

TUESDAY, MARCH 9, 2004

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:36 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Vander Borght and Murphy.

Absent - - - - Council Member Ramos.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

5:36 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

a. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

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, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Office Association; Unrepresented and Appointed Officials.

Summary of Labor Issues to be Negotiated: Contracts for Fiscal Year 2004-05.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Reverend Ron White, American Lutheran Church.

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Flag Salute The pledge of allegiance to the flag was led by Mrs. Cohen, Library Services Director.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Vander Borght and Murphy.

Absent - - - - Council Member Ramos.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
Police
Professional
Esteem Awards Lieutenant Krafft presented Professional Esteem Awards to the following recipients for their exemplary work in gang suppression through the Police Department's Gang Detail: Sergeant Gunn; Sergeant Hawver; Officer Meadows; and, Officer Robarts. He noted that this is the highest award given for non-hazardous duty. Mayor Murphy joined Lieutenant Krafft in presenting the awards.

6:55 P.M.
Hearing
1703
602
Appeal of DR
2003-27
(637 N. Fairview
St.) Mayor Murphy stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision affirming Development Review No. 2003-27. The Applicant, August Bacchetta, applied for Development Review No. 2003-27 requesting authorization to construct a four-unit residential building at 637 North Fairview Street. Development Review No. 2003-27 was approved by the Community Development Director on August 18, 2003, which was affirmed by the Planning Board on November 10, 2003."

Notice
Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that one piece of written correspondence was received from Mr. Bob Jones, copies of which had been provided to the public.

Staff
Report Mrs. Forbes, Principal Planner, Community Development Department, requested that the Council consider an appeal of the Planning Board's approval of Development Review (DR) No. 2003-27; a request to construct a four-unit apartment building with two floors above semi-subterranean parking at 637 North Fairview Street. She noted that the lot is zoned R-3 and is currently vacant as it was formerly a City of Los Angeles Department of Water and Power utility site.

Mrs. Forbes explained that under the DR process, staff reviews the plans and provides comments and requirements that the project must meet to be compliant with all City Codes and regulations. She noted that the site is within 500 feet of R-1

zoned property, thereby being subject to additional height and lot coverage limitations. She added that the project was approved by staff subject to meeting all requirements. Following approval, she stated that all residents and property owners within 300 feet of the subject site were noticed and a sign was posted on the site. She added that the abutting property owners appealed the DR approval to the Planning Board and notices of that public hearing were sent the 300-foot radius neighborhood as well.

Mrs. Forbes informed the Council that the major items of concern at the Planning Board appeal hearing were: location of vehicular access to the on-site parking; size of the development; traffic volume that will be generated by the new project; potential loss of trees due to the proposed driveway; and, privacy of the neighboring properties. She reported that the Planning Board approved the project with several conditions, including: a requirement that vehicular access be located off the alley; and, prohibiting windows on the second story facing abutting properties, unless made of opaque material or located higher than five feet above the floor level.

Mrs. Forbes further stated that the Planning Board's decision was appealed to the Council by the same parties. She noted that the major issues of concern expressed by the appellants include: the height of the proposed building, with suggestion that the building be limited to one story; the building mass being excessive and not compatible with the neighborhood; and, additional traffic and parking demand generated being detrimental to the neighborhood.

Mrs. Forbes added that since the Planning Board hearing, the Council adopted an ordinance requiring neighborhood compatibility for all multi-family residential projects. She stated that staff reviewed the appeal in compliance with the new ordinance and suggested changes to the front façade to break the mass of the structure, and thus achieving a reasonable amount of compatibility with the surrounding properties which are mostly one story. She stated that with additional design changes, the second story has been set back from the first story, and additional elements on the front façade were added to minimize visibility of the garage level. She added that the appellants also requested walls on the interior side yards for privacy and a pedestrian access from the garage to the units, separate from the proposed driveway. Mrs. Forbes stated that the Burbank Municipal Code requires several findings, including compatibility, to be made to approve a project. She added that staff believes that the project as currently proposed and conditioned is reasonably compatible with the neighborhood, given the allowances in

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the Zoning Code and goals identified in the General Plan. She noted that the Council could require further design changes to achieve compatibility, and requested that the Council approve the subject Development Review as proposed with conditions and deny the appeal.

