

TUESDAY, JANUARY 13, 2004

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 5:33 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Ramos, Vander Borght and Murphy.

Absent - - - - Council Member Golonski.

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

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:33 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:

- a. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- b. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957 and 54957.6
Title of Employee's Position: City Attorney.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Chaplain Margaret Burdge, Providence Saint Joseph Medical Center.

Flag Salute The pledge of allegiance to the flag was led by Police Chief Hoefel.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Absent - - - - Council Members None.

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

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301-1 Mayor Murphy presented a Proclamation in honor of Dr. Martin Luther King, Jr. Day to John Brady, President of the Burbank Human Relations Council.

301-1 Mayor Murphy commended Chief Hoefel for his service as President of the Los Angeles County Police Chiefs Association, representing 46 cities, and stated that his service with this prestigious organization honored Burbank. She introduced Torrance Police Chief James Herren, who recognized Chief Hoefel for his service as the 2003 President of the Los Angeles County Police Chiefs Association and introduced several Police Chiefs in attendance: Ron Ingels, La Verne Police Department (PD); Randy Adams, Glendale PD; Bernerd Melekian, Pasadena PD; Dan Watson, South Pasadena PD; Ron Lyons, Gardena PD; Frank Wills, West Covina PD; Charles Montoya, Glendora PD; William Bratton, Los Angeles PD; Roger Johnson, Monrovia PD; David Singer, Whittier PD; Larry Lewis, 2002 Association President, Alhambra PD; Garry Couso-Vasquez, Montebello PD; Assistant Sheriff Larry Waldie representing Sherrif Baca; Kim Raney, Covina PD; Bruce Olson, Vernon PD; Dave Hinig, Arcadia PD; Jones Moy, Monterey Park PD; Ernie Klevesahl, Manhattan Beach PD; Joe DeLadurantey, Irwindale PD; and, Dominic Rivetti, Law Enforcement Liaison from the District Attorney's Office. Chief Herren then presented an award to Chief Hoefel in recognition of his leadership and dedication and introduced District Attorney Steve Cooley, who recognized Chief Hoefel's valuable service and presented him with a proclamation. Mayor Murphy also presented a Certificate of Recognition to Chief Hoefel.

301-1 Mayor Murphy recognized the members of the 2004 Pasadena City College Tournament of Roses Honor Band for their musical achievements and presented certificates to the following Burbank students who were selected to participate in the 2004 Tournament of Roses Honor Band: Matt Benson; James Brittain; Ashley Cunliff; Charlie Lilly; Justin Milota; Chris Newton; and, Stephen Oakley. Mayor Murphy also acknowledged Burbank High School Musical Director, Dean Immel.

301-1 Mayor Murphy presented Certificates of Recognition to members of the Girl Scouts of America for achieving Silver and Bronze Awards. Troop 1124 Cadette Girl Scout Silver Award recipients included: Andrea Zaballero; Alicia Boyd; Sirelle Hammoudian; Katie Bryant; Jessica Buenaventura; Natalie Cataldo; Crystal Coria; Cara Goldworthy; CaSondra Gutierrez; Joey Gutierrez; Rakelle Hammoudian; Kristine Josto; Rachel

Lizotte; Carmie Llasco; Alison McKinley; Shannon McShane; Danielle Ramirez; Kelcey Soderstrom; Briana Stevens; and, Jessica Wendlandt. Troop 1406 Junior Girl Scout Bronze Award recipients included: Rebecca Boyd; Jasmine Brown; Bernadette Coria; Deanne Elliot; Delaney LeDoux; Sara Lichnovsky; Jaclyn Lopez; Alexa Pender; and, Krystal Porras.

301-1
Donation from
Target Store to
Burbank Fire
Department

Fire Chief Davis accepted a donation from Target Stores, Burbank Empire Center, in the amount of \$1,000 to benefit the Fire Department's public education efforts. Mr. Neil Kennedy, representing Target Stores, presented the check.

7:21 P.M.
Hearing
1702
IDCO for Multi-
Family
Residential Dev.

Mayor Murphy stated that "this is the time and place for the hearing on the proposed Interim Development Control Ordinance pertaining to development in certain multi-family residential zones within the City."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that correspondence had been received from Miguel Loayza, P.E., representing CCD-Engineers-Designers, Regan L. Bayless and Tommie Minard. She also stated that copies of correspondence received, including correspondence directly received by the Council and forwarded to the Clerk's Office, were provided to the public.

Staff
Report

Mr. Forbes, Senior Planner, Community Development Department, reported that over the past eighteen months, the Council and residents have expressed concern regarding the quantity and nature of multi-family residential development occurring citywide. He added that on September 16, 2003, the Council requested a status report on multi-family development and following staff's report on November 18, 2003, staff was directed to return with options for an Interim Development Control Ordinance (IDCO).

Mr. Forbes explained that the proposed IDCO would restrict any development that may be inconsistent with possible amendments to the multi-family density and/or design standards that would be studied while the IDCO is in place. He noted that in light of the concerns regarding the current trend of the density and design of multi-family development, an analysis of the current standards is warranted.

Mr. Forbes informed the Council that in 2003, 44 Development Review (DR) applications for multi-family residential projects were submitted, representing a total of 453 newly-constructed units and a net increase of 336 new housing units in the City.

