



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, NOVEMBER 2, 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 Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Name of Agency Negotiator: Community Development Director/Susan Georgino.
Properties: Opportunity Site # 6B-Bounded by Magnolia Boulevard, First Street, Orange Grove Avenue and Bonnywood Place (I-5 Freeway). Opportunity Site #7-Bounded by Magnolia Boulevard, railroad tracks and Olive Avenue – adjacent to the Downtown Burbank Metrolink Station.
Party With Whom Agency is Negotiating: Nick Behunin, Del Rey Properties, 1036 North Lake Street Burbank, California 91502.
Name of Contact Person: Maribel Frausto, Senior Redevelopment Project Manager.
Terms Under Negotiation: Sale of City and Agency-owned property located on Opportunity Site 6B and Opportunity Site 7.

- c. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan M. Georgino.
Property: Burbank Entertainment Village Project Phase II (bounded by Palm Avenue, First Street, the back of businesses along San Fernando Boulevard, and a portion of the block where the AMC 14 was formerly located next to the Orange Grove parking structure).
Parties With Whom Agency is Negotiating: Bob Champion (Champion Development), 11601 Wilshire Boulevard, Suite 1650, Los Angeles, CA 90025, Chuck Stilley, American Multi Cinema (AMC) 920 Main Street, Kansas City, MO 64105.
Name of Contact Person: Jennifer Mack, Redevelopment Project Manager.
Terms Under Negotiation: Purchase of Property (potential exercise of option).

- d. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2

- e. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
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.

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.

RECOGNITION: EMPLOYEE SERVICE AWARDS.

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).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority special meeting agenda of October 27, 2004 and the regular meeting agenda of November 1, 2004. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2004-76 – ZONE MAP AMENDMENT – 1001 NORTH SAN FERNANDO BOULEVARD – CHANGE ZONING FROM M-1 TO C-3:

The purpose of this report is to consider a request by Rafik Khatchaturian to change the zoning on a lot at 1001 North San Fernando Boulevard. The subject property is currently zoned both C-3 Commercial General Business and M-1 Light Industrial. A zone change to make the entire property C-3 is necessary for a proposed expansion of a shopping center.

The Land Use Element designates the property as Shopping Center. The M-1 zoning is inconsistent with this General Plan designation. The intent of this designation as described in the Land Use Element is for grouped commercial facilities which are primarily related to and dependent upon the adjacent and surrounding areas for the majority of their customers. The C-3 zone is more appropriate for this land use designation.

The property is currently improved with a 4,660 square foot single tenant fast food restaurant with a drive thru window. If the zone change is approved, the applicant will expand the improvement to create a 12,305 square foot multiple-tenant shopping center. The new buildings would include retail, restaurant and commercial service tenants and the site would include a 60-space surface parking lot. The Planning

Board held a public hearing and approved the proposed expansion along with a sign variance, but both approvals are subject to Council approval of the zone map amendment and associated Negative Declaration.

Recommendation:

1. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A ZONE MAP AMENDMENT FOR PROJECT NO. 2004-76 (1001 North San Fernando Boulevard; Applicant: Rafik Khatchaturian).
2. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR ZONE MAP AMENDMENT – PROJECT NO. 2004-76.

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:

RECESS for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 8)

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.

3. TREASURER'S REPORT:

The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending September 30, 2004.

Recommendation:

Note and file.

4. REVISING AND RE-TITLING OF THE SPECIFICATION FOR THE CLASSIFICATION OF PRINCIPAL CIVIL ENGINEER/BURBANK WATER AND POWER TO MANAGER WATER ENGINEERING/PLANNING:

Burbank Water and Power (BWP) has been undergoing departmental reorganization over the past couple of years in an effort to be on the cutting edge of utility industry changes. In order to remain competitive and keep pace with these changes, the Department has recognized the need to revise and re-title the specification for this position to include project management responsibilities, to more clearly articulate the managerial and supervisory responsibilities and to update the current certification requirements. These revisions will also assist the Department in recruiting for this highly-

specialized field.

This classification will continue to be a Civil Service position, subject to the Fair Labor Standards Act (FLSA), and included in the City's Conflict of Interest Code. This position will continue to be represented by the Burbank Management Association (BMA). The Civil Service Board approved the revision of this specification at their regular meeting on October 6, 2004.

