

TUESDAY, FEBRUARY 11, 2003

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 5:03 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Ramos, Vander Borgh and Laurell.
Absent - - - - Council Member Murphy.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Mayor Laurell called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment were Howard Rothenbach, inquiring how the public can tell if anticipated litigation involves the Airport, noting closed session items always list property addresses if the item is in regard to negotiations, requesting that the agenda reflect either Airport or non-Airport with regard to anticipated litigation; Marie Paino, regarding the appointment of a new City Manager, encouraging the Council to appoint Assistant City Manager Mary Alvord to the position, inquiring whether the Media Mall can provide scooters for the handicapped such as the type provided at the supermarkets.

5:11 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

Public Employee Appointment:
Pursuant to Govt. Code §54957
Title of Position: City Manager
Brief description of position to be filled: Administrative Head of Burbank City Government.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mr. Laurell, Mayor.

Invocation The invocation was given by Rabbi Richard Flom, Temple Emanuel.

Flag Salute The pledge of allegiance to the flag was led by Mrs. Forbes, Principal Planner.

ROLL CALL

Present- - - - Council Members Golonski, Ramos, Vander Borght and Laurell.
 Absent - - - - Council Member Murphy.
 Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
 Providence St.
 Joseph Med.
 Center and
 Beverly Manor

Mr. Flad, Park, Recreation and Community Services Director, made a presentation in honor of Providence St. Joseph Medical Center and Beverly Manor for their participation in the congregate meals program for many years. He noted the program does not cover meals for either Thanksgiving or Christmas Day, so meals for those two holidays have been generously provided by these two organizations. Mr. Flad also recognized and thanked Boy Scout Troop 209 and the volunteers who help deliver the meals. He invited Mayor Laurell to assist him in presenting Certificates of Recognition to the following representatives from Providence Saint Joseph Medical Center: Sister Colleen Settles, Regional Director of Mission Leadership, Mike Hatfield, Executive Chef of Food Services, Ron Sorenson, Director of Community Outreach, and Mitchell Thomas, Chief Financial Officer. Mr. Flad also recognized Ken Carroll, Executive Director and Lu Nicholas, Dietary Manager, representing Beverly Manor.

301-1
 Police Reserves
 Recognition

Captain Skvarna honored the Burbank Police Reserves Unit and stated the reserves are required to obtain the same training as regular Police Officers. He noted the Reserves donated 6,097 hours to the City in service last year, and recognized Reserve Officers John Munoz, Eddie Maricevic, Steve Perez, Kevin Berry and Dewayne Wolfer for their hours of dedicated service.

6:55 P.M.
 Jt. Hrg. with
 Redevelopment
 Agency
 1702
 Opp. Site #2
 (Old Police
 Block) Burbank
 Village Walk –
 The Olson Co.

Mayor Laurell stated that “this is the time and place for the joint public hearing of the Redevelopment Agency and the Council of the City of Burbank regarding the Burbank Village Walk project located on the block bounded by Third Street, Angeleno Avenue, San Fernando Boulevard and Olive Avenue, but 1) excluding approximately 37,200 square feet of land at the corner of Olive Avenue and Third Street and 2) excluding approximately 15,000 square feet at the corner of San Fernando Boulevard and Olive Avenue. The Applicant is Olson Urban Housing LLC. The various components of this project are a Disposition and Development Agreement; a rezoning to the Planned Development No. 2002-1 zone to allow for a mixed use project of residential/retail/restaurant; a Development Agreement related thereto; and Tentative Tract Map No. 53905 to allow for the subdivision of the site to 140

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residential units, of which 14 will be maintained as affordable units for moderate income residents. In addition, a Mitigated Negative Declaration will be considered which addresses the Burbank Village Walk Project as well as an adjacent office/retail development project."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Ms. Davidson-Guerra, Senior Redevelopment Project Manager, presented a brief project background and stated the Burbank Village Walk (BVW) project included a 140 unit residential component with approximately 14,000 square feet (sq ft) of restaurant/retail uses, proposed at the site bound by Olive Avenue, Third Street, Angeleno Avenue and San Fernando Boulevard, excluding the parcel at the corner of Olive Avenue and San Fernando Boulevard, commonly referred to as the Radio Shack Parcel. She reported in May 1997, the Redevelopment Agency (Agency) released the initial request for development proposals and selected Regent Properties as a developer for the site, but the developer withdrew from the project necessitating the Agency to release a second request for development proposals, which resulted in a development team of two joint partners, CIM and the Olson Company. CIM withdrew and consequently the Agency Board directed staff to move forward with negotiations with the Olson Company and to carve out a portion of the site for future office development.

