

TUESDAY, JUNE 14, 2005

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:39 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Murphy, Ramos and Vander Borght.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:39 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

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, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.

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

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:50 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Reverend Ross Purdy, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Sako Mardirossian, Miro Aboolian and Lorik Khodaverdian.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Murphy, Ramos and Vander Borght.

Absent - - - - Council Members None.

- Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.
- 301-1  
Trail  
Maintenance  
Project Mayor Vander Borcht presented a Certificate of Recognition to Saro Ghazarian, Chair of the Burbank Homenetmen Sipan Chapter, in recognition of their contribution to the maintenance of the Stough Canyon trails.
- 301-1  
Water is Life  
Video Pat Rude, Customer Programs Assistant, Burbank Water and Power, gave a brief background on the Water Is Life video contest. Mayor Vander Borcht presented trophies to Doug Hill, Media Communications, Burbank High School; and, Sister Lucille Dean, Principal, Sister Mary Hawkins, Vice Principal, Academics and Thomas Durkin, Director Media Communications, Providence High School, for their winning entrees.
- 301-1  
Friends of the  
Burbank Public  
Library 25<sup>th</sup>  
Anniversary Sharon Cohen, Library Services Director, gave a brief background on the Friends of the Burbank Library and commended the members. She also introduced a video depicting the efforts of the organization. Mayor Vander Borcht presented a Certificate of Recognition to Marcia Richards Bell, former Library Services Director, in recognition of her leadership, passionate commitment and perseverance to establish the Friends of the Burbank Library, a legacy to the community which has been dedicated to the support and promotion of library services to the citizens of Burbank for over 25 years.
- Mayor Vander Borcht presented a proclamation honoring the Friends of the Burbank Library to Eileen Cobos, President.
- Lee Paysinger, Chair of the Board of Library Trustees, made a book donation to the Friends of the Burbank Library.
- 7:18 P.M.  
Recess The Council recessed at this time. The meeting reconvened at 7:29 p.m. with all members present.
- Reporting on  
Council Liaison  
Committees Mr. Vander Borcht reported on the Burbank Kiwanis Flag Day event at which he represented the Council.
- Reporting on  
Closed Session Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

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Initial Open Public Comment Period of Oral Communications	Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Esther Schiller and Marlene Gomez, of the Smokefree Apartment House Registry, on the harmful effects of tobacco smoke; Mark Barton, playing a video tape on the Sign Ordinance; and, David Gordon, on Council decorum.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borght called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: David Gordon, David Piroli and Mike Nolan, on the NBC Master Plan provisions; Mark Barton, in support of eliminating compact parking; James Schad, requesting information on the Public Employees Retirement System pension fund; and, Esther Espinoza, on the National Law Enforcement Memorial Fund.
Staff Response	Members of the Council and staff responded to questions raised.
Jt. Mtg. with Redev., Housing, Parking and YES 801-2 804-2 Budget Adoption	Justin Hess, Deputy Financial Services Director, requested the Council, Redevelopment Agency Board, Housing Authority, Parking Authority and Youth Endowment Services (YES) Fund Board adopt the Fiscal Year (FY) 2005-06 Annual Budget, Citywide Fee Schedule and Appropriations Limit. He reported that over the past months, several budget study sessions have been conducted in addition to a public hearing held on June 7, 2005. He reported that staff has updated and made all the necessary changes to the budget as directed by the Council.
Motion	It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following resolutions be passed and adopted:"

