

TUESDAY, APRIL 13, 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 4:11 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Ramos, Vander Borgh and Murphy.

Absent - - - - Council Member Golonski.

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.

4:11 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 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 Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

5:11 P.M. Traffic and Transportation Study Session Mr. Herrmann, Assistant Community Services Director/Transportation, reported that the City currently has three transit systems: Burbank Local Transit, operating a fixed route between the Metrolink Station and the Media District; Paratransit (Burbank Transportation Service), providing transit services to the elderly; and, the Got Wheels transportation service, which provides students with transportation to and from the libraries and schools. He added that as part of the Burbank Local Transit, there are two demand-responsive services for Metrolink riders.

Mr. Herrmann informed the Council that there is currently no noontime shuttle service. He reported that in the past, two

4/13/04

noontime shuttle transport services were provided by the Burbank Transportation Management Organization (TMO), operating a fixed route from the studio area to downtown, but the service did not fare well due to low ridership. He added that in the mid-1990s, the TMO received a Clean Air grant to pay taxi fares for Media District employees to get around town, which was not taken advantage of by the employees. Also, he noted that during the Thanksgiving to Christmas period, the City instituted a shuttle service in the downtown area to provide transportation to individuals to and from various shopping areas. He added that the service cost was \$10,000 for a little over a month but the program did not perform as well as expected.

Mr. Vander Borcht expressed support for trying the shuttle service again and suggested implementing a fixed route service that takes into account the most impacted areas and assets of the City. He noted that no massive transit system is profitable and suggested re-assessing the use of Proposition A and C funds, in addition to other sources, to provide public funding.

Mrs. Ramos expressed support for a fixed route service and reassessing the usage of Proposition A and C funds to their maximum efficiency. She also noted the importance of educating the youth with regard to the use of public transit through the Got Wheels program.

Mr. Campbell stated that transit programs are not an overnight success and noted the need to evaluate the past failures. He also emphasized the need to identify the most preferred fixed routes.

Ms. Murphy expressed opposition to a noontime shuttle service and noted that the City's peak traffic period is not noontime but the morning and afternoon when people are going to and from work. She suggested developing a survey to identify the most preferred routes prior to embarking on any program, particularly given the current budgetary challenges.

Mr. Campbell suggested that staff contact other agencies and municipalities for their experience in developing successful transportation systems.

Mr. Vander Borcht also suggested that the Boards and Commissions be included in the process, and Mr. Herrmann recommended establishing a task force to oversee the process.

5:37 P.M.

Mr. Hanway, Financial Services Director, presented a report on

Budget Study
Session – Initial
Overview of
FY 2004-05

the proposed Fiscal Year (FY) 2004-05 budget; review of the Five-Year Financial Forecast; department reductions summary; and, the five-year budget balancing plan.

He noted that the principles driving the FY 2004-05 budget process include: maintaining a long range focus in light of future year deficits; looking for structural changes in operations; creativity; and, developing a five-year budget balancing plan. With the aid of a PowerPoint presentation, he described the projected recurring General Fund balance; with a recommendation that the recurring deficit be balanced by increasing the Transient Parking Tax from 10 percent to 12 percent and use of the difference in the utility rate reductions. He also discussed the projected non-recurring General Fund balance and stated that staff recommended balancing the deficit with the use of the recurring General Fund surplus after the recommendations are adopted, Burbank Water and Power Set Aside Fund, or FY 2003-04 budget surplus.

Mr. Hanway then discussed the General Fund major revenue sources, including: Sales Tax; Property Tax; Utility Users Tax (UUT); and, Motor Vehicle In Lieu, and the General Fund expenditures by department. He noted that the appropriation increases are driven by: budgetary Public Employee Retirement System (PERS) rates for FY 2004-05, noting that the increase is partially offset by the Pension Obligation Bond issue; Memoranda of Understanding increases; and, the General Liability Insurance Fund rental rates. He also noted the departmental budget reductions summary and discussed the reserve balances for the Fifteen Percent Working Capital Reserve; Five Percent Emergency Reserve; Burbank Water and Power UUT/In Lieu Set Aside Fund; PERS Stabilization Fund; and, Budget Stabilization Fund.

