

TUESDAY, MAY 30, 2006

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 5:09 p.m. by Mr. Campbell, Mayor.

STUDY SESSION

Present- - - - Council Members Golonski (arrived at 5:10 p.m.), Gordon, Ramos, Vander Borgh and Campbell.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Budget Study Session

Mr. Torrez, Financial Services Director, gave a brief overview of the City's financial policies which include: maintaining a balanced operating budget with recurring revenues equal to or greater than recurring expenditures; appropriation of available fund balance only permitted for one-time non-recurring expenditures; in no event will normal expenditure increases be approved if exceeding normal revenue growth; maintaining a designated Working Capital Reserve equivalent to 15 percent of the General Fund's operating budget; maintaining a designated Emergency Reserve equivalent to five percent of the General Fund's operating budget; and, maintaining a long-range fiscal perspective through a Five-Year Capital Improvement Plan and Five-Year Financial Forecast.

Mr. Torrez noted that for Fiscal Year (FY) 2006-07, anticipated revenues are \$129,438,975 with anticipated expenditures totaling \$128,979,981, resulting in a recurring surplus of \$458,994. He noted that after accounting for the required reserve set aside funds, there is a funding gap of approximately \$1.7 million for one-time non-recurring appropriations, which would be balanced with the use of funds from the Utility User's Tax (UUT) Set Aside funds and the available recurring balance.

Mr. Torrez then discussed the Five-Year Financial Forecast based on the Proposed FY 2006-07 Budget, which includes expenditure growth due to Memorandum of Understanding-related increases and assumes revenue growth at an average of four percent. He stated that while the FY 2006-07 Budget is balanced, there is a \$1 million gap in FY 2007-08 and the gap grows to \$3.9 million by FY 2010-11 or \$12 million when planned non-recurring expenditures are factored in. He then discussed several Five-Year Financial Forecast scenarios with additional discussion papers and potential UUT revenue loss. He also gave an update on the available funds in the reserve accounts, including the Infrastructure Reserve Fund; Military

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Pool Account; and, restricted funds for the Capital Contingency and Bond Interest Savings, which can be used for the Community Services Building Project.

Ms. Teaford, Public Works Director, gave a brief overview of the infrastructure deficit, including sidewalks, pedestrian ramps, bridge maintenance and bridge railing improvements, traffic signalization infrastructure, municipal buildings and debris basins.

Ms. Alvord, City Manager, noted the enormity of the infrastructure items and requested the Council consider a subcommittee consisting of at least two members to focus on addressing the City's infrastructure needs. She also noted the need for a back-up plan for the new Central Library project in the event Proposition 81 is not approved by the voters at the June 6, 2006 Statewide Election.

6:34 P.M.
Recess

The Council recessed at this time.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:44 p.m. by Mr. Campbell, Mayor.

Invocation

The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute

The pledge of allegiance to the flag was led by Ian Jones.

ROLL CALL

Present- - - -

Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.

Absent - - - -

Council Members None.

Also Present -

Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
Fire Department
Rescue Video

Chief Pansini introduced and commented on a video of a swift water rescue from the Los Angeles River by Fire Department personnel.

301-1
Donation for
Kids Safety
Trailer

Keely Quinn, representing the Children's Burn Foundation, presented a check in the amount of \$13,000 to the Burbank Fire Department in support of the Kids Safety Trailer Program. Mayor Campbell presented a Certificate of Recognition to the Children's Burn Foundation in appreciation of their generous donation.

301-1
Student
Scholarship
Essay and
Volunteer
Awards

Mr. Hampel, Recycling Coordinator, Public Works Department, gave a brief overview of the Service Recognition Award Program. Mayor Campbell presented Certificates of Recognition to the following recipients: Myrabelle Avecilla, Bellarmine-Jefferson High School; Julia Terr-Malloy, Providence High School; Michele Rosell, Burbank High School; and, Megan Smith, John Burroughs High School.

