



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MAY 31, 2005
5:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48 hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

a. Conference with Labor Negotiator:

Pursuant to Govt. Code §54957.6

Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.

Name of Organization Representing Employee: Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.

Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

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:

RECOGNITION: KVAERNER FOR MAGNOLIA POWER PROJECT SAFETY RECORD.

RECOGNITION: BOOK DONATION FROM BURBANK WATER AND POWER TO LIBRARIES FOR MAY WATER AWARENESS MONTH.

PRESENTATION: MAGLEV PROJECT.

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).

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 action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 1 through 3)

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.

1. APPROVING A PROFESSIONAL SERVICES AGREEMENT AMENDMENT BETWEEN THE CITY AND WOLFF LANG CHRISTOPHER ARCHITECTS, INC. FOR THE ROBERT R. OVRUM PARK PROJECT, PHASE I:

Staff is requesting Council approval of a Professional Services Agreement (PSA) amendment between the City and Wolff Lang Christopher Architects (Architect) for the Robert R. Ovrum Park Project (Project), Phase I.

There are two components that comprise this \$46,000 PSA amendment: 1) \$33,000 for Construction Administration Services for the subterranean garage; and, 2) \$13,000 for Engineering and Design Services to complete construction drawings for street improvements to Providencia and Cedar Avenues. On January 14, 2004, the Council approved a PSA amendment to provide engineering and design services for the addition of a subterranean garage. However, the additional time required to coordinate, review and address construction and related administrative efforts during the Project's construction phase were not included in the amendment. This construction addition requires the Architect's involvement with shop drawing submittals, requests for information, field observations and related support activities.

The Project originally included only the necessary removal and replacement of curb, gutter and sidewalks that were either damaged or had driveway approaches along the frontage of Providencia and Cedar Avenues. After further consideration, the decision was made to replace the existing infrastructure as there is long-term value in making the necessary improvements both from a safety and aesthetics standpoint; the City would require these improvements if a private developer were building a similar project; and, the improvements will better integrate with the proposed changes being made as part of the South San Fernando Streetscape Project.

The cost for each service was closely reviewed and is commensurate with industry standards for the required level of services needed for its completion.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND WOLFF LANG CHRISTOPHER, INC. FOR THE ROBERT R. OVRUM PARK PROJECT, PHASE I.

2. APPROVING AMENDMENT NO. 4 TO THE AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY AND LEO A. DALY COMPANY FOR THE COMMUNITY SERVICES BUILDING PROJECT:

Staff is requesting Council approval of Amendment No. 4 to the Architectural Services Agreement between the City and Leo A. Daly Company for the Community Services Building Project (Project).

On November 23, 2004, the Council directed staff to proceed with completion of the Construction Document Phase for the Project. Staff effectively managed to value engineer more than \$2.47 million from the Design Development Phase prior to presenting the program to the Council. However, staff was tasked to continue its diligent efforts to identify additional opportunities to further reduce project costs, with an emphasis on the construction program which represents about 78 percent of the total project budget.

Since that time, the Project Team, together with the Development Overview Committee, has been involved with an on-going dialogue to determine effective cost reduction opportunities without impacting the Project's quality and functionality. Although these cost cutting measures and their anticipated construction savings have yet to be qualified, staff maintains that as a result of this latest value engineering effort, the Council's directive to further reduce the Project's overall anticipated cost will be met. The anticipated construction savings will be identified during the development of the Guaranteed Maximum Price effort and will be discussed as part of the staff report to the Council at the end of the Construction Documents Phase effort.

The proposed fourth amendment for \$4,385 will provide services to focus on selective cost cutting opportunities to further reduce the anticipated construction cost for the accepted program. Although the \$4,385 amendment is nominal in cost, it exceeds the cumulative \$50,000 amendment threshold (or 10 percent of the original amount, whichever is less) thereby requiring Council approval.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AMENDMENT NO. 4 TO AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND LEO A. DALY COMPANY.

3. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1182 – 2004-05 COMMUNITY DEVELOPMENT BLOCK GRANT STREET, SIDEWALK AND PEDESTRIAN RAMP PROJECT:

Staff is requesting Council approval of contract documents and awarding a construction contract for Bid Schedule No. 1182 – 2004-05 Community Development Block Grant (CDBG) Street, Sidewalk and Pedestrian Ramp Project. The scope of work of this project consists of reconstruction of Third Street, from Olive Avenue to Verdugo Avenue, including approximately 1,000 square feet of sidewalks along Third Street. In addition, seven pedestrian ramps at the intersections of Third Street and Olive Avenue, Tujunga Avenue and Verdugo Avenue will be reconstructed to conform to the latest Americans with Disabilities Act standards. The entire project will be done in regular concrete.

Bid Schedule No. 1182 was advertised for construction bids on March 5 and 9, 2005. A bid opening was held on May 3, 2005, and two contractors submitted bids of \$477,290 and \$631,380. Kalban, Inc. of Sun Valley, California, submitted the lowest bid of \$477,290 which is 29.9 percent below the engineer's estimate of \$620,000. Kalban, Inc. is the same contractor who reconstructed Olive Avenue from Third Street to First Street in 2004. The unused balance of CDBG funds will be available for reallocation to CDBG projects next fiscal year.

Construction of this project is planned to occur in July and August 2005. The work will be completed within 46 calendar days. Residents and businesses along Third Street will be notified of the project by mail before the end of May. Construction signs will also be placed, notifying pedestrians and drivers of construction and possible delays.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND

ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE 2004-05 CDBG STREET, SIDEWALK AND PEDESTRIAN RAMP PROJECT, BID SCHEDULE NO. 1182.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL :

4. ALAMEDA NORTH NEIGHBORHOOD PROTECTION PROGRAM:

The purpose of this report is to present the input received from the community and to request Council direction for installing various traffic calming measures to address traffic and parking problems in the area north of Alameda Avenue and Olive Avenue near the Media District.

On May 27, 2003, the Council voted 3-0 to direct staff to conduct a study on traffic and parking conditions in the area bounded by Hollywood Way, Oak Street, Buena Vista Street, Olive Avenue and Alameda Avenue. During the public hearings for the first "Platt Project" (a development proposed at the southwest intersection of Alameda Avenue and Lima Street), residents informed the Council that they were currently facing cut-through traffic, speeding and parking problems on their streets due to other commercial development in the Media District. The residents were concerned that additional development, such as the Bob Hope Project, Pinnacle Phase II and the Platt Project, would exacerbate those problems. The Council selected this area because it appeared to be the area most directly affected by the existing and proposed commercial development.

Staff retained Kaku Associates to prepare the study. A questionnaire was sent to property owners and tenants in the study area for their initial input. Staff and the consultant conducted five community meetings to create the program. A brochure of the program was mailed to everyone in the study area who was asked to return voting cards stating their support of or opposition to the program. The voter turnout was relatively low and there was not a mandate for or against the program.

Staff, therefore, is recommending the Council implement some of the program elements, such as permit parking on the local streets, implementation of the speed awareness campaign, parking lane striping and intersection red curbing along Oak Street, and a raised three-way stop sign intersection at Lima Street and Oak Street.

Staff is not proposing at this time to install the other protection measures such as: permit parking on Alameda Avenue; diverters; stop sign installations and relocations (except Lima Street); addition of parking at Whitnall Highway/California Street/Oak Street and along Fairview Street; and, the turn restriction at Buena Vista Street and Olive Avenue.

The cost to implement the first phase is estimated at \$57,000. This cost will be reimbursed by the Platt Project developer as a Condition of Approval for that Planned Development project. The cost to hire a consultant to review the effectiveness of the

measures by taking new counts and meeting with the community is estimated at \$10,000, which would also be reimbursed at a later date.

Recommendation:

Staff recommends that the Council direct staff to proceed with implementing the first phase and plan for a review in twelve months. Staff further recommends that when reviewing the effectiveness of the measures, residents from Oak Street to Verdugo Avenue, just north of the study area, be included in those discussions and community meetings.

5 APPOINTMENTS TO VACANCIES ON THE LANDLORD-TENANT COMMISSION FOR TERMS EXPIRING JUNE 1, 2005:

The purpose of this report is to request the Council make appointments from the qualified applicants to fill three terms on the Landlord-Tenant Commission ending on June 1, 2005. The Landlord-Tenant Commission consists of five members appointed by the Council and meets every first Monday of the month at 7:00 p.m. in the Council Chamber at City Hall. There are currently three vacancies on the Commission that will be created by the June 1, 2005 term expirations.

