



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, FEBRUARY 10, 2004  
5:30 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.

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 – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 1
- b. Conference with Labor Negotiator:  
Pursuant to Govt. Code §54957.6  
**Name of the Agency Negotiator:** Management Services Director/Judie Sarquiz.  
**Name of Organization Representing Employee:** Represented: Burbank City Employees Association and Burbank Management Association; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Current Contracts and Retirement Issues.

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:

Reverend Ron Degges, Little White Chapel.  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT:        WEDNESDAY NIGHT PRIME TIME PROGRAMS.

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 agenda items 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 INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

1. REVIEW OF THE CITY'S FINANCIAL STATUS AS OF DECEMBER 31, 2003, APPROVAL OF MID-YEAR ADJUSTMENTS TO THE FISCAL YEAR 2003-04 BUDGET AND PREVIEW OF THE FISCAL YEAR 2004-05 BUDGET:

The purpose of this report is to provide the Council with a review of the City's financial status as of December 31, 2003, and to request Council and Redevelopment Agency Board approval of mid-year adjustments to the Fiscal Year (FY) 2003-04 Budget. The report will also provide relevant detail as it pertains to the development of the City's FY 2004-05 Budget.

The following provides a summary of FY 2003-04, which includes the impact of re-estimated revenues and the proposed mid-year adjustments.

Total Recurring Revenues ( including the use of \$1,205,426 of the BWP UUT and In-Lieu Set Aside)	\$109,883,908
Less: Revised Recurring Appropriations	109,796,800
Potential Impact of Bargaining Unit Agreements	1,891,988
Projected Frozen Position Savings FYs 2002-03 and 2003-04	<u>(1,804,880)</u>
Total Recurring Expenditures	\$109,883,908
Excess of Recurring Revenues Over/(Under) Recurring Appropriations	0
Undesignated Fund Balance - July 1, 2003	\$3,797,464
Plus: BAF Revenue for Capital Purchases	121,970
Plus: Use of BWP UUT In-Lieu	<u>976,819</u>
Available Non-Recurring Sources	4,896,253
Less: Required Increases in Reserves	(1,516,000)
Less: Projected One-Time Appropriations	(1,070,100)
Less: Net Impact of Mid-year Appropriations	(703,872)
Less: Budget Stabilization Fund	<u>(1,573,230)</u>
Available Non-Recurring Balance	<u>33,051</u>
Projected Undesignated Fund Balance—June 30, 2004	<u>\$33,051</u>

For the first six months of the fiscal year, the General Fund received \$44,807,473 in revenue, which represents 41.2 percent of the adjusted estimated revenues. For perspective, it is worth noting that at the prior year six-month report, the City had similarly received 41 percent of its estimated revenues. Over all, the City's revised recurring revenue estimates for FY 2003-04 have been decreased by \$177,398 over original estimates as a result of major losses in two important categories: Interest and Motor Vehicle In-Lieu Fees. The decrease was not as substantial as it might have been due to the fact that the City's Sales Tax, Utility Users Tax, Transient Occupancy Tax (TOT) and Building Permit Fees have realized moderate increases over the original projections, which has offset the total realized decrease in revenues.

With the exception of the requested mid-year adjustments, 48.6 percent of the appropriations have been expended as of December 31, 2003. Also, for perspective, the prior mid-year expenditures represented 47 percent of the recurring appropriations. The majority of the requested mid-year adjustments are related to: higher than expected program costs; costs associated with the Pavelka/Campbell criminal investigation; continued police enforcement at the Bob Hope Airport; and, the Fire Fighters Memorandum of Understanding increases. These costs also are the primary reason for the higher appropriation percentage expended this mid-year compared to last year.

In summary, the total mid-year adjustments requested are as follows: General Fund - \$2,740,453 (recurring is \$990,785); Non-General Funds - \$2,127,839 (all non-recurring). Due to offsetting revenues, the net impact is \$1,558,499 to the General Fund and \$2,127,839 to the Non-General Funds.

The City is heading into the FY 2004-05 with a projected year-end available fund balance of \$33,051. More importantly, due to continued increases in Public Employee Retirement System (PERS) costs, projected increases in bargaining unit costs, increases in liability self insurance rates and the anticipated State Budget impacts, the City faces serious budget challenges over the next several fiscal years.

