

TUESDAY, DECEMBER 12, 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 6:01 p.m. by Vice Mayor Ramos.

CLOSED SESSION

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

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

6:01 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 Legal Counsel – Anticipated Litigation:
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Mrs. Ramos, Vice Mayor.

Invocation The invocation was given by Pastoral Intern Dave Cameron, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Bob Kramer, Community Assistance Coordinator.

ROLL CALL

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

Reporting on Council Liaison Committees Mr. Vander Borgh reported on the Infrastructure Subcommittee meeting he attended with Mr. Golonski.

Mrs. Ramos reported on attending the Los Angeles County Children's Planning Council meeting as the Los Angeles League of California Cities' representative, and distributed the 2006 Children's Score Card to her colleagues. She also reported on representing the Council at the senior volunteers' annual RSVP luncheon.

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

Initial Open Public Comment Period of Oral Communications	Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Dr. Lauren Fox, on dementia and Alzheimer's disease; Robert Idavia, commending the Council for their work; Gary Garrison, extending holiday greetings; Michelle Feather, on traffic congestion at the intersection of Alameda Avenue and San Fernando Road; and, Rose Prouser, on the request to conduct a candidate forum by the League of Women Voters.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mrs. Ramos called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Gwen Cochran, League of Women Voters of Glendale/Burbank, in support of the League's request to conduct a candidate forum; Arbi Ohanian, Chair of the Armenian National Committee (ANC), in support of a request by the ANC to conduct an additional candidate forum; Michelle Feather, Rose Prouser and Esther Espinoza, on destruction of records; and, David Piroli, on the destruction of records and the candidate forums.
Staff Response	Members of the Council and staff responded to questions raised.
7:12 P.M. Recess	The Council recessed to permit the Redevelopment Agency, Housing Authority and Youth Endowment Services Fund Board to hold their meetings. The meeting reconvened at 7:38 p.m. with all members present except Mr. Campbell.
Items removed from Consent Calendar	The items regarding "Request From The League of Women Voters to Conduct a Candidate Forum on January 25, 2007; Destruction of Records; Approving and Authorizing the Award and Execution of a Design-Build Contract With ABB, Inc. for the Replacement Burbank Station Project; Annual Adjustment to the Development Impact Fee

12/12/06

Schedule; and, Professional Services Agreement with Meyer-Mohaddes Associates for Update of City of Burbank Travel Demand Model” were removed from the consent calendar for the purpose of discussion.

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

802-4 Comprehensive Annual Financial Report A report was received from the Financial Services Department stating that the Council engaged an independent certified public accounting firm, Mayer Hoffman McCann P.C. (formerly Conrad and Associates), to perform the annual audit of the City and its component units. Staff reported that the results of the audit performed are formally published in the Comprehensive Annual Financial Report (CAFR).

Staff indicated that the CAFR will be submitted to the Government Finance Officers' Association (GFOA) for an annual national achievement award. It was noted that the City has received this national achievement award for 22 consecutive years and staff believed that the report submitted to the Council will continue to conform to the standards established by this award program. Additionally, staff indicated that the CAFR is sent out to numerous financial institutions in order to comply with various financial and subsequent bond disclosure requirements.

Staff reported that the overall financial status of the City is presented, in accordance to the Governmental Accounting Standards Board (GASB) pronouncements, on a Government-wide basis. This is designed to provide readers with a broad overview of the City's finances similar to a private-sector business. The statements show the June 30, 2006 Fiscal Year balances and overall results of operations for the period then ended, for all City funds, the Redevelopment Agency, Housing Authority, Parking Authority, Burbank Community Services Fund and Youth Endowment Services Fund.

913 Approve PSA Bonterra Consulting Maintenance/operation of debris RESOLUTION NO. 27,376:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND BONTERRA CONSULTING AND AMENDING THE FISCAL YEAR 2006-07 BUDGET TO APPROPRIATE \$84,311 TO FUND THE ON-GOING

basins MAINTENANCE AND OPERATION OF DEBRIS BASINS.

