



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, DECEMBER 13, 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; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.

- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: In the matter of Marcus Cable Associates LLC D/B/A Charter Communications.
Case No.: FCC Case No. CSR 6949 E
Brief description and nature of case: Petition for determination that cable television franchisee is subject to “effective competition.”

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: Dr. Jerry Jones, Retired Pastor.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: DARK COUNCIL MEETINGS ON DECEMBER 20 AND 27, 2005 AND JANUARY 3, 2006.

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:

RECESS for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 1 through 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.

1. BURBANK WATER AND POWER MONTHLY OPERATING REPORT:

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

WATER UPDATE

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

Fiscal Year (FY) 2005-06 Year-To-Date Water Fund Financial Results as of October 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	3,839,466	3,926,063	(86,597)	(2%)
Potable water sales (CCF)	3,737,400	3,739,240	(1,840)	(0%)
Reclaimed water sales (CCF)*	194,410	418,689	(224,279)	(54%) (B)
Potable Revenues	\$6,422	\$6,750	(\$328)	(5%) (A)
Reclaimed and Power Plant Revenues	146	569	(423)	(74%) (B)
Total Operating Revenues	\$6,568	\$7,319	(\$751)	(10%)
WCAC	3,156	3,024	(132)	(4%) (C)
Gross Margin	\$3,412	\$4,294	(\$883)	(21%)
Operating Expenses	2,450	2,942	492	17%
Operating Income	\$961	\$1,352	(\$391)	(29%)
Other Income/(Expenses)	908	288	620	215%
NI before Contr. & Transfers	\$1,869	\$1,640	\$229	14%
Transfers (In Lieu)	(283)	(337)	54	16% (D)
Contributed Capital (A.I.C)	185	345	(159)	(46%)
Change in Net Assets (Net Income)	\$1,771	\$1,648	\$124	8%

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

- (A) Staff is working on this.
- (B) Refund for prior year overbilling of \$135k in October. There was no credit to potable water sales in CCF, therefore, the CCF volume and dollar sales do not match. In addition, MPP has not been billed for reclaimed water use because the meter installation has not been completed. Reclaimed water for MPP was budgeted for 60,403 CCF, or \$82k per month.
- (C) The BOU has experienced reduced operating capacity due to carbon screen failures, water production problems associated with the persistent low water table, and well maintenance. Thus, there was an increased need for purchased water from the Metropolitan Water District (MWD). The BOU had an average of 55 percent of operating capacity compared to a 75 percent budgeted capacity.
- (D) In-lieu accrual of \$39k was recorded in June 2005 as part of year end closing. This entry was reversed in July 2005. BWP does not accrue in-lieu monthly.

FY 2005-06 Water Fund Financial Reserve balances as of October 31, 2005 are summarized in the following table:

Water (In thousands)	Balance	Recommended
	10/31/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$5,096	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$7,903	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,011	\$1,011
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund	\$634	\$634
Parity Reserve Fund	\$620	\$620
Sub-Total Restricted Cash	\$4,365	\$4,365
Total Cash	\$12,268	\$12,375

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for FY 2005-06 through October 31, 2005, as compared to the same time period for FY 2004-05:

Reliability Measure	Fiscal Year 2004-05	Fiscal Year 2005-06 (through October 31)
Average Outages Per Year	0.3254	0.2266
Average Outage Duration	73.64 minutes	63.19 minutes
Average Service Availability	99.9954%	99.9919%

