



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JUNE 1, 2004
4:30 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 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.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

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

5:30 P.M.

Police Awards Ceremony
Police/Fire Headquarters
200 North Third Street

6:30 P.M.

INVOCATION:

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.

PRESENTATION: AMBASSADOR PROGRAM.

PRESENTATION: PROMOTING WATER AWARENESS MONTH.

PRESENTATION: LEADERSHIP BURBANK.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. PUBLIC HEARING:

1. ZONE TEXT AMENDMENT NO. 2004-75 FOR DOWNTOWN RESTAURANTS – REQUEST FOR CONTINUANCE:

The purpose of this report is for the Council to consider a proposed Zone Text Amendment regarding the requirement for an Administrative Use Permit (AUP) for new restaurants in the Downtown area. Downtown Burbank is an eight-block area bounded by Angeleno Avenue to the south, First Street to the west, Magnolia Boulevard to the

north and Third Street to the east.

Recommendation:

Staff requests a two-week continuance and will renote the meeting accordingly.

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:

CONSENT CALENDAR: (Items 2 through 4)

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. MINUTES:

Approval of minutes for the regular meeting of April 20, 2004.

Recommendation:

Approve as submitted.

3. SUMMARY VACATION V-361 – 2241 NORTH FAIRVIEW STREET (TILTON – APPLICANT):

The applicant, Tim Tilton, is requesting to vacate a portion of a public utility easement affecting the westerly boundary of 2241 North Fairview Street for the purpose of constructing a garage. The proposed vacation has been submitted to all appropriate City departments and outside public utility companies. There are no public utilities within the area to be vacated, and therefore there is no opposition to this proposed Summary Vacation.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 2241 NORTH FAIRVIEW STREET, BURBANK, CALIFORNIA (V-361).

4. APPROVAL OF FINAL MAP NO. 54177:

Staff is requesting Council approval of Final Tract Map No. 54177. The property covered on Final Tract Map No. 54177 is a one-lot subdivision totaling 7,587 square feet and is located at 574 East Palm Avenue. The property is in the R-4 Multiple Family Medium Density Residential Zone and is owned by Garnik Keshishian.

The existing property was a one story, two-unit building with a detached garage. The proposed development consists of constructing a three story, six-unit condominium complex with 13 subterranean parking spaces. Final Tract Map No. 54177 finalizes the conversion of the existing property to the condominium subdivision.

All conditions of approval and 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. 54177:

1. The tentative tract map was conditionally approved by the Community Development Director on March 31, 2003 pursuant to Burbank Municipal Code (BMC) Section 27-323.
2. The Final Tract Map contains six condominium units at 574 East Palm Avenue, which is located in the R-4 Multiple Family Medium Density Residential Zone.
3. Conditions of Approval for Tentative Tract Map No. 54177, 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.
4. The Public Works Engineering Division has cleared all conditions for the approval of Final Tract Map No. 54177.
5. This project is statutorily exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(3) relating to approval of final subdivision maps.

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Tract Map No. 54177 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. 54177 (574 East Palm Avenue).

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

REPORTS TO COUNCIL :

5. ADDITION OF ARTICLE X, SECTION 11, STANDBY SERVICE ELECTRIC RATES, TO THE BURBANK FEE SCHEDULE:

Staff is requesting the Council to approve the addition of Article X, Section 11, "Standby

Service” to the Burbank Fee Schedule, which would establish Standby Service electric rates for Burbank Water and Power’s (BWP) electrical customers.

Customers who self-generate, but continue to remain connected to BWP’s system for back-up or supplemental power, pay a Standby Service electric rate that is meant to recover the cost of having BWP available for them.

The existing Standby Service electric rates, which have been implemented administratively, are outdated, and do not adequately recover BWP’s costs of providing the service. The proposed Standby Service electric rates which are to be part of the Burbank Fee Schedule are designed to fully recover from Standby Service customers their fair share of the Operation and Maintenance and fixed ownership costs of the BWP facilities needed to serve them.

The Standby Service rates exclude three important cases:

- Customers with less than 20 kilowatt (kW) of their own on-site generation, which corresponds to customers that are too small for meters that measure kW demand;
- Customers that use their on-site generation only when BWP service is not available, or when doing less than 48 hours of testing per year; and,
- Customers with renewable energy systems (such as solar and wind) up to 250 kW, a demand level that defines BWP’s large customer group.