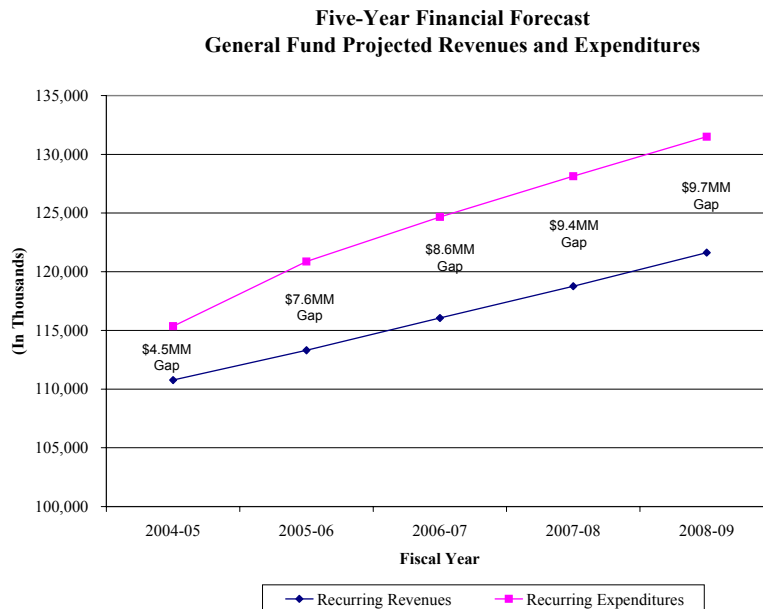
The Governor released his FY 2004-05 proposed State Budget on January 9, 2004. Much to the dismay of city officials across the State, the Governor has proposed to use local government revenues to balance the State budget which faces a \$14 billion deficit. The total incremental loss to Burbank should the Governor's current budget proposal be adopted is roughly \$2.4 million, with a \$1.1 million additional loss to the General Fund. Staff will continue to monitor any changes and provide updates when appropriate. Staff will also continue to contact the City's State legislators to address any concerns.

Even before the City considered the potential State Budget impacts to the FY 2003-04 Budget, it is important to note the City was already progressing into a deficit position over the next several years due to the underperformance of several revenue categories and the significant increase in recurring costs, especially the PERS rates. As a result, the General Fund budget parameters for FY 2004-05 are once again strict.

Unlike last fiscal year, all General Fund departments were not requested to provide an across-the-board percentage reduction. Staff recognized that after having undergone a 10 percent reduction scenario last year, some departments would find it more difficult than others to make further reductions. As a result, departments have been instructed to carefully review their budgets and make reductions where possible. During this time, departments will also be exploring ways to enhance revenues.

However, in order to establish a benchmark for discussion, departments have been requested to submit potential budget reductions of two percent and four percent. As noted, there will be no across-the-board cut; however, these “what-if” scenarios have been requested for discussion purposes. The Executive Team will evaluate these reductions and make recommendations to the City Council.

Although staff plans to provide the Council with a very descriptive five-year forecast at their annual retreat in May which will include ideas on how to alleviate some of the projected deficit, the following chart will serve to highlight the enormous challenge the City will be facing over the next several years. Clearly, the structural imbalance between recurring revenues and expenditures needs to be addressed.



**Recommendation:**

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET OF FISCAL YEAR 2003-2004 FOR THE PURPOSE OF MID-YEAR ADJUSTMENTS.

Adoption of proposed Redevelopment Agency resolution entitled:  
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK FOR FISCAL YEAR 2003-2004 FOR THE PURPOSE OF MID-YEAR ADJUSTMENTS.

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. RESOLUTION OF INTENTION FOR THE ANNUAL WEED ABATEMENT:

The annual weed abatement program removes the nuisance created on various properties by weeds, rubbish, refuse and brush. These nuisances create a potential fire hazard and a haven for rodents and vectors. The purpose of the Resolution of Intention is threefold:

1. To declare weeds and debris to be a public nuisance;
2. To declare the Council's intent to abate the nuisance; and,
3. To establish the date of February 17, 2004, at 6:30 p.m. as the date and time for a public hearing relating to this issue.

This Resolution is a necessary legal step in the execution of the 2004 Weed Abatement Program under the provisions of the State of California Government Code, Article 93561 Declaration of Public Nuisance.

Los Angeles County (County) has compiled a list of properties within the City which need to be cleared of weeds, rubbish, refuse, and debris during the 2004 Weed and Debris Clearance Program. Data used in compiling this list has been developed from the official weed maps of the County, which identify private property locations by parcel number.

