

TUESDAY, JULY 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 5:02 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

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.

5:03 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, 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:45 p.m. by Mrs. Ramos, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Police Lieutenant Bill Taylor.

ROLL CALL

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

Absent - - - - Council Members None.

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Also Present -	Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 Rex Andrews Police Scholar Award	Police Chief Hoefel and Captain Bowers, President of the Burbank Rotary Foundation, presented the 2004 Rex Andrews Police Scholar Award to Lieutenant Bill Taylor. Mayor Ramos assisted in the presentation of the plaque to Lieutenant Taylor.
Reporting on Council Liaison Committees	Mayor Ramos reported on the National Night Out event planning meeting she attended, noting that the event will be held on August 3, 2004 at Johnny Carson Park. She also reported on the Mayor's Youth Task Force meeting.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were Don Elsmore, on the proposed Airport Development Agreement; Eden Rosen, on the design of the intersection at Victory Boulevard and Olive Avenue; Clancyna Atkins, President of the Burbank Boulevard Merchants Association, thanking the Council for the financial assistance to the Association; Lisa Sutton, Burbank Boulevard Merchants Association member, on the awareness efforts undertaken by the Association and announcing an upcoming event; Edgar Chang, Burbank Boulevard Merchants Association member, outlining the Association's vision and mission; Les Hammer, distributing a copy of a complaint he filed with Home Depot with regard to the day laborer center and commending the Police Department for taking a position against recognizing identification cards not issued by the State; R. C. "Chappy" Czapiewski, on flag protocol; Ron Vanderford, on the Plan Evaluation and Review Committee recommendations; Mark Barton, on staff and Council reaction to comments he made at prior Council meetings; and, Theresa Karam, on the costs incurred in the case of Karam v. City of Burbank.
Staff Response	Members of the Council and staff responded to questions raised.

Agenda Item Oral Communications	Mrs. Ramos called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were Don Elsmore, on the proposed Airport Development Agreement; Don Busik, on the concessions made on Project No. 2004-34; Eden Rosen, on the Lifeline and Life Support income criteria; R. C. "Chappy" Czapiewski, on Airport property matters; Ron Vanderford, on the proposed Airport Development Agreement; Janelle Williams, on the concessions made on Project No. 2004-34 and urging the Council to vote for reconsideration of the matter; David Piroli, urging reconsideration of Project No. 2004-34 and commenting on the proposed Airport Development Agreement; Margie Gee, Mike Nolan, Theresa Karam and Howard Rothenbach, on the proposed Airport Development Agreement; and, Mark Barton, on the Bob Hope Airport logo.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meeting of June 8, 2004 and the adjourned meeting of June 14, 2004 were approved as submitted.
1207 PSA with Turner Const. for DCSB Project	<u>RESOLUTION NO. 26,755:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND TURNER CONSTRUCTION FOR ADDITIONAL PRE-CONSTRUCTION SERVICES FOR THE DEVELOPMENT AND COMMUNITY SERVICES BUILDING PROJECT.
404 1504 Agmt. with LA County Flood Control District	<u>RESOLUTION NO. 26,756:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE THE AGREEMENT TO SPREAD IMPORTED WATER AT THE

7/13/04

For Spreading of Water at Pacoima and Lopez Spreading Grounds

PACOIMA AND LOPEZ SPREADING GROUNDS BETWEEN THE CITY OF BURBANK AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

1007-1
1009-1
Establish Spec. For Assistant Library Svcs. Dir.

RESOLUTION NO. 26,757:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF ASSISTANT LIBRARY SERVICES DIRECTOR (CTC No. 0070) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

Adopted

The consent calendar was adopted by the following vote:

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

1503-2
Lifeline and Life Support Programs

Mrs. Fletcher, Customer Service Manager, Burbank Water and Power, reported that the guiding philosophy behind the Lifeline and Life Support programs is to: meet the needs of the most vulnerable customers in the community; provide on-going assistance to customers whose personal and financial situations are unlikely to change overtime; and, mitigate the financial impact of certain medically required devices. She added that pursuant to Council direction, staff has reviewed the Lifeline and Life Support programs to ensure that they are consistent with industry standards and continue to meet the community need. She explained that the Lifeline Rate is offered to customers who are 62 years and older with limited income or those customers with limited income who support a disabled person in their household. She added that Burbank has 2,251 Lifeline customers. She further explained that the Life Support program is provided to customers who use medically-required life support equipment and noted that Burbank has 86 Life Support customers.

