



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JULY 10, 2007
5:00 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:

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: Burbank Police Officers Association and Unrepresented Managers (Z Group).

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

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

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The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PRESENTATION: YOUTH TASK FORCE AWARD.

RECOGNITION: MILITARY SERVICE.

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 THE OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Item 1)

The following item may be enacted by one motion. There will be no separate discussion on the item 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 WATER AND ELECTRIC MONTHLY OPERATIONS REPORT:**

Staff has prepared the Burbank Water and Power (BWP) Water and Electric Monthly Report regarding water quality and power issues for July 2007.

WATER UPDATE

Water Quality

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

Financial and Operations Update

Fiscal Year (FY) -To-Date 2006-07 Water Fund Financial results as of May 31, 2007:

	May 2007 Year-to- Date			
	Actual	Budget	Variance	% Variance
Water put into the system (CCF)	9,316,221	9,067,450	248,771	3%
Potable water sales (CCF)	9,064,700	8,635,834	428,866	5%
Recycled water sales (CCF) ^(A)	846,100	1,087,536	(241,436)	(22%)
Potable Revenues	\$15,986	\$16,179	(\$194)	(1%) (B)
Recycled and Power Plant Revenues	1,296	1,613	(317)	(20%) (C)
Total Operating Revenues	\$17,281	\$17,792	(\$511)	(3%)
WCAC	6,870	6,648	(222)	(3%)
Gross Margin	\$10,411	\$11,144	(\$733)	(7%)
Operating Expenses	8,064	9,004	940	10%
Operating Income	\$2,347	\$2,140	\$207	10%
Interest and Other Income	1,018	1,278	(260)	(20%)
Interest Expenses	309	324	14	4%
NI before Contr. & Transfers	\$3,055	\$3,094	(\$39)	(1%)
Transfers (In Lieu)	856	809	(47)	(6%)
Contributed Capital (A.I.C)	1,391	1,028	364	35%
Change in Net Assets (Net Income)	\$3,591	\$3,313	\$278	8%

(A) Includes Power Plant Sales, Commercial and Industrial Reclaimed Sales.

(B) WCAC adjustment decreased Potable Water Revenues by \$1,138k.

(C) Power Plant requirements were lower than planned.

() = Unfavorable Variance

FY 2006-07 Water Fund Financial Reserve balances as of May 31, 2007 are summarized in the following table:

Water (In thousands)	Balance 5/30/2007	Recommended Reserves
Unrestricted Cash		
General Operating Reserve	\$6,458	\$4,430
Capital Reserve	\$2,807	\$3,580
Sub-Total Unrestricted Cash	\$9,265	\$8,010
Restricted Cash		
Water Replenishment Reserve	\$1,000	\$1,000
WCAC	\$2,785	\$2,785
Distribution Main Reserve	\$1,100	\$1,100
Debt Service Fund	\$1,051	\$1,051
Parity Reserve Fund	\$576	\$576
Sub-Total Restricted Cash	\$6,512	\$6,512
Total Cash	\$15,777	\$14,522

ELECTRIC UPDATE

Electric Reliability

The following table shows the system-wide reliability statistics for FY 2006-07 through May 31, 2007, as compared to the same time period for FY 2005-06:

Reliability Measure	Fiscal Year 2005-06	Fiscal Year 2006-07 (through April 30, 2007)
Average Outages Per Year	0.3374	0.3059
Average Outage Duration	70.24 minutes	70.62 minutes
Average Service Availability	99.9951%	99.9955%

Financial and Operations Update

FY-To-Date 2006-07 Electric Fund Financial results as of May 31, 2007:

	May 2007 Year-to-Date			
	Actual	Budget	Variance	% Variance
NEL MWh	1,127,604	1,074,180	53,424	5%
Retail Sales MWh	1,088,999	1,027,966	61,033	6%
Retail Revenues	141,042	134,198	\$6,844	5% (A)
Other Revenues	3,908	3,372	535	16%
Retail Power Supply & Transmission Expenses	93,491	93,279	(212)	(0%) (B)
Retail Gross Margin	51,459	44,291	\$7,168	16%
Wholesale Revenues	148,909	140,800	8,109	6%
Wholesale Power Supply	142,587	137,720	(4,867)	(4%)
Wholesale Gross Margin	\$6,322	\$3,080	\$3,242	105%
Gross Margin	57,781	\$47,371	\$10,410	22%
Operating Expenses	34,745	35,112	368	1%
Operating Income	23,036	\$12,259	\$10,777	88%
Interest and Other Income	5,631	3,830	1,801	47% (C)
Interest Expense	3,829	3,835	(5)	0%
NI before Contr. & Transfers	24,837	12,253	12,573	103%
Transfers In/(Out) - (In lieu)	8,717	8,387	(329)	(4%)
NI before Contributions	16,120	\$3,866	\$12,254	317%
Contributed Capital (A.I.C)	1,445	3,305	(1,859)	(56%)
Change in Net Assets (Net Income)	\$17,565	\$7,171	\$10,395	145%