Mr. Soghomonian, Electrical Engineering Associate, Burbank Water and Power, gave a brief overview of the High School Scholarship Award Program. Mayor Campbell presented Certificates of Recognition to the following recipients who received scholarships in the amount of \$3,000 each: Andrew Mouron, Burbank High School; Ian Jones, John Burroughs High School; and, Emily Ambrose, Burbank High School.

301-1
Older Americans
Outstanding
Volunteers

Libby Nardo, Chair of the Senior Board, briefly described the Older American Volunteer Service Award Program. Mayor Campbell presented Mayor's Commendations to the following 2006 recipients: Cookie Bentivegna; Mary Dunn; Evalyn Mediavilla; John Nelson; Claudette A. Peiris; and, Robert Struble. A Mayor's Commendation was also presented to Nid Ee-Siriporn, recipient of the Los Angeles County Outstanding Senior Volunteer Award.

Initial Open
Public Comment
Period of Oral
Communications

Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were: Gary Garrison, announcing the singing program at the Joslyn Adult Center; Elizabeth Montgomery, on the letter from Los Angeles Council Member LaBonge regarding the Glendale-Burbank Interceptor Sewer Project; Mark Barton, suggesting a free-standing canopy on the Chandler Bikeway; Michelle Feather, on the commercial music lessons ordinance; Esther Espinoza, alleging police

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misconduct; Eden Rosen, on utility rate increases; and, Howard Rothenbach, in support of Proposition 81.

Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment was: Esther Espinoza, on the Professional Services Agreement with Orsa Consulting Engineers, Inc.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of April 18, April 25 (as amended), May 1 and May 2, 2006 were approved as submitted.
1401 PSA with Orsa Consulting for I-5/Empire Ave. Project	<u>RESOLUTION NO. 27,249:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ORSA CONSULTING ENGINEERS, INC. AND AMENDING THE FY 2005-2006 ANNUAL BUDGET IN THE AMOUNT OF \$75,000.
1500 Approve Map and Report for Olive UUD No. 1	<u>RESOLUTION NO. 27,250:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MAP AND REPORT OF THE PUBLIC WORKS DIRECTOR FOR THE PROPOSED OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1 AND DIRECTING THAT SAID MAP AND REPORT BE FILED WITH THE CITY CLERK.

1500 RESOLUTION NO. 27,251:
 Intention to A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Form Olive Ave. DECLARING ITS INTENTION TO FORM OLIVE AVENUE
 UUD No. 1 and UNDERGROUND UTILITY DISTRICT NO. 1 AND SETTING A
 Setting the HEARING THEREON FOR JUNE 20, 2006, AT 6:30 P.M. IN
 Hearing THE COUNCIL CHAMBER.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon (except on
 Resolution Nos. 27,250 and 27,251), Ramos, Vander
 Borght and Campbell.

Noes: Council Member Gordon (on Resolution Nos. 27,250
 and 27,251 only).

Absent: Council Members None.

801-2 Discussion ensued on the following discussion papers and the
 Budget Study Council gave direction as follows: Police Department –
 Session Forensic Specialist and Kennel Attendant Positions, \$119,347;
 Continued Police Department – Adding Two Police Officers to the Gang
 Detail and Special Enforcement Detail, \$208,041; Police
 Department – Reinstating Two Police Cadet Positions,
 \$41,554; Land Use Entitlement Verification Program,
 \$90,000; Citywide Training, \$50,000; Enhancing the
 BurbankBus Circulator, \$200,000 annually; Wildwood Park
 Restoration, \$240,000; Infrastructure Deficit Funding,
 \$1,000,000; Citizen Survey, deferred to year end; Free Tree
 Planting Program, 100 trees on a first-come first-served basis
 at a cost of \$9,250; Reverse 911 Program, staff requested to
 provide more information; Assistance for Hurricane Katrina
 Victims, staff was directed to agendize the matter for future
 Council discussion; Increase to PerformArts Endowment,
 \$100,000; Internal Audit Team for Efficiencies, one-time
 appropriation of \$70,000; City Beautification Efforts –
 Intersections, \$20,000; Landscaping Along the Los Angeles
 River Wash, approved as already budgeted; Police/Fire
 Headquarters Mitigation, \$445,000; Sidewalk Repair,
 \$200,000; Tuttle Adult Center Shuffle Board Courts,
 \$125,000; Light Emitting Diode Lamp Replacement,
 \$100,000; Installation of Fiber-Optic Communications on
 Victory Boulevard, \$65,000; Sports Field Lighting, \$45,000;
 Thermoplastic Materials, \$20,000; Northwest Library Opening
 on Weekends, no support; and, Death Benefit Increase, no
 support.

