



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, APRIL 5, 2005  
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 Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** City of Burbank v. Kajima Construction Services, Inc., a California Corporation; WLC Architects; and Does 1 through 100, inclusive.  
**Case No.:** 04CC12506  
**Brief description and nature of case:** Construction Defect of Police/Fire Building.
  
- b. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/Susan M. Georgino.  
**Property:** 934 Lima Street – Parking lot located behind 3310 Magnolia Boulevard, between Lima Street and California Street.  
**Parties With Whom Agency is Negotiating:** Burbank Community Church.  
**Name of Contact Person:** Jack Lynch, Senior Redevelopment Project Manager.  
**Terms Under Negotiation:** Long term lease.

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.

5:00 P.M.

**PROPOSED DEVELOPMENT STANDARDS FOR R-1, R-1-E AND R-1-H SINGLE-FAMILY RESIDENTIAL ZONES STUDY SESSION:**

On September 14, 2004, the Council adopted an Interim Development Control Ordinance (IDCO) that established interim height and floor area ratio standards for the single-family residential zones. The IDCO was adopted in response to increasing concerns that many new and remodeled homes in Burbank were out of character with their surrounding neighborhoods.

On October 26, 2004, the Council extended the IDCO through June 30, 2005 to provide staff with additional time to solicit community input and prepare a proposed set of new single-family development standards.

The IDCO was adopted following two community meetings held in May and July 2004, at which community members provided input about their concerns with ongoing development and staff's proposed standards. The Council directed staff to seek additional input from the community. Two additional community meetings were held, on January 27, 2005 and February 9, 2005. A separate community meeting was held on February 16, 2005 with residents of the hillside area specifically regarding proposed development standards for single-family properties in the hillside area.

Based upon input from the Council and the community, staff has prepared a comprehensive set of revised single-family development standards. Most of the proposed revisions to the existing standards seek to address "mansionization" concerns by revising standards that directly affect the massing of a house and the potential impacts on neighboring properties. Other revisions are also proposed to standards that may not be directly related to mansionization but which staff believes should also be addressed as part of a package of new standards.

The most notable among the proposed changes to the standards are the following:

- Reduction in maximum height from 27 feet to ceiling and 35 feet to top of roof to 23 feet to top plate and 30 feet to top of roof (consistent with current interim standard under IDCO);
- Reduction in maximum floor area ratio from 0.6 including garage to 0.45 not including garage (consistent with current interim standard under IDCO);
- Elimination of maximum lot coverage requirement (so as not to force people to build a second story);
- Increase in minimum rear yard setback from five feet to 10 feet;
- Increase in minimum accessory structure setback from no setback to three feet for the ground floor and five feet for the second floor;
- Three parking spaces required for minimum 3,000 square foot house rather than 3,600 square foot house;
- Special standards to address lots of substandard size or width; and,
- Standards for hillside area including different height limits and discretionary approval required when house exceeds 24 feet in height or 3,000 square feet or when grading is required.

Many of the issues raised at the community meetings were not directly related to any of the proposed standards, but dealt with broader concerns. The most common issues raised were related to design and privacy, and a desire for discretionary architectural review for all projects to ensure that all homes are consistent with neighborhood character and not intrusive upon neighboring properties. These are not issues that can be addressed through a set of traditional development standards. These issues could only be effectively dealt with through a formal design review process, which staff strongly recommends against because of the staff resources required and the added cost and time burdens to the homeowner.

The vast majority of single-family projects that have been submitted for plan check since the IDCO was adopted in September 2004 have complied with the interim standards. The interim height and floor area ratio standards have not generally affected single-family development in the City, except to prevent the relatively small number of very large homes that would otherwise have been built. Staff believes that this indicates that the interim standards, now proposed to become permanent, are not detrimental to Burbank homeowners' ability to develop their properties. The goal of the standards is not to prevent homeowners from building to meet their needs, but rather to preserve neighborhood character by preventing the construction of very large homes.

