



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JANUARY 9, 2007
5:00 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.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Sarabia v. City of Burbank
Case No.: 05C03725
Brief description and nature of case: Traffic Accident with City employee
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

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The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION:

MILITARY SERVICE PROGRAM.

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).

REPORTING ON CLOSED SESSION:

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 THE OPEN PUBLIC COMMENT 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 1 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.

1. MINUTES:

Approval of minutes for the adjourned meeting of October 16, 2006 and the regular meetings of October 10, October 17, October 24 and November 7, 2006.

Recommendation:

Approve as submitted.

2. APPOINTMENT TO THE METROPOLITAN WATER DISTRICT BOARD OF DIRECTORS:

The purpose of this report is to request the Council make an appointment to fill a four-year term for Burbank's representative on the Metropolitan Water District Board (Board) of Directors of Southern California. The term commences on January 1, 2007 and ends on December 31, 2010.

As one of the 27 agency members of the Metropolitan Water District of Southern California, Burbank has one Director appointed by the Council. The Board meets every second Tuesday of the month in the District's Headquarters in Los Angeles.

On December 4, 2006, the City Clerk's Office began advertising and accepting applications for the above vacancy. Notices were sent to the newspapers and placed on the City's website and the Channel 6 Scroll in order to obtain qualified candidates. As of the December 22, 2006 deadline, the City Clerk's Office received one application from the incumbent, Mr. Glenn A. Brown.

Recommendation:

Staff recommends the Council appoint Mr. Brown to fill the four-year term on the Board, commencing on January 1, 2007 and ending on December 31, 2010.

3. AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST:

Staff is requesting the Council appropriate \$975.08 of interest accumulated during prior fiscal years for the 2004 Police Local Law Enforcement Block Grant (LLEBG). The purpose of the Department of Justice LLEBG program is to provide funds to units of local government for projects that reduce crime and improve public safety. In October 2004, the City received \$24,435 in LLEBG funds for the following purposes: Street Beat cable programming, crime prevention and education programs, computer forensic equipment and Special Response Team ballistic vests.

During the grant period, the City accumulated \$975.08 in 2004 LLEBG interest earnings. According to the grant provisions, the accumulated interest must be spent or returned to the Department of Justice. On November 27, 2006, a final grant report was submitted indicating \$806.96 of interest earnings had been spent, therefore, \$168.12 will be returned to the Department of Justice.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING INTEREST FROM THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT IN THE AMOUNT OF \$975.08.

4. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE CADET:

The Police Cadet is a trainee-level position which introduces the incumbent to a variety of law enforcement careers through practical experience while allowing the Police Department the opportunity to assess the qualifications of the incumbent through actual work performance. Due to the length of the hiring process, including extensive background checks, the Police Department would like to be able to also recruit high school seniors in the spring. This will allow the Department to process the applicant during the summer and appoint the applicants to the position in the fall once they are enrolled at an accredited institution. Prior to this proposed revision,

applicants were required to first be enrolled at an accredited institution at the time of their application, limiting high school seniors or recent graduates from applying.

This classification will continue to be exempt from Civil Service but will be subject to the Fair Labor Standards Act (FLSA). This classification will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association (BCEA) will continue to represent this classification. The Civil Service Board approved these revisions at their meeting on December 6, 2006.

There is no fiscal impact from the revision of this specification because the current salary range for the 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 POLICE CADET (CTC No. 0639).

5. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF MUNICIPAL RECORDS CLERK:

The duties of the classification of Municipal Records Clerk have changed over the years. In addition to routine correspondence, this classification prepares a variety of reports, forms and documents. Essential functions also include implementing revisions to the Burbank Municipal Code and financial activities, such as assisting in budget preparation and monitoring the Department's accounts, processing financial transactions, monitoring petty cash funds, receiving money and other related duties. With advances in technology, this classification is required to scan and index documents and maintain complex electronic files as well as manual files. Prior to these proposed revisions, the requirement of typing at a speed of 50 net words per minute limited the pool of applicants to those with exceptional typing skills which is unnecessary to fulfill the duties of the position. Revising the specification will allow the City Clerk's Office to recruit a wider pool of qualified applicants.

This classification will continue to be subject to Civil Service and the Fair Labor Standards Act (FLSA). This classification will not be included in the City's Conflict of Interest Code. The Burbank City Employees Association (BCEA) will continue to represent this classification. The Civil Service Board approved these revisions at their meeting on December 6, 2006.

There is no fiscal impact from the revision of this specification.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF MUNICIPAL RECORDS CLERK (CTC No. 0561).

6. ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF LIVE SCAN SPECIALIST:

The City's Live Scan services were originally operated out of the Park, Recreation and Community Services Department prior to being transitioned into the Management Services Department. These services are currently provided by a Program Specialist. The title and specification for Program Specialist is specific to Recreation and Community Services' activities and is not applicable to the actual Live Scan operations. Therefore, it is recommended that the title and specification for the classification of Live Scan Specialist be established to accurately reflect the duties and requirements of this position.