Notices to destroy weeds will be mailed to the property owners as required by the Government Code of the State of California upon Council approval. An affidavit of mailing will be returned to the City by the County Department of Agricultural Commissioner/Weights and Measures when the mailing of notices, as provided by law, has been completed.

This Resolution declares weeds and debris a public nuisance and is the first Council action necessary for the City to carry out the annual program of abating weeds and debris on certain private properties throughout the City. The owners of the private property involved may either complete the abatement themselves or the County will perform the work and recover the cost of the abatement through a property tax lien.

There is no cost impact on the City's General Fund or Redevelopment Agency's budget for this program other than incidental administrative costs.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

3. APPROVAL OF FINAL TRACT MAP NO. 54024:

Staff is requesting Council approval of Final Tract Map No. 54024. The property covered on Final Tract Map No. 54024 is a one-lot subdivision totaling 7,630 square feet (sf) located at 621 East Olive Avenue in the R-4 Residential Multiple Medium Density Zone, and is owned by Vaheh Shirinian.

The property originally contained a 2,102 sf single-family dwelling. On September 10, 2001, the property owner requested City approval to convert the lot into a six-unit apartment building with a subterranean parking garage. Tentative Tract Map No. 54024, approved by the Community Development Director on December 9, 2002, converted the six-unit building to condominiums. Final Tract Map No. 54024 finalizes the conversion of the existing properties to the condominium subdivision.

All conditions of approval with one exception and all requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 54024:

1. The tentative tract map was conditionally approved by the Community Development Director on December 9, 2002, pursuant to Burbank Municipal Code Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains six condominium units at 621 East Olive Avenue, which is located in the R-4 Residential Multiple Medium Density Zone.
3. The Public Works Engineering Division has cleared all Conditions of Approval for the tentative tract map for purposes of Final Tract Map No. 54024 approval.
4. This project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301(K). This Class 1 Categorical Exemption applies to the division of multi-family structures into interest ownership.



5. Conditions of Approval for Tentative Tract Map No. 54024, with the exception of Condition No. 3, have been cleared by the Planning Division for purposes of Final Map approval. Condition No. 3 will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division.
6. According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the Burbank Municipal Code, the Council must approve Final Tract Map No. 54024 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 54024 (621 East Olive Avenue).

4. APPROVING A CHANGE ORDER FOR BID SCHEDULE NO. 1118, VERDUGO RECREATION CENTER ELEVATOR:

Staff requests Council approval of a Change Order for Bid Schedule No. 1118, Verdugo Recreation Center Elevator Project. In 1996, the City developed an Americans With Disabilities Transition Plan which identified building modifications needed in order to comply with the recently passed Americans with Disabilities Act (ADA). The construction of an elevator at Verdugo Recreation Center was not required under the Act but was desired by the City in order to provide access to the recreation center for persons with disabilities. In Fiscal Year (FY) 1999-00, Community Development Block Grant (CDBG) funding was allocated for the design of the elevator. In FYs 2000-01 and 2001-02, additional CDBG funding for 100 percent of the estimated cost of construction was allocated.

Bid Schedule 1118 was advertised in February 2002, resulting in two contractors submitting bids ranging from \$129,550 to \$186,800. In September 2002, the Council approved contract documents and awarded a construction contract to KD Construction. The scope of work for this project included the construction of a two-stop passenger elevator for ADA access to the second floor of the Verdugo Recreation Center.

The original construction contract price of \$129,550 has increased by \$18,788.74, or 14.5 percent, bringing the total to \$148,338.74. This increase is due to modifications in the contract scope of work. During construction, the City directed the contractor to implement several modifications, which included the following:

- Installing an elevator sump pump (\$6,994.23). This was a new requirement from the California Occupational Safety and Health Act that was implemented between the time the plans and specifications were developed, and the end of construction of the project;
- Changing the concrete masonry unit front elevator wall to a poured-in-place concrete wall per the request of the Building Inspector (\$10,831.25); and,
- Closing a four-inch gap between the elevator shaft and the existing building and installing cabinets to house a security television monitor (\$963.26). Due to the close proximity of the elevator and the existing window and walls, the contractor could not properly finish the wall adjacent to the elevator and needed to devise an alternative way to close the gap.