The salary range for the Manager Water Engineering/Planning will be established as the same salary range for Principal Civil Engineer/BWP and therefore, there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF THE CLASSIFICATION OF PRINCIPAL CIVIL ENGINEER/BWP (CTC No. 0680) TO MANAGER WATER ENGINEERING/PLANNING (CTC No. 0533).

5. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF WATER MAINTENANCE/CONSTRUCTION SUPERINTENDENT:

Burbank Water and Power (BWP) has also recognized the need to revise the specification of Water Maintenance/Construction Superintendent to include project management responsibilities, to more clearly articulate the managerial and supervisory responsibilities and to update the current certification requirements. These revisions will assist the Department in recruiting for this highly-specialized field.

This classification will continue to be a Civil Service position, subject to the Fair Labor Standards Act (FLSA), and included in the City's Conflict of Interest Code. This position will continue to be represented by the Burbank Management Association (BMA). The Civil Service Board approved the revision of this specification at their regular meeting on October 6, 2004.

The salary range for the Water Maintenance/Construction Superintendent will not change based on these revisions to the specification and therefore, there will be no fiscal impact.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF WATER MAINTENANCE/CONSTRUCTION SUPERINTENDENT (CTC No. 0990).

6. APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE BURBANK FIREFIGHTERS AND AMENDING THE FISCAL YEAR 2004-05 ANNUAL BUDGET:

The purpose of this report is to request Council approval of the Fiscal Year (FY) 2004-05 compensation package for the Burbank Fire Fighters (BFF). Staff has adhered to the City's compensation policy which includes the following considerations: condition of the economy as reflected by the Consumer Price Index (CPI); capacity in the City's approved budget; commitment to pay for performance; and, equity in the market place.

Staff has been negotiating with the BFF since April 2004. Due to the ongoing budget constraints, these negotiations have been very challenging. Both the City and the Union have been willing to make concessions in order to reach a reasonable consensus. The end result of the negotiations is that the BFF has accepted the City's offer of a 2.40 percent increase effective July 1, 2004 for the BFF positions. In addition to the salary increase, the Memorandum of Understanding (MOU) provides for increases in paramedic and hazardous materials assignments. These assignment pays will be increased effective January 1, 2005, and are equivalent to 50 percent of the market survey average that was conducted (0.10 percent of payroll). Pager pay for the 40-hour staff assignments was restructured to divide this compensation equally among the employees assigned to 40-hour per week positions. While the restructuring did not result in an increase in the City's total cost, it does provide for more coverage and expertise as each affected employee will now be available to the Fire Department in their off duty hours. Additionally, the parties agreed to a one year pilot program to allow for the employees to buy back up to 72 hours of vacation time. The program is expected to save the Fire Department in overtime costs as there will be a reduced number of shifts that the Department will have to backfill. The City and the BFF also agreed to a number of language changes that will improve both the application and implementation of the provisions of the MOU.

The proposed BFF MOU total percent increase to the General Fund is 2.50 percent. Since the paramedic and hazardous materials assignment increases will only be for a six-month period in FY 2004-05, the recurring annual cost of this agreement is 2.60 percent.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIREFIGHTERS AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2004-2005.

7. REQUEST TO EXTEND CURRENT SAFETY BOOT CONTRACT WITH WORK BOOT WAREHOUSE:

The purpose of this report is to obtain authorization to extend Price Agreement 1444 with Work Boot Warehouse. For the past four years, Work Boot Warehouse has been providing safety boots for Burbank Fire Department personnel. The Burbank Municipal Code requires that this purchase be sent out to bid after four years. Since this is a special-make boot having to meet Burbank specifications, local vendors are requesting a minimum bid amount of 150 pairs annually, significantly greater than the needs of the Department. Past experience has shown the Fire Department purchases approximately 50 to 55 pairs per year.

Unlike the local vendors, Work Boot Warehouse has a large supply of this unique style and model of boot on hand, maintaining a stock of approximately 300 pairs of boots. This vendor has proven the ability to readily meet the needs of the Department for the next several years and has agreed to hold to the current price of \$220 per pair for the additional time frame of the contract. Renewal of the current price agreement is necessary to maintain safety integrity for Fire Safety employees.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN EXTENSION OF THE TERM OF PRICE AGREEMENT PA 1444.

8. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH MARTIN & CHAPMAN CO. FOR SERVICES CONNECTED WITH THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council approval of a Professional Services Agreement with Martin & Chapman Co. for services related to the 2005 Municipal Elections.

A Professional Services Agreement is required in order for the City Clerk to obtain the necessary services to conduct the Primary Nominating Election to be held on February 22, 2005 and the General Municipal Election to be held on April 12, 2005. Election-related services are unique and not subject to competitive bidding, and Martin & Chapman Co. has provided a comprehensive list of services for all aspects of the municipal elections.

Martin & Chapman Co., located in Anaheim, was established in 1956 and currently

provides election supplies, services and consultation to over 400 cities, counties and associations in the states of California and Nevada. The company has also satisfactorily provided services to the City of Burbank for the 2001 and 2003 Primary Nominating and General Municipal Elections. Martin & Chapman Co. is the primary election consultant for the cities in the Southern California Counties of Los Angeles, Orange, San Bernardino, Riverside, San Diego, Imperial, Santa Barbara, Ventura, Kern and San Luis Obispo. The City Clerk's Office desires to continue a working relationship with Martin & Chapman for the following reasons:

- Their established effective working relationship with the California Secretary of State's Office, the Los Angeles County Registrar-Recorder/County Clerk and election supply vendors;
- Close proximity to Burbank;
- Monitoring of and continued communication about legislation affecting City Clerks, including the creation/introduction of legislation based on City Clerk feedback;
- Excellent referrals from other City Clerks;
- Use of technology including the preparation of candidates' statements on diskette and other communication/proof approvals etc. via e-mail; and,
- Individualized assistance/customer assistance.

The funds for these election supplies and services were appropriated in the Fiscal Year 2004-05 budget. The total cost for currently estimated services for both elections is not to exceed \$ 145,000. It must be noted, however, that additional ballot measures that may be approved by the Council may increase costs and require an amendment to this Agreement.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND MARTIN & CHAPMAN COMPANY.

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

REPORTS TO COUNCIL :

9. ORDINANCE ORDERING THE 2005 MUNICIPAL ELECTIONS:

The purpose of this report is to request Council approval of an ordinance ordering a Primary Nominating Election to be held on Tuesday, February 22, 2005 and a General Election to be held on April 12, 2005.

The Charter and the Burbank Municipal Code (BMC) (Chapter 11 - Elections) state that

the City Council shall, by ordinance, order the holding of all Municipal Elections, specifying the object and time of holding any such election. The Primary Nominating Election is to be held on the last Tuesday in February and the General Election is to be held on the second Tuesday in April.

For the 2005 Municipal Elections, the Primary Nominating Election will be conducted on February 22, 2005, and will nominate or elect candidates for terms of four years for three offices for Member of the City Council, two offices for Member of the Board of Education, one office for City Clerk and one office for City Treasurer. The General Municipal Election will be conducted on April 12, 2005, and will, if necessary, elect to the offices of Member of the Council, Member of the Board of Education, City Clerk and City Treasurer, the candidates nominated at the Primary Nominating Election.

Section 11-303 of the BMC states that any candidate for the office of City Clerk or City Treasurer who, in a primary nominating election, receives a majority of the votes cast for all the candidates for nomination to such office shall be elected to office. For the office of Council Member or Member of the Board of Education, any candidate who in a primary nominating election receives the votes of more than one-half (1/2) of the qualified electors voting at such election shall be elected to such office. If a candidate is elected to office in a primary nominating election, the Council shall declare his or her election and his or her name shall be omitted from the ballot to be used at the ensuing general election.

In the event no candidate receives more than one-half of the votes cast (for more than one office) a General Election will be required. Therefore, should no candidates for the three City Council offices receive more than one-half of the votes cast in the Primary Nominating Election, the six candidates (twice the number of offices to be filled) receiving the highest number of votes will be on the General Election ballot. Additionally, should no candidates for the two Board of Education offices receive more than one-half of the votes cast in the Primary Nominating Election, the four candidates receiving the highest number of votes will be placed on the General Election ballot. Likewise, should no candidate for the City Clerk or City Treasurer office receive more than a majority of the votes cast for the office in the Primary Nominating Election, the two candidates receiving the highest number of votes for each office will be on the General Election ballot.