The Standby Service rates include three types of service for customers who are operating 20 kW or more of their own generation:

- Back-Up Service: BWP electric service during an unscheduled outage of the customer’s on-site generation to replace power ordinarily generated by the customer.
- Maintenance Service: BWP electric service during a scheduled outage of the customer’s source of on-site generation to replace power ordinarily generated by the customer.
- Supplemental Service: BWP electric service on a regular basis to supplement the customer’s power requirement in addition to that ordinarily supplied by the customer’s on-site generation facilities.

The Standby Service rate elements for Backup Service and Maintenance Service are the monthly Demand Charge of \$16.28 per kW of Billing Demand and the Energy Cost Adjustment Charge (ECAC). The Billing Demand is the nameplate capacity of the customer’s generation facilities.

The ECAC is the same as that for Schedule P customers, \$0.0935 per kilowatt hour (kWh), except during an Energy Cost Crisis, when the variable cost of purchased power exceeds \$0.10/kWh, or the cost of natural gas exceeds \$10 per million British Thermal Unit (BTU). In that case, the ECAC would be equal to the average variable cost of the most expensive 10 megawatts (MW) of resources actually operated by BWP.

All customers taking Supplemental Service would be billed under the appropriate rate schedule for their level of connection: Customers connected through transformers with less than 250 kilovolt-amperes (kVA) of capacity would be billed under Schedule C; those connected through transformers with more than 250 kVA of capacity would be served under Schedule P.

For Supplemental Service, the Billing Demand is the customer's actual demand, less the nameplate capacity of the customer's generation facilities. A Demand Ratchet keeps the Billing Demand for Supplemental Service at or above 70 percent of its maximum value during the previous twelve months.

Adopting the Standby Service electric rates would have a neutral fiscal impact, and would enable BWP to recover costs of standby service customers without having to pass them on to non-standby service customers.

Recommendation:

Staff recommends that the Council approve the addition of Article X, Section 11, "Standby Service" to the Burbank Fee Schedule. This addition will be incorporated into the proposed Fiscal Year 2004-05 Burbank Fee Schedule, which will be presented to Council at the June 8, 2004 meeting.

6. BURBANK WATER AND POWER MONTHLY OPERATING REPORT:

Staff has prepared the BWP Water and Electric Monthly Report regarding water quality and power issues for May 2004.

WATER UPDATE

Water Quality

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

Fiscal Year 2003-04 Year-To-Date preliminary Water Fund Financial Results as of April 30, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
CCF	7,859,287	7,888,544	(29,257)	(0%)
Potable Revenues	12,709	12,814	(106)	(1%)
Reclaimed and Power Plant Revenues	480	436	44	10%
Purchased Water	5,387	5,260	(127)	(2%)
Gross Margin	7,802	7,990	(188)	(2%)
Direct Operating Expenses	5,448	6,026	578	10%
Allocated Operating Expenses	767	1,082	314	29%
Operating Income	1,586	882	704	80%
Other Income/(Expenses)	412	208	203	98%
Income before Contr. & Transfers	1,998	1,091	908	83%
Contributed Capital (A.I.C)	644	1,031	(387)	(38%)
Transfers (In Lieu)	656	641	16	(2%)
Change in Net Assets	1,985	1,481	505	34%

() = Unfavorable

Fiscal Year 2003-04 preliminary Water Fund Financial Reserve balances as of April 30, 2004 are summarized in the following table:

Water (In thousands)	Balance			Recommended Reserves
	6/30/2003	3/31/2004	4/30/2004	
General Operating Reserve	\$8,880	\$7,399	\$6,671	\$4,430
Capital Reserve	\$1,307	\$2,807	\$2,807	\$3,580
Total Reserves	\$10,187	\$10,206	\$9,478	\$8,010
Water Replenishment Reserve	250	\$650	\$650	
Total Available Cash	\$10,437	\$10,856	\$10,128	
Parity Reserve Fund	777	\$777	\$777	
Debt Service Fund	350	\$986	\$1,079	
TOTAL CASH BALANCE	\$11,564	\$12,618	\$11,984	

ELECTRIC UPDATE

Electric Reliability

The following table shows the systemwide reliability statistics through April 2004 for Fiscal Year 2003-04 as compared to Fiscal Year 2002-03:

Reliability Measure	Fiscal Year 2002-03	Fiscal Year 2003-04, Through April 30
Average Outages Per Year	0.16634	0.2278
Average Outage Duration	91.75 minutes	63.57 minutes
Average Service Availability	99.9971%	99.9966%

Financial and Operations Update

Year-to-date retail margins were higher than budget mainly due to cost savings from power contract negotiations and the IPP purchased power rebate.

