



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JANUARY 6, 2004
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:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Deborah McMurray, et. Al. v. City of Burbank.
Case No.: BC247304
Brief description and nature of case: Alleged employment discrimination.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Agency Negotiator: Management Services Director/Judie Sarquiz.
Employee Organization: Burbank City Employees Association and Burbank Management Association.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement issues.
- e. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee's Position: City Attorney.

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: Bethany Carpenter, First United Methodist Church.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

COMMENDATION: GIRLS VOLLEYBALL SOUTHERN CALIFORNIA MUNICIPAL ATHLETIC FEDERATION TOURNAMENT.

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:

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 agendas of December 15, 2003 and January 5, 2004. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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 agenda items 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 Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 2 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.

2. MINUTES:

Approval of minutes for the regular meeting of December 9, 2003.

Recommendation:

Approve as submitted.

3. AGREEMENT BETWEEN THE CITY OF BURBANK AND THE PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT:

As part of the Redevelopment Agency's (Agency) efforts to improve the Downtown, the Agency initiated the formation of a Property-Based Business Improvement District (P-BID) which is now formally called the Downtown Burbank Partnership, Inc., to fund a variety of improvements in partnership with Downtown Burbank property owners. A Management District Plan was developed, which outlines the major components of the P-BID, including: the boundaries; service plan and budget; assessment formula; and, governance of the organization. Specific items that are proposed include capital improvements such as smart parking, wayfinding signage, street/paseo upgrades and holiday decorations. Also included in the Plan are increased maintenance and security, promotions, advertising, special events and administration.

On July 22, 2003, the Council approved the P-BID and on October 28, 2003, the Council appointed the first Board of the Downtown Burbank Partnership, Inc.

The P-BID has a five-year plan, which is the maximum length that a P-BID may be established before renewal. Beginning each January, the P-BID will receive approximately \$720,000 from the Los Angeles County Tax Assessor from property taxes from Downtown property owners, excluding residential and nonprofit property owners.

The proposed Agreement outlines the responsibilities for the City, Agency and Downtown Burbank Partnership, Inc. The City is responsible for the collections from Los Angeles County and forwarding the assessments of the District to the Downtown Burbank Partnership, Inc. The Agency is proposed to pay its entire five-year assessment upfront to help seed important capital projects and the P-BID's administrative expenses. The \$615,000 in funds will be held and expended by the Agency for certain projects such as the proposed wayfinding signage program (the Wayfinding program is scheduled for Agency consideration on January 20, 2004), holiday decorations (Phase I completed), and certain administrative and promotional expenses. The Burbank Downtown Partnership, Inc.'s responsibility is to carry out the Management District Plan, provide and maintain certain insurance requirements and provide an annual report to the City.

The Agreement requires the Agency to appropriate \$615,000 as their estimated assessment over the first five years. The Agency's payment includes the assessments on behalf of the City and the Burbank Unified School District. The

District agrees to recognize the Agency prepayment as a credit to future assessment over the five-year period.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT WITH THE DOWNTOWN BURBANK PARTNERSHIP, INC. FOR THE ADMINISTRATION OF THE DOWNTOWN BURBANK PROPERTY AND BUSINESS IMPROVEMENT DISTRICT.

4. FISCAL YEARS 2003-08 FAIR HOUSING PLAN AND THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:

The City has an obligation to affirmatively further fair housing choice in compliance with the United States Department of Housing and Urban Development (HUD) regulations. Fair housing is defined as a condition in which individuals of similar income levels in the same housing market have a like range of choice available to them regardless of race, marital status, color, religion, ancestry, sex, handicap, national origin, arbitrary age, or any other category which may be defined by law now or in the future.

The City's obligation to affirmatively further fair housing choice (AFFH) arises in connection with its receipt of Federal funds and extends to all housing and housing-related activities within City boundaries. It is mandated by Section 808(e)(5) of the Fair Housing Act, and certification requirements stipulated in Sections 104(b)(2) and 106(d)(5) of the Housing and Community Development Act of 1974, as amended, and Section 105(b)(13) of the National Affordable Housing Act of 1990.