This classification will be subject to Civil Service and the Fair Labor Standards Act (FLSA). This classification will be included in the City's Conflict of Interest Code and required to report on disclosure category A-1 regarding Investments, category C regarding Income and Business Positions, and categories D, E, and F regarding Loans, Gifts, Honoraria, and Travel Payments. The Burbank City Employees Association (BCEA) will represent this classification. The Civil Service Board approved this establishment at their meeting on December 6, 2006.

The proposed salary range for the classification of Live Scan Specialist will be set at \$3,369 to \$4,207, equivalent to the Program Specialist classification. This position is included in the current budget as a Program Specialist and therefore there will be no fiscal impact from the establishment of this classification.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF LIVE SCAN SPECIALIST (CTC No. 0521) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

7. RESOLUTION RELATED TO THE BURBANK WATER RECLAMATION PLANT EQUALIZATION BASIN PROJECT PACKAGE A (BID SCHEDULE NO. 1214) CONTRACT AWARD:

Staff is requesting Council approval of resolutions to: approve contract documents and award a contract for construction; amend the Fiscal Year (FY) 2006-07 budget; and, adopt a Mitigated Negative Declaration for the Burbank Water Reclamation Plant Equalization Basin Project (Project) – Package A (Bid Schedule No. 1214).

The Project involves the installation of tanks, pumps and appurtenances required for a chloramination system to prevent the formation of disinfection byproducts. In addition, the project includes additional equipment necessary for an equalization basin to allow the plant to store wastewater during peak flow periods and treat it during lower flow periods.

Bid Schedule No. 1214 was advertised on October 4 and October 7, 2006. A bid opening was conducted on November 14, 2006. One contractor, Pacific Hydrotech Corporation of Perris, California, submitted a bid of \$2,373,100, which is 19 percent above the engineer's estimate of \$2,000,000. Staff contacted the other companies who obtained project plans to find out why they did not submit bids. Multiple reasons were given, including contractors' lack of resources to complete the job at this time and their desire for work that primarily involves trenching and pipeline installation rather than instrumentation. Staff evaluated Pacific Hydrotech Corporation's bid proposal and determined that the company has the requisite qualifications to satisfactorily complete the project.

During the FY 2006-07 budget process, \$2,047,814 was appropriated for this project. Staff recommends the Council appropriate an additional \$650,186 to this project utilizing Unappropriated Sewer Funds. Construction of this project is planned to occur between January and September 2007.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE BURBANK WATER RECLAMATION PLANT EQUALIZATION BASIN PROJECT PACKAGE A (BID SCHEDULE 1214) TO PACIFIC HYDROTECH CORPORATION AND AMENDING THE 2006-07 FISCAL YEAR BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR THE PROJECT.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

8. 2007 METROPOLITAN TRANSPORTATION AUTHORITY CALL FOR PROJECTS:

Staff is requesting authorization to submit an application package for the Metropolitan Transportation Authority (MTA) 2007 Call for Projects. This application process is an opportunity for transportation agencies to request local, State and Federal grant funds for regionally-significant transportation projects. Staff recommends that applications be submitted for five projects that meet regional mobility goals and satisfy identified local transportation needs. The proposed projects include: 1) the Strategic Corridor Intelligent Transportation System Project; 2) the San Fernando Bikeway Project; 3) the Interstate 5 / State Route 134 Traffic Management Program; 4) transit bus capital purchases; and, 5) improvements needed to support a planned transit link between the North Hollywood Red Line Station and the Pasadena Gold Line. In awarding funds, the MTA looks to a project's regional significance and effectiveness in

improving overall mobility. These projects are compatible with MTA's goals as well as the City's goals of maintaining high levels of service at intersections and promoting transit and alternative transportation modes.

Any project successful in receiving MTA grant funds would require the City provide a 20 percent local match in order to accept the grant money for that project. This 20 percent local match is expected to be available from Transportation Impact Fees as well as Proposition A and C local return funds. Submittal of grant applications for these projects does not commit the City to the identified projects. Any successful project would have to be brought back to the Council for authorization to accept funds and allocate the local match.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS TO THE METROPOLITAN TRANSPORTATION AUTHORITY AS PART OF THE 2007 CALL FOR PROJECTS GRANT FUNDING PROCESS.

9. BURBANK WATER AND POWER WATER AND ELECTRIC MONTHLY OPERATIONS REPORT:

Staff has prepared the BWP Water and Electric Monthly Report regarding water quality and power issues for January 2007.

WATER UPDATE

Water Quality

Water quality during November met or exceeded State and Federal drinking water standards.