Appellant

Bob Jones, owner of the property located at 631 North Fairview Street, reported that the appellants have reviewed the revised plans but still hold the opinion that the project is not compatible with the characteristics of the neighborhood. He noted that the appeal process would have been prevented if compatibility was incorporated into the project's conceptual plans and if the developer solicited neighborhood input. He acknowledged the applicant's right to develop his property but stated that the neighborhood was concerned about the two-story concept; the parking access from the alley; and, the semi-subterranean parking. He noted that the alley is already impacted by high traffic volume and noted the blind spots which would create a safety hazard. He requested that the Council consider the appeal and require the developer to down-size the project. He also noted that the neighborhood currently has three vacant lots and if this project is approved, the neighborhood will be exposed to several massive projects. He added that this will create an overcrowded area; aggravate the lack of parking and excessive traffic; and, increase the possibility of crime, thereby affecting the quality of life of the neighborhood. He submitted flyers and a petition with 112 signatures in opposition to the project.

Applicant

Glenn Lotka, owner of the property located at 637 North Fairview Street, stated that he acquired the property after reviewing the zoning Code. He added that his architect designed a project that met the criteria for the R-3 Zoning Code. He further stated that upon project approval, the adjacent property owners appealed his project to the Planning Board but the appeal was denied. He noted that the Planning Board recommended several changes to make the project more compatible with the neighborhood. He stated that after the changes were made, planning staff approved the project but the neighborhood filed another appeal, citing concern over parking availability; high traffic volume; building size; and, the semi-subterranean parking lot. He noted that the parking garage will not be highly visible and stated that similar structures exist in the neighborhood. He acknowledged the lack of parking in the neighborhood and noted that his project will provide adequate parking for the tenants. He also noted the challenge of achieving the parking requirement with a one-story structure and requested that the Council approve his

project as it meets all Code and compatibility standards.

Mr. Bachetta, architect, addressed the compatibility issue and noted that the project has been designed to meet all Code and compatibility standards of R-3 Zones. He noted the non-conformance in the neighborhood with regard to parking, garage sizes, roofing and painting materials, window sizes, sprinkler system requirements and noted that two-story buildings exist in the adjacent neighborhood.

Citizen
Comment

Appearing to comment in opposition to the proposed project were: Veronica Share, resident at 631-633 North Fairview Street; Tommie Minard, owner of property located at 620-622 North Fairview Street; Chris Alvarez, resident on Rosemary Lane; Marvin Alvarez; Thomas Dragomer, resident on Rosemary Lane; Sharon Perkins; Rhonda Bell; John and Josephine Murillo, residents at 546 North Fairview Street; Glenn Reasoner, resident of 672 Rosemary Lane; Kenneth Herring, owner of property located at 625-627 North Fairview Street; Monica Welsh, resident at 672 Rosemary Lane; Brenda Willitz, resident at 633 North Fairview Street; Dave Tavitian; Armand Mardirossian; Jeana Adair; Michelle MacNeil; Benjamin James, resident at 642 North Fairview Street; and, Carlton Russell. Mark Barton, commenting on contacts he made with residents of Fairview Street and playing a videotape of a former Council meeting where this issue was discussed; and, David Piroli, inquiring whether approval of this development will set the wrong precedent, noting all the properties in the existing neighborhood were built to Code at the time they were built, inquiring whether these units are condos or apartments and whether an extended family could move into one of the units.

Rebuttal

Mr. Jones noted the efforts the appellants have undertaken in the appeal process. He also commented on the challenges posed by the changes in public hearing dates and emphasized that the neighborhood was not opposed to developing the lot as long as the project was compatible. He also stated that the alley was already impacted by high traffic volumes and commented on the possibility of a parking variance for the guest parking space.

Mr. Lotka noted that the change in the parking lot access from Fairview Street to the alley was in response to the neighborhood concern about excess traffic on the street. He reiterated that he acquired the property with the intent of developing it to its fullest potential as allowed by the R-3 Zone Code.

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Mr. Bachetta noted that the plan could be modified to accommodate two two-story duplexes on the lot and will still accommodate four families. He also noted the access to the building from the garage and commented on the challenges posed by the encroachment and easements on the property.

Staff

In response to public comment, Mrs. Forbes responded that the development would be subject to the construction activity restrictions; the Planning Board required that the project's parking access be off of the alley; the parking exit is in a location furthest away from the blind curve; the Planning Board required that the windows be at a specific level so as to preserve privacy issues; the units are currently proposed as apartments, but in the future, the owner could file a tract map to make them condominiums; the project is providing its Code-required parking; and, the lot is in an R-3 Zone allowing for up to four units on the lot.

Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council
deliberation

Mr. Golonski noted that the property is zoned R-3; the proposed project is maximizing the allowed density; the project requires nine parking spaces which necessitates semi-subterranean parking; and, stated that although the revised plans are more compatible with the neighborhood, the project will ultimately change the character of the neighborhood. He noted the parking challenges in the neighborhood, stated that the developer is in compliance with the Code, but also noted the testimony given by the residents with regard to compatibility issues. He stated that what the neighbors expressed as compatible was an R-2 neighborhood and suggested an Interim Development Control Ordinance (IDCO) for the entire area in order to down-zone from R-3 to R-2. He noted that this would pose a hardship on the developer, but stated that otherwise, such issues would continue to arise in the future.

Mr. Campbell requested clarification as to the Los Angeles Department of Water and Power underground equipment and Mrs. Forbes responded that the equipment has been abandoned. Mr. Campbell was not supportive of the access off of the alley and noted that there will be instances where residents of this development will choose to park on the street. He stated that the project needed to be further scaled back. He also requested further clarification on the IDCO option, noting that the R-3 area is surrounded by R-1

properties.

Mr. Vander Borcht noted that change was inevitable and that the Council was limited to managing how change occurs. He was opposed to down-zoning the neighborhood since it would affect property values. He stated that the property is zoned R-3 and prohibiting the proposed density would require an IDCO which would affect property values. He also noted that the project could be built as two large units with similar results.

Ms. Murphy stated that she could not make a finding for preserving the character and integrity of the neighborhood. She also stated that parking was not adequate, since many households own more than two vehicles.

Motion It was moved by Mr. Golonski, seconded by Mr. Vander Borcht and carried with Mrs. Ramos absent that "the hearing be continued to April 13, 2004 with staff being directed to review original plans and develop alternatives more compatible with the neighborhood."

9:20 P.M.
Hearing
1704-3
602
Appeal of CUP
2003-29 (990
N. Hollywood
Way) Mayor Murphy stated that "this is the time and place for the hearing on the review of the Planning Board's decision approving Conditional Use Permit 2003-29, a request by Ken Fisher to modify the permitted hours of operation for the businesses at the property located at 990 North Hollywood Way. The subject property is zoned MPC-1, Magnolia Park Commercial Retail. The Conditional Use Permit was approved by the Planning Board on January 26, 2004."

Notice
Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that one piece of written correspondence was received from Mr. Kevin McDonald, on behalf of the property owner at 990 North Hollywood Way, copies of which had been provided to the public.

Staff
Report Mr. Ochsenbein, Senior Planner, Community Development Department, reported that in February 2002, the Council affirmed the Planning Board's decision to approve Conditional Use Permit (CUP) No. 2000-30; a request to subdivide the Old Thrifty building located at 990 North Hollywood Way into a multi-tenant retail space with a reduced parking requirement and allow restaurant uses on the site. He added that the original project approval included a condition of approval that limited the business hours of all but one tenant to between 9:00 a.m. and 10:00 p.m. Also, a parking lot associated with

the property along Cordova Street was limited to the same hours.

Mr. Ochsenbein added that the applicant has subsequently gained Development Review approval to change the use and submitted plans to the Building Division. He stated that following several unsuccessful efforts to lease the property, a potential tenant has been secured to occupy the retail portion of the project. However, he noted that since the tenant's business of retail sales of paint and supplies requires operating hours beyond those currently approved for the project, the applicant, Ken Fisher, is requesting to amend the conditions of approval to remove the business hour restrictions that were previously imposed.

He informed the Council that on January 26, 2004, the Planning Board approved a compromise to allow the previously restricted businesses to open at 6:30 a.m. but retained the 10:00 p.m. closing time. He added that the restrictions on the Cordova Street parking lot were modified to match this condition. Following the approval, he stated that the Council appealed the Planning Board's decision.