The responsibilities of fair housing planning include conducting an Analysis of Impediments to Fair Housing Choice (AI) at least once every five years consistent with the Consolidated Plan cycle; formulating actions to overcome the effects of identified impediments through a Fair Housing Plan; and, maintaining records to support the AFFH certification. The City updated its August 1996 AI in February 1999 for Fiscal Years (FYs) 1999-03, and the 2003 AI will cover the Consolidated Plan for FYs 2003-08.

The AI is a comprehensive review of a jurisdiction's laws, regulations, administrative policies, procedures and practices affecting the availability, accessibility and location of housing. It assesses conditions, both public and private, that affect fair housing choice, and serves as the substantive, logical basis for fair housing planning.

Impediments to fair housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict or have the effect of restricting housing choices or the availability of housing choices.

AI facts, findings and potential impediments along with the study's conclusions and recommendations were reviewed by staff with copies distributed to the Community Development Goals Committee, the City Clerk's Office, Joslyn Adult Center, and all City libraries to solicit public comment. Written comments were accepted until December 5, 2003, but none were received.

A fundamental HUD goal is to make housing choice a reality through fair housing planning. Based on the 2003 AI findings and the recommendations for addressing potential impediments, the City's FYs 2003-08 Fair Housing Plan continues and expands actions and activities to affirmatively further fair housing choice in the areas listed below:

1. Education and outreach activities;
2. Enforcement activities;
3. Monitoring lending, housing providers, and local real estate practices;
4. Investigative testing and auditing local real estate markets;
5. Land Use policies to affirmatively further fair housing; and,
6. Increasing geographic choice in housing.

Some actions and activities will occur annually while others will be planned and implemented over the five-year period. A yearly Fair Housing Plan will be incorporated as part of the annual update of the Consolidated Plan.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI) AND ADOPTING THE FAIR HOUSING PLAN (FISCAL YEARS 2003-08).

5. AUTHORIZING THE CITY MANAGER TO APPROVE A MAXIMUM OF \$52,000 IN CHANGE ORDERS TO THE ORIGINAL CONSTRUCTION CONTRACT AMOUNT FOR BID SCHEDULE NO. 1145, ROBERT GROSS PARK FRONTAGE RENOVATION:

Staff is requesting Council authorization for the City Manager to approve a maximum of \$52,000 in change orders to the original construction contract amount for Bid Schedule No. 1145, Robert Gross Park Frontage Renovation.

The park is located on the south side of Empire Avenue west of Naomi Street. The renovation includes construction of: sidewalk and driveway; 8-foot high steel fencing with pilasters and gates; a masonry wall; and, landscape/irrigation improvements. The driveway entrance was widened to accommodate two-way traffic.

On May 13, 2003, the Council adopted Resolution No. 26,482, approving the contract documents and awarding the project construction contract to S.H.E. Construction Group for \$99,565.42. On August 11, 2003, the contractor began work with a completion date of November 8, 2003.

During project construction, unanticipated work was required due to a lack of “as-built” information for the park, which the City acquired from the Lockheed Corporation. This unanticipated work delayed the project by 21 working days and included re-forming the block wall footing due to interfering utility conduits, removing buried concrete and exporting excess soil. The total expense for this additional contract work is \$17,308.90.

Also during construction, revisions to the project design were discussed and agreed upon with the Park, Recreation and Community Services Department staff. These recommended revisions include the following:

- Enhancing the landscape areas by widening them and planting larger (15-gallon) shrubs to provide better screening of the park behind the new steel fencing at the back of the sidewalk. Also, adjacent grass areas will be re-graded and replanted for an estimated cost of \$19,000.
- Installing a small additional quantity of steel fencing plus an access gate to the park’s picnic area and improving structural integrity of the fencing with additional horizontal bracing and shorter spans for an estimated cost of \$11,000.

In addition to the above revisions estimated at \$30,000, staff recommends an additional contingency of \$5,000 for other potential unanticipated changes. Combining these amounts with the \$17,308.90 for additional work totals \$52,000.

The costs of the design revisions requested by staff are determined by a combination of the following methods as they apply to the extra work:

- Extension of contract unit price items
- Calculated time and material expenses when unit prices do not apply.

Staff reviewed these additional costs to ensure competitive pricing.