Currently, he stated that nine multi-family projects have active building permits, 25 projects have received DR approval from the Community Development Director but have not yet been issued permits, and 16 DR applications are still pending approval. He further explained that the 44 applications received in 2003 are in contrast with only 20 applications received in 2002. He also noted that due to changes in market conditions and housing demand, it was difficult to predict when the current pace of development will decline. He added that even if the number of new DR applications was to decline, a relatively large number of projects are already in process, and the current rate of development could be maintained as these projects are constructed.

Mr. Forbes stated that design and density are the two main aspects of residential development and that the concerns expressed by the community and Council can be attributed to one or both of these issues. He explained that density can impact traffic, public utilities and services, and the rate of in-fill development, while design standards can impact parking availability, building bulk and massing, and compatibility with existing development and neighborhood character. Therefore, he stated that since these issues affect the community character and residents' quality of life, staff suggested a comprehensive study of these issues to prevent any further undesirable development.

Mr. Forbes reported that staff recommended adopting a moratorium to restrict all multi-family residential development in R3, R4 and R5 Zones as the most comprehensive and effective means of controlling development while density and design standards are studied. He also stated that staff considered this approach the most straightforward and simplest to administer.

Mr. Forbes further stated that other alternatives to this approach included restricting projects based upon their density or design features, or restricting projects only in certain zones or areas of the City. Also, he added that staff recognizes that certain projects would not likely conflict with any amended density or design standards, and is recommending that these projects be exempted from the IDCO; such as remodeling projects where bedrooms or units would not be added, conversion of apartments to condominiums and certain mixed-

use projects.

Regarding the application of the IDCO, Mr. Forbes stated that staff recommended that DR approval from the Community Development Director be used as the threshold, therefore, the 25 projects that have received Director approval would not be subject to the IDCO. He noted that some of these projects may conflict with the future density or design standard amendments; however, DR approval represents a point in the process at which the applicant has invested a substantial amount of time and money and has expectation for project approval.

Whether or not the IDCO is adopted, Mr. Forbes stated that staff strongly recommended hiring a consultant to study the density and design standards. He noted that staff has neither the resources nor the expertise in economic analysis and urban design to conduct a thorough study of these issues and added that the estimated cost for the initial phase of the study is approximately \$65,000. He explained that the initial phase of the study would include reviewing existing density and design standards and examining potential amendments. He added that the second phase of the study would include creation of new development guidelines and standards, implementation of necessary zoning changes and public outreach, and would cost approximately \$80,000. He noted that this process would have a substantial overlap with the ongoing General Plan Land Use Element update, and that using the same consultant would result in more efficient use of resources and cost savings. He stated that the estimated time for each phase was about four to six months, for a total project time of about 10 months. He informed the Council that the process would involve the same amount of time, work and cost, regardless of the IDCO. He reiterated that staff recommended a moratorium while the study is in process to ensure that all future development in the City is appropriate and consistent with policies and standards that best protect the quality of life of Burbank residents.

Citizen
Comment

Appearing to comment were Bob Bowne, representing Rondinella Realtors, in opposition to the Interim Development Control Ordinance (IDCO) as it would be ruinous to this family business, noting there was no substantial urgency as required for this type of ordinance, stating adoption of the ordinance would be in conflict with the Housing Element of the General Plan and would negatively affect the City financially for years to come, noting that the Land Use Element update was long overdue, referencing alternative number two in the staff report and stating his agreement with said alternative; and, Barry

Barnett, agreeing with Mr. Forbes with regard to staff's inability to meet growth aspects without outsourcing, noting potential lawsuits which will be filed if the Council adopts the IDCO, stating that development is 40 percent behind the need for housing units in the community, urging the Council to maintain the current process and noting that the massive impact in transportation patterns in the community is due to parents driving children to schools.

Armen Simonian, citing paragraphs from the staff report with regard to new development providing better parking, handicap accessibility, better safety features and curb appeal, noting the already high prices for units in Burbank and stating that an IDCO would further inflate prices for apartments and condominiums; Linda Barnes, agreeing with reasons for the IDCO, but suggesting a sunset period, noting traffic problems impacting residential neighborhoods and expressing concern with left-turn signals; Tony Rondinella, stating that the Government Code requires legislative findings that there is an imminent threat to the public health and safety which cannot be made for the proposed IDCO, noting the rights of property owners to develop their property and stating he was not personally notified of the pending action; Albert Babayan, real estate agent specializing in condominiums, noting the shortage of condominium and housing units, expressing concern that a moratorium would further inflate prices and urging the Council to come up with an alternate solution; Greg Mkrtychyan, inquiring whether DR 2003-54 would be subject to the IDCO; Randy Morris, architect, stating that staff is capable of developing standards without a moratorium, noting the shortage of housing units and the tremendous demand and suggesting the Council provide sufficient funding to hire outside consultants; Louis Long, stating that his development project is currently in process and urging the Council to exempt such projects from the IDCO; Jacquelynn Colton, partner in a small development company, noting the recommendations of the Blue Ribbon Task Force on Affordable Housing with regard to housing shortage, citing projects her company has developed and in opposition to the moratorium as it will impact projects in progress; and, Rodney V. Khan, in opposition to the moratorium, noting the lawsuits filed against the City of Glendale when a moratorium was passed and stating that there is no justification for the required findings.

