



COUNCIL AGENDA - CITY OF BURBANK  
 TUESDAY, MAY 3, 2005  
 6:30 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.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

PRESENTATION: PLANT A TREE DONATION.

RECOGNITION: RECYCLING HEROES.

PRESENTATION: FORMER BOTSWANA MINISTER OF FOREIGN AFFAIRS, DR. GAOSITWE CHIEPE.

PRESENTATION: WEST NILE VIRUS PRESENTATION BY THE GREATER LOS ANGELES VECTOR CONTROL DISTRICT.

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 May 2, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2004-161 (ZONE TEXT AMENDMENT) AMENDING REGULATIONS FOR RESIDENTIALLY ADJACENT LATE NIGHT HOURS/OPERATION:

Last year, the Council directed staff to present a Zone Text Amendment (ZTA) to amend the "Residentially-Adjacent Commercial and Industrial (RACI) Uses" to make the definition of "Late Night Hours" therein consistent with the definition of "nighttime" hours in the Noise Ordinance. The RACI Ordinance defines Late Night Hours as "midnight to 6:00 a.m." The Noise Ordinance defines "nighttime" as 10:00 p.m. to 7:00 a.m. The RACI Ordinance places restriction on commercial and industrial businesses within 50 feet of a residential zone, while the Noise Ordinance operates citywide.

Staff finds that the proposed ZTA has the potential to affect the operations of a significant number of businesses; particularly start-up businesses, but also existing late night businesses that want to extend their hours or expand in size (floor area). The staff report contains a discussion of the estimated number, type, location, etc. of businesses potentially affected by the proposed ZTA, and also discusses some alternatives to the proposed change in Late Night Hours such as later hours on weekend evenings, requiring Administrative Use Permits (AUPs) rather than Conditional Use Permits (CUPs) and other possible options.

The Planning Board considered this ZTA at its regular meeting on February 14, 2005. The Board recommended against adoption of any amendments to the RACI Ordinance until a study could be done to better understand the nature of residentially- adjacent noise complaints. There is some evidence that a fairly small number of business operations have historically been responsible for a disproportionate number of complaints. The Board recommended that staff study noise complaints for a period of six months to one year. The information collected would be used to determine if a more narrowly-targeted

amendment or other alternative such as enforcement would be more effective than an across-the-board restriction of the type proposed by this amendment.

Recommendation:

Staff concurs with the recommendation of the Planning Board that the City undertake a targeted study of residentially-adjacent noise complaints before deciding to adopt more restrictive Late Night Hours regulations. Planning staff is prepared to undertake such a study in conjunction with the License and Code Services staff to study the geographic distribution, particular sources and times of noise complaints to determine if targeting certain locations or types of activities, or noise sources would be more effective than a broad based approach. Staff estimates that a period of six months to one year would be an adequate time for such a study.

**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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

3. NON-PROFIT ORGANIZATION FACILITY FUNDING PROGRAM:

The purpose of this report is to provide the Redevelopment Agency Board (Board) and the Council detailed information on potential programs to assist local community based non-profit organizations to purchase or build facilities. Two primary options include utilization of the Community Development Block Grant program, which is currently in place and funding this type of need; and the use of Redevelopment Agency (Agency) dollars as “matching” funds or leverage. Should the Council/Board opt to use redevelopment funding, specific eligibility criteria is recommended. This criteria may include, but not be limited to: using Agency funds to leverage or match other funding; the history and successes of the non-profit organization; and, project feasibility (including budget, ongoing operations costs, and plan for construction management).

Recommendation:

Staff recommends the Board and the Council provide additional direction.

CONSENT CALENDAR: (Item 4)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

4. AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS TO PROVIDE FOR AN INCREASE IN THE CITY ATTORNEY’S SALARY RANGE:

The purpose of this report is to request Council adoption of a resolution amending Resolution No. 21,732 to provide for an increase in the City Attorney’s salary range.

Pursuant to a request from the Council Sub-Committee, the Council reviewed the compensation of the City Manager and City Attorney at the April 26, 2005 Council

meeting. As the City Attorney and City Manager are officials appointed by the Council, they are to receive their annual performance evaluations and salary compensation determinations from the Council.