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1702
NBC Parking
And Transitional
Issues

Mrs. Forbes, Deputy City Planner, Community Development Department, presented an update on the current status of the parking and transitional issues associated with the sale of NBC's Catalina parcel to M. David Paul. She reported that M. David Paul obtained a demolition permit and removed the buildings and trailers on the site, thereby reducing the Masterplan area parking requirement by 308 parking spaces, but 454 spaces are still required to serve the existing uses on the main lot. She stated that over 454 spaces were retained on the site and NBC still has access to these spaces. She added that NBC has come up with a plan to create 128 additional parking spaces by re-striping existing lots on their site. She noted that all work is being completed on holidays and Saturdays to have the most minimal impact on local streets. She also stated that NBC stated that a commitment has been secured from M. David Paul to continue using the Catalina parking spaces as necessary until all their work is complete, in an effort to maintain Code-required parking at all times.

Mrs. Forbes also informed the Council that M. David Paul has indicated that their conceptual plans have been completed and a Condition of Compliance will be submitted to the City for review. She explained that the Condition of Compliance will be circulated to departments for comment and the proposal will also be reviewed for its consistency with the Environmental Impact Report that was completed with the original NBC proposal. She recommended the Council note and file the report and stated that staff will return with an update when new Condition of Compliance forms are received.

The Council noted and filed the report.

604
804-2
Music Lessons
Home
Occupation
Ordinance

Mr. Hirsch, Assistant Community Development Director/License and Code Services, requested the Council consider the proposed ordinance and resolution that would allow the conduct of commercial music lessons from residences in Burbank, through the application of the following specified conditions, standards and regulations:

1. Applicants must obtain an Administrative Use Permit (AUP) pursuant to the Burbank Municipal Code (BMC), except that notice of the AUP decision shall be mailed to all property owners and occupants within 150 feet radius of the property and the AUP cost is to be \$175;
2. Applicants for an AUP to teach music lessons to minors, which are students under 18 years of age, are required to submit fingerprints in order to obtain any criminal history of the applicant;

3. Music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m.;
4. Music lessons shall be limited to a maximum of five days per week, however lessons shall not be given on Sundays;
5. Music lessons shall be limited to a maximum of 10 students per day;
6. Music lessons shall be conducted as one-on-one lessons, with one teacher and one student per lesson;
7. Noise associated with music lessons shall be limited to the current BMC decibel limit criteria which relates to noise levels in a residential zone that are associated with machinery, equipment, fans and air conditioning;
8. There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location shall be shown on the submitted site plan which will accompany the AUP application;
9. There must be on-premises parking for persons coming to or leaving music lessons for at least one vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan for an AUP;
10. Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (i) of the Home Occupation Ordinance;
11. Music lessons are prohibited in any multi-family structure which shares a common wall, ceiling, or floor with any other unit; and,
12. The applicant is responsible for all costs associated with the permitting process.

Mr. Hirsch informed the Council that the matter has been reviewed by the Council on three separate occasions, and once by the Planning Board. He added that the most recent Council deliberations on this matter were conducted on April 11, 2006, at which time a full Council was not present, resulting in three failed motions. He elaborated that the primary disagreement causing split votes concerned determining which day of the week lessons would not be permitted, either Saturday or Sunday; therefore, the Council directed staff to return for continued deliberations in the presence of a full five-member Council.

Ordinance
Introduced

It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading, with modifications to allow for up to two students per

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class and that notice be provided to the property owner of any Administrative Use Permit application; and, the following resolution be passed and adopted." The ordinance was introduced and the title read:

604
804-2
Amend BMC
Relating to
Home
Occupations and
Music Lessons

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO HOME OCCUPATIONS AND MUSIC LESSONS.

