



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, NOVEMBER 23, 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 Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

- b. Conference With Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: Burbank Entertainment Village Project Phase II (bounded by Palm Avenue, First Street, the back of businesses along San Fernando Boulevard, and a portion of the block where the AMC 14 was formerly located next to the Orange Grove parking structure).
Parties With Whom Agency is Negotiating: Bob Champion (Champion Development), 11601 Wilshire Boulevard, Suite 1650, Los Angeles, California 90025. Chuck Stillely, American Multi Cinema (AMC), 920 Main Street, Kansas City, Missouri 64105.
Name of Contact Person: Jennifer Mack, Redevelopment Project Manager.

- Terms Under Negotiation:** Purchase of property (potential exercise of option).
- c. Conference with Real Property Negotiator:
 Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: A new advertising sign (billboard) is being proposed on City property at the Recycling Center located at 500 South Flower Street which is bounded by Verdugo Avenue and Providencia Avenue.
Parties with Whom Agency is Negotiating: Ken Spiker and Associates, Inc. representing Clear Channel Outdoor, Inc.
Name of Contact Person: Ruth Davidson-Guerra, Assistant Community Development Director/Housing and Redevelopment.
Terms Under Negotiation: Possible lease of City property to Clear Channel.
- d. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
 Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

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:

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.

ANNOUNCEMENT: DARK MEETING ON NOVEMBER 30, 2004.

ANNOUNCEMENT: 2005 MUNICIPAL ELECTIONS NOMINATION PERIOD.

ANNOUNCEMENT: 12 DAYS OF HOLIDAY CHEER AND TREE LIGHTING CEREMONY.

PROCLAMATION: NATIONAL FAMILY CAREGIVERS MONTH.

RECOGNITION: WORLD WAR II VETERANS.

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).

6:30 P.M. JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY:

1. AMC PHASE II SITE – JOINT PUBLIC HEARING FOR AN AMENDED AND RESTATED OWNER PARTICIPATION AGREEMENT, (CHAMPION DEVELOPMENT, INC.), A SECOND IMPLEMENTATION AGREEMENT TO THE OWNER PARTICIPATION AGREEMENT (BURBANK ENTERTAINMENT VILLAGE, LLC. – AMC), DEVELOPMENT AGREEMENTS, PLANNED DEVELOPMENT AND RELATED DOCUMENTS:

The purpose of this report is to present the information necessary for Council and Redevelopment Agency Board (Board) consideration of the proposed development of the former AMC 14 Site by Champion Development, Inc. (Champion). The subject site is the Phase II site of the Burbank Entertainment Village Project (AMC Project). The specific land use applications for the mixed-use residential project include a Second Amendment to Planned Development No. 98-2; Planned Development No.2003-2; Development Review No. 2003-50; a Mitigated Negative Declaration; Development Agreement; and, the associated legal documents. The terms of the proposed development of the Phase II site are documented in the Amended and Restated Owner Participation Agreement (Amended and Restated OPA) between the Redevelopment Agency (Agency) and Champion and a Second Implementation Agreement to the Owner Participation Agreement (OPA) between the Agency and Burbank Entertainment Village, L.L.C. (AMC).

The AMC Phase II site is located on the block bounded by Palm Avenue, First Street, Orange Grove Avenue, the back of businesses along San Fernando Boulevard and more specifically on the site where the former AMC 14 theaters were located. The site is also located within the City Centre Redevelopment Project Area.

On August 28, 2001, the Council and Board approved an Implementation Agreement to the OPA which allowed AMC to fund the Phase I improvements directly by assigning the rights of the developer entity directly to American Multi-Cinema, Inc. while contemplating that a future developer, subject to Agency approval, would construct the Phase II improvements. The Implementation Agreement also included modifications to the proposed project design and a reduction in the scope of the project due to changes in market trends and to improve pedestrian flow while maintaining provisions to help ensure that both phases would be completed.

The Phase I improvements were completed in June 2003, including completion of the 4,200-seat, state-of-the-art AMC 16 theaters. This theater has consistently ranked in the top ten of all theaters nationwide since its opening. Additional improvements included retail and restaurant uses and a parking structure. Improvements approved for Phase II included additional retail and restaurant uses and a parking structure. The former AMC 14 theater was demolished in July 2003 and the Phase II site is currently vacant.

AMC selected Champion as the Phase II developer in May 2003. AMC subsequently entered into a purchase and sale agreement to sell Phase II of the AMC Project site to Champion. However, Champion's purchase offer is subject to receiving approvals from the Board and Council for proposed Phase II modifications to the executed OPA and land use entitlements.

The Phase II project, as proposed, involves the construction of 50,000 square feet of ground level retail and restaurant space with 118 for-sale condominium units to be located above. Based on the results of a parking study, the proposed project would also include the construction of a 734-space multi-level subterranean and above grade parking structure which is designed to provide private, gated parking for the residential uses and parking for the retail/restaurant uses as well as accommodate 276 additional public parking spaces, above and beyond the required parking demand for the project, which was a specific requirement under the originally-approved agreement with AMC.