At the April 26, 2005 meeting, the Council approved a 2.5 percent increase for the City Attorney. Since the City Attorney was only 1.74 percent from the top of the existing salary range, it is necessary to adjust the current salary range to provide for the Council-approved 2.5 percent increase. The new range will be set at \$11,412 to \$13,865.

There is a minimal impact of .76 percent to the budget since the salary range has increased slightly. However, it will be absorbed in Fiscal Year (FY) 2004-05 through salary savings and will be appropriately budgeted for in the FY 2005-06 Budget.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS TO PROVIDE FOR AN INCREASE IN THE CITY ATTORNEY'S SALARY RANGE.

REPORTS TO COUNCIL:

5. STATUS REPORT ON AMENDING THE BURBANK MUNICIPAL CODE TO AUTHORIZE TEMPORARY "OPEN HOUSE" SIGNS TO BE PLACED IN THE PUBLIC RIGHT-OF-WAY WITH CERTAIN STANDARDS, RESTRICTIONS AND REQUIREMENTS:

The purpose of this report is to provide the Council with an analysis and recommendation concerning the Temporary Real Estate "Open House" Sign Ordinance which became effective July 24, 2004 and "sunset" on June 30, 2005. Since July 2004, License and Code Services and Public Works staff have been working closely with the Burbank Association of Realtors to educate the public concerning the existence and administration of the existing Temporary Real Estate "Open House" Sign Ordinance. Specifically, the primary focus of educating the public was concerning the restrictions, standards and requirements of the ordinance, which are:

1. **Size of sign** (face of sign may be no greater than 24" X 24")
2. **Height of sign** (total height, including frame, not to exceed three feet in height)
3. **Local address** (only a Burbank residence may be advertised on the Open House sign)
4. **Limit in number** (no more than four signs per property advertised may be posted on public property)
5. **Sign types** (stake-type or A-frame signs may be used and no attachments such as

balloons, pennants or flags may be added to the sign. Further, all signs must be made of quality materials and maintained in good condition at all times)

6. **Location** (Open House signs may not be posted on):
  - Trees, traffic signs or utility poles, or obstruct any official public sign
  - Signs may not obstruct the safe and convenient use by the public of any street, sidewalk or curbside parkway areas
  - Signs may not be placed in any roadway area or center median area
  - Placement of signs may not in any manner violate the Americans with Disabilities Act (curb cuts blocking disabled access)
  - Signs may not be within 18" from the face of the curb
  - Signs may not be on streets undergoing construction, nor on streets with special events
  - Signs may not be within five feet of the beginning of the curb return of any two intersections (a diagram is included in the ordinance text to facilitate understanding the distance requirements)
  - Signs may not be within five feet of any driveway, traffic signal, traffic sign, designated bus stop, bus bench or any other bench on the sidewalk
7. **Time** (Signs may only be displayed during an open house on Saturdays, Sundays and Federal and State holidays {8:00 a.m. to dusk or 6:00 p.m.}, and Thursdays {8:00 a.m. to 2:00 p.m.})
8. **Permit** (A permit shall be obtained from the Public Works Department which includes: fees paid, insurance {combined single limit of at least \$1,000,000 for each permit}, indemnification and decal application onto the "Open House" sign)
9. **Identification required** (Each sign shall have affixed to it, in an area not to exceed 2" X 3", the name, address, and telephone number of the person responsible for the placing of maintaining the sign within the public right-of-way)

Since July 2004, approximately 1,100 sign permits have been issued. Staff considers this ordinance to be effective in the regulation and controlling of signage of this nature upon the public right-of-way.

Recommendation:

It is recommended that the Council direct staff to return with a permanent ordinance before the existing ordinance "sunset" on June 30, 2005. Staff recommends the permanent ordinance contain the same standards and restrictions as written in the "sunset" ordinance. It is further recommended that when staff returns with this ordinance, the Council also amend the Burbank Fee Resolution to establish a non-prorated annual fee of \$12 per fiscal year for permits to place Temporary Real Estate Open House Directional Signs on public property.