Financial and Operations Update

- FY 2005-06 year-to-date Power Financial Results as of October 31, 2005:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	430,993	434,673	(3,680)	(1%)
Retail Sales MWh	428,427	412,986	15,442	4%
Retail Revenues	53,422	53,082	\$340	1%
Other Revenues	281	331	(51)	(15%)
Retail Power Supply & Transmission expenses	(36,571)	(31,764)	(4,807)	(15%) (A)
Retail Gross Margin	17,132	\$21,649	(\$4,518)	(21%)
Wholesale Revenues	70,448	19,500	50,948	261%
Wholesale Power Supply	(67,436)	(18,135)	(49,301)	(272%)
Wholesale Gross Margin	\$3,012	\$1,365	\$1,647	121%
Gross Margin	20,144	\$23,014	(\$2,870)	(12%)
Operating Expenses	(12,256)	(12,140)	(116)	(1%)
Operating Income	\$7,888	\$10,875	(\$2,986)	(27%)
Other Income/ (Expense)	1,786	(316)	2,103	665% (B)
NI before Contr. & Transfers	\$9,675	\$10,558	(\$884)	(8%)
Transfers In/(Out) - (In lieu)	(2,940)	(3,246)	306	9% (C)
NI before Contributions	\$6,735	\$7,312	(\$577)	(8%)
Contributed Capital (A.I.C)	310	793	(484)	(61%)
Change in Net Assets (Net Income)	\$7,044	\$8,105	(\$1,061)	(13%)

() = Unfavorable

- (A) Primarily due to replacement power costs for MPP which went into commercial operation on September 22, 2005. The Budget assumes the commercial operation date of May 25, 2005. Impact of the MPP delay in commercial operation is \$3.5 million. Running Lake and Olive has added \$250k to retail power supply variance.
- (B) Finance charge of \$1.7 million related to Sempra Energy invoices in October 2005. This entry will be reversed for November 2005.
- (C) In-lieu accrual of \$364k was recorded in June 2005 as part of year end closing. This entry was reversed in July 2005 and no monthly accrual was made in this FY 2005-06.

FY 2005-06 Power Fund Financial Reserve balances as of October 31, 2005 is summarized in the following table:

Electric (In thousands)	Balance	Recommended
	10/31/2005	Reserves
Unrestricted Cash		
General Operating Reserve	\$35,081	\$41,000
Capital and Debt Reduction Fund	\$10,000	\$15,100
Fleet Replacement Reserve	\$3,000	\$4,500
General Plant Reserve	\$8,000	\$1,170
Bond Cash	\$4,067	\$0
Sub-Total Unrestricted Cash	\$60,148	\$61,770
Debt Service Fund	\$5,668	\$5,668
Parity Reserve Fund	\$10,002	\$10,002
Sub-Total Restricted Cash	\$15,670	\$15,670
Total Cash	\$75,817	\$77,440

Recommendation:

Note and file.

2. ANNUAL REPORT OF FINANCIAL TRANSACTIONS OF THE BURBANK REDEVELOPMENT AGENCY – FISCAL YEAR 2004-05:

The purpose of this report is to present to the Council the Annual Report of Financial Transactions of the Burbank Redevelopment Agency (Annual Report) and to request authorization to submit the Annual Report to the State Controller. As required by California Redevelopment Law (Health and Safety Code Section 33080), a redevelopment agency must annually prepare for its legislative body's review an Annual Report and then submit a copy to the State Controller's Office within six months of the end of the agency's fiscal year. The Annual Report contains the following essential elements:

1. A fiscal statement that provides the previous year's achievement including information about the amount of tax increment generated by each project area, the amount of indebtedness and other fiscal information;
2. An independent financial audit report which includes the auditor's opinion of the Redevelopment Agency's (Agency) operation, conformance with laws and administrative standards of the Agency, as well as the Agency's financial position; and,

3. Agency activities during the reporting period that affect housing affordable to elderly and non-elderly households, who are very low, lower or moderate-income. Information about these target populations includes, for example: the number of units removed from the market place (replacement housing requirements); the number of new or substantially-rehabilitated units produced (inclusionary housing requirements); the number of Agency-assisted units constructed, rehabilitated, acquired or subsidized during the prior year; a statement that the Agency accumulated no excess surplus; an estimate of the affordable housing projects to be developed, target populations to be displaced over the next two program years; and, Low and Moderate-Income Housing Fund balances.

