



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 4, 2006
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 Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 1405 Country Club Drive.
Parties with Whom City is Negotiating: Max Faeth, 1405 Country Club Drive.
Name of Contact Person: Gino Gaudio
Terms Under Negotiation: Instruction to negotiator will concern price and terms of payment concerning the purchase of real property.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 150 East Providencia, Burbank, California.
Party With Whom Agency is Negotiating: Robert Strickland, 150 East Providencia, Burbank, California.
Name of Contact Person: Ruth Davidson-Guerra.
Terms Under Negotiation: Instruction to negotiator will concern price and terms of payment concerning the purchase of real property.

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:

PROCLAMATION: FAIR HOUSING MONTH.

PROCLAMATION: NATIONAL LIBRARY WEEK.

PROCLAMATION: PROVIDENCE ST. JOSEPH MEDICAL CENTER GUILD 60TH ANNIVERSARY.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of April 3, 2006. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. CONSIDERATION OF AN AFFORDABLE HOUSING AGREEMENT FOR 157 WEST LINDEN AVENUE AND 160 WEST ELM COURT/159 WEST LINDEN AVENUE:

The purpose of this report is to provide the Council and Redevelopment Agency (Agency) Board with information to consider an Affordable Housing Agreement between the City of Burbank, the Agency and the Burbank Housing Corporation (BHC), to assist the BHC with acquiring and rehabilitating 10 rental units located at 157 West Linden Avenue and 160 West Elm Court/159 West Linden Avenue (Project).

Since 1997, the City and Agency have partnered with the BHC to support its ongoing efforts to acquire and rehabilitate properties in focus neighborhoods. This partnership has been an instrumental component to improving the housing stock, providing affordable housing opportunities, developing neighborhood-based Family Resource Centers and improving the overall living conditions of residents in the Elmwood, Golden State, Verdugo-Lake and Peyton-Grismer Focus Neighborhoods.

In 2005, the Lake-Alameda Focus Neighborhood was formally established at the direction of the Council/Agency Board. The proposed acquisition and rehabilitation of 157 West Linden Avenue and 160 West Elm Court/159 West Linden Avenue will be the first Project in this newest focus neighborhood. These properties are adjacent to each other, owned by separate parties and are both opportunity purchases. The BHC entered into separate purchase agreements with these property owners for a combined purchase price of \$1.945 million. The agreements are contingent upon City and Agency Board approval of financing and an Affordable Housing Agreement. On January 23, 2006, the BHC submitted a proposal requesting the City and Agency provide financing to acquire and rehabilitate the properties for the Project.

The scope of rehabilitation work will vary for each property. The proposed rehabilitation work for both properties is estimated to cost approximately \$571,875. In general, rehabilitation of the eight rental units and the reconfiguration of the two units into a four-bedroom, single-family unit will include the following improvements:

- New pitched roof (157 West Linden only);
- Reconstruction of a concrete wall (157 West Linden Avenue only);
- Repairs to stairs and decks (157 West Linden Avenue only);
- Abatement of asbestos and lead-based paint (except 160 Elm Court);
- Renovation of kitchens and bathrooms (except 160 Elm Court);
- Upgraded heating and air conditioning systems (except 160 Elm Court);
- Replacement of exterior doors and windows (except 160 Elm Court);
- Upgraded electrical and plumbing systems (except 160 Elm Court);
- Repair and painting of interior and exterior walls;
- New carpeting; and,
- Landscaping/site work.

To perform rehabilitation, it will be necessary to relocate the current residents of these properties. Agency staff has contacted Overland Pacific Cutler, Inc., an experienced acquisition and relocation firm, to prepare a relocation plan for this Project. The total, actual amount of relocation assistance that may be necessary to relocate the nine households has not yet been determined. The relocation budget for the Project is estimated to be \$76,000.

The proposed Project will be structured as a mixed-income project. The BHC is to restrict occupancy and rent five of the units at an affordable rate to very low-income households (gross annual income not exceeding 50 percent of the Los Angeles family median income, as adjusted for household size). The units will be rented at the lesser of Low HOME rents or Agency Very Low-Income rents. The remaining four units are to be rented at an affordable rate to lower-income households (gross annual income not exceeding 80 percent of the Los Angeles family median income, as adjusted for household size) at the lesser of High HOME rents or Agency Low-Income rent.

The total estimated cost of the Project is \$3,176,788. This amount includes: the property acquisition cost of \$1,945,000; an estimated relocation budget of \$76,000; an estimated rehabilitation cost of \$571,875; and, indirect costs of \$583,913 for the development of the Project.

Financial assistance for the acquisition and rehabilitation of the properties is proposed to be provided through two loans. The loan from the City's HOME Funds in the amount of \$1,442,415 will be forgiven at the end of 55 years if all loan terms are met as outlined in the agreement. The Agency loan of Low and Moderate-Income Funds for \$1,232,217 will be amortized over a 55-year period, at three percent simple interest and repaid annually through residual receipts generated by the properties. These loan terms are contingent on the completion of the United States Department of Housing and Urban Development's environmental review process and authorization for the use of HOME Funds. Should the HOME Funds not be received, the total Project will be funded with Low and Moderate-Income Housing Funds. The Agency will as necessary, be responsible to relocate the exiting tenants at the properties at a budgeted cost of \$76,000. Finally, the BHC will contribute \$48,625 in equity to the Project.