801-2 Adoption of the 2005-06 Budget	<u>RESOLUTION NO. 26,992:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTED THE BUDGET FROM FISCAL YEAR 2005-2006, AND MAKING APPROPRIATIONS FOR AMOUNTS BUDGETED.
801-2 Establish Appropriations Limit	<u>RESOLUTION NO. 26,993:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING AND ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005-2006.
804-2 Adopt Fee Schedule	<u>RESOLUTION NO. 26,994:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BURBANK FEE RESOLUTION.
801-2 Appropriations For Amounts Delineated	<u>RESOLUTION O. 26,995:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET FOR FISCAL YEAR 2004-2005 PROVIDING FOR THE PURPOSE OF MAKING APPROPRIATIONS FOR AMOUNTS DELINEATED.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2131 Adopting the Budget for Fiscal Year 2005-2006 was adopted.
Housing Authority Reso. Adopted	Housing Authority Resolution No. H-187 Adopting the Budget for Fiscal Year 2005-2006 was adopted.
Parking Authority Reso. Adopted	Parking Authority Resolution No. P-66 Adopting the Budget for Fiscal Year 2005-2006 was adopted.
YES Fund Reso. Adopted	Youth Endowment Services Fund Board Resolution No. Y-42 Adopting the Budget for Fiscal Year 2005-2006 was adopted.
Adopted	The resolutions were adopted by the following vote:

6/14/05

Ayes: Council Members Campbell, Golonski, Murphy, Ramos and Vander Borght.

Noes: Council Members None.

Absent: Council Members None.

Jt. Mtg. with  
Redev.,  
Housing,  
Parking and YES  
802  
Update of  
Council's  
Adopted  
Financial Policies

Mr. Elliot, Assistant Financial Services Director, requested Council approval of the updated Financial Policies. He reported that as part of the Fiscal Year 2004-05 Work Program, staff reviewed and updated the Financial Policies which were originally adopted in January 1990 and subsequently amended in January 1996 and May 1998. He stated that staff's general focus was to update the policies to reflect the fiscal practices that are already in place but not formally adopted. He noted that a secondary focus was to incorporate some of the components within the policies that bond insurance and rating agencies consider when evaluating the City's financial management. He added that some of the items include stated levels of operating reserves, methods of funding reserves and methods of replenishment if the reserves are used. He briefly discussed several policies such as: maintaining a 15 percent reserve for working capital; a five percent reserve for emergencies; a balanced budget for recurring expenditures; requiring Enterprise Funds to have sufficient revenue to meet cash operating needs, depreciation and cash reserves; and, requiring Internal Service Funds to have user charges sufficient to support the operations.

Mr. Elliot highlighted some of the proposed changes, including adding the: Budget Stabilization Fund; Public Employees Retirement System Stabilization Fund; Utility Users Tax and In Lieu Set Aside Account; Pension Obligation Bond; and, Infrastructure Replacement Reserve Fund. He also noted the revision and refinement of operating reserves for the Enterprise Funds; addition of a new policy on debt issuance and definitions, and reasons and parameters for incurring debt; and, the incorporation of the Financial Reserve Policies established for Burbank Water and Power.

Mr. Elliot informed the Council that the updated Financial Policies will strengthen the City's financial condition and have a positive impact with bond rating and insurance agencies, which could lead to lower interest payments related to City debt.

Motion

It was moved by Mr. Golonski and seconded by Ms. Murphy

that "the following resolution be passed and adopted:"

802                    RESOLUTION NO. 26,996:  
Adopting the        A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Updated             ADOPTING THE UPDATED FINANCIAL POLICIES.  
Financial Policies

Adopted             The resolution was adopted by the following vote:  
  
Ayes:            Council Members Campbell, Golonski, Murphy,  
                         Ramos and Vander Borght.  
Noes:            Council Members None.  
Absent:         Council Members None.

Motion              It was moved by Ms. Murphy and seconded by Mr. Campbell  
                         that "the following items on the consent calendar be approved  
                         as recommended."

1204-1              RESOLUTION NO. 26,997:  
Approve Final       A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Tract Map No.       APPROVING THE FINAL MAP OF TRACT NO. 61072 (715 East  
61072 – 715 E.       Angeleno Avenue).  
Angeleno Ave.

1204-1              RESOLUTION NO. 26,998:  
Approve Final       A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Tract Map No.       APPROVING FINAL MAP OF TRACT NO. 53500 (421 East  
53500 – 421 E.       Santa Anita Avenue).  
Santa                Anita  
Ave.