A copy of the Annual Report was available for public review beginning December 5, 2005 at the Agency's public counter at 141 North Glenoaks Boulevard, and the City Clerk's office located at 275 East Olive Avenue.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING AND AUTHORIZING THE TRANSMITTAL OF THE REDEVELOPMENT AGENCY'S ANNUAL REPORT OF FINANCIAL TRANSACTIONS TO THE STATE CONTROLLER.

3. DESTRUCTION OF RECORDS IN THE CUSTODY OF THE CITY CLERK AND/OR DEPARTMENT MANAGERS:

Staff is requesting Council approval of the following resolutions authorizing the destruction of specific records: a resolution regarding records located in the Records Center and in the custody of the City Clerk; and, a resolution regarding records maintained within department offices and in the custody of the Department Managers.

California Government Code Section 34090 provides for the annual destruction of municipal records that are no longer needed, if: they are at least two years old; the City Attorney consents to their destruction; and, the Council approves. Two resolutions have been prepared approving the destruction of specific records identified pursuant to the Departmental Records Retention Schedules. These records are over two years old and are no longer needed, the Department Managers, City Clerk and City Attorney have reviewed the record listings and consented to their destruction; therefore, approval is being requested to destroy these records.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF THE CITY CLERK.

2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF THE VARIOUS DEPARTMENTS.

4. APPROVING CONTRACT DOCUMENTS AND AWARDED A CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1202, STARLIGHT AMPHITHEATRE IMPROVEMENT PROJECT:

Staff is requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1202, Starlight Amphitheatre Improvement Project. This project will include the rehabilitation and replacement of the existing disabled seating area at the Starlight Bowl, and enhancement of the existing orchestra pit. The proposed design and modifications will improve the operational layout as well as the aesthetics of the stage area. The new design improvements will better accommodate the disabled seating which will further enrich their concert entertainment experiences. The proposed project has been reviewed and approved by the Disabled Advisory Board. Furthermore, these improvements will also help reduce on-going maintenance costs for the facility.

The most appropriate exemption used for this construction and renovation project is Section 15301 of the California Environmental Quality Act. The landscape architectural firm of Hirsch & Associates estimated the construction cost to be \$176,208. Bids were solicited and a total of three bids were received on November 15, 2005. Bids ranged from \$179,000 to \$215,000. The successful low bid was submitted by Cinary Construction Company. Funding for this project is available in this fiscal year's budgeted capital improvement projects.

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 STARLIGHT AMPHITHEATRE IMPROVEMENTS PROJECT, BID SCHEDULE NO. 1202, TO CINARY CONSTRUCTION COMPANY.

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

REPORTS TO COUNCIL:

5. APPOINTMENT TO FILL A VACANCY ON THE GREATER LOS ANGELES VECTOR CONTROL DISTRICT BOARD OF TRUSTEES:

The purpose of this report is to request the Council make an appointment to fill one

unexpired term for Burbank's representative to the Greater Los Angeles Vector Control District Board of Trustees ending January 1, 2007.

On September 20, 2005, the City Clerk's Office began advertising and accepting applications for the above vacancy created by the resignation of Mr. Adam Rocke due to relocation from the City. Notice was sent to the newspapers and placed on the City's website and the Channel 6 Scroll in order to obtain qualified candidates. As of the November 30, 2005 deadline, the City Clerk's Office received two applications from Kristy Laird and Harvey Paskow.

The Greater Los Angeles Vector Control District provides vector (insect) control services throughout its service area which includes 34 cities and certain portions of the unincorporated area of Los Angeles County. Member cities cover a large geographic area stretching from Long Beach to Santa Clarita. Trustees are required to attend monthly meetings every first Thursday of the month at 7:00 p.m. at the District's headquarters in Santa Fe Springs, California and are paid \$100 for each meeting they attend in lieu of expenses.

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

Recommendation:

Staff recommends that the Council consider the applications submitted and make one appointment to fill the unexpired term for Burbank's representative to the Greater Los Angeles Vector Control District Board of Trustees ending January 1, 2007.

