



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, MARCH 1, 2005  
5:00 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. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957  
**Title of Employee's Position:** City Manager and City Attorney.

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.

PROCLAMATION:           ARBOR DAY.

COMMENDATION:         POLICE DEPARTMENT.

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 meeting agenda of February 22, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARINGS:

2. ORDERING THE ABATEMENT OF NUISANCES AS CONTEMPLATED BY RESOLUTION NO. 26,908:

Staff is requesting Council approval of a resolution ordering the abatement of nuisances caused by weeds and debris on private properties, authorizing an assessment for cost reimbursement to the County of Los Angeles and giving notice for subsequent weed and debris abatement if required.

The purpose of the annual weed abatement program is to remove the nuisances created on various private properties by weeds, rubbish, refuse and brush. These nuisances include potential fire hazards and a haven for rodents and vectors.

On February 15, 2005, the Council adopted Resolution No. 26,908 which declared weeds and debris on private properties a nuisance requiring abatement. Written notice of the March 1, 2005, public hearing was mailed to each property owner declared in the resolution notifying them of the time and place for appeal.

The owners of the privately-owned properties may complete the abatement themselves or have the County of Los Angeles Weed Abatement Division clear their property. If the property is cleared by the County, the owner's Property Tax bill will be assessed for reimbursement for the cost incurred.

For this program there is no cost impact to the City's General Fund or the Redevelopment Agency budget other than incidental administrative costs.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK, AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 26,908.

3. APPEAL OF CONDITIONAL USE PERMIT NO. 2004-105 – 1011 LA RAMBLA:

The Planning Board, at its meeting of December 13, 2004, adopted Planning Board Resolution No. 2965, denying Project No. 2004-105, a request for a Conditional Use Permit to construct a two-story, 3,210 square foot (sf) single-family home on a hillside property located at 1011 La Rambla.

The proposed house consists of a 1,704 sf first floor level which is level with the driveway area and a 1,506 sf lower level. The proposed house is to be cantilevered

over an existing downslope and supported by caissons. Portions of the lower level will be built into the hill, necessitating approximately 270 cubic yards of cut. An equivalent amount of fill is proposed in the area between the caissons and a retaining wall that screens the caissons and supports a proposed deck at the rear of the building.

The Planning Board, in its deliberations, expressed concerns about the proposed project's compatibility with surrounding properties. In particular, concerns were raised regarding the home's impact on the views enjoyed from neighboring homes.

The applicants, Arsen and Ripsime Retchian, have appealed the Planning Board's decision.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK GRANTING THE APPEAL OF THE PLANNING BOARD'S DECISION AND APPROVING PROJECT NO. 2004-105, A CONDITIONAL USE PERMIT AT 1011 LA RAMBLA DRIVE AND APPROVING A MITIGATED NEGATIVE DECLARATION (Arsen and Ripsime Retchian, Applicant/Appellant).

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 4 through 9)

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.

4. APPLICATION FOR WORKFORCE HOUSING INCENTIVE PROGRAM GRANT FUNDING:

The purpose of this item is to request Council authorization to apply for funds under the Department of Housing and Community Development, Workforce Housing Incentive Program (Grant Program) to provide funding for the proposed Childcare Facility and Family Resource Center at the former Buena Vista Library site and Redevelopment Agency Board approval of a resolution authorizing acceptance of the Grant Program funding.

In December 2004, the California Department of Housing and Community Development (HCD) released a Notice of Funding Availability for a total of \$23 million, comprised of \$20 million for the Grant Program and \$3 million for the Jobs Housing Balance Incentive Grant Program incentive bonus. This Grant Program is designed to encourage cities and counties to develop new residential housing while rewarding those jurisdictions that approve housing for low-income households and are in compliance with State Housing Element Law. The Grant Program provides funds for projects that benefit the community as a whole and add to the community's quality of life which can be used for a variety of projects including those related to safety, education and recreation. The Grant Program will provide a bonus for those jurisdictions that were successful in the 2003 Jobs Housing Balance Incentive Grant Program and also meet the requirements of the Grant Program.