Pending direction from the Council, staff intends to present the standards to the Planning Board at a public hearing on April 25, 2005. This would be followed by a Council hearing in late May. If adopted by the Council, the new standards would become effective around the time that the IDCO expires on June 30, 2005.

Recommendation:

Staff recommends Council direction to proceed with a Zone Text Amendment that would implement new development standards for the single-family residential zones, including special standards for the hillside area. Staff recommends that the process be expedited such that new standards are in place prior to the expiration of the IDCO on June 30, 2005.

**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.

ANNOUNCEMENT:            ALL MAIL BALLOT GENERAL MUNICIPAL ELECTION – APRIL 12, 2005.

ANNOUNCEMENT:            BOARDS, COMMISSIONS AND COMMITTEE VACANCIES.

ANNOUNCEMENT:            DARK MEETING ON TUESDAY, APRIL 12, 2005.

RECOGNITION:              FALL 2004 CREST PROGRAM PARTICIPANTS.

PRESENTATION:              STUDENT DESIGN COMPETITION.

PROCLAMATION:              NATIONAL LIBRARY WEEK.

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 April 4, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARINGS:

2. APPEAL OF PROJECT NO. 2004-67 DEVELOPMENT REVIEW – 2503 NORTH ONTARIO STREET:

Staff is requesting that the Council consider an appeal of the Planning Board's decision to conditionally approve Project No. 2004-67 Development Review, a request by Mr. Armin Gharai to add 4,332 square feet to an existing warehouse building located at 2503 North Ontario Street. Appealing the Planning Board's decision to approve the project are Ms. Sandra Bowman, Ms. Denise McLaughlin and Ms. Sharyn Schrick, owners of the property directly to the north, 2509 North Ontario Street.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2004-67 DEVELOPMENT REVIEW (Applicant: Armin Gharai, 2503 North Ontario Street).

3. APPEAL OF PROJECT NO. 2004-181 VARIANCE – 125 NORTH VALLEY STREET:

Staff is requesting that the Council consider an appeal of the Planning Board's decision to deny the request by Mr. Michael Williams for Project No. 2004-181 Variance, to legalize an existing partially-constructed wall at 125 North Valley Street. Approval of a variance is required to construct a wall or fence above the height of three feet within the required 25 foot front yard setback of the R-1 Single-Family Residential Zone.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PLANNING BOARD'S DECISION AND DENYING PROJECT NO. 2004-181 (Variance, 125 North Valley Street; Michael Williams, Applicant and 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: (Item 4)

The following item may be enacted by one motion. There will be no separate discussion on this item 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. REQUESTING THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ACCEPT A TRANSFER AND CONVEYANCE OF STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NUMBER 1653:

Staff is requesting Council approval of a resolution to transfer and convey to the Los Angeles County Flood Control District (District) storm drain improvements on Mariposa Street.

The storm drain improvements and drainage system known as Miscellaneous Transfer Drain No. 1653 were constructed in 2004 on Mariposa Street from the Los Angeles River to Riverside Drive. The improvements included approximately 1200 feet of storm

drain mainline and 14 catch basins located in the City right-of-way, except for 36 feet located in the District right-of-way.

These drainage improvements were constructed pursuant to Los Angeles County Flood District requirements and in accordance with provisions of the agreement dated September 18, 1979 and recorded January 16, 1980 as Document No. 80-61156. The requirements and provisions set forth the terms and conditions for the transfer of the drainage facilities from the City to the District for future operation, maintenance, repair and improvement. The improvements have been inspected by the District's engineering staff and have been found to meet their conditions for acceptance and maintenance.

Ownership transfer of large drainage facilities is of mutual interest to both the City and the District in that, by such transfer, the City is relieved of maintenance of such improvements and the District is able to incorporate the facilities into its countywide flood management program.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REQUESTING THE BOARD OF SUPERVISORS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT OF THE STATE OF CALIFORNIA TO ACCEPT ON BEHALF OF SAID DISTRICT THE TRANSFER AND CONVEYANCE OF THE STORM DRAIN IMPROVEMENTS KNOWN AS MISCELLANEOUS TRANSFER DRAIN NO. 1653 IN THE CITY OF BURBANK FOR FUTURE OPERATION, MAINTENANCE, REPAIR, AND IMPROVEMENT, AND AUTHORIZE THE TRANSFER AND CONVEYANCE THEREOF.