6. UPDATE ON THE DRAFT ENVIRONMENTAL IMPACT REPORT REGARDING SEWER SYSTEM IMPROVEMENTS BY THE CITY OF LOS ANGELES:

The purpose of this report is to inform the Council of the status of the Draft Environmental Impact Report (DEIR) regarding sewer system improvements proposed by the City of Los Angeles. On November 15, 2005, staff presented information to the Council regarding a sewer tunnel proposed by the City of Los Angeles that may be located in the Rancho District. This sewer tunnel, known as the Glendale-Burbank Interceptor Sewer (GBIS), is a part of a DEIR released at the end of November 2005.

Staff will report to the Council on the status of the DEIR and explain how the public can provide input during the DEIR comment period. At a later date, staff will create a draft comment letter on the proposed DEIR and present it to the Council. This presentation is tentatively scheduled for January 17, 2006.

Recommendation:

Direct staff to continue providing input to the City of Los Angeles regarding any

wastewater and storm water improvements that would impact the City of Burbank.
7. REQUEST TO RECONSIDER SPEED HUMPS ON FREDERIC STREET:

The Public Works Department received a petition for the installation of speed humps from residents on Frederic Street between Magnolia Boulevard and Chandler Boulevard (the 800 and 900 blocks of Frederic Street). The street contains 39 single-family residences, and a two-thirds majority responded favorably to speed humps as required by the City's current speed hump policy.

Staff investigated the engineering requirements for speed humps on Frederic Street and compared the conditions to the criteria in the speed hump policy. Based upon the findings of the investigation, staff declined to install speed humps on Frederic Street because the minimum volume criteria as defined in the speed hump policy was not attained. The Traffic and Transportation Committee agreed with staff's decision. Mrs. Maureen Spagnolo, a Frederic Street resident, has requested that the item be reconsidered by the Council.

Recommendation:

Staff requests direction from the Council whether to formally agendize this item.

8. BUSINESS TAX PENALTY AMNESTY PROGRAM:

At the March 1, 2005 Council meeting, staff was directed to return with an ordinance and resolution amending the Burbank Municipal Code in order for staff to conduct a Burbank Business Tax Penalty Amnesty Program. This program will provide for an amnesty period to waive penalties including late fees, interest, fines and criminal prosecution for payment of past due Business Tax owed. Staff is recommending the amnesty period be between February 1, 2005 and April 30, 2005.

The purpose of providing amnesty from penalties and prosecution is to encourage and motivate businesses, which have not registered for and paid a required Business Tax, to voluntarily register for and pay tax without fear of penalties and prosecution. This amnesty will also apply to businesses which have been paying the Business Tax, but under-reporting the taxes being paid. The Business Tax collected during the amnesty period will be for current calendar-year Business Tax owed and, if appropriate, can be collected retroactively for up to three years.

There are three elements of the proposed Business Tax Penalty Amnesty Program. Those elements are:

1. A Marketing Effort: The Council previously appropriated \$5,000 in the Fiscal Year 2005-06 budget for this purpose. Staff will be utilizing this funding to promote the amnesty program through the following marketing methods:
 - A video production to be aired on TV 6;

