005 and September 2006 to review the Burbank Charter and develop recommendations for Charter amendments to be placed before the voters for approval at the April 2007 General Election. The Committee also held three public hearings in May and June 2006 to obtain public input on the Committee's proposed Charter changes. All of the meetings and public hearings were open to the public, were held in accordance with the Brown Act, and included a period of oral communications. Staff developed a Charter Review website to make all research material provided to the Committee available to the public. Staff also conducted several outreach activities to promote public participation at the three public hearings, including a Citywide direct mailing, newspaper advertisements, and inclusion of Charter Review Committee information on Burbank TV6 programming. On September 25, 2006, the Committee unanimously voted to submit a proposed Charter to the Council and recommend that the Council place the proposed Charter on the April 2007 ballot as one measure for the voters' consideration.

Recommendation:

Introduction and adoption of ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL MUNICIPAL ELECTION ON APRIL 10, 2007, FOR THE PURPOSE OF SUBMITTING A PROPOSED NEW CHARTER TO THE ELECTORS.

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:

CONSENT CALENDAR: (Items 2 through 7)

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.

2. REQUESTING THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ACCEPT THE TRANSFER AND CONVEYANCE OF STORM DRAIN IMPROVEMENTS WITHIN CITY OF BURBANK LIMITS, KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1747:

Staff is requesting approval of a resolution to transfer and convey to the Los Angeles County Flood Control District, storm drain improvements on Flower Street that lie within the City limits. The storm drain in the City of Burbank runs along Flower Street from Linden Avenue, approximately 470 lineal feet southeasterly to the City of Burbank and City of Glendale boundary limits. The City will not be responsible for the expense of future operation, maintenance, repair and improvements of 470 lineal feet of storm drain on Flower Street between Linden Street and the City of Burbank/Glendale boundary; therefore there is no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REQUESTING THE BOARD OF SUPERVISORS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID DISTRICT THE TRANSFER AND CONVEYANCE OF THE STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1747 IN THE CITY OF BURBANK FOR FUTURE OPERATION, MAINTENANCE, REPAIR, AND IMPROVEMENT, AND AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF.

3. CHILD CARE COMMITTEE APPOINTMENTS:

The purpose of this report is to request Council approval and appointment of the 2006-07 Child Care Committee (Committee) members.

Pursuant to the by-laws of the Committee, appointments to the Committee are recommended by Committee members and forwarded to the Council for approval. Appointments are for a one-year term and include representation of those in the City whose cooperation in the child care effort is needed, including the School District, private business employers, child care providers and parent users of child care service.

The Committee met and the current members discussed the submitted applications. The Committee agreed that they represented a solid cross section of the community with a demonstrated interest in child care issues.

Staff along with the Committee recommends the Council appoint the following applicants to the Committee:

| | |
|-------------------|---|
| Goldie Bemel | B.U.S.D. |
| Yvette Coontz | St. Anne's Maternity Home C.F.O |
| Mildred Engel | Retired Educator |
| Regina A. Martin | Child Care Center Director |
| Annabelle Godwin | Retired Provider, College Instructor |
| Barbara Gunderson | The Walt Disney Company, Work & Family Specialist |
| Harkmore Lee | Burbank YMCA |
| Carol Miller | Pre-school Director |
| Deane Phinney | Retired Provider/Administrator |
| Nancee Rodriquez | Past Child Care Center Director |
| Shanna Vaughan | Boys and Girls Club Director |
| Helen von Seggern | Retired Educator |
| Tamara K. Brown | Burbank YMCA |
| Karen E. Karlson | Child Care Center Director |

Recommendation:

Staff recommends the Council approve and appoint Committee members for a one-year term ending October 1, 2007.

4. RESOLUTION OF INTENTION FOR VACATION V-351 (CITY OF BURBANK – APPLICANT):

The applicant, City of Burbank, is requesting the vacation of two alleys for the purpose of constructing the proposed Community Services Building. The City and Redevelopment Agency own all surrounding property and the alleys are no longer needed to serve individual ownership. The proposed Resolution of Intention will set the public hearing date to November 14, 2006 to consider the vacation of the alleys.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF TWO ALLEYS (V-351).

5. ADOPTING A MEMORANDUM OF UNDERSTANDING FOR FISCAL YEARS 2006-09 BETWEEN THE CITY OF BURBANK AND THE BURBANK FIRE FIGHTERS – CHIEF OFFICERS' UNIT AND AMENDING THE FISCAL YEAR 2006-07 BUDGET:

The purpose of this report is to request Council approval of the proposed resolution which would adopt a three-year Memorandum of Understanding (MOU) between the City and the Burbank Fire Fighters – Chief Officers' Unit (BFF-COU). Staff has adhered to the City's compensation policy which includes the consideration of the condition of the economy as reflected by the Consumer Price Index (CPI); capacity in the City's approved budget; commitment to pay for performance; and, equity in the market place.

Staff has been negotiating with the BFF-COU since September 2006. In October 2006, the City and the BFF-COU reached a tentative agreement on a three-year package. The BFF-COU ratified this agreement and staff is now requesting Council approval.