She also reported since that time, the Cusumano Group submitted a proposal for a 100,000 sf office project to be located at the corner of Olive Avenue and Third Street. This proposed project was considered by the Planning Board on February 10, 2003. She noted over the course of the years, the Agency assembled the entire project site, relocated all the former tenants, and was in the process of asbestos and lead abatement, along with utility relocation and demolition of the structures remaining on site.

Mrs. Forbes, Principal Planner, addressed the land use zoning and entitlement matters, stating the site is located in Downtown Burbank. She identified the site location and the jut-out at Olive Avenue which is necessary to create a private alley for access to one of the two levels of subterranean parking on the site. She noted this parking level will house 120 public parking spaces replacing the public parking that will be demolished on the site, the guest parking for residential units,

as well as the residential parking spaces that will be separated with a security gate. She stated the other parking level would be accessed from Angeleno Avenue to exclusively serve the residential units, and would be secured with a gate. She also noted the 14,000 sq ft of restaurant and retail space along San Fernando Boulevard with the residential units above continuing along Angeleno Avenue and Third Street, to the center of the project site.

Mrs. Forbes reported in order for the Council to approve a Planned Development (PD) project, certain design criteria, including consistency with the Burbank Center Plan and the project's ability to provide open areas and pedestrian amenities, must be met. She commented on the amenities, design criteria and compatibility of the proposed project with the adjacent neighborhoods. She also added a Mitigated Negative Declaration tiered off the Burbank Center Plan Environmental Impact Report (EIR) was prepared for this project as a CEQA requirement and to fully consider all the environmental impacts of the project site. The declaration included all proposed development on the site including the referenced office building project and discussed how a larger project was anticipated by the Burbank Center Plan EIR. She reported the Planning Board, by a 4-0 vote, recommended approval of the PD to the Council and the mitigated negative declaration subject to the conditions as proposed. She also discussed the landscape plan and design.

Ms. Davidson-Guerra stated since the proposed project required the Agency to sell property to the developer, a Disposition and Development Agreement (DDA) has been negotiated with the purpose of documenting the real estate transaction and outlining the specific roles of the developer and Agency. She also discussed the fiscal impacts related to the project and stated the project will cost \$6.7 million in property acquisition, demolition, tenant and utility relocation, and contingencies. On the revenue side, she stated in addition to the land sale proceeds of approximately \$3 million, the City Center Redevelopment Fund would realize property tax increment revenue totaling approximately \$5.1 million in present value terms, considering a 6 percent discount factor, with the total revenue anticipated at \$ 8.2 million in present value terms.

With regard to the project schedule, she reported the Agency would open escrow within three to thirty days, the developer would proceed with design development drawings and construction plans, and ground breaking for the project was anticipated for fall 2003 with project completion trailing in 18-24 months for a fall 2005 completion date. She concluded

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with a discussion of the benefits of the project to the downtown area and staff recommendation for Council approval of the BVW project.

Applicant

Mark Buckland, President of the Olson Company gave a brief background of the Olson Company and cited a number of projects they have recently been completed in the cities of Hayward, Pasadena, Santa Ana, and in the San Diego area, and noted the financial strength of the company. He also mentioned the project would be tailored to the need for housing for singles and new couples in the entertainment industry in Burbank.

Hearing
Closed

There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.

Mr. Golonski remarked on the numerous false starts the site had endured, stated he and Ms. Murphy recommended the project to the Council, and noted the provision of moderate housing opportunities and livening-up the downtown area would be of benefit to the adjacent uses in the downtown. He also noted the Olson Company was a premier company specialized in this type of development.

Mr. Vander Borcht remarked on the opportunity to bring a mixed-use project into the area, and the costly effort to subsidize the affordable units. He expressed concern with the San Fernando Boulevard frontage and activities of the restaurant, suggested an increase in open space dining area, and noted the setback of the residential units represented an urban environment. He also noted the reality of the office market, the strength of the Olson Company, and the office component being developed by the Cusumano Company. He recognized the need for the non-refundable deposits required of the developer to ensure the project advanced.