1301-3 RESOLUTION NO. 27,377:
 Approve BS No. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1222-Safe APPROVING AND ADOPTING CONTRACT DOCUMENTS,
 Routes to School PLANS AND SPECIFICATIONS, AND DETERMINING THE
 Kalban Inc LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
 AUTHORIZING EXECUTION OF A CONTRACT FOR SAFE
 ROUTES TO SCHOOL SIDEWALK PROJECT, BID SCHEDULE
 NO. 1222 TO KALBAN INC.

1301-3 RESOLUTION NO. 27,378:
 Approve BS No. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1221-Johnny APPROVING AND ADOPTING CONTRACT DOCUMENTS,
 Carson Pk PLANS AND SPECIFICATIONS, AND DETERMINING THE
 restroom LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
 renovation AUTHORIZING EXECUTION OF A CONTRACT FOR THE
 Amer Contract. JOHNNY CARSON PARK RESTROOM RENOVATION
 PROJECT, BID SCHEDULE NO. 1221, TO AMER
 CONTRACTORS.

Adopted The consent calendar was adopted by the following vote:

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

204 Mr. McManus, Public Information Officer, presented a request
 Request by the from the League of Women Voters (League) of Glendale/Burbank
 League of to conduct a candidate forum in the Council Chamber on
 Women Voters to Thursday, January 25, 2007, commencing at 7:00 p.m. He noted
 Conduct a that each election year, the League has traditionally presented a
 Candidate forum for local elected offices. He added that in the
 Forum past, the City has allowed the use of the Council Chamber and
 has televised such forums live, which are rebroadcast on Channel
 6 until Election Day.

Mr. McManus recalled that on May 21, 1996, the Council adopted
 Resolution No. 24,741, which establishes policies regarding the
 use of City cable broadcast facilities for election candidate
 forums. He added that through adoption of the resolution, the
 Council expressed its belief that it would be in the public interest

for the City to permit, at no cost recovery, access by qualified organizations to use City facilities for the purpose of broadcasting debates and forums provided that neutrality is maintained in how the program is conducted so as to ensure that public funds are utilized solely for public education and information. He noted that in the same resolution, the League was recognized by the Council as a neutral, non-partisan organization that meets all established requirements. Additionally, as required by the resolution, the League does not endorse or back candidates for elective office or take positions on local measures but have taken positions on State measures.

Motion It was moved by Mr. Golonski, seconded by Dr. Gordon and carried with Mr. Campbell absent that "the Council approve the request from the League to conduct a candidate forum on Thursday, January 25, 2007 at 7:00 p.m. with direction that the start and end times of the forum be established in advance and published."

104-1 Destruction of City Clerk Records Mrs. Campos, City Clerk, requested Council approval of resolutions authorizing the destruction of specific records pursuant to the City's Retention Schedule. She stated that the Retention Schedule is based on California Government Code Section 34090 which provides for the annual destruction of municipal records that are no longer needed if they are at least two years old, the City Attorney consents to their destruction and the Council approves.

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "the following resolutions be passed and adopted with the exception of the records requested by Dr. Gordon."

104-1 Destruction of City Clerk Records RESOLUTION NO. 27,379:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF THE CITY CLERK.

104-1 Destruction of Department Records RESOLUTION NO. 27,380:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF THE VARIOUS DEPARTMENTS.

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Golonski, Ramos and Vander Borcht .
 Noes: Council Member Gordon.
 Absent: Council Member Campbell.

1503
 Bid Award
 Proposal No.
 1216 (RFP 1216)
 ABB Inc.

A report was received from Burbank Water and Power (BWP) requesting Council approval of the bid award under Request for Proposal No. 1216 (RFP 1216); and, authorization for the execution of a design-build contract with ABB, Inc. (ABB) for the Replacement Burbank Station (Station) Project in the amount of \$17,247,260. Staff reported that BWP has an ongoing program of renewing its electric infrastructure, which includes replacing its oldest electric lines and stations. It was noted that replacing the Station, which is BWP's oldest major station, is key to strengthening the electrical backbone for the northeast and central areas of the City, with nearly 40,000 residents. Staff's goal was to energize the Station by July 1, 2008, and transfer all load from the old Station by July 1, 2009.