Funding under the Grant Program is awarded on a per-bedroom basis for newly-constructed rental and ownership housing units affordable to very low- and low-income households. Additionally, each housing unit must have received final land use approval and issuance of the building permit between January 1, 2004 and December 31, 2004. The Agency-assisted, Independent Living Facility Project, was issued its final building permit in 2004 for the construction of an 18-unit independent living complex for disabled persons who are very-low income households (excludes the manager's unit). A total of 20 bedrooms are eligible based on these criteria.

This Grant Program does not use a competitive process to award funds; all cities and counties who meet the eligibility requirements will be funded. These funds will be used to augment funding for the former Buena Vista Library site, the future location of a proposed childcare facility and family resource center. The proposed project will be an essential resource providing childcare for 88 children and a family resource center that will provide a variety of resources to the community. The City will submit an application in the amount of \$50,000, comprised of \$40,000 under the Grant Program and \$10,000 under the Job Housing Balance Incentive Program. If the application for funding is approved, the entire amount is proposed to be allocated to the Buena Vista Library site proposed childcare and family resource center project.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE WORKFORCE HOUSING INCENTIVE PROGRAM AND DESIGNATING AUTHORITY TO THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK TO RECEIVE AND ADMINISTER FUNDS.

5. APPROVAL OF FISCAL YEAR 2004-05 MEMORANDUM OF UNDERSTANDING WITH THE BURBANK POLICE OFFICERS ASSOCIATION AND EQUITY ADJUSTMENTS FOR POLICE CAPTAIN AND POLICE CHIEF:

The purpose of this report is to request Council approval of the compensation package for the Burbank Police Officers Association (BPOA) for Fiscal Year (FY) 2004-05, as well as equity adjustments for the classifications of Police Captain and Police Chief. Staff has adhered to the City's compensation policy which includes the consideration of the 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 BPOA since March 2004. Due to the ongoing budgetary constraints, these negotiations have been very challenging. However, both the

City and the BPOA have been willing to make concessions in order to reach a reasonable consensus. The end result of the negotiations is that the BPOA has accepted a one-year agreement with a 3.75 percent salary increase effective July 1, 2004 as well as the City's offer to provide relief to the BPOA members from their share in the cost of the Public Employees Retirement System (PERS) Three- Percent-at-50 retirement plan.

This settlement took into consideration the significant retention and recruitment problems the City is facing for sworn Police personnel. Currently, there are seven vacant police officer positions, plus an additional eight that have been frozen for the last two fiscal years due to budgetary constraints. Further, since the majority of the survey cities now provide the Three-Percent-at-50 retirement benefit at no cost to sworn police employees, the City's negotiated cost sharing arrangement was contributing to the recruitment and retention problems; thus, the BPOA members have been relieved of this cost sharing plan. To address the survey issues, the City and BPOA have agreed to use an expanded compensation survey in the FY 2005-06 negotiations. The new survey will consist of 10 cities comparable to the City of Burbank, versus the previous five-city survey that has been used for many years.

In August 2004, when the Council approved the Unrepresented Managers and Executive compensation packages, the Police Captain received a 0.83 percent range adjustment and the Police Chief received a 2.42 percent range adjustment. As the BPOA classifications are proposed to receive a 3.75 percent salary adjustment, this creates a compaction among the ranks that does not encourage promotion or the development of qualified candidates for future upper management roles. In addition, the Police Captain and Police Chief have historically received salary range adjustments that are at least equal to what the BPOA negotiated. As such, staff is proposing Council approval of an additional 2.89 percent equity adjustment in the salary range for Police Captain and an additional 1.30 percent equity adjustment in the salary range for Police Chief. These equity adjustments will maintain the internal alignment between ranks.