On March 30, 2005, the City Clerk's Office began advertising and accepting applications for vacancies on various City Boards, Commissions and Committees. Notice was placed on the City's web site; the Channel 6 Scroll; March utility billing envelopes; and, announcements were made at Council meetings. As of the application deadline of Friday, April 29, 2005 at 5:00 p.m., only two applications were received for the three vacancies on this Commission. At the Community Development Department's (Housing Division) request, the application period for the vacancies was extended to Friday, May 20, 2005 at 5:00 p.m. to allow for the Council to make the appointments prior to June 1, 2005. As of this extended deadline, applications were received from the following: Janis Bunch; Molly L. Shore; Yvette M. Ulloa; Maria E. Gonzalez-Romano; and, Alma Briseno.

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.

The City Clerk's Office is also still accepting applications for the Charter Review Committee until June 30, 2005. It is anticipated that the Committee will have 11 members who will meet as often as necessary to complete a review of the City's Charter and make specific recommendations for changes. Any changes to the City's Charter must be placed before the voters of Burbank.

Recommendation:

Staff recommends that the Council consider the applications submitted and make three appointments to the Landlord-Tenant Commission for four-year terms ending June 1, 2009.

6. REVIEW OF PLANNED DEVELOPMENT AGREEMENTS:

This report is for the purpose of complying with the Burbank Municipal Code which requires that the Community Development Director submit to the Council a review of Development Agreements (DA) entered into pursuant to the Planned Development provisions of the Code. This review covers the time period of April 1, 2004 through April 1, 2005. There are currently 18 active Planned Developments (PD) that are not built or not yet complete; staff monitors these PDs to ensure progress and compliance with development requirements and Conditions of Approval. This report reviews the status of active PDs, as well as compliance with conditions and requirements of the DAs.

The report also discusses several PDs with expired DAs. The DAs for these projects have either expired prior to the approved projects being built or were never executed. These sites are therefore left with a PD zoning for an approved project, but the developer no longer has vested rights to the project and the conditions and regulations that the City has imposed on the particular project, which were contained in the DAs, are no longer in effect. Remedies for this situation, including the rezoning of these properties, are discussed in the report.

Recommendation:

It is recommended that staff be directed to: 1) proceed with the rezoning of PDs with expired DAs; and, 2) work with the City Attorney's Office on amending the Code relating to PDs to eliminate the zone reversion clause, and to ensure that if PDs are not built in accordance with the provisions of the DA, the underlying zone does not get changed.

7. REAL ESTATE OPEN HOUSE SIGN ORDINANCE:

At the May 3, 2005 Council meeting, staff reported that the Temporary Real Estate "Open House" Sign Ordinance, which became effective July 24, 2004 and "sunset" on July 24, 2005, had been effective in regulating the placement of real estate "Open House" signs within the public right-of-way. The Council directed staff to return with an ordinance which eliminates the "sunset" provision of the ordinance as well as providing a resolution to amend the Burbank Fee Schedule to raise the permit fee from \$10 to \$12 and make this fee non-prorated.

The Council kept the restrictions, standards and requirements of the ordinance the same as determined in the original ordinance. Those restrictions, standards and requirements 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 or maintaining the sign within the public right-of-way)

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE II, SECTION 7, SUBSECTION (D)(5) OF RESOLUTION NO. 26,737, THE BURBANK FEE RESOLUTION, RELATING TO TEMPORARY “OPEN HOUSE” SIGNS IN THE PUBLIC RIGHT-OF-WAY PERMIT.
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ORDINANCE NO. 3641 TO ELIMINATE THE SUNSET PROVISION OF THE TEMPORARY “OPEN HOUSE” REAL ESTATE SIGNS ORDINANCE.

8. APPROVAL OF BICYCLE PATHS, BICYCLE TRAILS, BIKEWAYS, EQUESTRIAN, HIKING AND RECREATION TRAILS ORDINANCE:

Staff is requesting Council approval of an ordinance governing the “rules of the road” along the bicycle paths, bicycle trails, bikeways, equestrian, hiking and recreation trails.