Emad Ashamalla, stating that moratoriums affect residents, the City's economy and businesses, and urging the Council to seek other remedies such as reviewing design standards and raising parking requirements to reduce density; Leota Bancroft, owner of a duplex on Fairview Street, in support of the citywide IDCO, noting that several projects in process would interrupt

the integrity of neighborhoods, citing the staff report with regard to noticing the hearing, stating that she did not personally receive a notice and requesting that DR 2003-27 be subject to the IDCO; Houshang Dadgostar, stating that a moratorium would negatively impact the City and requesting that all projects in process be treated similarly; Tommie Minard, owner of property and resident on Fairview Street, in support of the IDCO, requesting that DR 2003-27 be subject to the IDCO, in opposition to apartment buildings with subterranean parking in her neighborhood and urging the Council to consider the investment made by owners and renters in her unique neighborhood; Garo Nazarian, in opposition to the moratorium; and, Stan Hyman, inquiring whether the moratorium will apply to the Platt Project.

Bob Jones, in support of the IDCO, especially with regard to DR 2003-27, presenting the Council with a petition signed by 112 neighbors on Fairview Street in opposition to DR 2003-27 and noting that he also did not receive personal notification of the hearing; Veronica Share, in opposition to the IDCO; Linda Rondinella, citing the Government Code with regard to the State's short housing supply; David Piroli, acknowledging that there are areas in the City that need to be addressed by the IDCO, commenting on the already existing denial of property rights of individuals with property next to where a second dwelling unit has been approved and noting the potential impacts on local schools and the City's infrastructure by multi-family development; and, Mike Nolan, stating that adopting the IDCO was tantamount to admitting staff's failure to control development, adding that staff has presented the Council with every possible alternative and noting that the City of Glendale overbuilt and consequently passed a moratorium to fix the problem.

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

Staff Rebuttal In response to public comment, Mr. Forbes stated that it was the Council's decision as to what projects would be subject to the IDCO. However, he added that staff recommended exemption for mixed use projects in areas where the underlying General Plan designation is for commercial use thereby exempting projects such as the Platt Project. He also reported that between January and November 2003 building permits were issued for projects totaling 56 net new units in the City, and that in 2003 the Development Review (DR) applications received by staff represented 318 net new units. Regarding noticing the public hearing, he reported that notices were mailed to all individuals who requested to be on the mailing

list, all applicants and property owners of DR applications in 2003, the Burbank Unified School District, Board of Realtors, Chamber of Commerce and several local multi-family developers. He noted that due to the fact that the IDCO was temporary, staff considered the notices given as adequate and added that if permanent changes are contemplated, the noticing would involve more public outreach. He also added that staff acknowledges the need for housing; however, the need for development that is orderly, compatible, has minimal impacts and ensures a high standard of living and quality of life in the community, is imperative. He reiterated that the moratorium is not permanent and that staff hoped to complete the study within a one-year period.

Mr. Campbell inquired whether the study would enable staff to identify design that would negatively impact the community and Mr. Forbes replied in the affirmative, stating that the study would consider neighborhood character and any new project will be evaluated as to whether it preserves or changes the neighborhood character. Mr. Campbell also requested clarification on whether the IDCO would prohibit the addition of bedrooms or units to existing projects and Mr. Forbes responded in the affirmative, stating that adding a bedroom or unit to an existing development triggers several requirements such as parking and open space, and staff recommended prohibiting any development that would trigger the standards prior to the completion of the study.

Council
Deliberation

Mr. Golonski recognized the concerns raised during the public comment period but noted that most concerns focused on the number of units and not the quality. He underscored the need for design standards that ensure that development is compatible with the neighborhood and can be supported by the infrastructure and municipal services. He noted the lack of discretionary review in the current DR process and the limit with regard to the appeal process. He expressed support for adopting the IDCO and suggested holding additional Council meetings and hiring additional staff to expedite the process. He also requested that a discretionary process be implemented for projects already in the process.

Mr. Vander Borcht did not support adopting the IDCO based on the fact that he could not identify the required findings for a threat to health, safety and welfare. He noted that the number of net new units is not staggering, but agreed to the need to update the design standards to include compatibility findings. In the meantime, he suggested waiving the appeal fee notwithstanding the Council's limited ability with regard to the appeal process. He also noted the opportunity to update the design standards alongside the Land Use Element update.

Mr. Campbell emphasized the need to protect the quality of life in Burbank and recognized that developers have made substantial investments in pending projects. However, he noted that the residents have more at stake than the developers and added that a finding for a threat to public health and safety can be made due to the fact that development restricts open space availability and impacts traffic and air quality. He expressed support for the IDCO to ensure that as Burbank grows, staff has the tools to make the findings and guide developers to construct quality projects.

Mrs. Ramos stated that she served on the Blue Ribbon Task Force on Affordable Housing and is currently a member of the Land Use Element update subcommittee. She noted consensus from the Council and the public that: infrastructure is important; there is need to achieve compatibility; design standards can impact densities; there is support for aesthetic guidelines and comprehensive studies; there are traffic and parking impacts; and, that the DR process needed review. Based on the fact that an IDCO can be adopted if a finding for public health, safety and welfare can be made for a period of 45 days and that the finding for a threat to public welfare is eliminated after the 45-day period, she did not support adopting the IDCO since she could not justify the urgency pertaining to public health and safety after the 45-day period. She reiterated the need to maintain the quality of life in neighborhoods and to strengthen the DR process, and expressed support for additional funding to expedite updating the design standards.