Mrs. Ramos expressed approval of the pedestrian interactive design concept along the San Fernando Boulevard frontage, noted the affordability factor in this project, and the overwhelming benefits, in relation to the project's location to a major transportation hub.

Mr. Laurell indicated support for the project and noted the length of time vested in this project as well as the quality of the two developers on the project site.

Mr. Golonski requested Mr. Vander Borcht clarify his comments regarding accommodating an increased outdoor

dining area along San Fernando Boulevard, and Mr. Buckland agreed to consider Mr. Vander Borght's request to redesign the restaurant once a tenant was obtained.

Motion It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following resolutions be passed and adopted and the ordinance be introduced:"

1702 RESOLUTION NO. 26,424:
 Adopt Mitigated A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Neg. Dec. for ADOPTING A MITIGATED NEGATIVE DECLARATION (OLD
 Old Police Block POLICE BLOCK, INCLUDES BURBANK VILLAGE WALK).

1702 RESOLUTION NO. 26,425:
 Approve Tent. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Tract Map APPROVING TENTATIVE TRACT MAP NO. 53905 AND
 53905 (Olson CONSENTING TO THE SALE OF PROPERTY (OLSON URBAN
 Urban Housing) HOUSING LLC, APPLICANT).

Ordinance The following ordinance was introduced and read for the first
 Introduced time by title only and be passed to the second reading. The
 ordinance was introduced and the title read:

1702 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
 Approve PD No. APPROVING PLANNED DEVELOPMENT NO. 2002-1 AND A
 2002-1 and Dev. DEVELOPMENT AGREEMENT RELATED THERETO (BURBANK
 Agmt. (Burbank VILLAGE WALK).
 Village Walk)

Redev. Agency Redevelopment Agency Resolution No. R-2055 Approving the
 Reso. Adopted Terms and Provisions and Authorizing Execution of the
 Disposition and Development Agreement between the Agency
 and Olson Urban Housing LLC. (Burbank Village Walk) was
 adopted.

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

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

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Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.
First Period of Oral Communications	Mr. Laurell called for speakers for the first period of oral communications at this time.
Citizen Comment	Appearing to comment were Joe Perry, in support of hiring Glendale City Manager Jim Starbird to replace Mr. Ovrom; Minnie Lush, President of the Burbank Association of Realtors, in support of Measure L, the Library Bond Measure; Sean Romano, in support of Measure L; Marine Awakyan, speaking in Armenian, in support of Measure L; Howard Rothenbach, in support of Measure L; Molly Hyman, stating the impartial analysis of Measure L understated the property tax increase by assessed value, and asking that the Redevelopment Agency pay for the library; Mark Barton, requesting to know what plans are being presented to CalTrans with regard to the intersection of San Fernando Boulevard and Buena Vista Street; Esther Espinoza, commenting on infrastructure and the need for affordable housing; and Stan Hyman, in opposition to Measure L.
Staff Response	Members of the Council and staff responded to questions raised.
Second Period of Oral Communications	Mr. Laurell called for speakers for the second period of oral communications at this time.
Citizen Comment	Appearing to comment were Jay Geisenheimer, requesting Council support for appointment to the Los Angeles Equestrian Center (LAEC) Advisory Board, outlining her qualifications for the position; John Canavan, requesting Council support for appointment to the LAEC Advisory Board, outlining his qualifications for the position; Esther Espinoza, who was interrupted because she was not addressing agenda items; Stan Hyman, concerning the Mid-Year Financial Report, and appropriations to the PERS Retirement Fund, in opposition to continuing with the development of the Development and Community Services Building due to budget constraints; David Piroli, commenting on impending budget constraints and their effect on the public, inquiring when all levels of municipal government will make budget cuts, commenting on the

Council's decision on the Burbank Village Walk Project; and Howard Rothenbach, commenting on the Mid-Year Financial Report, noting recurring expenditures were four times greater than recurring revenues, inquiring why the Police and Fire departments were given significant raises in salaries and benefits over the next fiscal years.

Staff
Response

Members of the Council and staff responded to questions raised.

801-2
811
Jt. Mtg. with
YES Fund Board
Mid-Year
Adjustments

Mr. Hanway, Financial Services Director, reported on the mid-year review of Fiscal Year (FY) 2002-03, a review of the proposed mid-year adjustments being requested and the projected FY 2003-04 figures.