Mr. Ochsenbein further explained that while businesses are generally permitted to operate as early as 6:00 a.m. regardless of proximity to residential zones, a specific condition of approval was placed on this project to further limit business hours for all but one restaurant use. He added that this condition of approval was based upon concerns raised regarding noise impacts on surrounding properties from customers using the parking lots. Considering the fact that businesses in the vicinity are permitted to operate as early as 6:00 a.m., he stated that the Planning Board also modified the conditions of approval to allow for all of the businesses that were previously restricted to begin operations at 9:00 a.m. to begin business at 6:30 a.m. while retaining the 10:00 p.m. closing time. He stated that the Planning Board made this modification based upon its ability to make the six required findings for granting a CUP. He requested that the Council affirm the Planning Board's decision regarding this application.

Applicant

Ken Fisher, applicant, noted the efforts he has undertaken to secure an appropriate tenant for his property. He stated that with the limited operation hours, he has been unsuccessful in securing a retail or restaurant tenant. He added that he has reached an agreement for a Dunn Edwards paint store but requires a modification in hours of operation. He stated that the Planning Board hearing was noticed to the neighborhood and that the findings to modify the hours of operation could

be made. He also noted the property improvements which he has undertaken so far and requested that the Council uphold the Planning Board's approval.

9:34 P.M.
Mr. Vander
Borghht left the
Meeting

Mr. Vander Borghht left the meeting at this time due to a potential conflict of interest with this item.

Citizen
Comment

Appearing to comment were Robert Magid, stating that multi-tenant use at this location is not compatible and citing potential traffic problems which will occur in an already highly-impacted area; David Piroli, commenting on the hours of operation; Mike Nolan, in support of the appeal, inquiring as to how long a Conditional Use Permit lasts and stating staff should not be advocating a position on the matter; and, Gerald Berry, representing Dunn Edwards Corporation, expressing a desire to work with residents in the area, noting that the operation hours are usually 6:30 a.m. to 5:00 p.m., stating the company is willing to work with the City regarding early delivery times and that the business will be a good addition to the neighborhood.

Rebuttal

In response to public comment with regard to contractors being on the premises between 1:00 a.m. and 5:30 a.m., Mr. Fisher responded that the leases with tenants include a copy of the conditions of approval which need to be adhered to and that delivery hours will be coordinated to avoid interfering with peak traffic hours.

Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council
Deliberation

Ms. Murphy was opposed to modifying the hours of operation, and noted the lack of parking in the area and the proximity to residences.

Mr. Golonski supported modifying the hours of operation to allow a single retail use to start at 6:30 a.m. but was opposed a parking waiver. He was also opposed to changing the restrictions on the Cordova Street parking lot and suggested that staff add an additional condition specifying that deliveries are prohibited prior to a specific time.

Mr. Campbell suggested modifying the hours of operation of

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the paint store to start at 7:00 a.m. He also opposed changes to the Cordova Street parking lot hours and suggested that deliveries be prohibited prior to 7:00 a.m.

Motion It was moved by Mr. Golonski, seconded by Mr. Campbell and carried with Ms. Murphy voting no and Mrs. Ramos and Mr. Vander Borcht absent that "this item be continued to the March 16, 2004 Council meeting."

10:16 P.M. Mr. Vander Borcht returned to the meeting at this time.
Mr. Vander Borcht returned to the meeting

Reporting on Mr. Barlow reported on the items considered by the City
Closed Session Council during the Closed Session meetings.

Initial Open Ms. Murphy called for speakers for the initial open public
Public Comment comment period of oral communications at this time.
Period of Oral
Communications

Citizen Appearing to comment were Frances Munoz, on parking
Comment restrictions around a pre-school located at 310 East Alameda Avenue; Robert Magid, on reporting graffiti in a timely fashion; Mark Barton, alleging misconduct by a City employee; Irma Loose, commenting on Mr. Barton's allegations; Stan Hyman, commending City staff; Dink O'Neal, in opposition to a Hooters Restaurant opening in Burbank and commenting on newsstands which contain pornographic material; and, David Piroli, on Bob Hope Airport receiving recognition for being one of the safest airports in the country.

Staff Members of the Council and staff responded to questions
Response raised.