Staff indicated that on June 27, 2006, the Council approved Resolution No. 27,268 and authorized the BWP General Manager to solicit design-build proposals for the Station under RFP 1216. Subsequently, three proposals were received from: ABB; Siemens Power Transmission and Distribution, Inc. (Siemens); and, Contra Costa Electric/Energy Delivery Services-Shaw (Contra Costa/EDS Shaw).

Staff noted that their objective was to identify the best value proposal, rather than the lowest responsible bidder proposal. Because major equipment represents approximately 50 percent of the project cost, a lowest responsible bidder approach could encourage bidders to over-emphasize low equipment cost, and under-emphasize the caliber of the firm's project team and quality of work. Staff reported that a best value evaluation process still encourages competitive equipment pricing, but not to the extent that bidders have an incentive to compromise on their project management teams and quality of work.

Staff recommended ABB for award of the contract and noted that building the Station is already part of BWP's approved five-year capital improvement budget. The additional \$427,000 over the engineer's estimate would be absorbed over the five years of the project.

Motion

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

12/12/06

1503
Approve BS No.
1216-Design-
Build Contract
ABB Inc.

RESOLUTION NO. 27,381:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF A DESIGN-BUILD CONTRACT WITH ABB, INC. FOR THE REPLACEMENT BURBANK STATION PROJECT (RFP NO. 1216) IN AN AMOUNT NOT-TO-EXCEED \$17,247,260.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Campbell.

804-1
Development
Impact Fees

A report was received from the Community Development Department, stating that Ordinance No. 3340 establishes procedures for adoption of certain Development Fees in compliance with the provisions of Government Code Section 66000 through 60017. Furthermore, staff indicated that the ordinance mandates the adjustment of these fees by a percentage equal to the construction cost inflation rate for the prior year as determined on December 1 of each calendar year. The Development Impact Fees are adjusted using the Construction Cost Index as published in the Engineering News-Record. Staff reported that this year, the increase in construction costs is 3.7 percent, based on the latest data available by the Engineering News-Record in November 2006; however, the Council is authorized to further adjust this increase.

Staff recommended the Council approve the adjustment to the Development Impact Fees in accordance with the current Construction Cost Index as required by Ordinance No. 3340.

Motion

It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following resolution be passed and adopted, based on a 4.1 percent increase."

804-1
Annual
Adjustment Devel
Impact Fee
Sched.

RESOLUTION NO. 27,382:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING THE ANNUAL ADJUSTMENT TO THE DEVELOPMENT IMPACT FEE SCHEDULE.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Campbell.

1502
Approve PSA
Meyer and
Mohaddes
Travel Demand
Model
Amend FY 2006-
07 Budget

A report was received from the Community Development Department requesting the Council appropriate \$74,950 from unappropriated Development Impact Fee funds for the purpose of translating and updating the City's Travel Demand Model to remain consistent with the Southern California Association of Governments' (SCAG) regional model. Staff reported that the City relies on SCAG to provide regional growth and traffic forecasts for use in developing the City's long-term growth forecasts. As SCAG continually updates its model to reflect changing travel patterns, growth projections and regional improvements, staff must update the regional context of the City's Travel Demand Model to ensure that regional growth is considered in long-range forecasting.

Staff reported that as the timeline for adoption of the Mobility Element has been delayed, SCAG has moved into a new planning window for their regional growth forecasts, and has extended their modeling time horizon to 2030. In addition, the model has been moved to newer software that provides better accessibility to modeling data and has better compatibility with Geographic Information Systems (GIS) and other transportation planning tools. Staff identified the need to update the City's Travel Demand Model to remain consistent with this new SCAG planning horizon and requested an appropriation to retain Meyer and Mohaddes Associates to perform this data translation and update to the new SCAG assumptions and time horizon.