Ms. Murphy concurred with Mrs. Ramos regarding the legal findings for the IDCO and noted that the City would be exposed to potential litigation. She expressed support for hiring a consultant to expedite the DR study and requested that staff review similar ordinances in other cities as well as their impacts.

Mr. Vander Borcht recognized concerns raised relative to the issue of compatibility and density. He noted the reality that the character of the neighborhoods is changing and suggested that the progression be included in the study as it will impact all neighborhoods, especially the R1 Zones. He also emphasized the need to review the design and density standards in the shortest time possible.

Mr. Golonski indicated support for reinstating compatibility in the DR process as it existed prior to adopting the multi-family development standards. He noted the challenge of applying compatibility to projects already in process.

Mr. Vander Borcht noted that the City of Santa Monica's standards could provide guidance in amending the City's design standards.

Mr. Forbes informed the Council that staff could quickly initiate a Zone Text Amendment (ZTA) to add compatibility to the existing DR process, but this would necessitate retaining the services of a consultant. He also stated that if it was the Council's priority to address the design standards and guidelines more so than the density, staff could make that a priority and return in four to six months.

Mr. Golonski stated his preference to add compatibility to the DR process simultaneously with the update of the design and density standards. He noted that this would allow the appeal process to be more robust so that good quality projects will not be impacted. He also indicated support for staff's proposed outline for updating the design standards.

Mr. Vander Borcht requested that the update of the design standards be completed in a shorter time period than that suggested by staff.

Mrs. Ramos requested clarification on whether the proposed ZTA would address design and density standards and Mr. Forbes responded that the ZTA would reinstate compatibility into the DR process so that any appeals would be considered by the Council. She indicated support for including compatibility in the DR process and then conducting a comprehensive study to update the design and density standards.

Mr. Golonski noted that staff will need further guidance considering the fact that the ZTA process requires at least 60 days to adopt an ordinance, and in the meantime projects may be brought before the Council that will not be subject to the compatibility standard.

Mr. Vander Borcht inquired as to the possibility of adopting an urgency ordinance to add the compatibility finding and Mr. Barlow, City Attorney, responded that staff would have to make sure that the findings for the urgency ordinance could be made.

Ms. Murphy inquired whether staff could return with a report at the next Council meeting addressing the ZTA option and Mrs. Georgino, Community Development Director, responded that the ordinance would have to be considered by the Planning Board prior to being brought before the Council

which would take more than 60 days. She suggested that the public hearing be continued to the next Council meeting.

Mr. Golonski noted the ZTA option would exempt approximately 45 projects from any discretionary review and stated that the appeal process is futile without the compatibility standard.

The Council continued the public hearing to the January 20, 2004 meeting and staff was directed to return with options for adopting an ordinance that would amend the existing Development Review process to add a required compatibility finding.

9:48 P.M. Recess The Council recessed at this time. The meeting reconvened at 10:03 p.m. with all members present.

Motion It was moved by Mr. Vander Borght and seconded by Mr. Campbell that "the Agenda items regarding Compact Car Parking Spaces, City's Efforts Regarding Air Quality Issues, and the After-Action Report on the October 21, 2003 Country Club Fire and Recommendations for Future Fire Prevention and Damage Mitigation Measures be postponed to the January 20, 2004 Council meeting."

Carried The motion carried by the following vote:
 Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.
 Noes: Council Members None.
 Absent: Council Members None.

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

Initial Open Public Comment Period of Oral Communications Ms. Murphy called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were Sam Kaner, on the proliferation of Section 8 housing, the criteria for food stamps, deterioration of the quality of life in Burbank neighborhoods and traffic congestion on Kenneth Road; Eden Rosen, commenting on

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worsening traffic issues, specifically on Victory Boulevard, Olive Avenue and Clark Street; Ron Vanderford, commenting on the cost of litigating the case of Karam v. City of Burbank; and Mark Barton, on graphic design presentations made before the Council.

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

Agenda Item Oral Communications Ms. Murphy called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were Mark Barton, in support of eliminating Code provisions for compact parking spaces; Mike Nolan, encouraging the Council to investigate the history of the provisions for compact parking spaces and commenting on a diesel truck idling on San Fernando Boulevard in the late-night hours; Ron Vanderford, in support of eliminating Code provisions for compact parking spaces as this will limit developers; and, David Piroli, in support of eliminating Code provisions for compact parking spaces, in opposition to shared parking in the proposal for the new Central Library project and requesting more details with regard to the Burbank Library and Schools Together (BLAST) Program.

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

1108 Ms. Davidson-Guerra, Assistant Community Development Director/ Redevelopment and Housing presented a report on the South San Fernando Streetscape Project. She informed the Council that the Streetscape Project includes a half-mile portion of South San Fernando Boulevard between Verdugo and Alameda Avenues, and that the proposed design includes: median improvements with low-level landscaping; an irrigation system; 48-inch and 60-inch box trees; landscape accent lighting; and, a public art component. She also noted that the Schematic Design and Design Development Phases of the project had been completed. She added that the project's cost was projected at \$2.8 million and staff was in the process of identifying more opportunity costs from utility enhancements, such as the use of reclaimed water and setting infrastructure for undergrounding overhead utilities. She requested that the Council approve a Professional Services Agreement with David
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Jt. Mtg. with
Redev. Agency
S. San Fernando
Streetscape and
Robert R. Ovrom
Park/Community
School Projects

Evans and Associates in the amount of \$156,000 to prepare the construction documents for the streetscape improvements. She also discussed the project schedule and stated that the completion date was anticipated for February 2005.