If the maximum of \$52,000 in change orders is approved, the contract’s revised cost will be \$151,565.42. This revised amount is 12 percent above the original engineer’s project estimate of \$135,000 and 19 percent above the second lowest bid of \$127,163 submitted on this project.

The project work is now on hold pending Council approval of the change order. If the change order is approved, the remaining project work is estimated to require two months to complete. Sufficient funding is available for the project change orders.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A CHANGE ORDER IN THE MAXIMUM AMOUNT OF \$52,000 FOR THE ROBERT GROSS PARK FRONTAGE RENOVATION, BID SCHEDULE NO. 1145.

6. EXTENSION OF TIME FRAMES FOR SATISFACTION OF CONDITIONS IN CONDITIONAL VACATION (V-325):

The purpose of this report is to provide the Council with information to consider the extension of the time permitted to satisfy the conditions contained in vacation V-325 affecting the alleys bounded by Olive Avenue, Angeleno Avenue, Third Street and San Fernando Boulevard.

On July 20, 1999, the Council adopted a resolution conditionally vacating the alleys bounded by Olive Avenue, Third Street, Angeleno Avenue, and San Fernando Boulevard. This vacation (V-325) included the north/south alley, 12 feet wide, between Third Street and South San Fernando Boulevard, and the east/west alley, 15 feet wide, between the east/west alley and Angeleno Avenue. The east/west alley runs mid-block between the former Police headquarters property and South San Fernando Boulevard including a portion used as a paseo. The vacation resolution contained provisions that would expire within one year from the date of adoption if the conditions had not been met allowing the vacations to be recorded with the Los Angeles County Registrar/Recorder. V-325 was adopted on July 20, 1999.

The time frame was considered to be sufficient for Regent Properties, the developer at the time, to acquire all of the parcels surrounding the proposed alley areas and satisfy the conditions attached to the resolution. Due to difficulties in obtaining financing to acquire and develop the proposed site, the developer was unable to acquire title to the site within the anticipated time frame and the project was cancelled. Subsequently, the Council approved development plans for the entire site from the Olson Company and Cusumano Real Estate Group, respectively.

Although the expiration date for the original vacation resolution was July 20, 2000, the resolution can be amended beyond the expiration date in order to extend the time within which the conditions can be met and the vacation can be recorded and go into effect. Unlike most other types of Council resolutions that become effective upon adoption, resolutions vacating public right-of-way and public service easements do not go into effect until they are recorded with the Los Angeles County Registrar/Recorder. Therefore, although the Council approved the initial vacation on July 20, 1999, the resolution never went into effect because the conditions had not yet been met.

The expiration date does not invalidate Council's approval of the initial vacation resolution. The expiration date can be amended thereby extending the time frame within which the conditions of the vacation can be satisfied and the vacation can become effective. The legal effect of amending the expiration date is that the original vacation resolution did not expire allowing the approved developments for the site to proceed as planned.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING RESOLUTION NO. 25,566 WHICH ORDERS THE CONDITIONAL VACATION OF A PORTION OF THE ALLEY BOUNDED BY OLIVE AVENUE, THIRD STREET, ANGELENO AVENUE, AND SAN FERNANDO BOULEVARD (V-325, BURBANK REDEVELOPMENT AGENCY – APPLICANT).

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

7. APPROVING SUBMITTAL OF APPLICATION FOR FUNDS FROM THE STATE OF CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000; CERTIFYING PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS AND PUBLIC LIBRARY OPERATION; AND, APPROVING A JOINT USE AGREEMENT WITH THE BURBANK UNIFIED SCHOOL DISTRICT:

On March 11, 2003, the Council adopted an ordinance approving the Civic Center Master Plan, Planned Development (PD) No. 2002-2. Part of this Master Plan, included the development of a new two-story Central Library. The City is being presented an excellent opportunity for major funding contribution to complete this project via the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Bond Act). This Bond Act authorizes library construction grant awards on a competitive basis to communities for new or expanded library facilities.

The Bond Act allocates \$350 million to be distributed to public libraries in three rounds over a three-year period. The first round closed in June 2002, the second round closed on March 28, 2003, and the final round will close on January 16, 2004. The maximum grant per project is \$20 million. The State will fund 65 percent of the cost of constructing new or expanded public library facilities, while the grant applicant must identify a local funding match for the remaining 35 percent at the time of application.