Fiscal Year-To-Date (FYTD) 2006-07 Water Fund Financial results as of November 30, 2006:

	November 2006 Year-to-Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	4,780,013	4,754,138	25,875	1%
Potable water sales (CCF) ^(A)	4,617,061	4,527,617	89,444	2%
Recycled water sales (CCF) ^(B)	456,940	641,365	(184,425)	(29%)
Potable Revenues	\$7,614	\$8,483	(\$869)	(10%) (C)
Recycled and Power Plant Revenues	684	951	(267)	(28%) (D)
Total Operating Revenues	\$8,298	\$9,434	(\$1,136)	(12%)
WCAC	3,339	3,652	314	9%
Gross Margin	\$4,959	\$5,781	(\$822)	(14%)
Operating Expenses	3,613	4,142	529	13%
Operating Income	\$1,346	\$1,639	(\$293)	(18%)
Interest and Other Income	478	581	(103)	(18%)
Interest Expenses	122	128	6	5%
NI before Contr. & Transfers	\$1,702	\$2,092	(\$390)	(19%)
Transfers (In Lieu)	417	424	7	2%
Contributed Capital (A.I.C)	142	467	(325)	(70%)
Change in Net Assets (Net Income)	\$1,427	\$2,135	(\$708)	(33%)

(A) Retail Sales in CCF's reflect unaccrued CCF sales based on actual customer billings and have not been adjusted for payment cycles.

(B) Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales.

(C) WCAC adjustment decreased Potable Water Revenues by \$733k.

(D) Power Plant requirements were lower than planned.

() = Unfavorable Variance

Fiscal Year (FY) 2006-07 Water Fund Financial Reserve balances as of November 30, 2006 are summarized in the following table:

Water (In thousands)	Balance 11/30/2006	Recommended Reserves
Unrestricted Cash		
General Operating Reserve	\$5,675	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$8,482	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$2,376	\$2,376
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund	\$668	\$668
Parity Reserve Fund	\$634	\$634
Sub-Total Restricted Cash	\$5,778	\$5,778
Total Cash	\$14,260	\$13,788

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for FY 2006-07 through November 30, 2006 as compared to the same time period for FY 2005-06:

Reliability Measure	Fiscal Year 2005-06	Fiscal Year 2006-07 (through Nov. 30, 2006)
Average Outages Per Year	0.2284	0.1243
Average Outage Duration	64.19 minutes	69.01 minutes
Average Service Availability	99.9933%	99.9961%

Financial and Operations Update

FYTD 2006-07 Electric Fund Financial results as of November 30, 2006:

	November 2006 Year-to-Date			
	Actual	Budget	Variance	% Variance
NEL MWh	559,753	527,291	32,462	6%
Retail Sales MWh ^(A)	549,560	504,605	44,955	9%
Retail Revenues	70,583	65,875	\$4,709	7%
Other Revenues	1,627	1,533	94	6%
Retail Power Supply & Transmission Expenses	45,070	44,419	(651)	(1%)
Retail Gross Margin	27,139	22,988	\$4,151	18%
Wholesale Revenues	66,710	75,200	(8,490)	(11%)
Wholesale Power Supply	63,643	73,555	9,912	13%
Wholesale Gross Margin	\$3,067	\$1,645	\$1,422	86%
Gross Margin	30,207	\$24,633	\$5,574	23%
Operating Expenses	15,577	16,644	1,068	6%
Operating Income	14,630	\$7,989	\$6,641	83%
Interest and Other Income	2,009	1,741	268	15%
Interest Expense	1,743	1,743	(0)	0%
NI before Contr. & Transfers	14,896	7,986	6,910	87%
Transfers In/(Out) - (In lieu)	4,397	4,117	(280)	(7%)
NI before Contributions	10,499	\$3,869	\$6,630	171%
Contributed Capital (A.I.C)	129	1,502	(1,373)	(91%) (B)
Change in Net Assets (Net Income)	\$10,628	\$5,371	\$5,257	98%

(A) Retail Sales in MWh reflect unaccrued MWh sales based on actual customer billings and have not been adjusted for payment cycles.

(B) To date minimal Aid-in Construction, Misc., and Work for Others revenues have been recorded.

FY 2006-07 Power Fund Financial Reserve balances as of November 30, 2006 are summarized in the following table:

Electric (In thousands)	Balance 11/30/2006	Recommended Reserves
Unrestricted Cash		
General Operating Reserve	\$45,544	\$41,000
Capital and Debt Reduction Fund	\$10,000	\$15,100
Fleet Replacement Reserve	\$3,000	\$4,500
General Plant Reserve	\$800	\$1,170
Bond Cash	\$3,904	\$0
Sub-Total Unrestricted Cash	\$63,248	\$61,770
Debt Service Fund & other	\$6,592	\$6,592
Parity Reserve Fund	\$10,160	\$10,160
Public Benefit	\$3,311	\$0
Sub-Total Restricted Cash	\$20,062	\$16,752
Total Cash	\$83,311	\$78,522

Recommendation:

Note and file.

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, January 16, 2007 at 5:00 p.m. in the City Council Chamber, 275 East Olive Avenue, for a Traffic Operations Study 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**