The negotiated package will provide all BFF-COU members with a 4.50 percent salary increase effective July 1, 2006. In year one of the contract, it will also provide a \$15 City match to both a retiree health insurance savings account and a 401 (a) account, as well as increases in educational incentives including the California Incident Command Certification. Effective July 1, 2007, all BFF-COU members will be provided a 3.50 percent salary increase and up to \$42 per employee per month

for an employee dental plan. In the third year, all members will be provided a three percent salary increase to be effective July 1, 2008. In addition, there is an increase in medical payments each year to keep pace with the rising cost of insurance premiums. There were also a number of non-fiscal language changes in the MOU which clarified or improved operating procedures. The total cost for this package is 15.534 percent over the three-year period from July 1, 2006 to June 30, 2009.

The proposed first year salary increases and equity adjustments were anticipated in the FY 2006-07 budget preparation. However, funds were not appropriated at the time of the budget adoption. As such, budget amendments are required to appropriate the necessary funds from the Unappropriated Fund Balance.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIRE FIGHTERS – CHIEF OFFICERS UNIT FOR FISCAL YEARS 2006-09 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2006-07.

6. APPROVING AND AUTHORIZING EXECUTION OF A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF BURBANK, ACTING BY AND THROUGH BURBANK WATER AND POWER AND THE BURBANK TOURNAMENT OF ROSES ASSOCIATION:

Staff is requesting Council approval of a resolution that authorizes a formal Sponsorship Agreement (Agreement) between Burbank Water and Power (BWP) and the Burbank Tournament of Roses Association (BTORA) for BTORA's use of certain BWP facilities.

BTORA is a community-based volunteer organization that for many years has designed and built the float entered in the name of the City in the annual Tournament of Roses Parade. For the past 40 years, the City has supported BTORA through the cooperative efforts of BWP and the Park, Recreation and Community Services Department. BWP has allowed BTORA to use certain yard facilities within its main yard where BTORA conducts its float construction activities. The key features of the Agreement include:

- The Agreement will commence on February 1, 2007, allowing BTORA the use of designated BWP facilities on a year-round basis and limiting ingress and egress through the Olive Gate;
- BWP would continue to own, operate and maintain the chassis upon which BTORA's float is constructed;
- BWP may waive charges for electric, water and sewer service if BTORA cooperates with BWP in the practice of water and energy conservation;

- BWP, upon 60 days' written notice, may require BTORA to relocate its activities and property;
- Either party may terminate the Agreement on 60 days written notice to the other; and,
- BTORA indemnifies the City except to the extent of the City's sole negligence or willful misconduct.

As part of its Yard Master Plan improvements, BWP will provide a better-defined and safer float-building environment for BTORA volunteers. The necessary yard additions and modifications will be in place early next year, making now an opportune time to conclude this formal Sponsorship Agreement. Also, Section 33 of the City Charter provides that the General Manager of BWP may enter into agreements for the lease or rental of BWP property, with approval of the Council. Although not called a lease, it is the opinion of the City Attorney's Office that the proposed Sponsorship Agreement bears all the elements of a lease (i.e. the right to enter upon and occupy and use real property for a specified term for consideration) such that Charter Section 33 applies.

The fiscal impact associated with this Agreement is positive. The Agreement promotes more efficient use of facilities by both parties and ensures that BWP's support of BTORA is properly accounted for.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF BURBANK, ACTING BY AND THROUGH BURBANK WATER AND POWER AND THE BURBANK TOURNAMENT OF ROSES ASSOCIATION.

7. INTERMOUNTAIN POWER PROJECT RENEWAL:

The Intermountain Power Project (IPP) has supplied Burbank with approximately half of the community's electricity for nearly twenty years. Associated with IPP is a major transmission resource, the Southern Transmission System, a +/- 500 kV DC transmission line from the IPP in Delta, Utah to Adelanto, California. This line is currently being upgraded from 1900MW to 2600MW. Burbank uses this line for the transmission of wind energy from Wyoming, as well as energy from IPP.

Renewing the Power Sales Contract (Contract) will allow Burbank to continue flowing electricity after 2027 from a resource where construction costs have been fully paid. Accepting the offer to renew the Contract will allow Burbank to enjoy the benefits of having paid off the construction costs of the project over the past 40 years. The plant could operate an additional ten to twenty years after 2027, saving Burbank \$300 million to \$600 million.

BWP believes the prudent approach is to retain interest in IPP and operate it in a manner consistent with Burbank policy. BWP is developing a greenhouse gas reduction plan that will be using IPP as a strategic element to allow the integration of renewable resources into the generation mix without impacting and minimizing the economic impact, so that more renewable resources can be economically developed. It is less costly to reduce IPP over time than to suddenly shut it down and replace it with a new resource.

While not renewing the IPP Contract would appear to reduce Carbon Dioxide (CO2) production, it in fact would not. Instead, it would place a very low-cost coal-fired plant in the hands of others. The plant will continue to operate and produce CO2. Plans to reduce CO2 should be done in accordance with the CO2 reduction plan that is under development.

On September 7, 2006, the BWP Board recommended approval of the proposed resolution.

Recommendation:

Adoption of proposed resolution entitled:
APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF A RENEWAL POWER SALES CONTRACT BETWEEN THE INTERMOUNTAIN POWER AGENCY AND THE CITY OF BURBANK RENEWING BURBANK'S GENERATION AND TRANSMISSION CAPACITY ENTITLEMENTS IN THE INTERMOUNTAIN POWER PROJECT.

END OF CONSENT CALENDAR *** *** ***

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, November 7, 2006 at 5:00 p.m. in the City Council Chamber, 275 East Olive Avenue, for an Assembly Bill 1234 Ethics Training Session.

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