Mrs. Fletcher informed the Council that following a review of other local utilities, staff found that the design of Burbank's program is not only consistent with others, but is very generous and assists those customer groups who are most in need of assistance. She noted that Burbank has two criteria for program eligibility and in comparison; about half of the utilities surveyed have the same design with the other half requiring customers to be low-income only, regardless of age

or disability. With regard to income requirement, she noted that Burbank uses the same income requirement used by the City's Housing Authority for consideration of Section 8 Housing Assistance and that some utilities have adopted the State's California Alternative Rates for Energy (CARE) income standard. She explained that the two are very similar; however, the CARE requirements are slightly more generous with the exception of the two-person household. She stated that since the City's current program participants are mostly one and two-person households, staff recommended maintaining the current income standard so as not to affect current participants.

Mrs. Fletcher also reported that in considering the discounts given to eligible customers, staff found that Burbank's discount level for the Lifeline Rate is very generous. She noted that whereas other utilities offer about a 20 to 30 percent discount on a customer's energy bill, Burbank waives the customer service charge, offers a 50 percent discount on the energy bill and a 50 percent discount on Public Works charges. For the Life Support program, she stated that Burbank's Life Support customers are also eligible for the Lifeline Rate; however, staff believed that offering the discount to a customer group without requiring demonstration of economic need is not consistent with the overall program philosophy to help those most in need. She concluded with staff's recommendation that an income requirement be added to the Life Support program.

Staff was directed to consider excluding medical expenses in the determination of income eligibility for the Life Support program. Staff was also directed to explore the feasibility of eliminating the age restriction for the Lifeline Rate.

1704-5
Reconsideration
of VAR No.
2004-34
(1062 E.
Magnolia)

Mrs. Forbes, Principal Planner, Community Development Department, presented a request by Council Member Vander Borgh for the Council to discuss reconsidering Variance No. 2004-34. She reported that on June 22, 2004, the Council denied, by a vote of 4-0, a request by Gevorg Piramzyan to approve a reduced side yard setback for a single-family home located at 1062 East Magnolia Boulevard. She noted that the request was also to approve a two-car garage with smaller dimensions than required.

Mrs. Forbes added that subsequent to the public hearing and denial, Council Member Vander Borgh met with the applicant/appellant who offered a modified project proposal. She added that at the Council meeting of June 29, 2004, Council Member Vander Borgh requested that this item be

added to a future agenda for Council consideration. She also stated that should the Council vote to reconsider the matter, notices will be mailed to every property owner and tenant in a 1,000 foot radius and a notice will be posted in the newspaper.

Mr. Vander Borght noted that the applicant obtained permits for a major remodel but in the process removed components of the project which were to remain in order to achieve structural integrity. He commented on the chronology of inspections and on his failure to make findings to approve the variance at a prior Council meeting. He noted that the applicant has made a commitment to eliminate the garage variance but would still need a variance for the eliminated walls. He stated that by enforcing the law, the Council has demonstrated that ignorance of the law is no excuse; however, a neighboring property owner is agreeable to the concession that the second floor be set back five feet with the exception of the living room, which is the most onerous part of the process. Also, he added that the applicant is proposing additional landscaping and other measures such as eliminating doors within the setbacks. He requested that the Council reconsider the matter with the full participation of the immediate neighbors and neighborhood.

Mrs. Georgino informed the Council that the neighbor on the other side of the property was still opposed to the project and noted that staff received additional correspondence in opposition to the project. She also clarified the chronology of inspections for the property.

Motion Following Council deliberations, it was moved by Mr. Vander Borght, seconded by Mr. Golonski and carried with Mr. Campbell and Ms. Murphy voting no that "the item be set for reconsideration."

Ordinance It was moved by Mr. Campbell and seconded by Mr. Vander Submitted Borght that "Ordinance No. 3645 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702 ORDINANCE NO. 3645:
1102 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
DDA and PD for APPROVING PLANNED DEVELOPMENT NO. 204-3 AND A
700-722 S. San DEVELOPMENT AGREEMENT RELATED THERETO (700-722
Fernando and SOUTH SAN FERNANDO BOULEVARD AND 206 EAST CEDAR
206 E. Cedar AVENUE).

(Former Lance Site)

- Adopted The ordinance was adopted by the following vote:
- Ayes: Council Members Campbell, Golonski, Murphy, Vander Borght and Ramos.
 Noes: Council Members None.
 Absent: Council Members None.
- Final Open Mrs. Ramos 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 Margie Gee, on the case of Karam
Comment v. City of Burbank; Howard Rothenbach, on electric
 deregulation and inquiring as to how the passage of Senate
 Bill 2006 will affect Burbank electric rates; and, David Piroli
 and Mike Nolan, on the Airport Development Agreement.
- Staff Members of the Council and staff responded to questions
Response raised.
- Adjournment There being no further business to come before the Council,
 the meeting was adjourned at 9:54 p.m.

Margarita Campos, City Clerk