404                   RESOLUTION NO. 26,999:  
Agmt. w/County     A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Of LA to Install     APPROVING AN AGREEMENT BETWEEN THE CITY OF  
Trash Excluders    BURBANK AND LOS ANGELES COUNTY FLOOD CONTROL  
                                 DISTRICT TO INSTALL TRASH EXCLUDERS IN  
                                 APPROXIMATELY 16 CATCH BASINS OWNED BY THE CITY OF  
                                 BURBANK.

804-3                RESOLUTION NO. 27,000:

6/14/05

404  
Accept Prop. A  
Funds for Youth  
Employment  
Services During  
Summer 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING PROPOSITION A GRANT FOR YOUTH EMPLOYMENT FUNDS IN THE AMOUNT OF \$9,282.07 FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT TO PROVIDE EMPLOYMENT FOR AT-RISK YOUTH DURING THE SUMMER OF 2005.

907  
National Law  
Enforcement  
Officers  
Memorial Fund

RESOLUTION NO. 27,001:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET BY APPROPRIATING \$10,000 FOR THE PURPOSE OF MAKING A DONATION TO THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND.

Adopted                   The consent calendar was adopted by the following vote:

Ayes:       Council Members Campbell, Golonski, Murphy,  
              Ramos and Vander Borght.

Noes:       Council Members None.

Absent:     Council Members None.

1702  
Compact  
Parking

Mr. Baker, Deputy City Planner, Community Development Department, reported that in 2004, the Council adopted an amendment to the Burbank Municipal Code (BMC) that eliminated provisions for compact parking in Multiple-Family Residential Zones, and directed staff to return with a report on the feasibility of eliminating compact parking provisions for general office and industrial uses.

Mr. Baker informed the Council that the BMC currently provides for two parking space sizes; standard and compact. He explained that up to 45 percent of all required parking spaces for general office and industrial uses may be compact spaces but compact parking is not permitted for any other uses. He reported three main issues associated with compact parking, including: the nature of the use; the high turnover; and, the fact that compact parking does not work well with transient patronage.

Mr. Baker also noted that when compact provisions were initially introduced, there were many small cars on the market; however, there has been an increase in the proportion of larger vehicles, particularly large sport utility vehicles (SUVs). He elaborated that in 1987, almost half of all new vehicles sold were small cars but by 1998 this share had fallen to less than

25 percent and by 2004, to less than 20 percent of all vehicles sold. He also noted that the average size of passenger cars has increased only modestly, but the average size of SUVs, vans and light trucks has grown substantially. He added that drivers of intermediate and even large vehicles often park in compact spaces if the spaces are located in a prime location, or if there are few other spaces available. He stated that drivers may park with their vehicle overhanging the adjoining space, creating a domino effect and eventually rendering a space unusable.

Mr. Baker then discussed the results of a survey conducted in May 2000 which revealed that almost 23 percent of the 240 cities surveyed in California do not allow compact parking and those that do only allow it for spaces in excess of the parking requirement. He also noted that six percent of the cities surveyed allowed compact parking through a discretionary process. He noted that the City currently allows up to 45 percent of the parking spaces to be compact, but the majority of the cities allowed only 25 percent and many cities assigned a geographical confinement for compact parking areas. He noted that enforcement is always a challenge since the parking is on private property and cannot be enforced by the City.

Mr. Baker discussed the estimated cost associated with eliminating compact parking provisions and the benefits of maintaining compact parking, including: maximizing land-use; reducing costs for building parking; and, the fact that regular parking lot users are familiar with the design. He noted several disadvantages, including: not being functional for uses with high turnover rates; lack of maneuverability and restrictive turning radiuses; hangover effect; high potential for damage to vehicles; and, difficulty in determining the appropriate mix of standard and compact spaces.

Mr. Baker concluded with staff's recommendation that the Council consider eliminating compact parking provisions. He added that if the Council desired to retain compact parking, staff recommended that the permitted ratio of compact spaces be substantially reduced to no more than 20 percent of all spaces, to be generally consistent with the current mix of vehicles on the road.

Council discussion centered on completely eliminating compact parking or allowing compact parking through discretionary approval. The report was noted and filed.