END OF CONSENT CALENDAR

\*\*\*                      \*\*\*                      \*\*\*

REPORTS TO COUNCIL :

5. APPROVAL TO ENTER INTO AGREEMENTS WITH THE NATIONAL SCULPTORS' GUILD AND ARTISTS KATHLEEN CARICOF AND DALE CLAUDE LAMPHERE FOR TWO ART IN PUBLIC PLACES PROJECTS AT BURBANK WATER AND POWER:

Staff is requesting Council approval to enter into agreements with the National Sculptors' Guild and Kathleen Caricof and Dale Claude Lamphere for two Art in Public Places Projects at Burbank Water and Power (BWP).

A Site Specific Selection Committee was formed in May 2004 for the purpose of selecting two significant Art in Public Places projects which focus on water and light elements, to be located in the view corridors of Magnolia Boulevard/Lake Street and Olive Avenue/Lake Street. After attending an art festival in Loveland, Colorado, the home of many large-piece artist shops and displays, and touring a variety of fountains



and sculptures in the cities of Cerritos and Brea, the Committee selected the following artists based upon their experience, ability and talent with large sculptures. The Committee has been working with John Kinkade, Executive Director of the National Sculptors' Guild, for facilitation with the artists.

**Kathleen Caricof – Magnolia Boulevard/Lake Street Corner**

Ms. Caricof has proposed an 11' tall stone sculpture with a 29' diameter fountain titled "Community". It has large panels of limestone, sandstone and granite carved of individual people situated on a concrete base. Their interaction with one another creates energy. The sculpture combines a water fountain and different colors of stone/granite to reflect community. As one sees the sculpture from different angles, the figures will appear as men, women, children, friends, family, or even strangers being introduced to each other. Openings in the sculpture are always at a place of the heart, allowing us to see into and beyond the horizons, goals and opportunities. The light passing through will catch peoples' attention, bringing them back to the piece. Lit at night, the figures will continue to change as they are viewed from different angles. The lighting includes 30 submersible lights in the fountain pool (10 in upper pool to illuminate art pieces, and 20 in bottom pool to illuminate the waterfall). The sculpture has an art deco feel which will fit in with BWP's architecture. The cost is \$294,144 and funds are available in BWP's budget.

**Dale Claude Lamphere – Olive Avenue/Lake Street Corner**

Mr. Lamphere has proposed a 20' tall and 20' wide brushed stainless steel sculpture titled "Water and Light" which playfully echoes the BWP logo. It depicts water resources and exhibits energy beaming upward and outward while suspending whimsical clouds in a buoyant manner. Powder-coated colors from the BWP logo will accent the piece and the sculpture will have appropriate lighting. The cost is \$50,000 and funds are available in BWP's budget.

The proposed art projects have the enthusiastic support of the Site Selection Committee, the Art in Public Places Committee and the BWP Board. The placement of both art pieces on corners adjacent to the street will maximize the visibility of both sculptures to the public, providing an awareness of Burbank's strong sense of community.

In conjunction with the building remodel of BWP, landscaping of both areas is being coordinated by the architectural firm of Ahbe Landscape Architects. In addition, Katie Sprague, Vice President of the architectural firm of RTKL, is coordinating the overall process to ensure the art pieces fit in with the character of the building. Ms. Sprague, as well as artist Kathleen Caricof, will be in attendance at the Council meeting to assist in the presentation and to respond to any questions.

**Recommendation:**

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BY AND AMONG THE CITY OF BURBANK, THE NATIONAL

SCULPTORS' GUILD AND KATHLEEN CARICOF FOR THE DESIGN, FABRICATION AND INSTALLATION OF ARTWORK AT THE BURBANK WATER AND POWER FACILITY.