Year-to-date wholesale gross margins were higher than budget due to BWP's ability to utilize its assets to increase sales in the wholesale market.

Fiscal Year 2003-04 year-to-date preliminary Power Financial Results as of April 30, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	964,438	948,817	15,621	2%
Weather Normalized NEL MWh	959,355	948,817	10,538	1%
Sales MWh	908,159	901,382	6,777	1%
Retail Revenues	117,267	116,456	811	1%
Retail Power Supply Expenses	68,237	74,430	6,193	8%
Retail Gross Margin	49,030	42,026	7,004	17%
Wholesale Revenues	107,424	13,417	94,007	701%
Wholesale Expenses	102,840	10,417	(92,423)	(887%)
Wholesale Gross Margin	4,584	3,000	1,584	53%
Gross Margin	53,614	45,026	8,588	19%
Telecom Revenues	791	838	(47)	(6%)
Operating Expenses	32,172	32,747	575	2%
Operating Income	22,233	13,117	9,116	70%
Other Income & (Expense)	(1,207)	(1,795)	588	33%
Net Inc. before Contributed Capt.	21,026	11,322	9,704	86%
Contributed Capital (A.I.C)	2,518	2,004	514	26%
Change in Net Assets (N.I.)	23,544	13,326	10,218	77%

() = Unfavorable

Fiscal Year 2003-04 preliminary Power Fund Financial Reserve as of April 30, 2004 is summarized in the following table:

Electric (In thousands)	Balance			Recommended Reserves
	6/30/2003	3/31/2004	4/30/2004	
General Operating Reserve	\$22,979	\$37,774	\$35,870	\$41,000
Debt Reduction and Cap. Funding Reserve	\$5,548	\$7,473	\$7,473	\$15,100
Fleet Replacement Reserve	\$0	\$300	\$300	\$4,500
General Plant Reserve	\$0	\$200	\$200	\$1,170
Total Reserves	\$28,527	\$45,747	\$43,843	\$61,770
Bond Cash	\$9,166	\$6,559	\$6,559	
Total Available Cash	\$37,693	\$52,306	\$50,401	
Parity Reserve Fund	\$10,841	\$10,653	\$10,653	
Debt Service Fund *	\$1,651	\$7,768	\$8,716	
TOTAL CASH BALANCE	\$50,185	\$70,727	\$69,770	

* Note: There is a payment of approximately \$9 million for principal and interest on Fund 496 Bonds, which is due on June 1, 2004.

Recommendation:

Note and file.

ADOPTION OF PROPOSED ORDINANCE:

- ZONE TEXT AMENDMENT TO ELIMINATE COMPACT PARKING IN MULTI-FAMILY ZONES; AMEND PARKING SPACE DIMENSION TABLES; ESTABLISH DIMENSIONS FOR GARAGES AND CARPORTS IN SINGLE-FAMILY AND R-2 ZONES; AND, CLARIFY WHEN A PARKING WAIVER CAN BE GRANTED:

At the January 20, 2004 meeting, the Council directed staff to bring back a Zone Text Amendment to delete current Burbank Municipal Code (BMC) provisions allowing for a certain portion of required parking spaces in multi-family residential developments to be small car (compact) spaces. The proposed amendment will delete provisions for compact spaces in the R-3, R-4 and R-5 zones (and by extension in the MDR-3, MDR-4, and MDR-5 zones), and add language specifying that all required spaces in these zones must be full size spaces. The BMC currently does not allow for compact spaces in the R-2 zone.

This ordinance was introduced at the May 25, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO
COMPACT PARKING IN CERTAIN RESIDENTIAL ZONES.

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**