Agenda Item Ms. Murphy called for speakers for the agenda item oral
Oral communications at this time.
Communications

Citizen Comment	Appearing to comment were Gary Yamada, representing West Wind Media, requesting that if the Home Depot matter is set for hearing, the item be limited to the operation cost and location of the day labor center and requesting that the Council consider adopting a labor solicitation ordinance to keep day laborers from loitering on City sidewalks; Dink O'Neal, commenting on the day labor center at the proposed Home Depot project, in opposition to expending City funds for such a purpose, noting this situation does not occur at Lowe's and inquiring whether the City has laws prohibiting loitering; Mark Barton, commenting on Mr. Campbell's comments with regard to his interaction with residents on Fairview Street; Mike Nolan, commenting on Conditional Use Permit No. 2003-29; Stan Hyman, suggesting a location for the Home Depot day labor center; and, David Piroli, in support of setting a public hearing to consider the Home Depot Project.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following item on the consent calendar be approved as recommended."
1301-3 AB 2928 Street Improvement Proj. (B.S. 1132)	<u>RESOLUTION NO. 26,675:</u> 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 2002-2003 AB 2928 STREET IMPROVEMENT PROJECT, BID SCHEDULE NO. 1132 AND AMENDING THE FY 2003-2004 ANNUAL BUDGET IN THE AMOUNT OF \$298,826.69.
Adopted	The consent calendar was adopted by the following vote: Ayes: Council Members Campbell, Golonski, Vander Borcht and Murphy. Noes: Council Members None. Absent: Council Member Ramos.
804-5 Local Taxpayers And Public Safety	Mr. Hanway, Financial Services Director, requested Council approval of a resolution supporting the proposed initiative for the November 2004 ballot entitled The Local Taxpayers and Public Safety Protection Act (Ballot Initiative). He reported that

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Protection Act
Ballot Initiative

for over ten years, the California State Legislature has been taking away increasing amounts of local tax dollars that local governments use to provide essential services such as police and fire protection, emergency and public health care, roads, parks and libraries. He stated that the aggregate net loss to Burbank from the State's diversion of Property Tax alone over the last ten years is over \$30 million dollars. He added that the Governor's proposed Fiscal Year (FY) 2004-05 budget could take away an additional \$1.069 million from Burbank in the form of an Educational Revenue Augmentation Fund (ERAF) shift, bringing the City's total-to-date net loss to over \$34 million by the end of FY 2004-05. In addition, he stated that the current permutation of the Sales Tax for Property Tax swaps is now involved in litigation with the City of Cerritos taking the lead and other cities, including Burbank, joining the suit.

Mr. Hanway informed the Council that the Ballot Initiative is sponsored by the League of California Cities (League), the California State Association of Counties and the California Special Districts Association and that support was also expected from public safety and health advocates, taxpayer and business groups, seniors and community leaders. He added that cities such as Los Angeles, San Bernardino, Sacramento, San Diego, Fresno and Salinas; and counties such as San Bernardino, Los Angeles, Monterey and Fresno, have also publicly endorsed the Ballot Initiative.

Mr. Hanway explained that the Ballot Initiative will: require voter approval before the Legislature can reduce local government revenues or take them for State rather than local purposes; ensure that local tax dollars are available to fund local services such as police and fire, emergency and trauma care, parks, roads and libraries; make it absolutely clear that if the State Legislature mandates that local governments provide new or expanded programs or services, then the State would have to reimburse local agencies for the cost of those programs; and, continue to provide flexibility for State budgeting decisions, but require voter approval on any future State Legislative actions that would reduce funding for essential local services.

He also emphasized that the Ballot Initiative will not: raise taxes because it protects local revenue sources from State raids; increase funding to local governments; reduce funding that schools receive from local Property Taxes or funding that schools receive from the State; or, reduce funding for other State programs such as highways or schools.

With regard to the status of the Ballot Initiative, Mr. Hanway reported that it was filed with the State Attorney General on

December 10, 2003; the Attorney General prepared the title and summary on February 4, 2004; and, the campaign is in process to gather 1,000,000 signatures before the April 15 submission deadline, in order to qualify the Measure for the November 2004 ballot. He also added that adopting the resolution supporting this Ballot Initiative would not have any fiscal impact to the City.

Motion It was moved by Mr. Vander Borght and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

804-5 RESOLUTION NO. 26,676:
Local Taxpayers A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
And Public SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE
Safety VOTER APPROVAL BEFORE STATE GOVERNMENT MAY
Protection Act DIVERT LOCAL TAX FUNDS.
Ballot Initiative

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Member Ramos.