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BY AND AMONG THE CITY OF BURBANK, THE NATIONAL SCULPTORS' GUILD AND DALE CLAUDE LAMPHERE FOR THE DESIGN, FABRICATION AND INSTALLATION OF ARTWORK AT THE BURBANK WATER AND POWER FACILITY.

6. APPOINTMENT TO UNEXPIRED TERMS ON THE TRANSPORTATION COMMISSION:

The purpose of this report is to request the Council make appointments to fill two unexpired terms on the Transportation Commission. One term expires on June 1, 2005 and the other term on June 1, 2007.

The Transportation Commission consists of seven members appointed by the Council giving consideration to persons affiliated with: small and large businesses; transportation technology research and development organizations; homeowners; the Burbank-Glendale-Pasadena Airport Authority; Transportation Management Organizations; or, associations and other special needs groups such as senior citizens, persons with disabilities and bicyclists. There are currently two vacancies on the Commission caused by the resignation Frank R. Barneburg and the absence of Mr. Paul McKenna due to his military obligation in the National Guard. The City Clerk's office began advertising for the vacancies with the issuance of a press release on February 23, 2005. Notice was also placed on the City's website and the Channel 6 Scroll. As of the Friday, March 25, 2005 deadline, applications were received from Paul D. Dyson and Richard E. Brewster.

It should be noted that all Board, Commission, and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. In addition, any person appointed to be a member of a Board, Commission, or Committee must be an elector of, and actually reside in, the City of Burbank.

Recommendation:

Staff recommends that the Council make appointments to the unexpired terms on the Transportation Commission ending June 1, 2005 and June 1, 2007.

7. BURBANK WATER AND POWER MONTHLY WATER AND POWER OPERATING REPORT:

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

**WATER UPDATE**

Water Quality

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

Fiscal Year (FY) 2004-05 Year-To-Date Water Fund Financial Results as of February 28, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	6,283,661	6,793,182	(509,521)	(8%)
Potable water sales (CCF)	6,267,403	6,469,560	(202,157)	(3%)
Reclaimed water sales (CCF)*	294,521	274,342	20,179	7%
Potable Revenues	\$10,167	\$11,005	(\$838)	(8%) (A)
Reclaimed and Power Plant Revenues	364	373	(8)	(2%)
<b>Total Operating Revenues</b>	<b>\$10,531</b>	<b>\$11,378</b>	<b>(\$846)</b>	<b>(7%)</b>
WCAC	4,675	4,645	(29)	(1%)
<b>Gross Margin</b>	<b>\$5,857</b>	<b>\$6,732</b>	<b>(\$876)</b>	<b>(13%)</b>
Operating Expenses	5,169	5,468	299	5%
<b>Operating Income</b>	<b>\$688</b>	<b>\$1,264</b>	<b>(\$576)</b>	<b>(46%)</b>
Other Income/(Expenses)	561	207	354	171% (B)
<b>NI before Contr. &amp; Transfers</b>	<b>\$1,249</b>	<b>\$1,471</b>	<b>(\$222)</b>	<b>(15%)</b>
Transfers (In Lieu)	(504)	(555)	(51)	9%
Contributed Capital (A.I.C)	1,437	436	1,001	229% (C)
<b>Change in Net Assets (Net Income)</b>	<b>\$2,182</b>	<b>\$1,352</b>	<b>\$830</b>	<b>61%</b>

( ) = Unfavorable

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

(A) Revenues are reduced by the amount of the WCAC over-collection (\$372K) and lower CCF sales due to cooler than normal temperatures and above average rainfalls (\$344k).

(B) Additional income from closing of old work for others projects.

(C) Additional income from closing of old AIC projects.