Motion

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

1502
Approve PSA
Meyer and
Mohaddes
Travel Demand
Model
Amend FY 2006-

RESOLUTION NO. 27,383:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MEYER AND MOHADDES ASSOCIATES FOR UPDATING AND DATA TRANSLATION OF THE CITY OF BURBANK TRAVEL DEMAND MODEL AND AMENDING THE FISCAL YEAR 2006-07 BUDGET

12/12/06

07 Budget IN THE AMOUNT OF \$74,950.

Adopted The resolution was adopted by the following vote:

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

102-1
Wi-Fi

Mr. Fletcher, Assistant General Manager, Burbank Water and Power, reported that at the September 19, 2006 meeting, Council Member Gordon requested that staff bring back information on providing citywide wireless Internet access. He explained that Wireless Fidelity (Wi-Fi) is an inexpensive, short range, line-of-sight, broadband wireless technology that uses the same unregulated radio frequencies as microwave ovens and cordless phones. He noted that it is essentially a wireless local area network that can be deployed to serve a single business or citywide to an entire community.

Mr. Fletcher provided the Council with three different scenarios the City can consider for providing citywide wireless internet access, including: waiting for the wireless market to further mature and stabilize, noting that many other cities currently have citywide Wi-Fi projects in progress but very few have actually implemented finished solutions; partnering with a third party, such as EarthLink, to develop, deploy and operate a system for a monthly fee to users of the system; building the network using City resources by providing the service as a free City service using General Fund proceeds much like a park or City street; or, incorporating the service on top of future Burbank Water and Power communications and control infrastructure.

Staff was directed to incorporate the service on top of the future Burbank Water and Power communications and control infrastructure.

801-2
Five Year
Financial Status

Mr. Torrez, Financial Services Director, presented the first quarter financial status report as of the end of September 30, 2006. He provided an overview of the recurring revenue and appropriations and expressed hope that revenues from the current holiday season may be more compared to last year. He stated that as of June 30, 2006, the General Fund balance was approximately \$11,129,184 and after subtracting the reserve funds established

by Council policy (Infrastructure Reserve Fund, \$1,000,000; Increase in Working Capital Reserves, \$1,525,000; Increase to Emergency Reserves, \$510,000; Compensated Absences, \$800,000; and, Other Post Employment Benefits, \$1,988,000), the adjusted beginning balance as of July 1, 2006 was \$5,306,184. He added that from this amount, one-time non-recurring appropriations included in the budget adoption totaled \$3,587,700 and the one-time post budget expenditures, primarily for legal services, totaled \$375,935 for a total of \$3,963,635; thereby providing an available non-recurring balance of \$1,342,549. In summary, he reported that the available non-recurring balance of \$1,342,549 plus the available recurring balance of \$331,196 total \$1,673,745, which is the estimated available balance on June 30, 2007.

Mr. Torrez also provided an update on the following reserve funds, which he stated were established by Council policy and have been in place for several years: Public Employee Retirement Service Stabilization Fund; Budget Stabilization Fund; Utility Users In-Lieu Set Aside; Pension Obligation Bond; Capital Projects Contingency; Interest Earned on Bond Proceeds; and, the Capital Improvement Projects Holding account. He also discussed the City's liability with regard to Other Post-Employment Benefits.

With regard to the Five Year Financial Forecast, Mr. Torrez reported that staff is projecting a \$2 million gap by the year 2011, mostly driven by labor costs. He requested \$300,000 for Airport-related legal expenditures, noting that the current balance is approximately \$89,000. He recommended the Council note and file the report and approve the non-recurring appropriation for Airport-related legal expenditures.

Motion

It was moved by Mr. Golonski and seconded by Dr. Gordon that "the report be noted and filed and the following resolution be passed and adopted."

801-2
Amend FY 2006-
07 Budget
Airport
Contingency
Fund

RESOLUTION NO. 27,384:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 BUDGET BY APPROPRIATING \$300,000 FOR THE PURPOSE OF THE AIRPORT CONTINGENCY FUND.