On November 26, 2002, the Council approved a resolution to place a General Obligation Bond Measure (Measure L) on the February 25, 2003 ballot. Measure L stated that the \$14,000,000 raised by the issuance of General Obligation Bonds would be used to provide the City's 35 percent local match required for the State Grant to construct the new Central Library. The remaining money from Measure L would be used to finance the renovation and expansion of the Northwest Branch Library. Bonds would be issued contingent upon the City receiving the State Grant.

On February 25, 2003, Measure L was approved by 67.9 percent of Burbank voters, receiving more than the required two-thirds majority vote. With the passage of

Measure L, voters showed their support for the construction of a new Central Library and a renovated Northwest Branch Library. The City now can show proof of the ability to provide the required 35 percent local match.

The City applied in the second round for the grant on March 28, 2003. On September 28, 2003, the City learned that Burbank was not among the second round award winners. While Burbank's application was a strong contender, competition was tough. Much has been learned by having already gone through the process. It is the City's intention to reapply for the third round, submitting an application by January 16, 2004.

Projected costs for the City's proposed new 65,500 square foot Central Library, including the Library's 55 percent¹ pro-rata share for a five-level parking structure and common plaza area, is \$33,379,963.

Library services have changed. Public access computers are a great example of a new library service need that was not envisioned when the present Central Library was constructed in 1964. Other major facility inadequacies that need to be addressed are:

- Insufficient parking for public and staff
- Space needs for technology
- Inadequate electrical capacity
- Inadequate space for programming needs
- Recurrent plumbing problems
- Accessibility issues
- Lack of student study areas

The State grant provides an excellent opportunity for the State to contribute 65 percent, or a maximum of \$20,000,000, to the cost of constructing a new Central Library for the City. The 35 percent balance shall be funded by City resources. Since Burbank residents are already paying a portion of their property taxes to fund the Public Library Construction and Renovation Bond, applying for and receiving the State grant allows the community to benefit directly from this tax.

The requirements for submittal of the application to the State are quite detailed and have required extensive inter-departmental assistance. The State requires this information to determine the capability of the grantee to build and operate the facility for the next 40 years.

Once the grant has been successfully awarded to Burbank, it is estimated that the project will be completed by February 2007.

¹ The 55 percent pro-rata share is based on the shared parking utilization between the future Development and Community Services Building (DCSB) and the proposed new Central Library, viz. 205 and 249 parking spaces respectively.

Under the Bond Act, first priority is given in the award of grant funds to joint use projects in which the public agency which operates the library and one or more school districts have entered into a cooperative agreement. The resolution before the Council also includes an Agreement for Library Cooperative Joint Use Between the City of Burbank and the Burbank Unified School District (Agreement). The Agreement is part of the application packet, and is contingent upon the City receiving the grant from the State of California.

Project BLAST (Burbank Library and School Together) focuses on joint activities between the Library and the Burbank Unified School District (BUSD) at critical times in a student's school career, to reinforce reading and research skills. The program focuses on children entering the District (either through kindergarten or because they are new to the District), 4th grade students beginning to do research, 8th grade students preparing to enter high school, and the technology needs of all students. In addition, the program provides a Homework Center for students in elementary and middle schools, with homework assistance staff and software.

Under the terms of the Agreement, an Advisory Committee will be established to implement and evaluate the BLAST program. This Agreement may be modified to meet the spirit and intent of the original cooperative Agreement as well as the intent of the Bond Act. The City and the BUSD commit to providing joint use library services consistent with the intent of this Agreement and build into the project a mechanism for review and modification of the conditions of the Agreement. The commitment to provide services over the 20-year period is contingent upon the award of this grant funding.

Projected costs for a new 65,500 square-foot Central Library, including only the Library's 55 percent pro-rata share for a five-level parking structure and common plaza area, is \$33,379,963. The 55 percent pro-rata cost share is based on the shared parking utilization between the future Development and Community Services Building (DCSB) and the proposed new Central Library, viz. 205 and 249 parking spaces, respectively.

Please note that the estimated costs shown below were submitted with the application in round two. At this time, the costs are still being computed. These costs will be revised and made public as they become available.