The proposed compensation package of 3.75 percent for the BPOA represents a total cost to the General Fund of \$610,154. The 2.89 percent and 1.30 percent equity adjustments for Police Captain and Police Chief respectively are a total cost to the General Fund of \$15,792. However, it should be noted that these equity adjustments are in range only, and therefore will not negatively impact the General Fund for this total cost. The proposed salary increases and equity adjustments were anticipated in the FY 2004-05 budget preparation. However, the funds were not appropriated at the time of the budget adoption. As such, budget amendments are required to appropriate the necessary funds from the Un-appropriated Fund balance.



Recommendation:

Adoption of proposed resolutions entitled:

(4/5 vote required)

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK POLICE OFFICERS' ASSOCIATION (BPOA) FOR FISCAL YEAR 2004-2005 AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET.

(4/5 vote required)

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 (THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS) RELATING TO THE SALARY RANGE FOR POLICE CHIEF AND AMENDING THE FISCAL YEAR 2004-05 BUDGET.

(4/5 vote required)

3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 22,795 (THE COMPENSATION PLAN FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES) RELATING TO THE SALARY RANGE FOR POLICE CAPTAINS AND AMENDING THE FISCAL YEAR 2004-05 BUDGET.

6. FUND 122 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS:

On April 20, 2004, pursuant to Resolution No. 26,705 the Council appropriated Community Development Block Grant (CDBG) funds for Fiscal Year (FY) 2004-05. Included among the projects approved for the City's Public Works Department was the reconstruction of Olive Avenue between Third Street and Glenoaks Boulevard (\$255,108). In a notice published January 12, 2005, the Public Works Department proposed changing the referenced project to the reconstruction of Third Street between Olive Avenue and Verdugo Avenue at an estimated cost of \$620,000. On January 25, 2005, the Council considered and approved the change of projects.

Based on Council approval on January 25, 2005, the following adjustments to the CDBG program were made and are summarized below:

1. Changed the project description from Public Works – Reconstruction of Olive Avenue to Public Works – Reconstruction of Third Street, and amended the estimated project cost to \$620,000.
2. Closed the FY 2003 Public Works – Streets, Sidewalks, Alleys and Pedestrian Ramps project, which was completed at a cost savings of \$132,924.53.
3. Added CDBG unprogrammed entitlement funds of \$231,967.47 to the project.

The savings (\$132,924.53) were budget transferred on February 7, 2005, and the proposed budget amendment will add \$231,967.47 from CDBG entitlement funds to create a revised project budget of \$620,000. The project is to be renamed: Public Works – Third Street Reconstruction.

The Consolidated Plan (2003-08) was amended as required by Federal regulations and publicly noticed February 2, 2005. The revised project is within CDBG regulations and is an eligible use of funds. Appropriate consultations and reviews have been completed with applicable City staff and departments.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$231,967.47 FOR THE THIRD STREET RECONSTRUCTION PROJECT.

7. APPROVING REVISIONS TO THE CITY'S DEFERRED COMPENSATION PLANS AND AUTHORIZING AND DIRECTING THE FINANCIAL SERVICES DIRECTOR TO PREPARE REVISIONS:

The purpose of this staff report is to recommend that the Council approve revisions to both the City's §457 Deferred Compensation Plan and Trust and the §457P Deferred Compensation Plan and Trust to comply with final regulations issued by the Internal Revenue Service (IRS) regarding distributions of account balances of less than \$5,000.

The proposed amendments to these plan documents will only allow an automatic cash-out of account balances of less than \$1,000 upon severance of employment. The plan documents will no longer allow automatic distribution of account balances of \$1,000 or more to participants severing employment with the City. Instead, terminating participants with account balances of \$1,000 or more will be allowed to leave their account balance in the plan until the earlier of when they request a distribution or the attainment of age 70 ½. These amendments bring the two plans into compliance with IRS final regulations.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING REVISIONS TO THE CITY'S DEFERRED COMPENSATION PLANS AND AUTHORIZING AND DIRECTING THE FINANCIAL SERVICES DIRECTOR TO PREPARE REVISIONS.

8. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE CADET:

The Burbank Police Department has been actively recruiting for the position of Police Officer since 2002 with limited success. The purpose of the position of Police Cadet is to have a number of qualified individuals readily available for promotion primarily to the position of Police Officer, as well as other law enforcement-related positions. The Police Department and the City have discovered that employees that have been hired into this classification are not necessarily interested in continuing their careers in law enforcement. Since this position has always been intended to be a trainee-level position to introduce the incumbent to a variety of law enforcement careers through practical experience while allowing the Department the opportunity to assess the qualifications of the incumbent through actual work performance, the Department and the City have recognized the need to revise this specification. The revisions include being scheduled on varying shifts; maintaining a 2.5 Grade Point Average each semester or quarter; residing within 45 miles of the City; the ability to work overtime with little or no notice; the ability to use office equipment and computers; and, a three- year maximum tenure in the position.

This classification will continue to be exempt from Civil Service but will be subject to the Fair Labor Standards Act (FLSA). This classification will not be included in the City's Conflict of Interest Code. This position will continue to be represented by the Burbank City Employees Association (BCEA). The Civil Service Board approved the revisions of this specification at their regular meeting on February 2, 2005.

The salary range for the Police Cadet will not change based on these revisions 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 POLICE CADET (CTC No. 0639).

9. ESTABLISHING THE SPECIFICATION FOR THE CLASSIFICATION OF SENIOR INSTRUMENT CONTROLS TECHNICIAN:

The Instrument Controls Technician is a general technician position that has been utilized to manage, maintain and test the control systems, water quality control systems, and monitoring systems of local generation at Burbank Water and Power. This position is the appropriate level for these duties during those limited periods when loads are expected to be at seasonally high levels. However, with the Magnolia Power Plant Project has come the requirement to operate at a maximum capability 24 hours a day, 7 days a week, 52 weeks a year, with a minimum down time for inspections. It has become evident with the tremendous increase in the technical workload that is associated with this project that the manager will no longer be able to efficiently and

effectively accomplish the managerial, supervisory and technical requirements. The establishment of this new classification of Senior Instrument Controls Technician will provide the technical leadership to the Instrument Controls Technicians. This position will manage, maintain and test the controls systems of the Magnolia, Lake One, Olive 1 and Olive 2 power plants and bridge the gap between the manager and the Instrument Controls Technicians by taking over the day-to-day supervision of the crew and assist the manager with the tremendous increase in the technical workload that has been brought to this division by the Magnolia Power Plant Project.

This classification will be a Civil Service position, represented by the International Brotherhood of Electrical Workers (IBEW), and subject to the Fair Labor Standards Act (FLSA). This classification will not be included in the City's Conflict of Interest Code. The Civil Service Board approved the establishment of this specification at their regular meeting on June 2, 2004.

The salary range for the Senior Instrument Controls Technician will be set at \$5,432 - \$6,616. Burbank Water and Power will be upgrading one Instrument Controls Technician position to Senior Instrument Controls Technician. The estimated additional costs associated with this upgrade would be \$7,104 per year. This increase will be achieved through salary savings during this fiscal year. The position will be budgeted in the Fiscal Year 2005-06 Budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF SENIOR INSTRUMENT CONTROLS TECHNICIAN (CTC No. 0808) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

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

REPORTS TO COUNCIL:

10. PROPOSED BURBANK BUSINESS TAX AMNESTY PROGRAM:

Staff is requesting Council approval of a Burbank Business Tax Amnesty program. It is proposed that this program be conducted for a "window" period of three months in calendar year 2005. During this window period, businesses which have a Burbank business tax liability, but have been unregistered for, and have never paid a Burbank Business Tax, can pay their Business Tax obligation without fear of monetary penalty or criminal prosecution. Further, staff is proposing the Council appropriate funds in the amount of \$5,000 for publicly marketing this program which is estimated to generate at least \$40,000 in increased business taxes in 2005 and continue to provide future

business taxes as these businesses remain active in Burbank.