The project manager has compared the cost of the proposed Change Order to similar construction previously completed and against industry standards for these types of projects, and concluded that the cost of the Change Order is reasonable and competitive. Sufficient funding is available for the Change Order.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A CHANGE ORDER IN THE AMOUNT OF \$18,788.74 FOR THE VERDUGO RECREATION CENTER ELEVATOR PROJECT, BID SCHEDULE NO. 1118.

5. DESIGNATION OF AUTHORIZED APPLICANTS FOR STATE AND FEDERAL DISASTER FINANCIAL ASSISTANCE:

The purpose of this report is to designate three City officials as authorized signatories who may act on behalf of the City and file for Federal and State financial assistance for the October 2003 Burbank brushfire.

On October 21, 2003, a four alarm fire occurred on the hillsides of north Burbank near the intersection of Country Club Drive and Via Montana, one of a number of brushfires that ignited in Southern California. Five days later, the Federal Government declared a natural disaster in the counties of Los Angeles, Riverside, San Bernardino, Ventura and San Diego. Any public or non-profit entity that sustained costs exceeding \$1,000 as a result of a fire in one of these areas is eligible to receive financial assistance from the Federal Emergency Management Agency (FEMA). A proposed project worksheet summarizing all eligible brushfire related costs to the City has been submitted to FEMA for review. The total project amount of \$59,537.60 includes all labor, equipment use, materials and contract work related to the incident.

The State of California Office of Emergency Services (OES) is responsible for overseeing the distribution of financial assistance from FEMA to all agencies in

California. OES guidelines require that every public entity requesting public assistance have a resolution on file authorizing up to three individuals to sign and submit paperwork on the agency's behalf.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING CERTAIN INDIVIDUALS TO ACT ON BEHALF OF THE CITY TO APPLY FOR STATE AND FEDERAL FUNDS IN CONNECTION WITH THE BRUSHFIRE OF OCTOBER 21, 2003.

6. APPLICATION FOR CALHOME PROGRAM BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS GRANT FUNDING:

The purpose of this report is to request the Council consider authorizing staff to apply for funds under the CalHome Program Building Equity and Growth in Neighborhoods (BEGIN) Program to provide first-time homebuyer financing for the Burbank Village Walk and the proposed Lance Site projects.

Application for these funds is consistent with the City's housing strategy to support home ownership. The Blue Ribbon Task Force on Affordable Housing (Task Force) identified as one of their objectives the expansion of home ownership opportunities, noting in their report to the Council that; "one of the primary goals of the City's Housing Element and the Redevelopment Agency's (Agency) Implementation Plan is to maintain and encourage home ownership for all income levels. The Agency plays an active role in fostering home ownership both through new construction and provision of mortgage assistance to income qualified purchasers."

The Task Force also stated that, "through site assembly and other assistance, the Agency is currently assisting in development of several mixed-income ownership developments," including the proposed Lance Site (33 townhomes/10 moderate-income) and the Burbank Village Walk (140 condos/14 moderate income) projects.

The California Department of Housing and Community Development (HCD) recently released a Notice of Funding Availability (NOFA) for approximately \$24 million to provide funding statewide to local jurisdictions for mortgage assistance for moderate-income first-time homebuyers. BEGIN is a home ownership program designed to award grants to qualifying jurisdictions that provide incentives to reduce or remove regulatory barriers (e.g., density and zoning standards or permit processing and fees) for housing developments, as set forth in the BEGIN Program Guidelines. These grants provide down payment assistance in the form of a loan to assist qualifying moderate-income homebuyers.

Intended to promote partnerships between local jurisdictions and housing developers to increase the supply of affordable new units for moderate-income homebuyers, the

BEGIN Program stipulates that the local jurisdiction, as the grant applicant, is to “offer specific forms of regulatory relief, development incentive or project enhancements to identified BEGIN Program projects which reduce the per-unit cost of the housing.” In other words, the City’s applications must demonstrate the actions taken to alleviate barriers to affordable housing for each of the projects, Burbank Village Walk and the Lance Site. HCD defines actions as a change in an existing development standard that reduces barriers to or the cost of residential development.

The City’s application is a product of the number of units proposed for qualifying first-time, low- and moderate-income homebuyers per BEGIN Program project.

Burbank Village Walk	\$420,000 (14 restricted units times \$30,000 loan limit per unit); and,
Lance Site	\$300,000 (10 restricted units times \$30,000 loan limit per unit).