203 Mrs. Campos, City Clerk, requested that the Council consider making an appointment to the Santa Monica Mountains Conservancy Advisory Committee (Advisory Committee). She stated that the Advisory Committee meets monthly and works closely with the Santa Monica Mountains Conservancy Board. She explained that the Advisory Committee members propose and review projects for Conservancy Board action, report on the conformity of projects with the Santa Monica Mountains Conservancy Strategic Plan and Rim of the Valley Corridor Master Plan, and review proposed amendments. She informed the Council that following the expiration of Mr. Terre Hirsch's four-year term on January 11, 2004, staff advertised for applications to fill the vacancy, and as of the February 27, 2004 deadline, one application from Mr. Garen Yegparian was received.

Santa Monica
Mountains
Conservancy
Committee
Appointment

Motion It was moved by Mr. Campbell, seconded by Mr. Vander Borght and carried with Mrs. Ramos absent that "Mr. Garen Yegparian be appointed to a four-year term on the Santa Monica Mountains Conservancy Advisory Committee expiring January 11, 2008."

1506
1503
BWP Energy
Surveys and
Energy-
Efficiency
Retrofit
Program

Mrs. Meyer requested Council approval of Burbank Water and Power's (BWP) energy survey and energy-efficiency installation program, and a Professional Services Agreement (PSA) with Richard Heath and Associates, Inc. (RHA). She stated that the program would target small to medium electricity users who are less likely to take advantage of BWP's energy-efficiency rebate programs.

Mrs. Meyer informed the Council that staff proposed entering into a contract with an experienced and reputable company to perform energy surveys and energy-efficiency retrofit installations for eligible business customers. She added that Burbank businesses with annual energy use in the range of 10,000 to 250,000 kilowatt-hours (energy costs of \$100 to \$3,000) would be eligible to participate in this service. She explained that the program will provide up to \$1,000 in installations without the business having to contribute any funding and that participating businesses will select preferred options from a list of energy-saving recommendations, including: programmable thermostats; changing incandescent lights to compact fluorescent lights; retrofitting fluorescent tube lighting; and, air conditioning and refrigeration tune-ups.

Mrs. Meyer reported that in late 2002 the Southern California Public Power Authority issued a Request for Proposals for audit services. She added that five proposals were received and staff met with four of the agencies, including RHA. She stated that RHA provided the most competitive pricing, however the structure of the RFP was for the involvement of multiple utilities. She also stated that in December 2001, Glendale Water and Power issued a bid request for energy surveys and RHA again prevailed and was awarded the competitive bid. With few modifications, she added that BWP plans to offer a similar program to Glendale Water and Power's successful Smart Business Program, which RHA manages. Beyond offering competitive pricing, she stated that RHA is highly recommended with a proven track record of working effectively with business customers and City staff. She noted that Glendale Water and Power recently extended its contract with RHA to continue managing their program through June 2006.

Mrs. Meyer also reported that the proposed term of the PSA is March 1, 2004 through June 30, 2005. She noted that the fifteen-month time frame specifies a cost of service not to exceed \$437,500. She added that funds are available through

BWP's Public Benefits commitment, including \$350,000 currently budgeted to support the proposed program and that an estimated 250 Burbank businesses will receive service through the program during this time frame.

Motion It was moved by Mr. Golonski and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

1506 RESOLUTION NO. 26,677:
 1503 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 PSA w/Richard APPROVING THE PROFESSIONAL SERVICES AGREEMENT
 Heath and BETWEEN THE CITY OF BURBANK AND RICHARD HEATH AND
 Associates ASSOCIATES, INC.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Vander Borcht
 and Murphy.
 Noes: Council Members None.
 Absent: Council Member Ramos.

1704-3 Ms. Murphy noted receipt of correspondence from Mr. Francis
 602 Y. Park, Attorney representing Home Depot, requesting that
 CUP 2002-6, the item be postponed to the March 16, 2004 Council
 Sign Variance meeting.
 2002-1 and
 DR 2002-12 The Council postponed the item to the March 16, 2004
 (Home Depot) Council meeting.

Final Open Ms. Murphy called for speakers for the final open public
 Public Comment comment period of oral communications at this time.
 Period of Oral
 Communications

Citizen Appearing to comment were Mike Nolan, commenting on
 Comment Conditional Use Permit No. 2003-29; and, Garen Yegparian,
 expressing appreciation to the Council for his appointment to
 the Santa Monica Mountains Conservancy Advisory
 Committee.

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Staff
Response

Members of the Council and staff responded to questions raised.

302-1
Memorial
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:27 p.m. in memory of Paul Steckel.

Margarita Campos, City Clerk