With the aid of a power point presentation, he reported in FY 2002-03 recurring appropriations were above recurring revenues by \$1.3 million due to declined revenue adjustments, coupled with the City incurring higher than anticipated Memorandum of Understanding costs. He requested \$1,777,000 as part of the mid-year appropriations, noting the annual plan to increase emergency reserves by \$181,000 in June and the need to fund the Compensated Absences in the amount of \$600,000. He also stated the 15 percent working capital reserve would be funded with budget savings from FY 2002-03.

Next, he discussed an overview of the major revenues stating sales tax revenues were above projections with an additional \$500,000 from the Empire Center, which represents a nine percent increase over last year, and noted the fourth quarter had not been estimated. He added the third quarter was up 11 percent, even though not all stores at the Empire Center were opened until the fourth quarter, and added property tax revenues increased by \$975,000. On the negative side he reported the Utility Users Tax was being re-estimated at \$1.2 million less than the budget estimate due to the telecom users taxes. He noted there has been a shift from using landline telephones to cellular telephones, impacting collections as the City does not receive 100 percent of proceeds from the use of cellular phones. He also commented on the stiff competition between long distance carriers, driving down the prices and detrimentally impacting revenues. Also, he reported receipts from the Transient Occupancy Tax have not met the projected revenues consequently reducing the estimate by \$618,000.

Mr. Hanway also mentioned other detrimental issues not highlighted including: low interest rates on investments

resulting in a \$404,000 reduction; salary expenditures resulting from the need for constant staffing in the Fire Department due to the State military reserves recall costing \$71,000; increase in industrial accident costs, noting these costs will be refunded from the Workers Compensation Self Insurance Fund to the General Fund; Memorandum of Understanding (MOU) increases; increase in the post retirement benefit plan; recent windstorms; background checks for Community Disaster Volunteers; and, purchase of a street sweeper and related personnel costs. He also discussed the fiscal impact to the different funds.

Next, Mr. Hanway discussed the General Fund Forecast for FY 2003-04 and stated the major driving forces of the projected \$6.6 million deficit were investment losses combined with Police and Fire Department retirement packages. He reported other driving forces included: the proposed FY 2003-04 PERS ramp-up; Fire Department overtime/constant manning deficit; MOU projected costs; and, the Internal Service Funds including the General Liability and Workers Compensation Self Insurance Funds. He concluded with a five-year forecast, noting the structural imbalance that needed correction.

Mr. Hanway also discussed the impact of the State budget deficit to the General Fund and the Redevelopment Agency, and noted the actual amounts were unknown at this time.

Mr. Golonski requested the departments provide a budget detail by program and the proposed reductions along with impact statements.

Motion

It was moved by Mr. Vander Borcht and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

801-2
811
FY 2002-03
Mid-Year
Adjustments

RESOLUTION NO. 26,426:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET OF FISCAL YEAR 2002-2003 FOR THE PURPOSE OF MID-YEAR ADJUSTMENTS.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borcht and Laurell.
Noes: Council Members None.
Absent: Council Member Murphy.

YES Fund Board Youth Endowment Services Fund Board Resolution No. Y-32

- Reso. Adopted Amending the Fiscal Year 2002-2003 Budget and Appropriating \$500 for the Purpose of Mid-Year Adjustments was adopted.
- Item Removed
From Consent
Calendar The item regarding Amendment No. 1 to an Agreement with Widom Wein Cohen O'Leary Terasawa for Architectural Services for the Development and Community Services Building was removed from the consent calendar for the purpose of discussion.
- Motion It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
- 1211
Reso. of Intent
For Weed
Abatement
Program RESOLUTION NO. 26,427:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.
- 701
1207
PSA with
Clifford
Development
Group
Adopted RESOLUTION NO. 26,428:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND CLIFFORD DEVELOPMENT GROUP, INC.

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borgh and Laurell.
Noes: Council Members None.
Absent: Council Member Murphy.
- 1207
1st Amend. to
Agreement with
Widom Wein
Cohen O'Leary
Terasawa for
Architectural
Services for the
DCSB Mr. Vander Borgh inquired of Mr. Feng, Public Works Director, the possibility of reconsidering this item in view of the deteriorating financial constraints facing the City.