FY 2004-05 Water Fund Financial Reserve balances as of February 28, 2005 are

summarized in the following table:

<b>Water (In thousands)</b>	<b>Balance</b>	<b>Recommended</b>
	<b>2/28/2005</b>	<b>Reserves</b>
<b>Unrestricted Cash</b>		
General Operating Reserve	\$3,819	\$4,430
Capital Reserve	\$2,807	\$3,580
<b>Sub-Total Unrestricted Cash</b>	<b>6,626</b>	<b>\$8,010</b>
<b>Restricted Cash</b>		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,337	\$1,185
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$741	\$647
Parity Reserve Fund	\$811	\$811
<b>Sub-Total Restricted Cash</b>	<b>\$4,989</b>	<b>\$4,743</b>
<b>Total Cash</b>	<b>\$11,615</b>	<b>\$12,753</b>

## **ELECTRIC UPDATE**

### Electric Reliability

The following table shows the system-wide reliability statistics for FY 2004-05 through February 28, 2005 as compared to FY 2003-04:

Reliability Measure	Fiscal Year 2003-04	Fiscal Year 2004-05
Average Outages Per Year	0.3993	0.2767
Average Outage Duration	50.05 minutes	71.1 minutes
Average Service Availability	99.9961%	99.9944%

## Financial and Operations Update

FY 2004-05 year-to-date Power Financial Results as of February 28, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	773,965	780,502	(6,537)	(1%)
Weather Normalized NEL MWh	781,615	780,502	1,113	0%
Sales MWh	726,985	740,431	(13,446)	(2%)
Retail Revenues	\$93,431	\$95,611	(\$2,180)	(2%)
Retail Power Supply Expenses	50,054	55,100	5,046	9% (A)
<b>Retail Gross Margin</b>	<b>\$43,377</b>	<b>\$40,511</b>	<b>\$2,866</b>	<b>7%</b>
Wholesale Revenues	82,752	33,333	49,419	148%
Wholesale Expenses	79,868	31,000	(48,868)	(158%)
<b>Wholesale Gross Margin</b>	<b>\$2,884</b>	<b>\$2,333</b>	<b>\$551</b>	<b>24%</b>
<b>Gross Margin</b>	<b>\$46,261</b>	<b>\$42,844</b>	<b>\$3,417</b>	<b>8%</b>
Telecom Revenues	627	704	(77)	(11%)
Operating Expenses	26,939	28,440	1,501	5%
<b>Operating Income</b>	<b>\$19,949</b>	<b>\$15,108</b>	<b>\$4,841</b>	<b>32%</b>
Other Income & (Expense)	(382)	(1,398)	1,016	73% (B)
<b>Net Inc. before Contributed Capt.</b>	<b>\$19,567</b>	<b>\$13,710</b>	<b>\$5,857</b>	<b>43%</b>
Contributed Capital (A.I.C)	687	1,839	(1,152)	(63%) (C)
<b>Change in Net Assets (Net Income)</b>	<b>\$20,254</b>	<b>\$15,549</b>	<b>\$4,705</b>	<b>30%</b>

( ) = Unfavorable

- (A) BWP has been able to purchase more energy, and at a lower cost than planned from IPP, displacing higher priced sources.
- (B) BWP received settlement payment from El Paso for \$828k in December 2004.
- (C) BWP received a \$679k reimbursement from SCPPA for labor and projects related to MPP. These funds, although AIC in nature, are applied against MPP expenses and offset the retail power supply expenses.

FY 2004-05 preliminary Power Fund Financial Reserve balances as of February 28, 2005 is summarized in the following table:

<b>Electric (In thousands)</b>	<b>Balance</b>	<b>Recommended</b>
	<b>2/28/2005</b>	<b>Reserves</b>
<b>Unrestricted Cash</b>		
General Operating Reserve	\$40,410	\$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>\$59,286</b>	<b>\$61,770</b>
Debt Service Fund & Other Restricted Cash	\$6,972	\$6,972
Parity Reserve Fund	\$11,127	\$11,127
<b>Sub-Total Restricted Cash</b>	<b>\$18,099</b>	<b>\$18,099</b>
<b>Total Cash</b>	<b>\$77,385</b>	<b>\$79,869</b>

Recommendation:

Note and file.

**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, April 19, 2005 at 5:00 p.m. in the Council Chamber for a Study Session on the Initial Overview of the Fiscal Year 2005-06 Budget and Five-Year Forecast.

**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)**