(A) Higher sales are attributable to record high summer temperatures and retail load growth.

(B) The retail power supply expense variance is small compared to higher electric revenues due to operational efficiencies, efficient power hedging during the summer, and the FY 2005-06 MPP true-up which was a refund.

(C) Includes April 2007 proceeds of \$920k from the salvage sale of BWP's Olive 3 and 4 units.

Variance () = Unfavorable

FY 2006-07 Power Fund Financial Reserve balances as of May 31, 2007 are summarized in the following table:

Electric (In thousands)	Balance 5/30/2007	Recommended Reserves
Unrestricted Cash		
General Operating Reserve	\$49,280	\$41,000
Capital and Debt Reduction Fund	\$10,000	\$15,100
Fleet Replacement Reserve	\$3,000	\$4,500
General Plant Reserve	\$800	\$1,170
Bond Cash	\$4,005	\$0
Sub-Total Unrestricted Cash	\$67,085	\$61,770
Debt Service Fund & other	\$10,716	\$10,716
Parity Reserve Fund	\$9,746	\$9,746
Sub-Total Restricted Cash	\$20,461	\$20,461
Total Cash	\$87,546	\$82,231

Recommendation:

Note and file.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

2. APPROVAL OF A BURBANK YOUTH TASK FORCE RECOMMENDED PROGRAM – YOUTH COUNSELING:

Staff, supported by a recommendation from the Burbank Youth Task Force (BYTF), is requesting Council authorization to provide funding for youth counseling programs on Burbank Unified School District (BUSD) campuses. If approved, the Family Services Agency of Burbank (FSA) will receive up to \$200,000 from the Youth Services Holding Account (YSHA) to fund the continuance of programming at three middle school campuses; three high school campuses; and, the expansion of high school services to include a Phase II component.

During the Fiscal Year 2002-03 budget process, the Council directed staff to set aside funding in a Non-Departmental Holding Account (Youth Services) to be utilized for teen services and programming. Since then, additional funds have been approved to replenish the account. There is currently \$295,550 in this account.

Programs which have received funding from the YSHA have included the Teens in Action Media Communications Team, Teens in Action Police Youth Relations Team, Bliss Unlimited, the Middle School Grant Program, the Middle School Counseling Program (MSCP), the High School Counseling Program, Challenge Day and the creation of a Mayor's Youth Task Force Grant Resources Account.

The MSCP commenced in spring 2004 at BUSD's three middle school campuses. The FSA was selected as the service provider. The total funding to date for the middle school program is \$250,000. Following the successful model of the MSCP, the BYTF recommended and the Council approved funding appropriations to provide services which commenced in the fall of 2005 for high school students on BUSD's Burbank and John Burroughs campuses. In the fall of 2006, additional funds were allocated to include the Monterey High School campus. The total funding to date for the high school program is \$175,000.

The BYTF desires to continue and enhance the on-campus counseling programs at the three middle schools and three high schools; and, to initiate Phase II of counseling services for students on the high school campuses as proposed by FSA.

At its June 20, 2007 meeting, the BYTF recommended an appropriation of \$75,000 to continue counseling services on the three BUSD middle schools and \$100,000 to continue services on Burbank, Burroughs and Monterey high school campuses. Another \$25,000 was recommended to fund a Phase II component for the high schools.

The total amount recommended for funding is \$200,000. Services would commence September 1, 2007 and end August 31, 2008. The FSA is also dedicated to seeking and identifying additional funding sources to expand services which may include additional groups, individual, family and other services to best meet the needs of Burbank students.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPROPRIATION OF \$200,000 FOR THE FUNDING OF YOUTH COUNSELING PROGRAMS FOR THE BURBANK UNIFIED SCHOOL DISTRICT.