Mr. Feng stated regardless of the City's financial position, the Council would always have 100 percent control of the project, including the ability to stop the project at anytime. He noted on December 10, 2002 staff made a presentation on this project, and the Council approved the completion of the construction drawings for the Development and Community Services Building (DCSB) project. He added the funds were appropriated that evening, and the action before the Council

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would authorize movement of the funds from one account to another in order to pay the architect to date, with a balance of funds which approximate \$1 million remaining in the account. He informed the Council staff had administratively stopped the design process at this time, due the uncertainty of the budgetary process. He noted the City was still ramping-up for the debt service for the project, pending prioritization of capital projects citywide.

Motion It was moved by Mr. Vander Borcht and seconded by Golonski that "the following resolution be passed and adopted:"

1207
1st Amend. to
Agreement with
Widom Wein
Cohen O'Leary
Terasawa for
Architectural
Services for the
DCSB

RESOLUTION NO. 26,429:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF BURBANK AND WIDOM WEIN COHEN O'LEARY TERASAWA.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borcht and Laurell.

Noes: Council Members None.

Absent: Council Member Murphy.

9:03 P.M.
Mrs. Ramos left
the Meeting

Mrs. Ramos recused herself from the meeting at this time due to a possible business transaction with the proprietor of the Los Angeles Equestrian Center.

202
Appt. to L.A.
Equestrian
Center Advisory
Board

Mr. Laurell stated he was not supportive of the City participating on the Los Angeles Equestrian Center (LAEC) Advisory Board noting the impacts are solely on Burbank residents, and suggested a dedicated advisory board comprised of Burbank members only. He stated his concerns that recommendations not in favor of the City of Burbank could be forwarded to the Los Angeles Parks and Recreation Commission placing Burbank in a similar situation as with the Joint Powers Agreement with the Airport, with three votes on a nine-member panel, often resulting in a losing end of a three-to-six vote. He also noted the importance of participating, provided it was a Burbank Advisory Board and requested to abstain from this item.

Mr. Barlow informed the Council that action could not be taken with two Council members and requested the item be

postponed to a future meeting.

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "this item be postponed to the February 18, 2003 City Council meeting."

Carried The motion carried by the following vote:

Ayes: Council Members Golonski, Vander Borgh and Laurell.

Noes: Council Members None.

Absent: Council Member Murphy and Ramos.

9:12 P.M. Mrs. Ramos returned to the meeting at this time.
Mrs. Ramos
Returned to the
Meeting

1506 Mr. Fletcher, Assistant General Manager, Burbank Water and
1st Amend. to Power (BWP), presented a report seeking approval for a
the Entrix, Inc. Professional Services Agreement (PSA) amendment for Entrix
PSA Inc., BWP's environmental advisor. He stated the \$150,000
amendment was required to secure the South Coast Air
Quality Management District (SCAQMD) operating permit for
Lake One, a new power plant, secure construction permits for
the Olive 1 and Olive 2 NOx retrofits and for detailing the
compliance associated with the NOx emissions generated
during the energy crisis of 2001. He reported the Lake One
power plant employed the best available control technology in
order to minimize its potential impact on the environment. He
noted the onerous task of attaining full emissions reductions
from the power generating units. He stated the Los Angeles
Department of Water and Power (LADWP) completed their
units' emissions reductions in 2001, with BWP following in
summer of 2002. However, the LADWP and BWP units did not
meet the expected level of performance for an operating
permit from the SCAQMD.

Mr. Fletcher reported since September 2002, Entrix Inc, has supported BWP's efforts to get the performance problem solved, and a determination was made that the primary cause of the performance problems have been in the manufacture of the catalyst. He reported the manufacturer has replaced the catalyst and BWP installed the catalyst in the Lake One Unit with initial tests indicating the unit will meet the expected level of performance. Entrix Inc. will continue its efforts to

secure the SCAQMD operating permits, as well as incorporate other performance improvements to reduce NOx reduction and extend the life of the catalyst.

He also reported the SCAQMD has required that BWP file separate permits to be processed in series for the Olive 1 and 2 plants, stretching the time and work required to secure the construction permits. The Olive 1 permit has been received and staff is awaiting the Olive 2 permit.

Next, Mr. Fletcher reported on the 2001 energy shortage which required electric generation to operate at historically high levels and resulted in a production of NOx at a higher rate than expected. He stated this problem was immediately addressed by SCAQMD with new rules, pending federal approval, that could take more than one year. With the rule changes a variety of measures can be proposed to determine adjustments to power plant emissions. He concluded with a statement that Entrix Inc. has provided quality service to BWP for over 10 years and that staff was confident the Lake One permit would be secured in a timely fashion.

Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

1506
1st Amend. to
the Entrix, Inc.
PSA

RESOLUTION NO. 26,430:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ENTRIX, INC. FOR ENVIRONMENTAL CONSULTING SERVICES.

Adopted The resolution was adopted by the following vote:

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

1704-3
1702
CUP and PD
Conditions of
Approval
Verification

Mr. Hess, Administrative Analyst, Community Development Department reported as part of the Fiscal Year 2002-03 budget process, the Council directed staff to create a conditions of approval enforcement pilot program to verify and track the conditions established for discretionary entitlement such as Conditional Use Permits (CUP) and Planned Developments

Pilot Program (PD), and stated the purpose of this report was to provide details of the pilot program prior to its potential initiation. He gave a background of the program and described the two categories of the conditions of approval which determine when compliance can be confirmed; noting the first category is comprised of conditions requiring immediate compliance, including building or occupancy permit, and the second category comprised of conditions of approval which prescribe restriction on the use or performance standards such as confinement of hours of operation or limitation on outdoor activities.

He stated over the past years, Planning Board members have expressed concerns that conditions of approval are not being met in the community. He noted currently, confirmation of compliance with the secondary category is only done when a complaint is received or when City inspectors verify a violation while in the field, thereby requiring routine field checks or reliance on complaints to ensure lifetime compliance. He stated staff was proposing the pilot program be conducted in-house using existing staff as opposed to using consultants. He added staff's proposal was to use a code compliance inspector who is extremely familiar with City inspection procedures, as well as existing CUP and PD projects, along with permit processes, noting the inspector will be dedicated solely to this program for the six-month duration. He stated the License and Code Services Division would work with the Planning Division in obtaining case files and conditions of approval for the program, with emphasis on CUPs which currently receive the most complaints.

He stated research had been conducted revealing that, although several cities had considered conducting such a program, staff was unable to find a city that had adopted and implemented such a proactive program. He noted concerns that a proactive approach could create an excessive workload from spin-off complaints which require inspection. He also stated in light of the budget uncertainties, staff was not supportive of a new pilot code enforcement program that may evolve into a new on-going program with recurring costs

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "staff defer the program but continue the process."

Carried The motion carried by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borgh

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and Laurell.

Noes: Council Members None.

Absent: Council Member Murphy.

904-2
405-2
Household
Hazardous
Waste Contract
Agmt. with
Glendale

Mr. Fischer, Assistant Public Works Director, stated in 2000 the cities of Burbank and LaCanada Flintridge jointly requested and received a grant to set up a joint use household hazardous waste collection program in the City of Glendale. Since that time, the City has continued to support the program with the refuse fund annually renewing the agreement with the City of Glendale for continued use. He stated the program has been well accepted by the residents and added that by approving this agreement the City will continue to keep hazardous material out of the landfill.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

904-2
405-2
Household
Hazardous
Waste Contract
Agmt. with
Glendale

RESOLUTION NO. 26,431:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITIES OF BURBANK AND GLENDALE REGARDING USE OF THE GLENDALE HOUSEHOLD HAZARDOUS WASTE FACILITY (KNOWN AS THE GLENDALE ENVIRONMENTAL MANAGEMENT CENTER) BY THE RESIDENTS OF THE CITY OF BURBANK.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borgh and Laurell.

Noes: Council Members None.

Absent: Council Member Murphy.

1416
Ten-Year
Extension of Bus
Shelter License
Agmt. with
Viacom Outdoor
Inc.

Ms. Garcia, Administrative Analyst, Public Work Department presented a report requesting Council approval for a 10-year extension of the bus shelter license agreement with Viacom Outdoor, Inc. for the construction, installation, maintenance, repair and management of 88 bus shelters, and maintenance of 180 concrete bus benches.