Central Library costs are generally comprised of:

1.	Library Soft Costs	\$ 3,094,542
2.	Library On & Off-site Work	1,406,339
3.	Library Construction	16,009,510
4.	FF&E	3,243,000
5.	Parking Structure & Common Plaza Area	4,364,210
6.	Other (State Ineligible) Project Costs	880,095
7.	Land Value Contributions ²	4,382,267

	Total Estimated Library Cost =	\$ 33,379,963

Total available funding resources, including the \$20,000,000 maximum State Grant is \$29,664,000; \$9,500,000 from the issuance of the General Obligation Bonds approved through Measure L; and the allowable \$164,000 Architect-Engineer (A-E) Application Fee the City has already appropriated. In addition to the available funding sources, it's important to note that the Bond Act also recognizes City-owned land as a viable project funding source. Therefore, the total project cost in real dollars can be reduced by the \$4,382,267 in land value contribution.

The total increased recurring operating costs for the new Central Library is estimated at \$662,413. There is also a one-time only cost of \$479,573. The current plan is to ramp up the additional necessary funding over a three-year period, starting in Fiscal Year 2005-06. Corporate funding is another possible means of financing portions of the anticipated operating costs.

Based on staff's evaluation, the estimated cost for the new Central Library including the 55 percent pro-rata cost of a five-level parking structure and common plaza area consistent with the previously accepted Master Plan, is \$33,379,963; the sum of the City's local match, excluding land value, is \$9,664,000; and, net of the State's projected \$20,000,000 contribution, the City will need to commit \$3,715,963 in supplemental funds that is more than off-set by the combined \$4,382,267 appraised land value.

Total Estimated Library Cost	\$33,379,963
State Funding	20,000,000
Local Bond Match	9,500,000
A-E Fees (Paid)	164,000

	29,664,000

Required Supplemental Funds	\$ 3,715,963

² A recent certified appraisal for the Library, parking structure, and common plaza area parcels stated the land value at \$55.00 per square foot. This represents \$4,382,267 in real dollars toward the project cost. Only 55 percent of the appraised value of the parking structure and common plaza area parcel can be accounted for per State application requirements.

Finally, it should be noted that an additional \$3,593,025 is required above and beyond the estimated Library project cost to address 45 percent of the parking structure and common plaza area cost. The ultimate disposition of the existing Central Library, including a potential future sale, represents a viable consideration to off-setting this real project cost to complete the five-level parking structure and common plaza area.

Recommendation:

Adoption of proposed resolution entitled:
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING SUBMITTAL OF APPLICATION FOR FUNDS FROM THE STATE OF CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000; CERTIFYING PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS AND PUBLIC LIBRARY OPERATION; APPROVING A JOINT USE AGREEMENT WITH THE BURBANK UNIFIED SCHOOL DISTRICT.

8. MAGNOLIA PARK FOCUS GROUP FINDINGS:

In October 2003, staff from the Community Development Department, Burbank Water and Power, and the Burbank Chamber of Commerce met with the Magnolia Park Merchant Group to support, coordinate and help organize their holiday decorations. From these meetings, staff witnessed an exciting, proactive and enthusiastic group of merchants. While the holiday efforts were in the process, staff also solicited applications for filling vacancies on the Magnolia Park Community Advisory Committee. As both efforts were moving along side by side, staff saw an opportunity to conduct focus group meetings to determine the present situation and future needs for Magnolia Park.

In November 2003, staff initiated the Magnolia Park focus groups. The desired outcome was to achieve a roadmap that would lead the district through a series of steps that would allow it to fulfill its potential, developed by and for its own residents and businesses. All of the recommendations developed were formulated directly by residents and businesses, and have been tested against them in a final, all-encompassing focus session where findings were summarized and re-presented to them.

Five focus groups were scheduled between October 20 and November 3, 2003, and consisted of approximately five attendees per session classified by key segments of the market: residents; retail merchants; commercial and office tenants; property owners; as well as Burbank residents who rarely go to the Magnolia Park area. A total of 25 people attended these five sessions from 41 invitees. Each session lasted approximately two hours.

It is recommended that the findings of the focus groups be shared with the Magnolia Park Community Advisory Committee and that staff return to the Council with an action plan to carry out various recommendations.

Recommendation:

Note and file.