6. APPROVAL AND FILING OF THE FISCAL YEAR 2005-06 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS:

This resolution requests the Council to: 1) approve/file the Fiscal Year (FY) 2005-06 Annual Plan of the Consolidated Plan (2003-08) submission; 2) File Federal fund applications for the Community Development Block Grant (CDBG) and Home Investment Partnerships Programs (HOME); 3) File the 2005 Final Statement of Community Development Objectives and Projected Use of Funds; 4) Authorize the City Manager to execute United States Department of Housing and Urban Development funding agreements for CDBG and HOME Programs, act as the City’s Certifying Officer under 24 CFR, Part 58 – Environmental Review Procedures; and execute sub-recipient contracts with organizations utilizing CDBG and HOME funds, as applicable; and, 5) permit the extension of specific CDBG Reimbursable Contracts for capital projects.

The 2005 Annual Plan details Federal, State and local fund resources totaling over \$17.7 million, including \$1.8 million in Federal CDBG entitlement, reallocated funds, and program income, \$862,598 in HOME funds and \$7.79 million in Section 8 rental assistance. State resources from the Multi-Family Housing program (\$1.3 million) and local resources from the Redevelopment Housing Set-Aside Fund (\$6 million) total an additional \$7.3 million.

CDBG, HOME and Section 8 resources provide the Federal funds available to address Consolidated Plan projects and activities. CDBG resources and fund use by category are as follows:

**Fiscal Year 2005 Community Development Block Grant Resources**

<i>Fund Source</i>	<i>Fund Amount</i>
2005 Entitlement	\$1,339,841
HUD Reallocated Funds	\$ 10,660
Program Income (2003-04)	\$ 459,496
Total 2005 Funds	\$1,809,997

**Fiscal Year 2005 Community Development Block Grant Funds by Category**

Capital Project Funds	\$1,176,498
Public Service Funds	\$ 271,500*
Program Administration Funds	\$ 361,999*
Total Funds Available	\$1,809,997

\* Statutory Limits: Program Administration (20%); Public Services (15%)

FY 2005 HOME funds (\$776,339) will be used by the Burbank Housing Corporation (a Community Housing Development Organization) for housing acquisition and rehabilitation activities, with HOME program administration funded at \$86,260 (Total: \$862,599).

For CDBG capital projects, a total of 11 project proposals for \$1.87 million were received. On January 25, 2005, the Council via Resolution No. 26,896 approved capital



fund projects totaling \$1,176,498.

Department/Agency	Project Description	City Council Approval
Public Works Department	Olive Avenue Reconstruction	\$ 505,148
Community Development Dept. – License and Code Services Division	Code Enforcement Program	\$ 133,450
Burbank Temporary Aid Center	New Construction/Renovation Project (Phase II)	\$ 459,900
Build Rehabilitation Industries	Facility Improvements	\$ 78,000
CDBG Capital Projects (2005)		\$ 1,176,498

For CDBG public services, a total of 20 proposals were received equaling over \$532,000. The recommendations of the Community Development Goals Committee and the City’s Executive staff are shown below:

Department/Agency	Project	Request Amount	Goals Committee	Executive Staff
Salvation Army	Emergency Services	\$ 22,000	\$ 18,000	\$ 18,000
Family Service Agency	Clinical Craft Program	\$ 19,600	\$ 43,000	\$ 19,600
	Community Day School	\$ 20,000	Included above	\$ 20,000
	Middle School Counseling	\$ 35,000	Included above	* City Set-aside
Build Rehabilitation Industries	Disabled Job Training	\$ 18,175	\$ 18,175	\$ 13,400
Burbank Temporary Aid Center	Homeless and Needy Services	\$ 46,750	\$ 35,000	\$ 35,000
Burbank School District	Summer Youth Employment	\$ 89,793	\$ 70,000	\$ 70,000
Burbank YMCA	Senior Citizen Fitness	\$ 10,000	\$ 15,000	\$ 15,000
	Child Care	\$ 20,000	Included above	Included above
	Youth Day Camp	\$ 10,000	Included above	Included above
Boys & Girls Club	Hearing Impaired and Luther School Programs	\$ 45,000	\$ 35,000	\$ 35,000
Department/Agency	Project	Request Amount	Goals Committee	Executive Staff
Burbank Center for the Retarded	Disabled Programs	\$ 15,000	\$ 9,000	\$ 9,000
Library Department	Literacy Program	\$ 5,000	\$ 4,000	\$ 4,000
Partners In Care Foundation	Health Care Services	\$ 2,900	\$ 1,975	\$ 1,975
Fair Housing Council	Fair Housing Services	\$ 18,000	** Admin.	** Admin.
Burbank Noon Lions	Ear and Eye Care Programs	\$ 8,000	\$ 2,000	\$ 2,000
Heritage Clinic – Community Assistance Program for Seniors (CAPS)	Adult Day Care Center	\$ 30,000	\$ 10,000	\$ 10,000
Armenian Relief Society	Social Services	\$ 36,936	\$ 5,350	\$ 5,000
Kids Community Dental Clinic	Dental Services	\$ 10,000	\$ 5,000	\$ 8,500
We Care for Youth	Youth Job Training	\$ 70,000	0	*** \$ 5,000
Total Public Services		\$ 532,154	\$ 271,500	\$ 271,500
Public Services Funds Available		\$ 271,500	\$ 271,500	\$ 271,500
Fund Shortage		\$ 260,654	0	0