She stated on March 19, 1993, the City entered into a 10-year agreement with Gannett Outdoor Company of Southern California (Gannett) to construct, maintain, operate, and manage advertising bus shelters and non-advertising bus

benches at various locations throughout the City. She added in July of 1996, Outdoor Systems, Inc. acquired Gannett and on December 17, 1996, the Council approved a non-exclusive agreement with Outdoor Systems, Inc., now known as Viacom Outdoor, Inc. (VO), reassigning the agreement for the remaining time of the contract. This agreement expires on March 18, 2003, with terms that allow for an extension of up to 10 years. Ms. Garcia also reported in 2002, staff retained the accounting services of Vavrinek, Trine, Day & Co., LLP (VTD) to audit VO's records for the calendar years ending December 31, 2000 and 2001. VTD's analysis consisted of verifying the mathematical accuracy of the fee remittances, advertising contracts, allocations of advertising revenue and tracing such amounts to the company's monthly revenue summaries. VTD did not find any inconsistencies and the overall findings resulted in recommendations to clarify language and include provisions to the agreement.

Ms. Garcia stated the terms and conditions of the current agreement with VO remain essentially the same, noting exceptions: staff re-negotiated the rental fees requiring VO to pay 20 percent of net revenue for each shelter, less a guaranteed base amount of \$100 per shelter for the first two years. The base amount will increase \$10 per month per shelter every two years with the final increase in 2011 bringing the base amount to \$140 per month per shelter. She noted the compensation under the current agreement is 12.5 percent of net revenue for each shelter, less a guaranteed fixed base fee of \$75 per shelter per month. Also, a provision was added to address late payments which will result in a fee of \$5 per day for the first 15 days after the date upon which the payments are due. The late charges will increase to \$20 a day for each day after the first 15 days past the due date, but noted that VO was not delinquent with any payments to the City.

Ms. Garcia also reported the current agreement was silent as to the treatment of trade-outs which occur when VO's customers remit payments in a form other than cash, such as studio tickets, clarifying under the new agreement, VO will notify the City in writing when trade-outs are received and the value of such trade-outs will be considered revenue and treated as such. She stated VO has provided a high level and quality of service to the City and renewing this agreement will ensure continuity in the level and quality of services, noting the proposed agreement will also increase a minimum guaranteed revenue over a ten-year term by \$484,170 from the previous agreement, adding that staff surveyed some cities with bus shelter agreements and determined that the renegotiated fees are competitive.

2/11/03

Mrs. Ramos inquired about a bus shelter agreement with Clear Channel Outdoor and how that compares with the VO agreement. Ms. Garcia stated Clear Channel Outdoor has 65 bus shelters as opposed to the 88 with VO, and added VO also maintains 180 concrete bus benches.

Motion It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

1416 RESOLUTION NO. 26,432:
Ten-Year A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Extension of Bus APPROVING A BUS SHELTER LICENSE AGREEMENT BETWEEN
Shelter License THE CITY OF BURBANK AND VIACOM OUTDOOR, INC.
Agmt. with
Viacom Outdoor
Inc.

Adopted The resolution was adopted by the following vote:

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

Ordinance Submitted It was moved by Mrs. Ramos and seconded by Mr. Vander Borght that "Ordinance No. 3617 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

708 ORDINANCE NO. 3617:
202-5 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
804-3 AMENDING ARTICLE 4, CHAPTER 2 OF THE BURBANK
206 MUNICIPAL CODE RELATING TO THE PARK, RECREATION,
PerformArts AND COMMUNITY SERVICES BOARD.
Grant Program
And Renaming
Park, Rec. and
Comm. Services
Board

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borght
and Laurell.
Noes: Council Members None.

Absent: Council Member Murphy.

9:59 P.M. The Redevelopment Agency and Youth Endowment Services
Reconvene Fund Board meetings were reconvened at this time.
Redev. Agency
and YES Fund
Board Meetings

Third Period of Mr. Laurell called for speakers for the third period of oral
Oral communications at this time.
Communication

Citizen Appearing to comment were Kreigh Hampel, requesting the
Comment City adopt a resolution against military actions in Iraq, noting
 14 California cities have already done so, and 11 others are in
 the process of doing so, and the reasons why such an
 approach is feasible; Eden Rosen, commenting on the
 forthcoming Affordable Housing Report and several landlord-
 tenant issues; Irma Loose, commenting on a recent newspaper
 article pertaining to a candidate for Council Member, and on
 the family name of another candidate for Council Member;
 and, David Piroli, commenting on the proposed pilot project,
 and on the consequences on the proliferation of Conditional
 Use Permits.

Staff Members of the Council and staff responded to questions
Response raised.

Adjournment There being no further business to come before the Council,
 the meeting was adjourned at 10:18 p.m.

Margarita Campos, City Clerk

APPROVED MAY 20, 2003

Mayor of the Council
of the City of Burbank