Recommendation:

Staff recommends Council direction to prepare an ordinance temporarily amending the Burbank Municipal Code such that a Burbank Business Tax Amnesty Program can be conducted. In addition, staff recommends the Council appropriate funding in the amount of \$5,000 in the Fiscal Year 2005-06 budget to conduct this program.

11. REGULATION OF FLASHING SIGNAGE:

At the Council meeting of January 11, 2005, questions were raised about the regulation of flashing signage. Section 31-1013(11) of the Burbank Municipal Code (BMC) generally prohibits signs that “blink or flash on or off or vary regularly in luminescent intensity.” However, the Code provides for certain exceptions to this restriction for holiday decorations, signs which indicate time and/or temperature, and electronic message boards for hotels with 250 rooms or more. The City Attorney has opined that the term “regularly” means more than once within a 24 hour period. While the BMC restricts blinking and flashing, no restrictions are placed on the use of electronic displays for static signs.

Recommendation:

If it's Council's desire to agendize this matter for further discussion, staff recommends Council direction to prepare a report outlining the issues related to regulation of signs that have the ability to flash and blink and schedule this item for the earliest possible date given the time that will be necessary to compile the necessary data and prepare a comprehensive report.

12. LAND USE ELEMENT FOLLOW-UP: HOUSING GOALS AND PERFORMANCE AND THE R-5 MULTIPLE FAMILY RESIDENTIAL DENSITY:

At the December 14, 2004 meeting, the Council requested that staff return with additional information about the City's housing goals and obligations, the amount of new housing production in relationship to these goals and obligations, and with more detailed information about the areas currently designated for R-5 multiple-family densities and the new areas proposed for this highest density residential land use. Staff will discuss the proposed new multiple-family residential land use category called Very High Density which, as a result of the proposed reduction in multiple-family residential densities, would allow a multiple-family density that is lower than that for existing R-5 zoning or that the existing Land Use Element High Density residential use category allows.

Staff will provide the Council with the information requested and explain the connection between the proposed residential densities and the City's ability to meet its housing needs and obligations. In response to the Council's request for more detailed information

about the location and existing development in areas proposed for the Very High Density (comparable to the reduced R-5 zone density) residential land use, staff will provide detailed maps that show the location of each of the proposed Very High Density areas, the Existing and Proposed General Plan Land Use Element designation, Existing Zoning and Existing Development.

Recommendation:

Staff seeks Council direction regarding the inclusion of a Very High Density land use category in the proposed 2005 Land Use Element update. If the Council desires to include this land use category in the residential land use mix, staff seeks direction regarding the proposed location and extent of this land use.

13. BURBANK WATER AND POWER MONTHLY OPERATING REPORT:

Staff has prepared the Burbank Water and Power (BWP) Water and Electric Monthly Report regarding water quality and power issues for February 2005.

**WATER UPDATE**

**Water Quality**

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

Fiscal Year (FY) 2004-05 Year-To-Date Water Fund Financial Results as of January 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	5,749,920	6,160,255	(410,335)	(7%)
Potable water sales (CCF)	5,700,716	5,866,865	(166,148)	(3%)
Reclaimed water sales (CCF)*	274,353	242,947	31,406	13%
Potable Revenues	\$8,997	\$9,980	(\$983)	(10%) (A)
Reclaimed and Power Plant Revenues	337	330	7	2%
<b>Total Operating Revenues</b>	<b>\$9,334</b>	<b>\$10,310</b>	<b>(\$976)</b>	<b>(9%)</b>
WCAC	4,109	4,237	128	3%
<b>Gross Margin</b>	<b>\$5,225</b>	<b>\$6,073</b>	<b>(\$848)</b>	<b>(14%)</b>
Operating Expenses **	4,458	4,785	327	7%
<b>Operating Income</b>	<b>\$767</b>	<b>\$1,288</b>	<b>(\$521)</b>	<b>(40%)</b>
Other Income/(Expenses) **	451	225	226	101% (B)
<b>NI before Contr. &amp; Transfers</b>	<b>\$1,218</b>	<b>\$1,513</b>	<b>(\$295)</b>	<b>(19%)</b>
Transfers (In Lieu) **	(449)	(506)	(57)	11%
Contributed Capital (A.I.C) **	1,375	382	993	260%
<b>Change in Net Assets (Net Income)</b>	<b>\$2,144</b>	<b>\$1,389</b>	<b>\$755</b>	<b>54%</b>