6/14/05

200  
Pending  
Legislation  
Affecting the  
CEQA Process

Mr. Baker, Deputy City Planner, Community Development Department, reported that on April 26, 2005, Council Member Campbell requested that staff bring back a discussion on pending State legislation that would affect or change the California Environmental Quality Act (CEQA) process. He added that staff submitted a report summarizing the process followed in monitoring all pending legislation, including the bills that would affect the CEQA process. He requested Council direction on whether to return with a more comprehensive report and specifics on what the report should include.

Staff was directed to track legislation pertaining to CEQA and provide updates to the Council as necessary. A letter to the City's immediate representatives signed by the Mayor and Vice Mayor would be sent, making them aware of the City's interest in tracking CEQA legislation. The cities of Glendale and Pasadena would also be requested to send letters as well.

1703  
NBC Master  
Plan

Mrs. Forbes, Deputy City Planner, Community Development Department, reported that on May 17, 2005, the Council requested that staff bring back a report discussing the NBC Master Plan due to the potential sale of NBC's Catalina Property. She reported that the entire NBC site is approximately 44.57 acres and the Catalina Property is approximately 9.3 acres. She noted that the Master Plan called for a total of 1.825 million square feet of office equivalent development, spread throughout the site and accented by four 15-story buildings and parking structures to serve the construction on the site. She added that an Environmental Impact Report (EIR) was prepared to study the impacts of the Master Plan but NBC was granted flexibility in the Development Agreement (DA) as to where certain development may be located. She noted that any proposed changes would be governed by various development parameters such as the maximum allowable office equivalent gross square footage, the property development standards in the Media District Specific Plan, the terms of the DA and the scope of the environmental review. She added that the entitlement envelope defines the approved project and the extent to which subsequent changes in the location or uses of buildings would be permitted.

Mrs. Forbes then discussed the EIR traffic study and noted that while the DA necessitates that the developer conform to all requirements identified, it also gives them the identified rights. She noted that staff is prepared to review any development proposal received which must conform to the

parameters identified such as the square footage and types of uses in the DA and EIR, then the Council would be notified and the appropriate environmental review will begin as this will be the first opportunity for a discretionary action for the City. She noted that environmental review cannot take place until there is a discretionary action. She then responded to public comment with regard to: subsequent development since the Master Plan approval; NBC's intent to sell the Catalina Property; parking spaces required for the Catalina site by the DA; availability of a summary of the Master Plan; and, concern regarding similar PDs in the City.

Mr. Vander Borcht recognized that the DA allows NBC to sell the property and suggested obtaining outside counsel for a second legal opinion, noting the need for the Council to weigh in. He expressed concern with a development that will not be subject to the Council's review.

Staff was directed to obtain outside counsel for a second opinion on the NBC Development Agreement.

202  
203  
Membership  
Expansion of  
Various Boards,  
Committees,  
and/or  
Commissions  
and Absences  
Due to Military  
Service

Mr. Barlow, City Attorney, requested the Council consider amendments to Chapter 2 of the Burbank Municipal Code relating to membership expansion of various City boards, commissions and/or committees. He added that the ordinance will also make changes to procedures to appoint and/or replace board, committee and/or commission members who are not able to currently serve their terms due to military leaves of absence.

Mr. Barlow stated that pursuant to Council direction, the ordinance will expand the Burbank Civic Pride Committee from ten members to eleven members, the Traffic and Transportation Committee from five members to eight members and the Board of Library Trustees from five members to seven members. In addition, he noted that the ordinance will allow the Council the discretion to appoint a replacement board, committee and/or commission member for that period of time during which a vacancy shall occur due to the leave of absence caused by the military service of a member. The replacement appointee shall serve only until such time as the absent board member returns from military leave and only for the remaining term of the absent board member. In addition, the Council has the discretion to appoint board, committee and/or commission members who due to their military leave shall serve their term upon return from active military service.