12/12/06

- Motion Failed The motion failed by the following vote:
- Ayes: Council Members Golonski, Gordon and Ramos.
 Noes: Council Member Vander Borght.
 Absent: Council Member Campbell.
- Reconsideration Mr. Golonski requested for reconsideration of the motion.
- Motion It was moved by Mr. Golonski and seconded by Dr. Gordon that “the report be noted and filed and the following resolution be passed and adopted.”
- 801-2 RESOLUTION NO. 27,384:
Amend FY 2006- A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
07 Budget AMENDING THE FISCAL YEAR 2006-2007 BUDGET BY
Airport APPROPRIATING \$300,000 FOR THE PURPOSE OF THE
Contingency AIRPORT CONTINGENCY FUND.
Fund
- Adopted The resolution was adopted by the following vote:
- Ayes: Council Members Golonski, Gordon, Ramos and Vander
 Borght.
 Noes: Council Members None.
 Absent: Council Member Campbell.
- 206 Lieutenant Jette, Burbank Police Department, requested the
901 Council introduce an ordinance that would modify the Burbank
Animal Municipal Code (BMC) to reflect that all animal licenses are valid
Registration for one year from the date of issuance. He noted that currently,
Renewal BMC Section 6-502 states that the licensing period for animals is
 for the calendar year and expires each December 31st. He
 added that the Animal Shelter has recently installed a new
 computer software system that will streamline processes,
 including allowing annual license renewals on the date of initial
 issuance.
- Ordinance It was moved by Mr. Vander Borght and seconded by Mr. Golonski
Introduced that “the following ordinance be introduced and read for the first
 time by title only and be passed to the second reading.”
- 206 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK

901
Animal
Registration
Renewal

AMENDING SECTION 6-502 OF THE BURBANK MUNICIPAL CODE RELATING TO THE RENEWAL OF ANIMAL REGISTRATION.

Introduced

The ordinance was introduced by the following vote:

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

Noes: Council Members None.

Absent: Council Member Campbell.

1503-2
1504-2
Income
requirements
Lifeline Support
Customers

Mrs. Fletcher, Burbank Water and Power Assistant General Manager/Customer Service and Marketing, reviewed the City's Lifeline Rate Program which she described as the most generous in the region. She stated that the intent of the program is to provide financial assistance to the most vulnerable customers, low-income seniors and low-income customers with a disabled person in their household. She explained that the qualification process includes submitting documentation stating the customer's income to determine if the assistance threshold is met.

Mrs. Fletcher stated that in addition, the City has a Life Support Program for customers who use life support equipment requiring electricity, such as a kidney dialysis machine or an oxygen concentrator. She noted that originally, the Life Support Program was designed so that these individuals could register with the utility and in an emergency staff would know where they are located. In addition, a waiver was given for the Utility Users Tax. She stated that over time, Life Support Program customers without income qualifications have also received the discount.

Mrs. Fletcher informed the Council that on July 19, 2005, the Council reviewed the rate assistance programs and: determined that the Lifeline Rate, structure and design met the needs of the community and served the most vulnerable; expanded the Project Share Program which provides assistance to low-income customers who cannot qualify for a Lifeline Rate; and, ensured that funds are maintained solely for those in need by approving an income requirement for customers who use life support equipment as a prerequisite for receiving rate assistance. She recommended that the current policy continue unmodified.

Staff was directed to return with recommendations on a secondary program that would provide a waiver of Utility Users Tax to the Life Support Program customers meeting a higher income threshold than the current Lifeline Rate.

12/12/06

1503
1504
Monthly Water
and Power
Operating
Report

Mr. Davis, Burbank Water and Power General Manager, presented the Monthly Water and Power Operating Report for the month of October 2007.

The Council noted and filed the report.

9:40 P.M.
Reconvene
Agency,
Housing and YES
Meetings

The Redevelopment Agency, Housing Authority and Youth Endowment Services Fund Board meetings were reconvened at this time for public comment.

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 were: Stan Hyman, on the Community Services Building Project; and, Esther Espinoza, on the Lake-Alameda Focus Neighborhood.

Staff
Response

Members of the Council and staff responded to questions raised.

10:02 P.M.
Memorial
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:02 p.m. in memory of Louise Shackleford.

Margarita Campos, CMC
City Clerk

APPROVED MARCH 6, 2007

Mayor of the Council
of the City of Burbank