604
804-2
Amend Fee
Reso. Relating
To Land Use and
Zoning

RESOLUTION NO. 27,252:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE III OF RESOLUTION NO. 26,994, THE BURBANK FEE RESOLUTION RELATING TO LAND USE AND ZONING.

Adopted

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

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.
Noes: Council Members None.
Absent: Council Members None.

911
Sanitary Sewer
System
Evaluation and
Capacity
Assurance Plan

Mr. Andersen, Principal Civil Engineer, Public Works Department, updated the Council on the status of the City's wastewater collection and treatment system; regulatory changes; provided a summary of the recently-completed Sanitary Sewer System Evaluation and Capacity Assurance Plan; and, discussed the proposed Equalization Basin Project. He reported that each day, Burbank residents and businesses generate approximately 11 million gallons of wastewater which is collected and conveyed through privately-owned building sewers to publicly-owned sewer mains. He explained that the majority of wastewater generated within the City is treated at the Burbank Water Reclamation Plant (BWRP) and the effluent produced is either provided to Burbank Water and Power for sale as recycled water or discharged to the Burbank Western Channel, and the sludge is conveyed from the BWRP out of the City via the City of Los Angeles' North Outfall Sewer (NOS).

Mr. Andersen reported that the City's existing wastewater system includes three types of facilities: pipelines, pump stations and the BWRP. He explained that the 1994 Northridge Earthquake damaged a large part of the City's sewer system and funds from the Federal Emergency Management Agency have been utilized to repair at least 14 percent of the City's system, rendering the City's system in relatively good shape. He explained that the BWRP was built in 1966 with a capacity of six million gallons a day and upgraded in 1971 to nine million gallons. He noted the upgrades that have occurred since then, including an operational upgrade in 1999; and, Biological Nutrient Removal Upgrades – Packages A (Ammonia Removal) and B (Chlorine gas replacement). He also noted the regulatory changes in BWRP permits, City Stormwater permits, site specific permits and a new Wastewater Collection System Waste Discharge Requirement which has generated a lot of concern statewide. He noted that the main purpose of the requirement is to reduce sanitary sewer overflows.

Mr. Andersen discussed that staff was considering implementing a Sanitary Sewer Management Plan, the cornerstone of which is a System Evaluation and Capacity Assurance Plan. He noted that the recently-concluded System Evaluation and Capacity Assurance Plan concluded that the City's wastewater collection system is in good condition, but will require capacity increases at various locations based on future wet-weather flow conditions. He noted that the projected capacity deficiencies will be studied individually for potential diversion opportunities and where diversions cannot alleviate the hydraulic concerns, pipe upsizing or parallel pipelines will need to be constructed.

With regard to the Equalization Basin Project, Mr. Andersen stated that staff has determined that the City's wastewater flow is not constant, with a flow of approximately four million gallons during the night and a peak flow of 14 million gallons during the day. He stated that the excess flow over the treatment plant's capacity of 11 million gallons is sent to the City of Los Angeles at a cost to the City, while there is under utilization during the night time. He noted that the Basin would store any flow exceeding capacity during the day for treatment during the night time. He stated that the proposed Basin would increase recycled water availability, increase wastewater treatment, improve the BWRP reliability, add flexibility for the future and improve operational control. He informed the Council that the proposed Basin will be build next to the BWRP and will cost approximately \$7 to \$10 million.

The Council noted and filed the report.

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Ordinance Submitted It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "Ordinance No. 3696 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

202-13 Amend BMC Relating to the Composition of The Heritage Commission
ORDINANCE NO. 3696:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE HERITAGE COMMISSION.

Adopted The ordinance was adopted by the following vote:

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

Final Open Public Comment Period of Oral Communications There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:53 p.m.

Margarita Campos, CMC
City Clerk

APPROVED JUNE 27, 2006

Mayor of the Council
of the City of Burbank