( ) = Unfavorable

\* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

\*\* Year-to-date actual: July 2004 -January 2005

(A) Revenues are reduced by the amount of the WCAC over-collection by \$491k.

(B) Income from closing of old projects. YTD impact is \$206k.

Fiscal Year 2004-05 Water Fund Financial Reserve balances as of January 31, 2005 are summarized in the following table:

<b>Water (In thousands)</b>	<b>Balance</b>	<b>Recommended Reserves</b>
	<b>1/31/2005</b>	
<b>Unrestricted Cash</b>		
General Operating Reserve	\$3,626	\$4,430
Capital Reserve	\$2,807	\$3,580
<b>Sub-Total Unrestricted Cash</b>	<b>\$6,433</b>	<b>\$8,010</b>
<b>Restricted Cash</b>		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,440	\$1,185
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$647	\$647
Parity Reserve Fund	\$811	\$811
<b>Sub-Total Restricted Cash</b>	<b>\$4,998</b>	<b>\$4,743</b>
<b>Total Cash</b>	<b>\$11,431</b>	<b>\$12,753</b>

## **ELECTRIC UPDATE**

### **Electric Reliability**

The following table shows the system-wide reliability statistics for Fiscal Year 2004-05 through January 31, 2005 as compared to Fiscal Year 2003-04:

<b>Reliability Measure</b>	<b>Fiscal Year 2003-04</b>	<b>Fiscal Year 2004-05</b>
Average Outages Per Year	0.3993	0.2101
Average Outage Duration	50.05 minutes	75.7 minutes
Average Service Availability	99.9961%	99.9949%

### **Financial and Operations Update**

FY 2004-05 Year-To-Date Power Financial Results as of January 31, 2005:



	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	693,247	697,744	(4,497)	(1%)
Weather Normalized NEL MWh	700,894	697,744	3,150	0%
Retail Sales MWh	657,457	662,399	(4,942)	(1%)
Retail Revenues	\$82,346	\$84,749	(\$2,403)	(3%)
Other Revenues	1,288	1,363	(75)	(5%)
Retail Power Supply & Transmission expenses	(43,569)	(48,489)	4,920	10%
<b>Retail Gross Margin</b>	<b>\$40,065</b>	<b>\$37,623</b>	<b>\$2,442</b>	<b>6%</b>
Wholesale Revenues	76,734	29,167	47,567	163%
Wholesale Power Supply	(74,029)	(27,125)	(46,904)	(173%)
<b>Wholesale Gross Margin</b>	<b>\$2,705</b>	<b>\$2,042</b>	<b>\$663</b>	<b>32%</b>
<b>Gross Margin</b>	<b>\$42,770</b>	<b>\$39,664</b>	<b>\$3,106</b>	<b>8%</b>
Operating Expenses *	(18,489)	(19,702)	1,213	(6%)
<b>Operating Income</b>	<b>\$24,281</b>	<b>\$19,962</b>	<b>\$4,319</b>	<b>22%</b>
Other Income/ (Expense) *	(545)	(1,223)	678	55% (A)
<b>NI before Contr. &amp; Transfers</b>	<b>\$23,736</b>	<b>\$18,739</b>	<b>\$4,997</b>	<b>27%</b>
Transfers In/(Out) - (In lieu) *	(4,814)	(5,297)	483	9%
<b>NI before Contributions</b>	<b>\$18,922</b>	<b>\$13,442</b>	<b>\$5,480</b>	<b>41%</b>
Contributed Capital (A.I.C) *	643	1,609	(966)	(60%) (B)
<b>Change in Net Assets (Net Income)</b>	<b>\$19,565</b>	<b>\$15,051</b>	<b>\$4,514</b>	<b>30%</b>

( ) = Unfavorable

\* Year-to-date actual: July 2004 -January 2005.