There are sufficient funds in the approved Fiscal Year 2005-06 Agency's Low and Moderate-Income Housing budget for this Project. In the event the City is authorized to commit HOME Funds to this Project, these funds will augment the Low and Moderate-Income Housing funding.

Recommendation:

Adoption of proposed Redevelopment Agency resolution entitled:
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK
APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE AGENCY,

THE CITY OF BURBANK, AND THE BURBANK HOUSING CORPORATION (157 WEST LINDEN AVENUE AND 160 WEST ELM COURT/159 WEST LINDEN AVENUE).

Adoption of proposed Council resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, AND THE BURBANK HOUSING CORPORATION (157 WEST LINDEN AVENUE AND 160 WEST ELM COURT/159 WEST LINDEN AVENUE).

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 6)

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.

3. MINUTES:

Approval of minutes for the regular meetings of January 3, January 10, January 17, January 24 and January 31, 2006.

Recommendation:

Approve as submitted.

4. BURBANK WATER AND POWER MONTHLY OPERATIONS REPORT:

Staff has prepared the Burbank Water and Power (BWP) Water and Electric Monthly Report regarding water quality and power issues for March 2006.

WATER UPDATE

Water Quality

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

Fiscal Year (FY) 2005-06 Year-To-Date Water Fund Financial Results as of February 28, 2006:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	6,613,845	6,802,777	(188,932)	(3%)
Potable water sales (CCF)	6,459,863	6,478,835	(18,972)	(0%)
Recycled water sales (CCF)*	294,849	731,375	(436,526)	(60%) (B)
Potable Revenues	\$11,114	\$11,550	(\$436)	(4%) (A)
Recycled and Power Plant Revenues	475	994	(518)	(52%) (B)
Total Operating Revenues	\$11,589	\$12,543	(\$954)	(8%)
WCAC	5,116	4,962	(155)	(3%) (C)
Gross Margin	\$6,473	\$7,582	(\$1,109)	(15%)
Operating Expenses	5,014	5,874	860	15%
Operating Income	\$1,459	\$1,707	(\$249)	(15%)
Other Income/(Expenses)	1,101	531	570	108% (D)
NI before Contr. & Transfers	\$2,560	\$2,238	\$322	14%
Transfers (In Lieu)	(541)	(585)	45	8% (E)
Contributed Capital (A.I.C)	472	689	(218)	(32%)
Change in Net Assets (Net Income)	\$2,491	\$2,342	\$149	6%

() = Unfavorable

* Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales

(A) WCAC over-collection decreased potable water revenue by \$5k in February 2006 and \$297k for year-to-date.

(B) The actual YTD recycled water consumption for MPP was 303,317 CCF lower or \$429k lower in revenues.

(C) During the first quarter, 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 58 percent of operating capacity compared to a 75 percent budgeted capacity.

(D) Customer deposit of \$600k for fire hydrant meter dated from 2002.

(E) 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. In addition to that, YTD sales is lower than budget.

FY 2005-06 Water Fund Financial Reserve balances as of February 28, 2006 are summarized in the following table:

Water (In thousands)	Balance	Recommended Reserves
	2/28/2006	
Unrestricted Cash		
General Operating Reserve	\$5,106	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$7,913	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$1,297	\$1,297
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund	\$761	\$761
Parity Reserve Fund	\$620	\$620
Sub-Total Restricted Cash	\$4,778	\$4,778
Total Cash	\$12,691	\$12,788

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for Fiscal Year 2005-06 through February 28, 2006, as compared to the same time period for Fiscal Year 2004-05:

Reliability Measure	Fiscal Year 2004-05	Fiscal Year 2005-06 (through February 28)
Average Outages Per Year	0.2767	0.3168
Average Outage Duration	72.93 minutes	67.33 minutes
Average Service Availability	99.9942%	99.9939%

Financial and Operations Update

FY 2005-06 year-to-date Power Financial Results as of February 28, 2006:

	Year - to - Date			
	Actual	Budget	Variance	% Variance
NEL MWh	779,327	788,933	(9,606)	(1%)
Retail Sales MWh	779,962	749,482	30,481	4%
Retail Revenues	95,643	95,576	\$68	0%
Other Revenues	2,240	1,497	742	50%
Retail Power Supply & Transmission expenses	(68,810)	(59,313)	(9,498)	(16%) (A)
Retail Gross Margin	29,072	\$37,760	(\$8,688)	(23%)
Wholesale Revenues	125,955	32,500	93,455	288%
Wholesale Power Supply	(120,095)	(30,225)	(89,870)	(297%)
Wholesale Gross Margin	\$5,861	\$2,275	\$3,586	158%
Gross Margin	34,933	\$40,035	(\$5,102)	(13%)
Operating Expenses	(23,727)	(24,280)	553	2%
Operating Income	\$11,206	\$15,756	(\$4,549)	(29%)
Other Income/ (Expense)	886	(633)	1,519	240% (B)
NI before Contr. & Transfers	\$12,092	\$15,123	(\$3,031)	(20%)
Transfers In/(Out) - (In lieu)	(5,629)	(5,891)	262	4% (C)
NI before Contributions	\$6,463	\$9,231	(\$2,769)	(30%)
Contributed Capital (A.I.C)	743	1,587	(844)	(53%)
Change in Net Assets (Net Income)	\$7,206	\$10,818	(\$3,612)	(33%)

() = Unfavorable

(A) Primarily due to the higher cost of replacement power associated with MPP delay and outages in October 2005 – February 2006.

(B) BPA settlement of \$591k in July and supplemental crude oil refund of \$130k in February was not budgeted. Actual interest income is higher than budget due to higher interest rate. Budget assumes interest rate of 2.5 percent APR. Actual interest rates ranges between 4 percent - 5.5 percent. YTD impact of higher interest income is \$659k.

(C) In-lieu accrual of \$364k was recorded in June 2005 as part of the year end closing. This entry was reversed in July 2005 and no monthly accrual was made in Fiscal Year 2005-06.

FY 2005-06 Power Fund Financial Reserve balances as of February 28, 2006 are summarized in the following table:

Electric (In thousands)	Balance	Recommended
	2/28/2006	Reserves
Unrestricted Cash		
General Operating Reserve	\$41,996	\$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	\$3,776	\$0
Sub-Total Unrestricted Cash	\$59,572	\$61,770
Debt Service Fund & other	\$7,151	\$7,151
Parity Reserve Fund	\$9,998	\$9,998
Sub-Total Restricted Cash	\$17,149	\$17,149
Total Cash	\$76,721	\$78,919

Recommendation:

Note and file.

5. PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR ENGINEERING SERVICES FOR INTERSTATE 5 HIGH OCCUPANCY VEHICLE/EMPIRE AVENUE INTERCHANGE PROJECT:

The Metropolitan Transportation Authority (MTA) has committed funding to complete the Empire Interchange as part of the larger Interstate 5 High Occupancy Vehicle Project between State Route 134 and State Route 170 in the City. To meet a projected construction start date of 2008, the California Department of Transportation (Caltrans) must complete design work of the interchange and railroad grade separation. To complete the design process, a large number of City and private utilities must be identified and relocated to accommodate the various new ramps and grade separations that are required for the project. Staff is requesting authorization to enter into a Professional Services Agreement (PSA) with RBF Consulting in the amount of \$89,640 to provide a conceptual study of the City utility relocations required to accommodate improvements at Burbank Boulevard, Empire Avenue, Buena Vista Street and along the proposed railroad grade separation at Buena Vista Street. RBF Consulting will examine Caltrans' proposed interchange designs to determine how

they will impact the City's utilities, including water, sewer and storm drain infrastructure located in the project area. Once utility impacts have been identified, RBF Consulting will work with the City and Caltrans to develop conceptual designs for relocation of City utilities and produce a conceptual design report that will be used to develop a final design for these utility improvements. To execute this PSA, it is requested that \$89,640 be appropriated from the Empire Interchange Capital Improvement Program project account.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND RBF CONSULTING.

6. AUTHORIZING A CHANGE ORDER WITH ORSA CONSULTING ENGINEERS, INC. TO COMPLETE UTILITY RELOCATION DESIGN WORK ASSOCIATED WITH THE STATE ROUTE-134 RAMP PROJECT:

Staff requests Council authorization for a \$17,000 change order to complete utility relocation design work for the Hollywood Way, Alameda Avenue and Pass Avenue bridges needed to proceed with the construction of the State Route-134 Ramp project at Hollywood Way. The total cost of this contract, including this change order, will be reimbursed to the City by the California Department of Transportation.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ORSA CONSULTING ENGINEERS, INC. TO COMPLETE UTILITY RELOCATION DESIGN WORK ASSOCIATED WITH THE SR-134 RAMP PROJECT.

END OF CONSENT CALENDAR

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REPORT TO COUNCIL:

7. DRAFT COMMENT LETTER TO LOS ANGELES COUNCIL MEMBER LABONGE REGARDING THE GLENDALE-BURBANK INTERCEPTOR SEWER PROJECT:

The purpose of this report is to present the Council with a draft letter summarizing Mayor Vander Borgh and Council Member Golonski's meeting of March 31, 2006 with City of Los Angeles staff, to discuss the Glendale-Burbank Interceptor Sewer

(GBIS) – Hybrid Alignment Project concerns. The draft letter will be presented to the Council for additional direction.

Recommendation:

Staff recommends the Council discuss the matter and provide direction as desired.

RECONVENE the Redevelopment Agency meeting for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT.

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