The bikeways, bicycle paths and other types of trails are avenues of recreational activity enjoyed by many of our local residents. They provide areas where community members can walk, ride bicycles, skate, horseback and skateboard in a safe environment. To keep these areas as safe as possible, the proposed “rules of the road” ordinance will govern the modes of transportation along these areas.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 28, SECTION 29-2704 TO CHAPTER 20 OF THE BURBANK MUNICIPAL CODE ESTABLISHING THE RULES OF THE ROAD FOR PEDESTRIAN AND BICYCLE FACILITIES, INCLUDING BUT NOT LIMITED TO SIDEWALKS, BICYCLE PATHS, BICYCLE TRAILS, BIKEWAYS, EQUESTRIAN TRAILS, HIKING AND RECREATION TRAILS.

9. BURBANK WATER AND POWER MONTHLY OPERATING REPORT:

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

WATER UPDATE

Water Quality

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

Fiscal Year (FY) 2004-05 Year-To-Date Water Fund Financial Results as of April 30, 2005:

| | Year - to - Date | | | |
|--|------------------|-----------------|----------------|--------------|
| | Actual | Budget | Variance | % Variance |
| Water put into the system (CCF) | 7,626,920 | 8,142,671 | (515,750) | (6%) |
| Potable water sales (CCF) | 7,490,705 | 7,754,997 | (264,292) | (3%) |
| Reclaimed water sales (CCF)* | 340,143 | 339,623 | 520 | 0% |
| Potable Revenues | \$12,750 | \$13,192 | (\$441) | (3%) (A) |
| Reclaimed and Power Plant Revenues | 427 | 461 | (35) | (7%) |
| Total Operating Revenues | \$13,177 | \$13,653 | (\$476) | (3%) |
| WCAC | 5,769 | 5,524 | (245) | (4%) (B) |
| Gross Margin | \$7,409 | \$8,129 | (\$721) | (9%) |
| Operating Expenses | 6,436 | 6,837 | 401 | 6% |
| Operating Income | \$973 | \$1,293 | (\$320) | (25%) |
| Other Income/(Expenses) | 601 | 271 | 330 | 122% (C) |
| NI before Contr. & Transfers | \$1,574 | \$1,564 | \$10 | 1% |
| Transfers (In Lieu) | (619) | (661) | (42) | 6% |
| Contributed Capital (A.I.C) | 1,521 | 545 | 975 | 179% (D) |
| Change in Net Assets (Net Income) | \$2,475 | \$1,448 | \$1,027 | 71% |

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

** Year-to-date actual: July '04-March '05 actual and April '05 budget

- (A) Revenues are reduced by the amount of the WCAC over-collection (\$430K).
- (B) The BOU has experienced reduced operating capacity due to carbon screen failures, MWD shutdown, and water production problems associated with the persistent low water table and two of the major wells down for maintenance. Thus, there was an increased need for purchased water from the Metropolitan Water District (MWD). The BOU has an average of 56 percent of operating capacity compared to 75 percent of budgeted capacity.
- (C) Additional income from closing of old work for others projects.
- (D) Additional income from closing of old AIC projects.

FY 2004-05 Water Fund Financial Reserve balances as of April 30, 2005 are summarized in the following table:

| Water (In thousands) | Balance | Recommended |
|---|------------------|--------------------|
| | 4/30/2005 | Reserves |
| Unrestricted Cash | | |
| General Operating Reserve | \$3,805 | \$4,430 |
| Capital Reserve | \$2,807 | \$3,580 |
| Sub-Total Unrestricted Cash | \$6,612 | \$8,010 |
| Restricted Cash | | |
| Water Replenishment Reserve | \$1,000 | \$1,000 |
| WCAC | \$1,246 | \$1,246 |
| Distribution Main Reserve | \$1,100 | \$1,100 |
| Debt Service Fund & Other Restricted Cash | \$925 | \$925 |
| Parity Reserve Fund | \$811 | \$811 |
| Sub-Total Restricted Cash | \$5,082 | \$5,082 |
| Total Cash | \$11,694 | \$13,092 |

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for Fiscal Year 2004-05 through April 30, 2005 as compared to Fiscal Year 2003-04:

| Reliability Measure | Fiscal Year 2003-04 | Fiscal Year 2004-05 |
|------------------------------|----------------------------|----------------------------|
| Average Outages Per Year | 0.3993 | 0.3005 |
| Average Outage Duration | 50.05 minutes | 76.7 minutes |
| Average Service Availability | 99.9961% | 99.9947% |