With regard to the Five Year Financial Forecast, Mr. Hanway noted that the key assumptions included: electric rate decrease; proposed revenue enhancements; proposed expenditure reductions; increase in PERS rates; Burbank Police Officers Association negotiated PERS commitment subject to negotiations; Central Library ramp up starting in FY 2006-07; and, frozen positions being maintained over the five-year period. He then discussed staff's five-year budget financing plan, other options available to the Council and the program budget limitations.

Mr. Vander Borgh inquired as to why the City is not currently collecting the Public Education and Government Fee and Mr. Hanway responded that since the fee is passed on to the subscriber, it has been past Council policy not to impact the subscriber.

4/13/04

Mr. Vander Borght requested that staff provide more information on the proposed ballot measure to increase the Transient Occupancy Tax, including other cities' rates. Mr. Hanway responded that staff proposed increasing the Tax from 10 to 12 percent and that the information will be provided after the budget adoption.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:43 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Mr. Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by Mr. Bashmakian, Assistant Community Development Director/City Planner.

ROLL CALL

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

Absent - - - - Council Member Golonski.

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

Reporting on Council Liaison Committees Mr. Vander Borght reported on a Development and Community Services Building Subcommittee meeting he attended.

Mr. Campbell announced an upcoming Environmental Oversight Committee meeting.

6:48 P.M. Hearing 1703 602 Appeal of DR No. 2003-27 – 637 N. Fairview Mayor Murphy stated that "this is the time and place for the continuance of 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."

"This public hearing was held on March 9, 2004. Staff was directed to review original plans and develop alternatives more compatible with the neighborhood. It was continued to April

13, 2004."

"The Applicant and Appellants request that this hearing be continued to April 20, 2004 to allow for more discussion on the revisions to the plan. Is there a motion or any discussion?"

Motion It was moved by Mr. Vander Borght, seconded by Mr. Campbell and carried with Mr. Golonski absent and Mrs. Ramos recusing herself that "the hearing be continued to the April 20, 2004 meeting."

6:49 P.M.
Hearing
1704-3
602
Appeal of Home
Depot – CUP
2002-6

Mayor Murphy stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision to approve Conditional Use Permit No. 2002-6, Sign Variance No. 2002-1 and Development Review No. 2002-12, a request by Home Depot U.S.A., Inc. to construct and operate a home improvement store with 115,130 square feet of interior floor area and a 24,667 square foot outdoor garden area for selling garden supplies. Home Depot also requests a sign variance to permit one additional ground sign and temporary promotional banners not to exceed four times per year. The items for the Council's consideration are:

- A resolution certifying the Project's Final Environmental Impact Report, making findings as to each environmental effect, and adopting a Statement of Overriding Consideration and a Mitigation Monitoring Program; and
- A resolution certifying the Conditional Use Permit, Sign Variance, and Development Review."

Discussion Mr. Barlow, City Attorney, noted that the appellants were not present and that the Mayor had the option of: proceeding with the hearing since there was no written communication stating the reason as to the appellants' absence; taking testimony and then continuing the hearing; or, continuing the hearing altogether. He also noted a previous oral request to the City Clerk by Mr. Nolan, appellant, that the hearing be continued. Ms. Murphy requested Council input and noted her preference that public testimony not be taken if the hearing is being continued to allow the entire Council to participate in the process prior to taking action on the matter.

Motion It was moved by Mr. Vander Borght, seconded by Mr. Campbell and carried with Mr. Golonski absent that "this hearing be postponed to the April 27, 2004 meeting."