(A) In December, BWP received the El Paso settlement for \$828k.

(B) BWP received a \$525k reimbursement from SCPA for labor and projects related to MPP. These funds are applied against MPP expenses and offset the retail power supply expenses.

FY 2004-05 Power Fund Financial Reserve as of January 31, 2005 is summarized in the following table:

<b>Electric (In thousands)</b>	<b>Balance</b>	<b>Recommended</b>
	<b>1/31/2005</b>	<b>Reserves</b>
<b>Unrestricted Cash</b>		
General Operating Reserve	\$39,737	\$41,000
Capital and Debt Reduction Fund	\$10,000	\$15,100
Fleet Replacement Reserve	\$3,000	\$4,500
General Plant Reserve	\$800	\$1,170
Bond Cash	\$5,076	\$0
<b>Sub-Total Unrestricted Cash</b>	<b>\$58,613</b>	<b>\$61,770</b>
Debt Service Fund & Other Restricted Cash	\$5,925	\$5,925
Parity Reserve Fund	\$11,124	\$11,124
<b>Sub-Total Restricted Cash</b>	<b>\$17,049</b>	<b>\$17,049</b>
<b>Total Cash</b>	<b>\$75,661</b>	<b>\$78,819</b>

Recommendation:

Note and file.

ADOPTION OF PROPOSED ORDINANCE:

14. SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 89-7 – M. DAVID PAUL DEVELOPMENT:

The developer, M. David Paul Development, LLC, is requesting to amend Planned Development (PD) No. 89-7 to expand the project boundaries to include 0.52 acres of property along the east side of Avon Street and expand the total project entitlement by 275,000 square feet. Additionally, the project includes a Summary Vacation (Vacation Map No. V-335) of an existing, unused utility easement on the 0.52-acre property.

PD No. 89-7 was originally approved in 1991 and subsequently amended in 1997 when M. David Paul Development, LLC took over the development of the site. The project, as currently approved, contemplates the development of 650,000 square feet of office space on 10.86 acres. Approximately 300,000 square feet of the existing entitlement has been utilized with additional construction phases scheduled to begin in early 2005.

When the Media Studios North project was approved by the Council, the project established an envelope (maximum height and minimum setbacks) for development

rather than a specific site plan. As such, the approval functions more like a traditional zone change than an approval for a specific project. This approval allows the developer the flexibility to construct buildings to suit the needs of prospective tenants rather than being held to a specific building size or location while ensuring that future development would be within the constraints imposed by the City. Except for increasing the amount of development permitted on-site, the proposed amendment does not modify any of the development standards (e.g. height limits, parking requirements and setbacks) that were previously approved for Media Studios North.

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for the project. The Mitigated Negative Declaration indicates that, with the proposed mitigation measures, the project will not result in a significant impact on the environment. The document addresses potential impacts and mitigation measures related to air quality, noise and transportation/traffic.

On December 13, 2004, the Planning Board conducted a public hearing regarding the proposed amendment. At the completion of the public hearing, the Board recommended approval of the application to the Council by a vote of 5-0.

This ordinance was introduced at the February 15, 2005 Council meeting. At that meeting, the Council reduced the applicant's request to 60,000 square feet of additional floor area.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 89-7 AND AN AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATED THERETO (MEDIA STUDIOS NORTH).

RECONVENE the Redevelopment Agency meeting 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 Tuesday, March 8, 2005 at 5:30 p.m. for a Legislative Study Session to be held in the Council Chambers at City Hall, 275 East Olive Avenue.

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