



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, JUNE 12, 2007  
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:

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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:

PROCLAMATION:            FLAG DAY.

PROCLAMATION:            NATIVE DAUGHTERS OF THE GOLDEN WEST WEEK.

RECOGNITION:            FIRE REGIONAL OCCUPATIONAL 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).

6:30 P.M. JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PARKING AUTHORITY, PUBLIC FINANCING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:

1. PROPOSED FISCAL YEAR 2007-08 ANNUAL BUDGET, CITYWIDE FEE SCHEDULE (INCLUDING FEES AND CHARGES FOR WATER, SEWER AND REFUSE SERVICE), APPROPRIATIONS LIMIT AND ANNUAL COUNCIL GOALS:

The purpose of this report is to: 1) present the Proposed Fiscal Year (FY) 2007-08 Annual Budget, Citywide Fee Schedule and Appropriations Limit to the Council, Redevelopment Agency, Housing Authority, Parking Authority, Public Financing Authority and Youth Endowment Services Fund Board for a public hearing. The adoption of the FY 2007-08 Budget is scheduled to be considered at the June 19, 2007 Council meeting; and, 2) present the Council with the FY 2007-08 Council Goals implementation matrix, request that the Council verify those items which are not to be included as part of the FY 2007-08 Council Goals and provide any final direction.

On May 8, 2007, staff presented a preliminary overview of the Proposed FY 2007-08 Budget along with the Five-Year Forecast. The Proposed Budget documents were distributed on May 3, 2007 for the Council's review prior to their Annual Council Goal Setting Workshop held on May 5, 2007. During the workshop, each Council Member provided his or her top goals for the upcoming fiscal year.

Budget Study Sessions (BSS) were held on May 8, May 15 and May 22, 2007. The purpose of these sessions was to give the Council the opportunity to review each department's budget, ask questions and make modifications to the budget. Additionally, on May 29, 2007, the Council reviewed their respective goals, created a single list of consensus Council Goals for the upcoming year and recommended funding for various items.

**GENERAL FUND'S FINANCIAL STATUS:**

After incorporating all the changes recommended by the Council during the BSS, the following summarizes the Proposed General Fund Budget (GFB) for FY 2007-08. This summary incorporates the \$790,000 of additional items that the Council included as part of overall budget deliberations. If adopted as is, the current GFB is balanced with a remaining overall projected balance of \$286,726.

	<u>FY 2007-08</u>
Total Recurring Revenues	\$138,715,134
Less: Recurring Appropriations	(137,383,912)
Less: Estimated OPEB Liability	<u>(987,000)</u>
Total Recurring Expenditures	(138,370,912)
<i>Additional Recurring Items Added by</i>	<i>(32,000)</i>
<b>Recurring Surplus/(Deficit)</b>	<b>\$312,222</b>
Undesignated Fund Balance – July 1, 2007	\$2,103,272
Less: Proposed One-Time Appropriations	(1,370,768)
<i>Less: Additional One-Time Items Added by</i>	<i><u>(758,000)</u></i>
<b>Available Non-Recurring</b>	<b><u>(\$25,496)</u></b>
Plus Available Recurring Balance (from	<u>\$312,222</u>
<b>PROJECTED UNDESIGNATED FUND</b>	<b><u>\$286,726</u></b>

**PROPOSED CITYWIDE FEE SCHEDULE:**

The primary purpose of the Citywide Fee Schedule is to provide a one-stop listing of all City fees, charges and rates. The Fee Schedule is updated annually during the budget process.

Several proposed fee increases for services, permits, electric rates, water rates, sewer rates and refuse rates are included in the proposed budget. The proposed electric, water, sewer and refuse rate increases will raise a typical residential customer’s monthly bill by approximately \$7 to \$8 for FY 2007-08. These proposed increases are necessary to cover growing operating costs and comply with the City’s Fiscal Policies. Even with these proposed fee and rate increases, Burbank is still well within the range of comparison cities’ fees for the same items.

Also, as a result of the recent Bighorn-Desert View Water Agency Decision, staff has complied with the new extended noticing requirement for Property-Related Fees that pertain to certain water, sewer and refuse charges.

**GANN INITIATIVE APPROPRIATIONS LIMIT:**

The City is required by State law to establish an appropriations limit each fiscal year. The City’s FY 2007-08 appropriations limit is estimated to be \$143,579,990. The actual amount of the appropriations contained in the budget that is subject to the limit is \$105,803,101. The difference between the City’s appropriations limit and the amount subject to it is \$37,776,889. As a result, the City is well below its appropriations limit.