- Create a TV 6 bulletin board message;
 - Provide monthly press releases in local newspapers (public service announcements);
 - Purchase amnesty program newspaper advertisements;
 - Provide informational pamphlets at City public counters;
 - Establish a phone information “Hot Line” for distribution of information;
 - Establish a License and Code Services website information link;
 - Post an information article in the citywide “Burbank Today” newsletter;
 - Advertise in the Burbank Chamber of Commerce newsletter;
 - Utility bill inserts for the months of February and March;
 - Feature information in the TV 6 program “Street Beat”;
 - Advertise on City Fax cover sheets;
 - Advertise in the Downtown, Magnolia Park, and Burbank Boulevard newsletters;
 - Provide Council announcements for the kick-off and termination of the business tax penalty amnesty program;
 - Radio public service announcements;
 - Advertise in the City Employee paycheck “Hot Line” publication; and,
 - Special mailing to Burbank Purchase Order holders who may be required to be registered for the Burbank Business Tax.
2. Vigorous Follow-up Enforcement: After the termination of the amnesty period, staff will be conducting follow-up enforcement. Some of the follow-up investigative tools staff will be utilizing for finding unregistered businesses are:
- On-line cross-over database information from the State Board of Equalization;
 - Possible on-line cross-over database information from State Franchise Tax Board (Assembly Bill 63, there is a cost associated with acquiring this information);
 - Review the State Department of Consumer Affairs License Bureau’s on-line listing of Burbank’s State license holders;
 - Follow through on Los Angeles County Bureau of Fictitious Name Filings which have Burbank addresses;
 - Cross referencing Burbank commercial utility bill users;
 - Audit existing Business Tax registrants for underpayments (this is annually conducted); and,
 - Intense door-to-door canvassing.
3. Providing A Fair Payment Schedule For Small Businesses Which Owe More Than \$1,000 In Business Taxes. For businesses with 20 or less employees, a three-month payment schedule will be provided for taxes owed in excess of \$1,000.

It is estimated that the proposed Burbank Business Tax Penalty Amnesty Program will generate a minimum of \$40,000 in increased General Fund revenues. These previously-uncollected Business Tax revenues will be paid for by businesses which have either never been registered for and paid a Burbank Business Tax, or businesses that have been paying the tax but under-reporting the payment amount.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION OF A BUSINESS TAX PENALTY AMNESTY PROGRAM.
2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-820 TO CHAPTER 14, ARTICLE 8 OF THE BURBANK MUNICIPAL CODE TO PROVIDE COUNCIL AUTHORITY TO DEVELOP AND IMPLEMENT A BUSINESS TAX PENALTY AMNESTY PROGRAM.

ADOPTION OF PROPOSED ORDINANCE:

9. PLANNED DEVELOPMENT NO. 2004-64 WITH TENTATIVE TRACT MAP NO. 6 1361, GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW – EMPIRE AVENUE AND BUENA VISTA STREET:

The developer, Fairfield Properties/Crown Realty, is requesting approval of a Planned Development to develop a project consisting of 276 multi-family residential units (including 44 townhome style units and 232 stacked flats) and 1,000 square feet (sf) of retail space at 1935 North Buena Vista Street. The site is currently developed with two single-story buildings, totaling 7,235 sf and 123,883 sf, and surface parking. Additionally, a General Plan Amendment is proposed to change the land use designation of the property from General Manufacturing to Limited Commercial and a Tentative Tract Map is proposed to permit the units to be sold as condominiums.

The proposed project involves the demolition of the existing buildings and the construction of up to 276 multi-family residential units, 1,000 sf of retail space, and associated parking. The residential units will consist of two building styles. Forty-four units are proposed to be constructed as townhomes, with two levels of living space above an attached garage. These units are proposed to be in four buildings located on the northern portion of the site. The townhomes will have a street orientation, either towards Empire Avenue, Buena Vista Street or a private street that runs through the project.

The remaining units are located on the opposite side of the private street from the townhome units. These units are designed as “stacked flats”, which are to be constructed in a four-story building. These units will be oriented around three courtyards. The courtyards are proposed to include resort-style amenities, such as a pool, spa and built-in barbecue facilities. Parking for these units is proposed to be provided within a four-level parking garage on the southern portion of the property.

The Council conducted a public hearing on November 1, 2005 on this matter and requested modifications to the proposal. The project was reduced from 300 units to 276 units, the setback along Empire Avenue was increased, and a setback was provided adjacent to the railroad right-of-way. Conditions of Approval were also modified based on Council input.

This ordinance was introduced at the December 6, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
PLANNED DEVELOPMENT ZONE NO. 2004-64 AND APPROVING THE
DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2004-64
(Fairfield Residential Project – Crown Fairfield Associates, LLC, Applicant).

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings 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.

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