Under the BEGIN Program, grant funds would provide down payment assistance loans of up to \$30,000 dollars as described in the jurisdiction’s mortgage assistance underwriting guidelines. BEGIN Program Guidelines also include among others, the following elements related to homebuyer mortgage financing:

- The BEGIN Program loan may be bearing simple interest of one to three percent per annum, and may allow forgiveness of all or a portion of the accrued interest as part of its local program design. Loan principal, though, is not forgiven. Alternatively, recipients may opt to charge a contingent deferred interest in the form of shared net appreciation in lieu of making loans bear a fixed rate of interest. (The maximum portion of the net appreciation that may be claimed by the local jurisdiction is equal to the percentage of the value of the residence financed by the BEGIN Program loan);
- BEGIN Program loans shall be secured by the property or leasehold interest;
- The lien securing repayment of the BEGIN Program loan will be subject only to liens and encumbrances approved by the local jurisdiction underwriting the BEGIN Program loan; and,
- The combined indebtedness (all loans) secured for a BEGIN Program assisted unit would not exceed 100 percent of the sales price plus up to five percent of the sales price to cover actual closing costs.

If awarded BEGIN Program funds, the Agency would be able to “free up” funding anticipated for the Burbank Village Walk and the proposed Lance Site projects, thereby making those funds available for other housing projects and programs.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE BEGIN PROGRAM FOR THE LANCE SITE PROJECT.

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE BEGIN PROGRAM FOR THE BURBANK VILLAGE WALK PROJECT AND DELEGATING AUTHORITY TO REDEVELOPMENT AGENCY TO RECEIVE AND ADMINISTER FUNDS.

7. AMENDING THE FISCAL YEAR 2003-04 BUDGET BY APPROPRIATING \$16,000 FOR THE PURPOSE OF PARTICIPATION IN THE LOCAL SALES TAX LITIGATION:

In its Fiscal Year (FY) 2003-04 budget, the State of California reduced the State Sales Tax by one-quarter cent in order to assist in funding the debt necessary to balance the State's budget. The revenue from the State Sales Tax would ordinarily have gone to the local governments. The State proposes paying back the local governments over a period of nine to thirteen years by shifting a portion of the property taxes taken from local government by the shifts of those funds to the Education Revenue Augmentation Fund (ERAF) in the FYs 1992-93 and 1993-94 State budgets.

In essence, the State proposes to pay local governments back with money that belonged to them in the first place. Further, the Sales Tax now joins the Property Tax and the Vehicle License Fee as the third major revenue source on which local governments can no longer depend to fund vital local services. Several cities and counties around the State have joined together to file suit against the State to prevent this unconstitutional interference with the power of local governments, including charter cities, to raise revenue for local services.

The Council has determined that it is in the City of Burbank's interest to join with other concerned cities and counties around the State in this litigation.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET BY APPROPRIATING \$16,000 FOR THE PURPOSE OF PARTICIPATION IN THE LOCAL SALES TAX LITIGATION.

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

REPORTS TO COUNCIL:

8. EMERGENCY ORDINANCE TO AMEND THE DEVELOPMENT REVIEW PROCESS FOR MULTI-FAMILY RESIDENTIAL ZONES:

On January 13, 2004, the Council held a public hearing to consider adoption of an Interim Development Control Ordinance (IDCO) that would have temporarily restricted

the development of certain types of multi-family residential projects. The Council did not adopt the proposed IDCO, and instead continued the public hearing to January 20, 2004 and directed staff to return with options for modifying the existing Development Review (DR) process to add required compatibility findings for projects in multi-family zones. On January 20, 2004, the Council voted to direct staff to return with an emergency ordinance that would add such findings to the requisites for DR approval.

The Burbank Municipal Code does not currently allow the Community Development Director to consider a proposed multi-family project's compatibility with the surrounding neighborhood. The proposed ordinance would amend the DR process such that any project in a multi-family zone could not receive DR approval unless the Director finds that the project would be compatible with existing development in the neighborhood. The Planning Board and Council would also be required to make the findings of compatibility if the Director's decision is appealed.