All Municipal Elections shall be conducted and held in substantial accordance with the City Charter, Burbank Election Code and laws of the State Election Code.

Recommendation:

Introduction and adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A
PRIMARY NOMINATING ELECTION ON FEBRUARY 22,2005, AND ORDERING A
GENERAL MUNICIPAL ELECTION ON APRIL 12, 2005.

10. RAIL TROLLEY STUDY:

Staff is presenting a request by Council Member Campbell to consider a Rail Trolley Study. In September 2004, the Glendale City Council appropriated \$100,000 to study the feasibility of constructing and operating a trolley system in their downtown area. The study is envisioned to analyze alternative trolley technologies, possible routes, potential funding opportunities, projected ridership, and potential effects on vehicular traffic and street design.

Glendale staff is currently attempting to refine the scope of the study. While the initial concept was to study a circular route in the downtown area, generally on Brand Boulevard and Central Avenue, there is also some interest in developing a system that provides regional linkages to employment centers and transportation nodes.

Initial discussions with Glendale staff suggest that there may be an opportunity to work jointly on a regional trolley system. While Glendale continues to be interested in serving the downtown area, there is also a recognition that a fixed rail line that closes existing gaps in the regional transit system would significantly benefit area mobility.

The Transit Services Task Force considered the possibility of joining with Glendale to study the feasibility of developing a trolley line that would operate between, and within, the two downtown areas. The consensus was to support a joint study, and interest in the possibility of developing a fixed rail trolley. At the same time, the Task Force did not want the study to jeopardize the transit service expansions that the group is currently considering.

Recommendation:

Staff requests direction on whether to proceed with discussions with the City of Glendale on the potential for jointly studying the feasibility of a trolley system.

11. COUNCIL REQUEST TO CONSIDER SUBMISSION OF COMMENTS ON THE CANYON HILLS DEVELOPMENT TO THE CITY OF LOS ANGELES:

On October 5, 2004, the Council directed that staff provide options for providing comments to the City of Los Angeles on the Canyon Hills Development project in the La Tuna Canyon area of the City of Los Angeles due in part to a number of people who requested that the Council oppose the project during oral communications at the September 21, 2004, meeting. Staff will provide some basic background on the project, the current status and what actions the Council may consider to facilitate discussion as part of the first step in the process.

Recommendation:

Staff recommends that Council discuss the matter and provide direction.

12. BURBANK WATER AND POWER MONTHLY OPERATIONS REPORT:

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

WATER UPDATE

Water Quality

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

Fiscal Year (FY) 2004-05 Year-To-Date preliminary Water Fund Financial Results as of September 30, 2004:

	<u>Year - to - Date</u>			
	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>	<u>% Variance</u>
Potable water sales (CCF)	2,967,455	2,895,764	71,691	2%
Reclaimed water sales (CCF)*	144,088	115,702	28,386	25%
Potable Revenues	4,635	4,942	(307)	(6%) (A)
Reclaimed and Power Plant Revenues	171	157	14	9%
Total Operating Revenues	4,806	5,099	(293)	(6%)
WCAC	2,144	2,291	147	6% (B)
Gross Margin	2,662	2,808	(146)	(5%)
Operating Expenses **	2,013	2,053	40	2%
Operating Income	649	755	(106)	(14%)
Other Income/(Expenses) **	228	96	132	137%
NI before Contr. & Transfers	877	852	25	3%
Transfers (In Lieu) **	(201)	(246)	(45)	18%
Contributed Capital (A.I.C) **	120	164	(44)	(27%)
Change in Net Assets (Net Income)	796	769	27	3%

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

** Year-to-date actual: July-August actual and September budget

- (A) Staff is reviewing BWP's accounting policy for WCAC. Presently, revenues are reduced by the amount of the WCAC over-collection of \$219k.
- (B) Year-to-date WCAC expenses are lower due to lower spending on purchased water, chemicals and electricity.