Financial and Operations Update

FY 2004-05 year-to-date Power Financial Results as of April 30, 2005:

| | Year - to - Date | | | |
|---|------------------|-----------------|----------------|------------|
| | Actual | Budget | Variance | % Variance |
| NEL MWh | 951,684 | 959,180 | (7,496) | (1%) |
| Weather Normalized NEL MWh | 959,432 | 959,180 | 252 | 0% |
| Retail Sales MWh | 900,808 | 911,307 | (10,499) | (1%) |
| Retail Revenues | 113,805 | \$116,512 | (\$2,707) | (2%) |
| Other Revenues | 1,655 | 1,887 | (233) | (12%) (A) |
| Retail Power Supply & Transmission expenses | (66,122) | (69,354) | 3,232 | 5% |
| Retail Gross Margin | \$49,337 | \$49,045 | \$293 | 1% |
| Wholesale Revenues | 94,242 | 41,667 | 52,575 | 126% |
| Wholesale Power Supply | (91,193) | (38,750) | (52,443) | (135%) |
| Wholesale Gross Margin | \$3,049 | \$2,917 | \$132 | 5% |
| Gross Margin | \$52,386 | \$51,961 | \$425 | 1% |
| Operating Expenses | (27,249) | (28,146) | 897 | 3% |
| Operating Income | \$25,137 | \$23,816 | \$1,321 | 6% |
| Other Income/ (Expense) | (572) | (1,747) | 1,175 | 67% (B) |
| NI before Contr. & Transfers | \$24,565 | \$22,068 | \$2,496 | 11% |
| Transfers In/(Out) - (In lieu) | (7,101) | (7,282) | 181 | 2% |
| NI before Contributions | \$17,464 | \$14,786 | \$2,678 | 18% |
| Contributed Capital (A.I.C) | 859 | 2,298 | (1,439) | (63%) (C) |
| Change in Net Assets (Net Income) | \$18,323 | \$17,085 | \$1,239 | 7% |

() = Unfavorable

* Year-to-date actual: July '04-March '05 actual and April '05 budget

(A) Termination of the fiber optic agreement with ICG with an annual impact of \$156k.

(B) Includes December settlement payment from El Paso for \$828k.

(C) BWP received a \$679k reimbursement from SCPPA for labor and projects related to MPP. These funds, although Aid-In-Construction (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 April 30, 2005 is summarized in the following table:

| Electric (In thousands) | Balance | Recommended |
|---|-----------------|-----------------|
| | 4/30/2005 | Reserves |
| Unrestricted Cash | | |
| General Operating Reserve | \$45,499 | \$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 | \$4,405 | \$0 |
| Sub-Total Unrestricted Cash | \$63,704 | \$61,770 |
| Debt Service Fund & Other Restricted Cash | \$9,072 | \$9,072 |
| Parity Reserve Fund | \$11,131 | \$11,131 |
| Sub-Total Restricted Cash | \$20,203 | \$20,203 |
| Total Cash | \$83,907 | \$81,973 |

Recommendation:

Note and file.

ADOPTION OF PROPOSED ORDINANCES:

10. ADOPTION OF THE 2004 CALIFORNIA ELECTRICAL CODE AND REVISIONS TO CHAPTER 7 OF THE BURBANK MUNICIPAL CODE:

This ordinance includes the following proposed revision to the Burbank Municipal Code:

1. Every three years, the State of California revises and adopts updated editions of the California Building Codes. In February, the Building Standards Commission published the 2004 California Electrical Code, with an effective date of August 1, 2005. This Code reflects revisions to the 2002 National Electrical Model Code, published by the National Fire Protection Association, as adopted by the California Building Standards Commission.
2. State Senate Bill 1025 has mandated new disabled accessibility requirements for multi-story, or townhouse, dwelling units, which are effective on July 1, 2005. These requirements include accessible entrances and paths of travel, accessible switches and outlets, and accessible kitchens and bathrooms for ground floor townhouse-style dwelling units which had previously been exempt from the disabled access provisions of the California Building Code.