Mr. Clifford, Capital Projects Manager, gave a brief background on the Robert R. Ostrom Park/Community School Project. He described the project's components, including: below-grade parking; assembly rooms; administrative offices; classrooms; computer laboratory; flex space; shared data telecomm and security room; park; basketball court; play areas; swing area; out-door recreation area which could be used for picnics and barbeques; restrooms; emergency storage for the Burbank Unified School District (BUSD); and, trash enclosure.

Mr. Wolff, representing Wolff Lang Christopher, architect, discussed the project elevations and the different design elements including: the parking level; two-story main structure; entryways; courtyard; and, the curvilinear roof designed to collect water run-off.

Mr. Clifford discussed that one of the alternative design considerations was the provision of subterranean versus surface parking. He explained that staff determined that the cost of purchasing and relocating the adjacent property to provide 22 surface parking spaces was \$1.7 million as opposed to \$1.3 million for 40 subterranean parking spaces. He also noted that in order to provide surface parking, 35 percent of the project area would be eliminated. He then discussed other design alternatives and their associated fiscal impacts and stated that replacing the curvilinear roof with a flat roof would save \$200,000 and replacing the brick veneer with stucco would save \$115,000. He also reported that compared to similar projects completed by the Architect, the project was approximately \$259 per square foot (sf) as opposed to other projects that range up to \$278 per sf.

Regarding the Leadership in Energy and Environmental Design (LEEDS) strategy, Mr. Clifford reported that this would be the first LEEDS certified facility if completed before the Development and Community Service Building, and that staff's intent was to achieve the highest certification level at the least incremental cost. He stated that staff recommended a Gold certified level at a cost of approximately \$183,000 or two percent of the total budget, and that savings of approximately \$4,400 a month in water and electric consumption would be realized in addition to other intangible benefits such as natural lighting and quality indoor environment. He noted that staff would continue to evaluate LEEDS standard in the Design Development Phase and the Construction Development Phase.

Mr. Clifford requested that the Council consider combining the project with the South San Fernando Streetscape Project and utilizing the Guaranteed Maximum Price (GMP) delivery strategy approved by the Council in July 2003. He explained that this would eliminate duplicate costs such as advertising, qualifying and award of contractor bids, mobilization and the General Contractor overhead, as well as achieve logistical and schedule efficiencies.

Mr. Clifford informed the Council that during the land assemblage efforts, the City exercised the proper due diligence to identify and mitigate the presence of identifiable and potentially hazardous materials as a consequence of each parcel's prior use. He noted that the City maintains that the project site is environmentally free of hazardous materials and poses no environmental threats. However, since the project has a school element, he stated that there exists a stricter protocol mandated by the State to ensure potential environmental issues have been appropriately addressed. For the subject project, he noted that this will involve the State of California Department of Toxic Substances Control (DTSC). He clarified that there is no legal requirement for the City to engage the DTSC to oversee any further environmental investigations since the BUSD has not requested nor elected to receive State funds for its community day school. However, through discussion with the oversight committees, it was deemed in the City's best long-term interest to accept the DTSC's recent grant funding to complete a Preliminary Endangerment Assessment (PEA) since it will provide further and undeniable assurances that the project site is environmentally safe for all users. In order to complete the PEA, he stated that the Council must approve an Indemnification Agreement between the City and DTSC to accept funding for the PEA and a Cooperation Agreement between the City and BUSD for preparation of the PEA.

Mr. Clifford also stated that should the Council approve proceeding with the Design Development Phase, the Construction Document Phase would commence in April 2004; the PEA report was anticipated to be completed no later than June 2004; 90 percent Construction Documents would be issued to the State Architect in September 2004; complete Construction Documents would be presented for Council approval in January 2005; construction would commence in March 2005 and be completed in March 2006; and, occupancy was anticipated for May 2006.

With regard to the fiscal impact, Mr. Clifford reported that the

project's budget was initially established in December 1999 at \$6 million based on a conceptual plan that included 16,000 sf of program space for a neighborhood recreation center and a community day school (one or two-story facility), on-site surface parking for approximately 16 vehicles, with the remainder of the site to be utilized for outdoor recreational amenities. He added that several conceptual plans were presented to the Park, Recreation and Community Services Board, the Council, the Board of Education and the Planning Board (for a parking determination) between April and June 2003, with unanimous acceptance of one conceptual plan and approval to proceed with the Schematic Design Phase. He explained that the accepted conceptual plan was revised from the initial conceptual plans with the primary deviations being: the provision of a semi-subterranean parking garage below a LEEDS-certified two-story building; the serpentine roof; achieving LEEDS certification; inclusion of the DTSC and Art in Public Places; and, approximately \$1 million as project contingency funds. He stated that these revisions increased the project budget by \$3.2 million to \$9.2 million. He also noted that the BUSD will be paying for their Furniture Fixture and Equipment; computers; appliances; utilities; maintenance; custodial and insurance services; and, demolition of the current on-site improvements.