While compatibility review will be highly subjective until compatibility guidelines are adopted at a future date, staff has attempted to create compatibility findings that focus the compatibility issues into specific aspects of the project. These issues are those that staff believes can have the greatest impact on compatibility and can also be practically reviewed and modified as needed for a particular project to achieve compatibility:

- structure height, size, massing, proportions, articulation and elevations;
- roof style and pitch;
- pedestrian entry locations and circulation;
- parking locations, access points and vehicle circulation;
- landscaping design and quality; and,
- location and design of open space areas and amenities.

The Burbank City Charter provides that an emergency ordinance may be adopted by a four-fifths vote of the Council upon a finding that the measure is necessary for the preservation of the public peace, health, safety or welfare. Because it is an emergency measure not subject to the typical zone text amendment process, a public hearing before the Planning Board is not required, and the Council may also adopt the ordinance without holding a public hearing. If approved, the proposed ordinance would become effective immediately upon adoption. Per Council direction, the requirements of the proposed ordinance would apply to all projects that have not yet received DR approval from the Community Development Director, and those that have received Director approval but have been appealed.

In an effort to provide complete information regarding the impacts of this ordinance on the overall planning process in the City, it is important to point out that the typical total process time for a multi-family DR application is currently 75 to 90 days when environmental review is not required and no appeal is filed. Staff estimates that the average process time would be increased by up to 15 days if neighborhood compatibility review were required. Further, staff believes that the number of appeals may increase as the community is made aware of the new compatibility requirement.

The filing of an appeal could delay final action on a project by up to 45 to 90 days, depending upon whether the project is appealed only to the Planning Board or also to the Council.

Fluctuations in the volume of DR applications and the difficulty in predicting the number of appeals that would be filed make it difficult to estimate the actual costs of the proposed ordinance to the City. Although not a direct cost to the City, staff anticipates the proposed ordinance would result in additional staff time being needed to review project plans, conduct fieldwork, make environmental determinations, and have greater and more frequent interaction with project applicants and interested residents as project designs are discussed. Staff believes that the time needed to prepare reports and presentations for public hearings resulting from an increased number of appeals would require additional staff time. Appeals also incur direct costs to the City in the form of printed staff reports, hearing notices and postage that would not otherwise be required.

Recommendation:

Introduction and adoption of proposed ordinance entitled:  
(4/5 vote required)

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING DIVISION 2 OF ARTICLE 19 OF CHAPTER 31 OF THE BURBANK MUNICIPAL CODE PERTAINING TO DEVELOPMENT REVIEW FOR PROJECTS IN MULTIPLE FAMILY RESIDENTIAL ZONES.

9. COMPACT FLUORESCENT LIGHT FUNDRAISING PROGRAM FOR THE BURBANK UNIFIED SCHOOL DISTRICT:

At the request of the Council, staff has investigated possible fundraising activities that would benefit the Burbank Unified School District (BUSD) and further Burbank Water and Power's (BWP's) energy and/or water conservation goals. Working with BUSD staff, a compact fluorescent light (CFL) fundraising program has been created that will benefit the community as well as the schools.

CFLs use one-fourth the energy of incandescent lights while producing the same amount of light output and burn considerably cooler which reduces the need for air conditioning in warmer months. Another benefit of CFLs is that they last considerably longer than traditional light bulbs, up to 10,000 hours of use. While it's true that CFLs are a better economic deal over their life compared to incandescent lights, CFLs unfortunately carry with them a higher up-front price tag. That price difference can make CFLs a difficult purchase choice for many consumers.

BWP proposes to purchase and donate to the BUSD 9,000 CFLs. BUSD schools participating in the program will sell these energy-efficient light bulbs to the community at a discount. Staff recommends that the BUSD sell CFLs for \$3 each or two for \$5. All funds raised will go to the individual schools to support their specific programs and needs.

Staff worked with Claudene Bell, BUSD's Teacher on Special Assignment for Service Learning and Grants, to determine which schools are interested in participating in the program and the number of CFLs each hoped to receive. Twelve BUSD schools are interested in participating with CFL requests ranging from 200 to 2,000 bulbs.

Staff issued a bid request for CFLs on December 30, 2003, which specified mini-sized Energy Star-labeled CFLs with wattage in the range of 20 to 30 watts. Staff also specified that the order be divided into separate school orders and delivered directly to the school sites. Nine vendors issued price bids along with product samples. Niagara Conservation provided the most competitive bid with a 24-watt mini CFL priced at \$2.40/unit. Staff recommends the bid be awarded to Niagara Conservation.