3. Currently, Section 5537 of the Business and Professions Code establishes limitations for projects that do not require a signature by a licensed professional. This proposed revision to Section 7-1-106.4.1 will also extend those restrictions to which individuals a permit may be issued. The revision requires that, for any project required to be signed by a licensed professional, permits may only be issued to a State of California licensed contractor.
4. Section 7-102 regulates the use of tents and canopies in the City. The revisions to this section clarify these regulations as they relate to the Fire Code and provide for exemptions from permit in accordance with Section 7-1-106 of the California Building Code.

This ordinance was introduced at the May 24, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 7 OF THE BURBANK MUNICIPAL CODE REGARDING THE BUILDING CODE AND ADOPTING THE 2004 CALIFORNIA ELECTRICAL CODE.

11. DEVELOPMENT STANDARDS FOR R-1 AND R-1-H SINGLE-FAMILY RESIDENTIAL ZONES (PROJECT NO. 2004-69):

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.

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 "mansions" 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 mansions but which staff believes should also be addressed as part of a package of new standards. The new standards would apply to the R-1 and R-1-H zones. As part of the proposed action, the R-1-E Residential Estate zone would be deleted from the Code, and all R-1-E properties would be rezoned to R-1.

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

- Reduction of 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 the IDCO);

- Reduction of maximum floor area ratio from 0.6 including garage to 0.4 not including garage, with incentives available to get up to 0.45 (0.45 is the current interim standard under the IDCO);
- Reduction of maximum lot coverage from 60 percent to 50 percent;
- Increase in minimum rear yard setback from five feet to 15 feet;
- Change in minimum interior side yard setback from five feet to 10 percent of lot width but no less than three feet and no more than 10 feet;
- Change in minimum street-facing side yard setback from 10 feet to 20 percent of lot width but no less than six feet and no more than 20 feet;
- Increase in minimum accessory structure setback from no setback to three feet for the ground floor and greater distance for the second floor based on setback planes;
- Three parking spaces required for minimum 3,400 square foot house rather than 3,600 square foot house;
- Special standards to address lots of substandard size or width; and,
- Special standards for the hillside area to address view protection concerns.

These ordinances were introduced at the May 24, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

1. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS PROVISIONS OF CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR R-1 AND R-1-H ZONES.
 2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE ZONE MAP TO ELIMINATE THE R-1-E RESIDENTIAL ESTATE ZONE.
12. ADDING ARTICLE 20 TO CHAPTER 14 OF THE BURBANK MUNICIPAL CODE RELATING TO PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY):

This ordinance provides for the addition of a new Article 20 to Chapter 14 of the Burbank Municipal Code. The new Article 20 would allow for the establishment of a Special Tax Financing Improvement Code, which would allow for the creation by the City Council of community facilities districts to finance certain public and other improvements and certain municipal services.

The California Government Code currently permits various public entities in California to create community facilities districts to finance facilities and services specified in the Government Code. A community facilities district allows for the levy of an annual special tax within a specified geographic area the proceeds of which are used to fund specified services or pay costs of specified improvements, or otherwise to pay debt service on bonds issued to pay the costs of the specified improvements. The Government Code contains certain procedural requirements and imposes various limitation for the

formation and use of community facilities districts. The City, however, as a California chartered city, has the power to adopt legislation providing independent authority for the establishment of community facilities districts, which legislation may allow for variations from the Government Code provisions that may otherwise apply.

In December 2004, the Redevelopment Agency entered into an Amended and Restated Owner Participation Agreement (OPA) with Champion Realty, Ltd., which contemplated the establishment of a community facilities district to finance public parking facilities. The agreement with Champion Realty, Ltd. contains various timing requirements and stipulations regarding the proposed community facilities district.

In order to allow for a more efficient financing structure and additional flexibility in the formation of the community facilities district specified by the Amended and Restated OPA, it has been recommended that the City adopt a Special Tax Financing Improvement Code pursuant to which the community facilities district called for by the OPA would be established. In particular, the proposed City code would allow for the community facilities district to be established on an expedited schedule, and the bonds to be issued by the community facilities district could fund capitalized interest for more than the two-year period otherwise allowed under current State law. The City code, if enacted, could also be used for future City infrastructure financings in appropriate circumstances.

This ordinance was introduced at the May 24, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 20 TO CHAPTER 14 OF THE BURBANK MUNICIPAL CODE RELATING TO PUBLIC SERVICES AND IMPROVEMENT FINANCING.

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.

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