Mr. Clifford then discussed the appropriations for the project to-date and stated that available funding sources for the \$8,416,582 unfunded costs included: Park and Development Fees, \$153,000; Development Impact Fees, \$1 million; various park grants, \$2.9 million; Youth Endowment Services (YES) Fund, \$1.1 million; interest on the \$1.5 million City funds in escrow and \$1.58 million BUSD escrow funds; and, an estimated YES Fund balance through June 2003, \$500,000. He noted that the funding sources total approximately \$7.4 million representing a \$1.02 million funding shortfall which staff proposes to fund through Fiscal Year (FY) 2003-04 YES Fund, funds set aside for a future soccer field, Capital Projects Contingency Fund and grant funding such as the Murray-Hayden Urban Parks and Youth Services Program and the Urban Act of 2001. He noted that the Safe Neighborhood Park grant in the amount of \$15,000 and the Natural Resources Infrastructure Grant in the amount of \$1.5 million must be utilized by June 30, 2006.

Mr. Clifford concluded with staff's recommendations that the Council approve: the utilization of the GMP delivery strategy for the Streetscape Project and consolidate the Construction Management oversight with the Robert R. Ovrom Park/Community School Project; the Cooperation Agreement with the BUSD for preparation of the PEA; the DTSC

Indemnification Agreement and acceptance of grant funding; a PSA amendment with Wolff Lang Christopher for additional design services for the subterranean parking; appropriation of \$500,000 from the FY 2003-04 YES Fund; revision of the City policy to reduce the \$5.2 million allocation for a soccer field to \$4.18 million and appropriation of \$1.02 million to the Robert R. Ostrom Park/Community School Project; and, direction to proceed with the Design Development Phase of the Robert R. Ostrom Park/Community School Project.

Mr. Vander Borght commended staff for their efforts and requested clarification as to the implications of accepting the DTSC grant and its impact on the completion date of the project, given the expiration deadlines of some grant funds. Mr. Clifford responded that the project completion date has been revised to an additional six months to accommodate the DTSC approval process. Mr. Vander Borght also inquired as to why the parking spaces were increased from 16 to 40 and Mr. Clifford responded that the revision was due to a parking analysis in conjunction with the Planning Board, and that the number of parking spaces was driven by the occupancy load of the 200-person neighborhood center on the ground floor. Mr. Wolff also added that the parking analysis was based on weekday and weekend peak usage proposed for the neighborhood center and the Community School. Mr. Vander Borght inquired as to whether water collection could also be achieved with a flat roof and Mr. Wolff responded in the affirmative, and noted that the curvilinear roof was selected for aesthetic purposes as a distinguishing element for the building.

Mrs. Ramos inquired as to whether segmenting the roof would reduce the cost and Mr. Wolff responded in the affirmative.

Mr. Campbell inquired as to whether eliminating the serpentine roof would prevent achieving a LEEDS certification and Mr. Wolff responded in the affirmative, and noted that the bulk of the increase in cost was due to the subterranean parking.

Mr. Golonski indicated support for a landmark building in the South San Fernando area as proposed by the Architect and noted that the area has been underserved by park facilities for a long time and deserves the same quality of buildings as in any other part of the City.

Ms. Murphy expressed concern regarding the City's construction cost increasing by \$3.2 million while the BUSD's cost has been maintained at \$1.5 million. She requested clarification on the proposed uses and inquired whether the community room could be used as meeting space for service

clubs. Mr. Clifford responded that the computer room and the area on the lower ground would be used by both the school and public, and Mrs. Alvord, City Manager, responded that the final agreement for the use of the spaces was not yet established and that staff would consider the provision of meeting spaces as a priority.

Mr. Vander Borght noted the value of the proposed project but inquired whether sufficient funds were available for the project prior to proceeding with the Design Development Phase.

Ms. Murphy noted that given the limited space, it was prudent to construct the building to serve a long term purpose.

Mr. Campbell inquired as to whether the Hilton Note prepayment funds could be considered for use for this project and Mrs. Alvord responded in the affirmative.

Following further Council deliberation, the report was postponed until the Library Grant report was considered.

Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."

1502 City Comment Letter on Draft 2004 Regional Transportation Plan A report was received from the Community Development Department stating that at the December 16, 2003 meeting, the Council selected a subcommittee to meet with staff on possible revisions to the draft City comment letter on the Southern California Association of Governments' (SCAG) Draft 2004 Regional Transportation Plan (RTP). Staff indicated that modifications were made to the letter in accordance with the direction received and that the revised letter was being presented for Council's review and authorization for submission to SCAG prior to the January 16, 2004 comment period deadline.

Staff was directed to submit the proposed comment letter to SCAG.

1702 PSA with Christopher A. Joseph for Media Studios North EIR RESOLUTION NO. 26,638:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND CHRISTOPHER A. JOSEPH AND ASSOCIATES.

1/13/04

304-1 RESOLUTION NO. 26,639:
801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Donation from AMENDING FISCAL YEAR 2003-2004 BUDGET FOR THE
Target Store to PURPOSE OF ACCEPTING TARGET STORE, EMPIRE CENTER
The Fire Dept. BRANCH'S DONATION OF \$1,000.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos,
 Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

12:00 A.M. Mrs. Ramos left the meeting at this time due to a conflict with
Mrs. Ramos the following item and her association with the Family Service
Left the meeting Agency.