\* On 2/15/05, the City Council appropriated \$250,000 for youth counseling and teen related programs recommended by the Mayor’s Youth Task Force (Resolution 26,907). Executive Staff recommends funding the Middle School Counseling Program (\$35,000) with these funds.

\*\* Fund Fair Housing Council (\$18,000) with CDBG Program Administrative Funds

\*\*\* Fund Organization (\$5,000) Product Costs and Not Staff Costs

Both committees recommend CDBG program administration at the 20 percent statutory maximum or \$361,999.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2005-06 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

7. ORAL COMMUNICATIONS:

Council Member Ramos has asked that the issue of Oral Communications again be considered by the Council. This question has been addressed quite often in the past and the report summarizing the material has been provided to the Council.

Pursuant to the policy of the Council, staff has done no additional work on this matter. If the Council desires to further discuss the issue of Oral Communications, it is recommended that such direction be given to staff, and a more complete report will be brought back for consideration.

Recommendation:

Direct staff to review the issue further and to bring back a more comprehensive report to the Council for consideration.

8. BURBANK WATER AND POWER MONTHLY OPERATIONS REPORT:

Staff has prepared the BWP Water and Electric Monthly Report regarding water quality and power issues for April 2005.

**WATER UPDATE**

**Water Quality**

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

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

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	6,887,707	7,416,090	(528,383)	(7%)
Potable water sales (CCF)	6,831,650	7,062,839	(231,189)	(3%)
Reclaimed water sales (CCF)*	315,119	302,670	12,449	4%
Potable Revenues	\$11,381	\$12,014	(\$634)	(5%) (A)
Reclaimed and Power Plant Revenues	393	411	(19)	(5%)
<b>Total Operating Revenues</b>	<b>\$11,773</b>	<b>\$12,425</b>	<b>(\$652)</b>	<b>(5%)</b>
WCAC	5,178	5,063	(114)	(2%)
<b>Gross Margin</b>	<b>\$6,595</b>	<b>\$7,362</b>	<b>(\$767)</b>	<b>(10%)</b>
Operating Expenses	5,744	6,152	408	7%
<b>Operating Income</b>	<b>\$851</b>	<b>\$1,210</b>	<b>(\$359)</b>	<b>(30%)</b>
Other Income/(Expenses)	587	239	348	146% (B)
<b>NI before Contr. &amp; Transfers</b>	<b>\$1,438</b>	<b>\$1,449</b>	<b>(\$10)</b>	<b>(1%)</b>
Transfers (In Lieu)	(559)	(606)	(46)	8%
Contributed Capital (A.I.C)	1,494	491	1,003	204% (C)
<b>Change in Net Assets (Net Income)</b>	<b>\$2,372</b>	<b>\$1,334</b>	<b>\$1,039</b>	<b>78%</b>

( ) = Unfavorable

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

(A) Revenues are reduced by the amount of the WCAC over-collection (\$331K) and lower CCF sales due to cooler than normal temperatures and above average rainfalls (\$455K).