6/14/05

Ordinance  
Introduced

It was moved by Mr. Campbell, seconded by Mr. Golonski and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

202  
203  
Membership  
Expansion of  
Various Boards,  
Committees,  
and/or  
Commissions  
and Absences  
Due to Military  
Service

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SEVERAL SECTIONS OF CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO MEMBERSHIP EXPANSION OF VARIOUS CITY BOARDS, COMMITTEES AND/OR COMMISSIONS AND ABSENCES AND VACANCIES DUE TO MILITARY SERVICE.

411  
Natural Gas  
Project Sales  
Agmt. w/SCPPA

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), requested that the Council authorize the General Manager of BWP to enter into a Natural Gas Project Sales Agreement with the Southern California Public Power Authority (SCPPA) to facilitate the acquisition of 1,000 Decatherm (Dth)/day of natural reserves for BWP's natural gas fuel portfolio. He explained that a Dth represents 1,000,000 British Thermal Units of energy, approximately the amount of energy in eight gallons of gasoline.

Mr. Simay informed the Council that over the last few years, natural gas prices have become very volatile with the volatility expected to continue. He stated that with the magnitude of the volatility of prices in the short-term gas market combined with the large amount of gas BWP requires, typically 3,000 to 20,000 Dth/day, BWP seeks to pursue a strategy to secure natural gas at a stable fixed price and have the assurance to rely on its availability. He noted that the annual savings are projected at \$365,000 to \$700,000 while Burbank's share of the annual fixed cost is \$700,000 for the cost of the asset and approximately \$1.1 million for the production.

Mr. Simay further reported that owning reserves has a production risk associated with the capability of a gas well to perform. To reduce the production risk associated with gas reserves and the risk of the gas market falling below the unit cost of gas delivered from the reserve properties, he reported that SCPPA will pursue a diversified portfolio of up to eight gas property acquisitions in different locations, purchased at different times and will evaluate all acquisitions thoroughly. He added that SCPPA will have a minority interest in each

acquisition, with the gas field operator holding the majority interest, and that SCPPA will sell 100 percent of the gas produced by its interest in the acquisitions to certain of its members, i.e., Anaheim, Burbank, Colton, Glendale and Pasadena.

Motion It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following resolution be adopted and the following ordinance be introduced and read for the first time and passed to the second reading:"

411 RESOLUTION NO. 27,002:  
Natural Gas A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Agmt. and Share AUTHORIZING OFFICIALS TO EXECUTE AND DELIVER (I) THE  
Of Production NATURAL GAS PROJECT GAS SALES AGREEMENT (PROJECT  
Capacity A) AND (II) APPROVING THE SHARE OF PRODUCTION  
CAPACITY TO BE PURCHASED PURSUANT TO SUCH GAS  
SALES AGREEMENT.

411 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
Natural Gas APPROVING ENTERING INTO THE NATURAL GAS PROJECT  
Project Gas GAS SALES AGREEMENT (Project A).  
Sales Agmt.

Adopted The resolution was adopted and the ordinance was introduced  
by the following vote:

Ayes: Council Members Campbell, Golonski, Murphy,  
Ramos and Vander Borght.  
Noes: Council Members None.  
Absent: Council Members None.

9:52 P.M. The Redevelopment Agency, Housing Authority, Parking  
Reconvene Authority and Youth Endowment Services Fund Board  
Redev., meetings were reconvened at this time.  
Housing, Parking  
and YES  
Meetings

Final Open Mr. Vander Borght called for speakers for the final open public  
Public Comment comment period of oral communications at this time.  
Period of Oral  
Communications

6/14/05

Citizen  
Comment

Appearing to comment were: Eden Rosen, on smoking in apartment buildings, sprinklers, cautioning against leaving dogs and children in cars during the heat, traffic issues and the Magnolia Power Project steam; and, Mike Nolan on the NBC Master Plan discussion and on senior housing eligibility.

Staff  
Response

Members of the Council and staff responded to questions raised.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m. in memory of Ron Jones.

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Josephine Wilson, Deputy City Clerk

APPROVED SEPTEMBER 13, 2005

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Mayor of the Council  
of the City of Burbank