700 Mrs. Stein, Deputy Park, Recreation and Community Services
203 Director/Recreational Services gave a report on the Youth
Mayor's Youth Counseling Program previously recommended for funding by
Task Force the Mayor's Youth Task Force. She explained that the purpose
Youth of the Youth Counseling Program is to provide local middle
Counseling school students with a positive, safe environment in which to
Program seek counseling that is both accessible and affordable. If
 approved by the Council and the Burbank Unified School
 District (BUSD) Board of Education, she stated that the
 proposed Youth Counseling Program will be operated in the
 BUSD middle schools during the 2004 Spring semester through
 a partnership with the Burbank Family Service Agency.

Mrs. Stein stated that in June 2003, staff submitted the Mayor's Youth Task Force recommendations for additional youth services and programming and the Council directed staff to return with a strategic plan of action for initiating the Youth Counseling Program. She added that the Mayor's Youth Task Force created a Youth Counseling Subcommittee inclusive of representatives from the Boys and Girls Club, the YMCA, the City, the Council and the BUSD to further develop the strategy for implementation. She stated that the Subcommittee determined that the requirements for the Youth Counseling Program are accessible, affordable counseling services for middle school youth, within their schools, and facilitated by trained professionals who are familiar with issues facing middle school students and with whom the students can feel comfortable.

Mrs. Stein further explained that the Subcommittee requested and reviewed proposals from local counseling agencies for

strategies to address the identified target needs. She added in December 2003, the agencies were given the opportunity to present their proposals to the Mayor's Youth Task Force and following discussion and evaluation of each of the programs, the Mayor's Youth Task Force recommended implementing the proposal presented by the Burbank Family Service Agency. She also informed the Council that if funding for this counseling service is approved, the proposal will be placed on the BUSD Board of Education agenda in February 2004 for approval prior to initiating the program on BUSD campuses.

Mrs. Stein also reported that during the Fiscal Year 2002-03 budget process, the Council directed staff to establish a Non-Departmental Holding Account (Youth Services) and approved the one-time appropriation of \$500,000 for the development and implementation of youth-oriented projects and services. She added that \$225,800 is still available for expenditure and if approved as proposed, the Youth Counseling Program will expend \$50,000 of the remaining funds available in the General Fund Non-Departmental Holding Account (Youth Services).

Motion It was moved by Mr. Campbell and seconded by Mr. Golonski that "the Council approve the one-time expenditure of \$50,000 from the previously established Non-Departmental Holding Account (Youth Services) for implementation of the Burbank Family Service Agency's proposed Youth Counseling Program in BUSD middle schools, as recommended by the Mayor's Youth Task Force and the Youth Counseling Subcommittee."

Carried The motion carried by the following vote:

Ayes: Council Members Campbell, Golonski, Vander Borcht and Murphy.

Noes: Council Members None.

Absent: Council Member Ramos.

12:09 A.M.
Mrs. Ramos
Returned to the
Meeting

Mrs. Ramos returned to the meeting at this time.

701 Mrs. Cohen, Library Services Director, requested Council

412
Approving
submittal of
Application for
Funds from the
State of
California
Reading and
Literacy Imp.
And Public
Library
Construction
and
Renovation
Bond
Act of 2000 and
Approving a
Joint Use Agmt.
with the BUSD

authorization to submit an application for round three of the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Bond Act), and to approve a Joint Use Agreement with the Burbank Unified School District (BUSD). She reported that the City submitted a grant application in round two on March 28, 2003 and on September 28, 2003, the City learned that Burbank was not among the second round award winners. She noted that while Burbank's application was a strong contender, competition was equally tough.

Mrs. Cohen reported that one of the key elements to the application is a strong partnership between a school district and the applying library. She reported that Project BLAST (Burbank Library and Schools Together) focuses on joint activities between the Library and the BUSD at critical times in a student's school career to reinforce reading and research skills. She explained that 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, she stated the program provides a Homework Center for students in elementary and middle schools, with homework assistance staff and software.

Mrs. Cohen informed the Council that under the terms of the Agreement, an Advisory Committee will be established to implement, evaluate and modify the BLAST program to meet the spirit and intent of the original Cooperative Agreement as well as the intent of the Bond Act. She also stated that the City and the BUSD commit to providing joint use library services consistent with the intent of the Agreement and building into the project a mechanism for review and modification of the conditions of the Agreement. She noted that the commitment to provide services over the 20-year period is contingent upon the award of the grant funding.

Mr. Finney, Architect, explained that the building was redesigned in response to the State raters' comments and described the floor plans and changes in architectural elements, noting that the building is 67,930 square feet with a 454-stall parking structure, of which 257 spaces are for the Library's use.

Mr. Clifford, Capital Projects Manager, gave an update on the project milestones and stated that the Schematic Design Phase would be completed in February 2005; Design Development Phase completion was anticipated for June 2005; Construction Design would be completed in May 2006; project bids would

be awarded in July 2006; construction would commence in October 2006; and, the completion date was anticipated for July 2007 with occupancy in October 2008.

Regarding the fiscal impact, Mr. Clifford reported that the total project cost was approximately \$37.4 million, with the variance in the costs between the round two and round three applications totaling approximately \$4 million. He then explained the various components of the project's budget and stated that the increase in cost was mainly attributed to the parking structure.