Fiscal Year 2004-05 preliminary Water Fund Financial Reserve balances as of September 30, 2004 are summarized in the following table:

Water (In thousands)	Balance	Recommended
	9/30/2004	Reserves
Unrestricted Cash		
General Operating Reserve	\$3,559	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$6,366	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,185	\$1,185
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund	\$451	\$451
Parity Reserve Fund	\$794	\$794
Sub-Total Restricted Cash	\$4,530	\$4,530
Total Cash	\$10,896	\$12,540

ELECTRIC UPDATE

Electric Reliability

The following table shows the systemwide reliability statistics for Fiscal Year 2004-05 as compared to Fiscal Year 2003-04 through September 30, 2004:

Reliability Measure	Fiscal Year 2003-04	Fiscal Year 2004-05
Average Outages Per Year	0.4206	0.0706
Average Outage Duration	50.89 minutes	73.85 minutes
Average Service Availability	99.9959%	99.9960%

Financial and Operations Update

Fiscal Year 2004-05 year-to-date preliminary Power Financial Results as of September 30, 2004:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	330,035	332,993	(2,958)	(1%)
Weather Normalized NEL MWh	336,378	332,993	3,385	1%
Weather Normalized Actual Sales MWh	314,282	316,955	(2,673)	(1%)
Retail Sales MWh	308,601	316,955	(8,354)	(3%)
Retail Revenues	39,529	40,497	(967)	(2%)
Other Revenues	557	517	39	8%
Retail Power Supply & Transmission	20,372	23,097	2,724	12% (A)
Retail Gross Margin	19,713	17,917	1,796	10%
Wholesale Revenues	35,326	12,500	22,826	183%
Wholesale Power Supply	33,921	11,625	(22,296)	(192%)
Wholesale Gross Margin	1,405	875	530	61%
Gross Margin	21,119	18,792	2,327	12%
Operating Expenses *	7,894	8,444	550	7%
Operating Income	13,225	10,349	2,877	28%
Other Income/ (Expense) *	(600)	(524)	(76)	(14%)
NI before Contr. & Transfers	12,625	9,824	2,801	29%
Transfers In/(Out) - (In lieu) *	(2,389)	(2,531)	143	6%
NI before Contributions	10,237	7,293	2,943	40%
Contributed Capital (A.I.C) *	228	690	(462)	(67%) (B)
Change in Net Assets (Net Income)	10,465	7,983	2,482	31%

() = Unfavorable

* Year-to-date: July-August actual and September budget

(A) Lower spending in the areas of transmission and power supply divisions in addition to lower O&M expenses at IPP.

(B) BWP received a \$176k reimbursement from SCPA for labor related to MPP.

Fiscal Year 2004-05 preliminary Power Fund Financial Reserve balances as of September 30, 2004 is summarized in the following table:

Electric (In thousands)	Balance	Recommended Reserves
	9/30/2004	
Unrestricted Cash		
General Operating Reserve	\$42,598	\$41,000
Capital and Debt Reduction Fund	\$7,473	\$15,100
Fleet Replacement Reserve	\$300	\$4,500
General Plant Reserve	\$200	\$1,170
Bond Cash	\$5,029	\$0
Sub-Total Unrestricted Cash	\$55,600	\$61,770
Debt Service Fund & Other Restricted Cash	\$4,064	\$4,064
Parity Reserve Fund	\$10,891	\$10,891
Sub-Total Restricted Cash	\$14,955	\$14,955
Total Cash	\$70,555	\$76,725

Recommendation:

Note and file.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT. To Thursday, November 4, 2004 at 5:30 p.m. at the Fire Training Center, 1845 North Ontario Street, for a Development and Community Services Building Design Study Session to discuss the following: brief overview of the prior project architect Widom Wein Cohen O'Leary & Terasawa's (WWCOT) design; proposed use of exterior finish materials, colors and architectural features; comparison of other relevant existing civic-oriented buildings; discussion of the proposed building's exterior design within the Burbank Civic Center context; solicitation of public comment and/or City Council input; and, identification of the next step(s) in order to proceed with the Construction Documents Phase and return to the Council meeting of November 16, 2004 with a request to proceed with construction drawings for the DCSB.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**