## **FY 2007-08 COUNCIL GOALS:**

As a follow-up to the May 29, 2007 Council meeting, staff has provided a matrix which itemizes the implementation of the FY 2007-08 Council Goals to serve as a kick-off point. Additionally, there are several goal items which are not included in the matrix. These goals are currently being implemented through various City projects and programs, and will continue to be carried out in FY 2007-08. Therefore, staff did not believe it was necessary to include them in the matrix. Finally, there were also a few goal items which the Council discussed, but did not designate as goals to be added to the final consensus list. Staff is requesting Council verification that these items are not to be included as part of the FY 2007-08 Council Goals.

## **FISCAL IMPACT:**

The adoption of the Budget sets the initial appropriations for the new fiscal year. For FY 2007-08, total appropriations of \$139,534,334 have been balanced against estimated revenue in addition to the use of fund balance. If adopted as is, the overall GFB will be balanced with a projected overall balance of \$286,726 at year's end.

### Recommendation:

Staff recommends that the Council, Redevelopment Agency, Housing Authority, Parking Authority, Public Financing Authority and the Youth Endowment Services Fund Board conduct the public hearing on the Proposed Fiscal Year 2007-08 Annual Budget, Citywide Fee Schedule and Appropriations Limit, and to provide final direction with regards to the FY 2007-08 Council Goals. Staff will incorporate any final Council direction into the Budget resolutions that will be presented to the Council on June 19, 2007 for final adoption.

## **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:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 2 and 3)

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. AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ACCEPTANCE OF GRANT FUNDS TO ASSIST IN THE PURCHASE OF A LOW EMISSION SCRAPER:

Staff is requesting Council approval of a resolution authorizing the City Manager to execute a grant agreement with the California Air Resources Board (ARB) and to accept grant funds in the amount of \$216,748 to assist in funding the purchase of a Low Emission Scraper (LES).

Following regularly scheduled equipment replacement and procurement procedures for the City, staff will be replacing one scraper in Fiscal Year 2007-08. Concurrently, the ARB is proposing implementation of a regulation that would require all construction fleets in California to adhere to a phase-in schedule of new cleaner construction equipment. In anticipation of this rule, staff will be purchasing a scraper

with a Best Available Control Technology (BACT) Tier Three Engine and a Verified Diesel Emission Control System (VDECS).

In August 2006, the City's Fleet Board of Directors adopted a policy to pursue all viable grant funding opportunities for alternative fuel vehicles when it is in the best interest of the City. In accordance with this policy, staff applied for grant funding from ARB to help fund the purchase of one LES.

The ARB has approved funding for one LES in the amount of \$216,748. Staff received contract documents for this grant on May 15, 2007. The grant funds will be payable to the City upon completion of the purchase of the LES.

Staff is currently researching purchase options. In order to comply with the requirements of the grant, the City must complete the purchase of an LES by June 30, 2008. Staff does not anticipate any difficulty in adhering to this schedule.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CALIFORNIA AIR RESOURCES BOARD (ARB) AND AUTHORIZING RECEIPT OF GRANT FUNDS IN THE SUM OF \$216, 748 TO ASSIST IN THE PURCHASE OF A LOW EMISSION SCRAPER.

3. APPROVING AND AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE A CONSTRUCTION AGREEMENT WITH ICON WEST, INC. FOR TENANT IMPROVEMENTS TO THE LIGHT FLEET BUILDING:

Staff seeks Council authorization for Burbank Water and Power (BWP) to enter into a Construction Agreement (Agreement) with Icon West, Inc. (Icon West) at or below \$828,950 to make certain tenant improvements to the former Light Fleet Building (LFB) within the BWP Campus.

BWP has developed a Campus Master Plan for their main facilities which includes the replacement of substandard service facilities into a modern service center. The Communication Section work spaces are within a deteriorating modular building that was meant to be temporary, but has, in fact, been in place for 16 years.

The plan is to relocate the Communications Section to the Olive Avenue side of the campus to improve traffic flow and to efficiently renovate the former LFB. The tenant improvements will create an office and working space environment suitable for maintaining the City's phone and radio systems, as well as installing mobile radios in various vehicles, including police cars and fire engines.

The Council had authorized BWP to enter negotiations with Icon West for the tenant improvements. However, authorization is needed for the not-to-exceed amount of \$828,950. Icon West is currently renovating the BWP Administration Building and is immediately available to provide additional tenant improvement work. Terms and conditions of the Agreement are the same as for the tenant improvements to the Administration Building.

Formal bidding while delaying the tenant improvements, may not achieve a better price proposal. Construction activity within Los Angeles County already occupies many general contractors. Tenant improvement work that is less than one million dollars will attract limited interest.

The fiscal impact of entering into an Agreement with Icon West is positive because BWP has the best chance of completing the tenant improvements to the LFB within schedule and for less than the \$930,000 available project budget funds.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE A CONSTRUCTION AGREEMENT WITH ICON WEST, INC., FOR TENANT IMPROVEMENTS TO THE LIGHT FLEET BUILDING IN AN AMOUNT NOT-TO-EXCEED \$828,950.