3. CONSIDERATION OF RESIDENT-ONLY PARKING PRIVILEGES ON EVERGREEN STREET NORTH OF MAGNOLIA BOULEVARD:

On April 24, 2007, several residents of Evergreen Street between Magnolia Boulevard and Chandler Boulevard requested that the Council consider restricting parking in the neighborhood to residents only in anticipation of parking issues associated with the planned development of the commercial parcel at 4201-4207 Magnolia Boulevard.

There are approximately 75 on-street parking spaces on Evergreen Street between Magnolia Boulevard and Chandler Boulevard. In addition, all residents on the street have off-street parking from driveways and/or garages yielding approximately 75 off-street parking spaces. The commercial properties adjacent to Magnolia Boulevard have approximately 64 on- and off-street parking spaces.

Staff surveyed the area in question on a number of occasions to determine the average expected daytime usage of public parking. Upon analysis of data collected, it was determined that the daytime occupancy of on-street parking in the residential area of Evergreen Street is 25 percent, while the occupancy of the commercial street frontage is about 45 percent.

The number of available parking spaces adjacent to the commercial frontage of Evergreen Street and Magnolia Boulevard is sufficient to accommodate the construction activities at 4201-4207 Magnolia Boulevard without unduly impacting parking in the residential area of Evergreen Street. Public Works staff can regulate the parking during construction to the commercial frontage of Magnolia Boulevard through the street use permit process, which will be required for major portions of the construction. Other construction activities can also be accommodated in the commercial areas adjacent to the proposed development.

Recommendation:

Staff recommends that parking restrictions not be placed on Evergreen Street at this time.

4. STREET TREE REPORT:

This report will provide an overview of the value of trees to the City, both in terms of their aesthetic appeal and their environmental benefits. It will also discuss the City Codes which are relevant to the administration of the street tree program. Additional information will include the Tree Keeper Software Program, the Master Street Tree Plan, maintenance procedures and tree wells. A special section will be devoted to the proposed reforestation for Magnolia Boulevard and Hollywood Way.

The City has been recognized by the National Arbor Day Foundation as a Tree City USA for 30 consecutive years.

Recommendation:

Note and file.

5. TREE ROOTS AND SEWER LATERALS:

At the request of the Council, staff conducted an analysis of the current policy concerning sewer lateral damage attributed to City trees. The analysis compares the City's policy with those of other cities to allow the Council to determine if a policy change is desired.

There are occasions when a tree root is suspected of crushing a sewer lateral or pushing it out of alignment. In cases where a parkway tree causes this type of damage, Resolution No. 17,805 provides that the City will reimburse the property owner for the repair of the portion of the sewer lateral that has been crushed or misaligned. This reimbursement policy was discussed and affirmed during a May 4, 2004 Council Study Session, and in August 2005, was adopted into the Burbank Municipal Code as Section 25-312.

To qualify for the reimbursement, the following steps are required:

1. The resident selects a contractor to perform the necessary repair;
2. The resident or contractor obtains the required permits;
3. The contractor exposes (but does not remove) the sewer line crushed or misaligned by the City tree;
4. The contractor calls for City inspectors to verify the condition of the exposed pipe before replacing the damaged pipe; and,
5. The resident submits a claim form with the City Clerk's office.

If all of the steps have been completed and the claim is legitimate, the City processes the claim and the resident is reimbursed for the repair costs for that portion of lateral crushed or misaligned by a City tree.

During Fiscal Year 2005-06, eight claims were submitted for sewer laterals alleged to have been crushed or misaligned by roots from City trees. All but three of these claims were denied because the requirements of the reimbursement policy were not met. The average cost of each claim paid is slightly more than \$4,500.

Tree root intrusion into sewer laterals is not unique to the City. It is a problem shared by cities across the country and around the world. Staff will present the Council with the policies of a few cities whose policies represent different approaches to the problem to provide an overview of different possibilities that exist.

Staff will provide the Council with three possible program alternatives: status quo, property owner responsibility and required inspection. Status quo would keep the current policy. Under the property owner responsibility alternative, the property owner would be responsible for his or her own lateral to the sewer main without the possibility of reimbursement. The third alternative would require inspection of private sewer laterals. The inspection would make the resident and the City aware of the sewer lateral condition. Staff will discuss the issues of liability, equity and cost of each of the alternatives.

Recommendation:

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

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**