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

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

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

<b>Water (In thousands)</b>	<b>Balance</b>	<b>Recommended Reserves</b>
	<b>3/31/2005</b>	
<b>Unrestricted Cash</b>		
General Operating Reserve	\$4,043	\$4,430
Capital Reserve	\$2,807	\$3,580
<b>Sub-Total Unrestricted Cash</b>	<b>6,850</b>	<b>\$8,010</b>
<b>Restricted Cash</b>		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,297	\$1,297
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund & Other Restricted Cash	\$833	\$833
Parity Reserve Fund	\$811	\$811
<b>Sub-Total Restricted Cash</b>	<b>\$5,041</b>	<b>\$5,041</b>
<b>Total Cash</b>	<b>\$11,890</b>	<b>\$13,051</b>

## **ELECTRIC UPDATE**

### **Electric Reliability**

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

<b>Reliability Measure</b>	<b>Fiscal Year 2003-04</b>	<b>Fiscal Year 2004-05</b>
Average Outages Per Year	0.3993	0.3005
Average Outage Duration	50.05 minutes	76.7 minutes
Average Service Availability	99.9961%	99.9942%

### **Financial and Operations Update**

FY 2004-05 year-to-date Power Financial Results as of March 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	864,337	870,831	(6,494)	(1%)
Weather Normalized NEL MWh	871,989	870,831	1,158	0%
Retail Sales MWh	818,948	827,786	(8,838)	(1%)
Retail Revenues	\$103,129	\$105,798	(\$2,669)	(3%)
Other Revenues	1,636	1,712	(76)	(4%)
Retail Power Supply & Transmission expenses	(58,767)	(62,313)	3,546	6%
<b>Retail Gross Margin</b>	<b>\$45,998</b>	<b>\$45,198</b>	<b>\$800</b>	<b>2%</b>
Wholesale Revenues	88,530	37,500	51,030	136%
Wholesale Power Supply	(85,606)	(34,875)	(50,731)	(145%)
<b>Wholesale Gross Margin</b>	<b>\$2,924</b>	<b>\$2,625</b>	<b>\$299</b>	<b>11%</b>
<b>Gross Margin</b>	<b>\$48,922</b>	<b>\$47,823</b>	<b>\$1,099</b>	<b>2%</b>
Operating Expenses	(24,070)	(25,331)	1,261	5%
<b>Operating Income</b>	<b>\$24,852</b>	<b>\$22,492</b>	<b>\$2,360</b>	<b>10%</b>
Other Income/ (Expense)	(580)	(1,573)	993	63% (A)
<b>NI before Contr. &amp; Transfers</b>	<b>\$24,272</b>	<b>\$20,919</b>	<b>\$3,353</b>	<b>16%</b>
Transfers In/(Out) - (In lieu)	(6,101)	(6,612)	511	8%
<b>NI before Contributions</b>	<b>\$18,171</b>	<b>\$14,307</b>	<b>\$3,864</b>	<b>27%</b>
Contributed Capital (A.I.C)	720	2,069	(1,349)	(65%) (B)
<b>Change in Net Assets (Net Income)</b>	<b>\$18,891</b>	<b>\$16,375</b>	<b>\$2,516</b>	<b>15%</b>

( ) = Unfavorable

- (A) Includes December settlement payment from El Paso for \$828k.  
(B) 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 Power Fund Financial Reserve balances as of March 31, 2005 is summarized in the following table:

<b>Electric (In thousands)</b>	<b>Balance 3/31/2005</b>	<b>Recommended Reserves</b>
<b>Unrestricted Cash</b>		
General Operating Reserve	\$45,616	\$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	\$4,376	\$0
<b>Sub-Total Unrestricted Cash</b>	<b>\$63,792</b>	<b>\$61,770</b>
Debt Service Fund & Other Restricted Cash	\$8,020	\$8,020
Parity Reserve Fund	\$11,129	\$11,129
<b>Sub-Total Restricted Cash</b>	<b>\$19,149</b>	<b>\$19,149</b>
<b>Total Cash</b>	<b>\$82,941</b>	<b>\$80,919</b>

Recommendation:

Note and file.

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 Saturday, May 7, 2005 at 9:00 a.m., at the Buena Vista Library Community Meeting Room, 300 North Buena Vista Street, for the Annual Council Goal Setting Workshop and a joint meeting with the Planning Board.

**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)**