Mr. Finney added that in addition to the parking structure costs, there were increased costs for: an allowance for implementing a theme in the children's library; an enhanced security system; the General Contractor's overhead costs; increase in the contingency and general condition funds; inflation; and, furniture fixtures and equipment, including computers.

Mr. Vander Borght recognized the need for architectural changes and stated that funding the Library construction was a priority over the Robert R. Ovrom Park/Community School Project. He also noted that if the City received the grant, additional funds could be required.

Mr. Golonski commended staff and the Architect for their efforts and noted that the City is committed to providing quality library services.

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

701
412
Approving
Application for
Funds from
State of
California
Reading and
Literacy Imp.
And Public
Library
Construction
and
Renovation
Bond

RESOLUTION NO. 26,640:
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.

1/13/04

Act of 2000 and
Approving a
Joint Use Agmt.
with the BUSD
Adopted

The resolution was adopted by the following vote:

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

203
408
Council Reps.
For Maglev
Corridor Meeting

Mr. Herrmann, Assistant Community Development Director/Transportation, reported that the Southern California Association of Governments (SCAG) has proposed the development and implementation of a high-speed rail system for the region as a means of reducing vehicle congestion and decentralizing air passenger demand. He stated that one of the envisioned lines would connect the City of Palmdale to Union Station, via the cities of Santa Clarita, San Fernando, Los Angeles, Burbank and Glendale. He added that at a recent meeting, staff representatives of each of the corridor cities agreed to invite two Council Members to attend the next meeting and comment on the feasibility of conducting a joint study. He requested that the Council select two representatives to attend the upcoming Palmdale-Union Station Maglev Corridor meeting.

Motion

It was moved by Mr. Golonski and seconded by Mr. Vander Borght that "Ms. Murphy and Mr. Campbell be selected to attend the Palmdale-Union Station Maglev Corridor meeting."

Carried

The motion carried by the following vote:

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

12:54 A.M.
Reconvene Jt.
Meeting with
The Redev.
Agency

The joint meeting with the Redevelopment Agency was reconvened at this time.

703
Jt. Mtg. with
Redev. Agency
S. San Fernando
Streetscape and
Robert R. Ovrom
Park/Community
School Projects

Mrs. Ramos inquired as to Ms. Alvord’s opinion with regard to reallocating the set-aside soccer field funds to the Robert R. Ovrom Park/Community School Project.

Ms. Alvord, City Manager, noted that the amount of funds set aside for the soccer field was based on the possibility of land acquisition. She added that the City may have to review the possibility of providing soccer fields through joint use partnerships as accomplished for the Providencia Elementary School soccer field, considering that the City is a built-out community. She noted that the South San Fernando area has been deprived of park facilities for a long time and that the community requested a quality facility as provided to other parts of the City.

Mr. Golonski stated that it was impossible to achieve any substantial savings on the project’s cost without eliminating subterranean parking.

Mr. Vander Borgh indicated support for the project but requested that staff review the project to explore the possibility of further savings.

Motion

It was moved by Mr. Golonski and seconded by Mr. Campbell that “the following resolutions be passed and adopted:”

108
703
Adopting a
Fixed
Fee, GMP and
Advertise for
SOQ for Robert
R. Ovrom Park
And S. San
Fernando

RESOLUTION NO. 26,635:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A FIXED FEE, GUARANTEED MAXIMUM PRICE (GMP) PROJECT DELIVERY METHOD AND AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS (SOQ) FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ROBERT R. OVROM PARK/COMMUNITY SCHOOL/SOUTH SAN FERNANDO STREETScape PROJECT AND CONSENTING TO AGENCY FUNDING OF CERTAIN PUBLIC IMPROVEMENTS.

1108
703
Coop Agmt.
With BUSD for
Robert R. Ovrom
Park and

RESOLUTION NO. 26,636:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF BURBANK AND BURBANK UNIFIED SCHOOL DISTRICT RELATED TO THE ENVIRONMENTAL ASSESSMENT REQUIRED FOR THE ROBERT R. OVROM PARK AND

1/13/04

Community School COMMUNITY SCHOOL PROJECT AND ACCEPTING A GRANT FROM THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF TOXIC CONTROL SUBSTANCES.

1108
703
Amend. PSA w/Wolff Lang Christopher Architects
RESOLUTION NO. 26, 637:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND WOLFF LANG CHRISTOPHER ARCHITECTS, INC.

Redev. Agency Reso. Adopted
Redevelopment Agency Resolution No. R-2096 Approving a Professional Services Agreement between the Agency and David Evans and Associates and Authorizing the Payment of Certain Public Improvements. (South San Fernando Streetscape Project).

Adopted
The resolutions were adopted by the following vote:
Ayes: Council Members Campbell, Golonski, Ramos, Vander Borcht and Murphy.
Noes: Council Members None.
Absent: Council Members None.

Final Open Public Comment Period of Oral Communications
Ms. Murphy called for speakers for the final open public comment period of oral communications at this time.

Citizen Comment
Appearing to comment was Mike Nolan, on idling diesel trucks in close proximity to residential uses and on departmental contributions to the Vehicle/Equipment Rental Fund (532 Fund).

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

Adjournment
There being no further business to come before the Council, the meeting was adjourned at 1:05 a.m.