4/13/04

Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.
Initial Open Public Comment Period of Oral Communications	Ms. Murphy called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were Edward Guerrero, on alleged Police misconduct; Mark Barton, on alleged City employee misconduct; Ron Vanderford, on the case of Karam v. City of Burbank; and, Dr. Theresa Karam, playing an audio tape of a conversation relating to the case of Karam v. City of Burbank.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Ms. Murphy called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were Paul Krekorian, requesting Council support of Burbank Water and Power's proposal to offer additional energy-efficiency rebates to the Burbank Unified School District in support of solar water heating; David Piroli, expressing appreciation for postponing the Home Depot appeal hearing; and, Mark Barton, stating the architect for the proposed project at 637 North Fairview Street will be on vacation in two weeks, and his input is essential to the public hearing.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Campbell and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."
907	<u>RESOLUTION NO. 26,695:</u>

Agmt. with Pacific Bell for Inmate Pay Phone Service A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE INMATE PAY PHONE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND PACIFIC BELL TELEPHONE COMPANY d/b/a SBC CALIFORNIA.

213
Litigation Costs For Kajima Const. and WLC RESOLUTION NO. 26,696:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$40,000 FOR LITIGATION COSTS.

1503
Upgrade of LADWP's Receiving Station E RESOLUTION NO. 26,697:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A REQUEST FOR CAPITAL ADDITIONS TO UPGRADE RECEIVING STATION E BETWEEN THE CITY OF BURBANK AND THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Ramos, Vander Borgh and Murphy.

Noes: Council Members None.

Absent: Council Member Golonski.

1503
412
BWP's Energy-Efficiency Rebates to the BUSD for Solar Water Heating Mr. Davis, General Manager, Burbank Water and Power (BWP), reported that the City is in the process of renegotiating the Burbank Unified School District's (BUSD) Electric Service Agreement, including a basic proposal that BWP offer conservation and efficiency incentives to the BUSD. He noted that these incentives would be tied to the District's ability to contain energy usage at or below a pre-determined energy baseline. However, he stated that it is not currently feasible to determine with any accuracy what that baseline should be as the BUSD is undergoing extensive renovations at several school sites through 2006. Until baselines can be developed, he stated that staff proposes that billing incentives be tied to two specific energy conservation projects; passive solar water heating system installations for the John Burroughs and Burbank High School pools.

Mr. Davis informed the Council that the BUSD has received preliminary estimates for the projects in the amount of \$170,000 and \$210,000, for the Burbank High School and John Burroughs High School pools, respectively. Based on these estimates, he stated that BWP would award the BUSD a

4/13/04

one-time rebate of \$95,000. He noted that the final rebate amount would be calculated from actual project costs which are expected to come in at or below these estimates. He added that funds are available in the BWP Public Benefits budget to cover this amount and that there are no projected adverse impacts on other programs as a result of extending these additional rebates.

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

1503 RESOLUTION NO. 26,698:
412 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
BWP's Energy- APPROVING AND AUTHORIZING ADDITIONAL ENERGY
Efficiency SOLUTIONS PROGRAM REBATES TO THE BURBANK UNIFIED
Rebates to the SCHOOL DISTRICT IN SUPPORT OF SOLAR WATER HEATING.
BUSD for Solar
Water Heating

Adopted The resolution was adopted by the following vote:

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

1202-6 Mrs. Stewart, Administrative Analyst, Community
Downtown Development Department, requested that the Council consider
Burbank the options available for the use of the outstanding fund
Stakeholders balance of the former Downtown Burbank Business
Assoc. Improvement District. She added that in July 1994, the
Outstanding Downtown Burbank Business Improvement District No. 1 was
Balance formed as a tool for raising funds to promote the Burbank
Village. She noted that from the inception of the District
through June 30, 2003, the Downtown Burbank Stakeholders'
Association (Stakeholders) was given the authority to
administer the funds levied from the Business Improvement
District, creating programs and events in an effort to increase
the commercial activity of the Burbank Village. She added
that each year, the Council renewed the management
agreement; however in June 2003, the Council did not renew
the contract, because the Property-Based Business
Improvement District was created to replace the Business
Improvement District.