9. MAGNOLIA PARK COMMUNITY ADVISORY COMMITTEE APPOINTMENT:

Staff is requesting that the Council appoint members to the Magnolia Park Community Advisory Committee (CAC) from the qualified applicants. On September 23, 2003, staff sought Council direction to fill two existing vacancies on the CAC and to address the issue of inactive members. In the past two years when a quorum was not established, the number of members attending was six, which would have allowed for a quorum to convene if the Committee had only 11 members. Staff recommended that the Council consider reducing the Committee to 11 positions with six merchants and five residents, thereby reducing the number needed to achieve a quorum to six. Staff recommended six merchants on the Committee since the predominant issues that the CAC has dealt with in the past have had to do with businesses along Magnolia Boulevard, such as promotions and retail vacancies.

The Council directed staff to seek recommitment from the current CAC members and to advertise for new applications. The Council also indicated that a decision on the size of the CAC would be determined based on the number of qualified applicants.

Staff began advertising for applications for the CAC on October 3, 2003 and the deadline for submitting applications to the City Clerk's Office was November 14, 2003 at 5:00 pm. Staff received 20 applications, and has reviewed them to make sure they meet the minimum requirements for the resident or merchant categories within the Magnolia Park Neighborhood. Once selected, staff will promptly schedule a meeting to brief the appointees on the various existing and proposed activities for the area, including: marketing and promotions; the expansion of angle parking; the reuse of the old Thrifty building; and the shared use of the Burbank Community Church parking lot.

Following is the list of applicants by category:

Merchants

David Gordon
Ira Lippman (incumbent)
Jay Adams (incumbent)
Katherine Cook
Lisa Marquis
Sam Asheghian
William Swezey (incumbent)
William Swoger
Yasmine Wolfe (incumbent)

Residents

Alex Moreno
Heidi Staedler
JC Hryb
Ingrid Kriegler
John Cottrell
Kathy Miller (incumbent)
Laurie Vanatta
Linda Kelman (incumbent)
Lori Tubert
Nancy Winogradow
Sara Mendez (incumbent)

Recommendation:

Staff recommends that the Council appoint members to the Magnolia Park Community Advisory Committee from the qualified applicants.

10. PERFORMARTS GRANT PROGRAM STATUS REPORT:

In 1993, the City developed and implemented the PerformArts Grant Program with a mission to “actively foster, develop and assist with funding for the performing arts in Burbank and to encourage arts participation and experiences by and for all members of the public.” A competitive review process was developed to award financial assistance to local non-profit arts organizations. Awards are for partial support of general expenses for performing art programs and projects.

As part of the budget reduction process, the Fiscal Year (FY) 2003-04 PerformArts Grant allocation was reduced from \$77,050 to \$39,073. The purpose of this allocation was to fund the completion of the FY 2003-04 funding cycle and eliminate the FY 2004-05 funding cycle. Additionally, the Council requested that staff return during the mid-year budget process with an update regarding the PerformArts Grant program.

A subcommittee consisting of staff and current recipients of the PerformArts Grants held several meetings in fall 2003 to discuss the status of the 2003 grant allocation and the future of the PerformArts Grant program. One of the goals of the subcommittee was to provide the Park, Recreation and Community Services Board (Board) and the Council with a framework of ideas and opportunities to assist with the future support and promotion of the performing arts community. These recommendations were communicated to the Board at the November 13, 2003 meeting.

The Board discussed the financial status of the PerformArts Grant Program and several items were suggested to provide potential funding mechanisms and to promote performing arts in Burbank. Following this discussion, the Board requested staff to convey its appreciation to the Council for the ten-year commitment to the PerformArts Grant Program and also requested that the following recommendations be presented for Council consideration when the PerformArts Grant Program was reviewed in January 2004:

1. Encourage that strong consideration be given to reinstate some level of funding for the PerformArts Grant Program for the FY 2004-05 funding cycle;
2. Development of a funding plan on a short-term and long-range basis, including identifying financial support alternatives for the PerformArts Grant Program; and,
3. Request staff to facilitate and encourage the development efforts of the newly-formed Burbank Performing Arts Association.

Recommendation:

It is staff's recommendation to not reinstate funding for the PerformArts Grant Program at this time, but to support the development of an independent Burbank Performing Arts Association. Staff does strongly support revitalizing the PerformArts Grant Program as soon as the City's budget situation has improved.