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

REPORTS TO COUNCIL:

4. NAMING REQUEST FOR BURBANK TENNIS CENTER COURT 1:

Staff is requesting Council approval of the Park, Recreation and Community Services (PRCS) Board's recommendation to name the Burbank Tennis Center Court #1 (BTCC1) in honor of Mike Tawdy (Tawdy).

During the PRCS Board meeting of March 8, 2007, Secretary Todd Layfer requested that the naming of BTCC1 in honor of Tawdy be placed on a future Board agenda. On April 12, 2007, the PRCS Board unanimously recommended that staff proceed with the submittal of a Naming of Public Facilities Application for the purpose of naming the BTCC1 in honor of Tawdy.

As stated in Burbank Municipal Code Section 2-1804, the Council may recommend or approve the dedication, naming or renaming of a public facility for an individual where the reviewing body finds: (1) the individual has made a significant contribution to Burbank, the State of California, the United States or the world, in any area including, but not limited to health, education, civic involvement, housing, public service,



employment, or the arts; and, (2) such contribution has contributed to the general well being of society. The individual, whether living or dead, need not be or have been a resident of Burbank, the State of California or the United States.

It is the opinion of the PRCS Board and staff that Mr. Tawdy meets the criteria established and is eligible for public facility naming consideration. Mr. Tawdy has made impressive contributions to the City and PRCS Department in the sport of tennis during twenty years as a quality tennis instructor.

There is a minor cost associated with the creation and installation of a plaque as a result of the recommended action. There are sufficient funds in the existing budget to cover these costs.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING RENAMING THE BURBANK TENNIS CENTER COURT NUMBER 1 IN HONOR OF MIKE TAWDY.

5. ART IN PUBLIC PLACES GUIDELINES FOR PUBLICLY-FUNDED ART PROJECTS:

The purpose of this report is to discuss the existing Art in Public Places Guidelines for publicly-funded art projects and, if desired, amend the guidelines or establish new guidelines.

On December 14, 1993, the Council adopted guidelines to define procedures for design selection, construction and installation of publicly-funded art projects. They include the following: 1) Selection of an art consultant to be paid up to 10 percent of the project's budget; 2) Selection of a Site Specific Art Selection Committee (SSASC) to provide public input, select the artist and select a design proposal for the project; 3) Final approval of art installation by the SSASC which would be forwarded to the Council for consideration and approval; and, 4) Review and approval of the project by the Council-appointed Art in Public Places Committee for Ordinance compliance. These guidelines have been followed for most of the publicly-funded projects.

The guidelines provide procedures that direct various tasks which ultimately lead to how an art proposal is presented to the Council for selection and/or approval. The previously-adopted guidelines can be altered, as the Council has directed numerous times during the past couple of years. Since all proposed publicly-funded art projects are brought before the Council prior to initiating the selection process, the procedures can be altered as seen fit at that time.

In recent years, the Council has directed staff not to utilize the services of an art consultant and assumed the responsibility. And recently, the Council has directed staff to bring back all the final proposals, as selected by the SSASC with their recommendation. The Council would choose a proposal from the finalists. An

additional methodology was employed with the most recent Chandler installation. Staff was directed to conduct an artist search, evaluate the proposals, take the selected finalists to the community-based Friends of Chandler for input and bring all of the finalists to the Council for selection. In all of the previously discussed methodologies, the art proposals were also approved by the Art in Public Places Committee for Ordinance compliance.

Options which have been utilized in selecting previous publicly-funded art projects include the following:

- Option I           Employing the current guidelines;
- Option II           Employing the current guidelines, without utilizing an Art Consultant;
- Option III          Employing the current guidelines, without utilizing an Art Consultant, and bringing all artist finalists proposals to City Council for selection; and,
- Option IV          Staff conducting an artist search, selecting finalists and presenting them to the Council for selection.

Recommendation:

Staff recommends that the Council expand the existing guidelines and adopt all of the four stated options which will become the Art in Public Places Guidelines for publicly-funded art projects.

ADOPTION OF PROPOSED ORDINANCE:

6. ORDINANCE AMENDING THE COMPOSITION OF THE POLICE COMMISSION:

At the May 22, 2007 Council Meeting, the Council increased the number of members serving on the Police Commission from five to seven which increase would be allowed under the recent Charter changes. This Ordinance amends Section 2-413 of the Burbank Municipal Code changing the composition of the Police Commission from five to seven members.

This ordinance was introduced at the June 5, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-413 OF THE BURBANK MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE POLICE COMMISSION.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority, Public Financing Authority and Youth Endowment Services Fund Board meetings for public comment.

**FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:** (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

**COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:**

**ADJOURNMENT.**

**For a copy of the agenda and related staff reports,  
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[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**