Mrs. Stewart informed the Council that after June 30, 2003,

the Stakeholders recognized that a fund balance of \$7,049.43 existed; however, since the management agreement expired, it was determined by the City Attorney's Office that the funds could no longer be expended under the authority of the Stakeholders. She added that at the February 10, 2004 Council meeting, a check for this amount was presented to the City by Mary Ann Sutliff, the former President of the Stakeholders, who suggested that the funds be used on a project to commemorate the work of the Stakeholders. Since expiration of the Stakeholders' contract, the Council is the only body that has the authority to spend the funds.

Mrs. Stewart stated that in accordance with State law and the Fiscal Year 2002-03 Annual Levy Report, there are two options available for the use of these funds: refunding the monies to the businesses that contributed the funds; and, 2) spending the funds on one or more of the allowable uses defined in the Annual Levy Report. She noted that this matter was presented to the newly-formed Property-Based Business Improvement District Board during the Board's monthly meetings of February 23, 2004 and March 15, 2004. She stated that the Board had a number of questions and comments and concluded that, given the turnover of businesses and the relatively small amount of remaining funds, it would be impractical to refund what may end up being a relatively small amount of money for each business. She reported that the Board voted to study the matter and assist the Council with determining the possible uses for the funds which staff would then bring back for Council consideration.

Motion It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried with Mr. Golonski absent that "staff be directed to work with the Property-Based Business Improvement District Board to determine an acceptable use of the funds that is compatible with the overall public improvements that are planned for the Downtown and that staff return to the Council once the Board has formulated a recommendation."

1503 Mrs. Fletcher, Manager Customer Service, Burbank Water and
BWP's Public Power (BWP), reported that Neighbors Offering Emergency
Benefit Program Love (Project NOEL) was designed to assist BWP customers
– Project NOEL facing an unexpected financial emergency such as the loss of a
job, a family medical emergency or a death in the family. She
added that since the program's inception in 1999, Burbank
customers have generously contributed to the fund, allowing
BWP to help over 300 customers maintain their utility services
through difficult times. Unfortunately, she noted that
contributions to Project NOEL have dwindled, and since
November 2003, the City has only received \$402 in donations.

She informed the Council that staff proposed a three-pronged approach to replenishing the fund, including: 1) limiting fund assistance to only that amount needed for the current situation, rather than providing the maximum level of assistance allowed by the program; 2) aggressively and proactively marketing the program throughout the year rather than just during the holiday season; and, 3) supplementing the fund with a one-time \$5,000 boost from the Public Benefits budget. She noted that low income assistance is a qualified Public Benefit expense.

Mrs. Ramos inquired as to whether staff would consider changing the name of the program since it will become a year-round project.

Motion It was moved by Mrs. Ramos seconded by Mr. Vander Borght and carried with Mr. Golonski absent that "staff be directed to supplement the Project NOEL fund with funds in the amount of \$5,000 from the Public Benefits budget."

Ordinance Submitted It was moved by Mr. Campbell and seconded by Mrs. Ramos that "Ordinance No. 3636 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

501-1 Revision to the Wood Shake/ Shingle Ordinance ORDINANCE NO. 3636:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF THE BURBANK MUNICIPAL CODE RELATING TO WOOD ROOFS, WOOD EXTERIOR WALL COVERINGS, AND BRUSH CLEARANCE.

Adopted The ordinance was adopted by the following vote:
Ayes: Council Members Campbell, Ramos, Vander Borght and Murphy.
Noes: Council Members None.
Absent: Council Member Golonski.

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

Citizen Comment Appearing to comment was Eden Rosen, on traffic congestion at the intersection of Victory Boulevard and Clark Street.

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

Adjournment There being no further business to come before the Council, the meeting was adjourned at 7:50 p.m. to Tuesday, April 20, 2004 at 5:00 p.m. in the Council Chamber, for a Code Enforcement Study Session.

Margarita Campos, City Clerk