ADOPTION OF PROPOSED ORDINANCES:

11. EXTENDING PLAN LIMITS OF THE GOLDEN STATE, CITY CENTRE, WEST OLIVE AND SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREAS AS AUTHORIZED BY SENATE BILL 1045 AND THE AFFIRMATION OF EXISTING INDEBTEDNESS AND A PROPOSED PUBLIC IMPROVEMENT DEBT OBLIGATION:

The purpose of this report is to receive authorization from the Redevelopment Agency (Agency) Board to extend the Plan Effectiveness Date and the Debt Repayment and Receipt of Tax Increment Date for the Golden State, City Centre, South San Fernando and West Olive Redevelopment Project Areas as authorized under Senate Bill (SB) 1045; affirm existing indebtedness for the Golden State, City Centre, and West Olive Project Areas; and, approve a new Public Improvement Debt Obligation.

Existing law required a redevelopment agency to make an Educational Revenue Augmentation Fund (ERAF) payment to the County Auditor during Fiscal Year (FY) 2002-03. This allocation was determined in accordance with the State mandate. SB 1045 requires all redevelopment agencies in the State to make similar ERAF allocations in FY 2003-04 based on a statewide aggregate allocation of \$135 million. Individual agency payments are determined as a proportion of that agency's share of the total tax increment collected statewide as in ERAF shifts of previous years. Each agency's payment is calculated based on 50 percent from gross tax increment received and 50 percent from net tax increment received after pass-throughs to other taxing entities. Each agency must allocate the specified amount to the County Auditor for deposit into the ERAF on or before May 10, 2004.

SB 1045 looks at the ERAF payment as an obligation of the agency. Therefore, if an agency has more than one Redevelopment Plan, thereby more than one fund, the Bill does not require each fund to pay its proportionate share of the agency payment. Finally, ERAF payments made in FYs 2002-03 and 2003-04 can be subtracted from revenues that count against a redevelopment plan's tax increment ceiling. For the Agency, this would only apply to the West Olive Redevelopment Project Area that has a tax increment cap of \$60 million.

Based on the formula described above, the Agency's payment is calculated to be \$1,343,094. SB 1045 authorizes an agency having to make an ERAF payment to amend its Redevelopment Plan(s) to extend the time limit on the effectiveness of the plan by one year. The Bill further authorizes an agency having to make an ERAF

payment to amend its Redevelopment Plan(s) to extend the time limit on use of tax increment to repay indebtedness by one year.

SB 1045 requires the Agency to make an ERAF payment for the FY 2003-04. However, the Bill authorizes the City to extend its Redevelopment Plan limits to help minimize the impact of the ERAF payment on the Agency's ability to execute projects and repay debt, by allowing agencies to extend the Plan Effectiveness Date, and the date to use tax increment to repay debt. SB 1045 makes no mention of timeframes for passing the appropriate ordinance to make these amendments, however, the California Redevelopment Association recommends that agencies complete these amendments as soon as possible. By extending the Plan Effectiveness Date and the date for Debt Repayment and Receipt of Tax Increment by one year for the Golden State, City Centre, West Olive and South San Fernando Redevelopment Project Areas, the Agency will have another year to complete projects, receive tax increment and repay debt. The Agency will receive an estimated \$47,840,630 in net tax increment during the one-year period. The estimated present value equivalent of this amount is \$13,590,277.

Each year the Agency files a Statement of Indebtedness with the State outlining all the Agency debt obligations. Recently, staff has undertaken a review of the various debt obligations, to ensure that the Agency maintains sufficient debt obligations in order to obtain all of the tax increment over the course of the term of each project area. This is particularly important for the Golden State and City Centre Redevelopment Project Areas, which currently cannot incur additional debt beyond 2003. It was noted that a number of the documents had minor deficiencies such as not having a stated termination date, and in the case of the Youth Endowment Services Fund, the debt obligation was in the form of a resolution rather than a promissory note. Also, an additional debt obligation is recommended to fund public infrastructure projects, if and when tax increment funds become available beyond the debt obligations already identified.

These ordinances were introduced at the December 16, 2003 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

1. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.
2. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

3. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.
4. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

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**