The proposed CFL fundraising program is a win for all concerned. The schools benefit as all proceeds raised stay with the schools for their use. Staff estimates that the total dollar benefit should be approximately \$25,000 for the BUSD. The community benefits as high-quality CFLs would be available at discounted prices. Use of CFLs will help residents contain their energy costs, saving households money every month for years to come. Finally, the City's utility benefits as the goal of helping residents and businesses to conserve energy is furthered.

Recommendation:

Staff recommends Council approval for BWP to purchase and donate to the Burbank Unified School District 9,000 24-watt mini Energy Star-rated compact fluorescent lights from Niagara Conservation.

10. BURBANK WATER AND POWER PURCHASE OF RENEWABLE ENERGY FROM THE AMERESCO CHIQUITA ENERGY PROJECT:

Staff requests that the Council adopt the proposed resolution which will enable the General Manager of Burbank Water and Power (BWP) to execute long term agreements with the Southern California Public Power Authority (SCPPA) for 2,230kW (2.23MW) of renewable energy from the Ameresco Chiquita Energy Project. The Ameresco Chiquita Energy Project is a landfill energy project located in the Chiquita Canyon Landfill in Valencia, California, near Highway 126 west of Interstate 5.

This is the first renewable project to be recommended for approval to meet the goal of the recently passed Renewables Portfolio Standard (RPS) for Burbank. In February 2002, SCPPA issued a request for proposals (RFP) for renewable energy projects on behalf of its members, including Burbank. A total of 44 proposals for various types of renewable energy projects including wind, solar, geothermal, biomass and landfill gas were received.

This Project was selected by SCPPA due to competitive fixed-cost pricing, appropriate size that matches member interest and project technical feasibility (proven



technology, multi-unit reliability, transmission availability and the low risk of a volumetric contract that has no associated fixed charges). Burbank will only pay for that energy actually received from the Project.

#### POWER PURCHASE AGREEMENT SUMMARY

Source:	Generating facility located at the Chiquita Canyon Landfill in Valencia, California
In-service date:	January 2005
Quantity:	Actual metered output Burbank's share of 2.23 MW at 95 percent capacity factor corresponds to approximately 16,000 MWh per year
Delivery:	Delivered unit contingent into the California Independent System Operator (ISO) grid
Term:	20 years
Price:	\$54.0/MWh

SCPPA will purchase the entire output of this facility and then resell this output to participating SCPPA members, the cities of Anaheim, Burbank, Glendale and Pasadena. SCPPA will be responsible for scheduling the Project output into the California ISO. The charge for this service is a fixed monthly fee, which will cost about \$1.00/MWh. In addition, SCPPA will incur transmission, scheduling and ISO settlement charges and fees that will be paid for by the participating members in proportion to their share of the Project. These fees are expected to add about another \$1.50/MWh. The total price for the energy from this project will be \$55.5/MWh.

R.W. Beck analyzed the out-of-market cost of the Ameresco contract and determined that the cost is expected to be \$300,000 to \$450,000 higher than non-renewable local market energy sources. This is commonly known as the "premium" paid for the renewable resource. This extra cost is expected to be covered by a subsidy from BWP's Public Benefit Funds expenditure requirement. Consequently, this proposed long term purchase is not expected to have any material impact on rates.

#### Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING OFFICIALS TO EXECUTE AND DELIVER THE CHIQUITA LANDFILL GAS TO ENERGY PROJECT POWER SALES AGREEMENT.

#### 11. MAYOR MURPHY'S REQUEST TO CONSIDER APPEAL OF THE PLANNING BOARD'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2003-29:

On January 26, 2004, the Planning Board voted to approve a Conditional Use Permit to extend the hours of operation for the multi-tenant building at 990 North Hollywood Way, known as the Old Thrifty Building.

Pursuant to Burbank Municipal Code Section 31-1946(c), "[t]he Council may, within fifteen (15) days after the decision is mailed to the applicant and reported to the Council, set the matter for a public hearing and dispose of it in the same manner as on an appeal." On February 3, 2004, Mayor Murphy requested the item be placed on the February 10, 2004 Council agenda for a determination on whether to set the matter for a public hearing.

If the Council votes to set the matter for a public hearing, staff will schedule the item, send notices to the public and prepare a report.

Recommendation:

Staff recommends that the Council discuss the matter and give direction as desired.

RECONVENE the Redevelopment Agency meeting 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,  
please visit the  
City of Burbank's Web Site:  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**