The purpose of the Planned Development process is to provide an alternate process to accommodate unique developments for residential, commercial, professional or other similar activities, including modified development standards which would create a desirable, functional and community environment under controlled conditions of a development plan. The proposed mixed-use project meets the requirements of this process.

The Planning Board, by a vote of five to zero, recommended approval of the proposed Planned Development project on October 11, 2004. The Planning Board discussed issues related to site circulation and project design including proposed architecture, landscaping, signage and parking structure circulation.

A Second Implementation Agreement to the approved OPA and an Amended and Restated OPA have been negotiated to separate the obligations and responsibilities of AMC for the Phase I project, as currently approved and built, from the obligations and responsibilities of Champion for the proposed Phase II project.

Some of the salient provisions of the proposed Amended and Restated OPA include the following:

- The Developer must acquire the Phase II site from AMC;
- The Agency's approval of the conveyance of the Phase II site from AMC to the Developer is contingent upon the following:
 1. The Agency's review and approval of the Developer's evidence of financing which must close or be ready to close prior to transfer approval;
 2. The Community Facilities District shall have been formed and approved to finance the public parking spaces in the Phase II project;
 3. The Developer shall submit a complete set of construction drawings to the City and Agency for approval;

Additional Developer Responsibilities:

- The Developer shall construct a mixed-use project consisting of a maximum of 118 for-sale condominium units located above a maximum of 50,000 square feet of ground level retail/restaurant space in accordance with Planned Development No. 2003-2;
- Up to 40 percent of the retail/restaurant component can be used for restaurants. The project shall have at least two sub-anchor 5,000 square foot retail tenants or one 10,000 square foot retail tenant;
- The Developer shall construct a 734-space parking structure that includes:
 - 236 private spaces (residential component);
 - 222 unreserved public spaces (commercial component); and,
 - 276 additional public parking spaces (public component).
- The Developer shall pay for all costs to construct the improvements on the Phase II site (except for the Agency's contribution towards the construction of the 276 public parking spaces). The new Phase II parking structure will connect to the existing Orange Grove parking structure;
- Once the Phase II parking structure is completed, the Developer must convey the parking structure parcel to the Agency for \$1;
- The Developer will sell fifteen (15) or 12.5 percent of the units to moderate-income households earning less than 120 percent of the Los Angeles County median income;
- The Developer shall complete the project in a timely manner as described in the Schedule of Performance; and,
- The Developer must comply with State prevailing wage law regarding the construction of Phase II improvements.

Agency Responsibilities:

The Agency's responsibilities remain substantively unchanged pursuant to the provisions of the approved OPA dated August 3, 1999 as amended by the Implementation Agreement dated August 29, 2001 and include the following:

- The Agency shall assist with funding of the Phase II public parking structure from the tax increment generated from both Phases I and II (new Property Tax revenues). The Agency will be required to reimburse the Developer the amount sufficient to pay the Community Facilities District Special Tax attributable to \$5 million in net bond proceeds. The Agency's assistance will be limited to 75 percent of the tax increment generated from the Phase I and Phase II sites (The remaining 25 percent of tax increment is earmarked for 20% Set Aside Affordable Housing uses and five percent for the Youth Endowment Service Fund).

Pursuant to the California Community Development Law, the Amendment to the OPA, Second Implementation Agreement to the OPA and 33433 Report have been made available for public review immediately following the initial publication (November 6, 2004) of the public notice.

The estimated costs to be incurred by the Agency for Phase I and Phase II of the AMC Project have not changed since the original OPA and Implementation Agreement to the OPA was executed. The original agreements provided the Agency with \$1.16 million in land sales proceeds, which the Agency has already received. In addition, the Phase I and Phase II Projects will produce Property Tax increment revenue through 2022 (the last year in which the Agency can collect tax increment revenue in the City Center Redevelopment Project Area), totaling about \$23.7 million in nominal terms or \$13.2 million in present value terms (using a six percent discount rate). These two revenue components yield a total anticipated Agency revenue projection of approximately \$24.9 million in nominal terms and \$14.3 million in present value terms.

When comparing the total Agency costs associated with the proposed project (approximately \$10.4 million) with anticipated Agency revenue (approximately \$14.3 million), the net revenue to the Agency is projected at \$3.9 million in present value terms.

Assuming the proposed AMC Phase II project is approved on November 23, 2004, the developer will proceed with design development drawings and construction plans. The project is scheduled for completion in approximately 20 months or Spring 2007.

The proposed Collection at Downtown Burbank (AMC Phase II Project) will help fulfill the goals of the Downtown revitalization strategy by building upon the desired 24-hour, seven-days a week Downtown population, which will further enhance the Downtown area and help support existing businesses and Agency investments. It will also build upon the entertainment synergism created by the new AMC 16 theaters as part of the AMC

Project. The proposed project, as a component of the entire block's master plan, will redevelop an underutilized and blighted block into a mixed-use, in-fill development that helps strengthen the economic viability of the Downtown. Furthermore, the proposed project supports the goals of the City Centre Redevelopment Plan as well as provides additional units to the City's affordable housing inventory. Additionally, the proposed project will help improve the financial strength of the City and Agency by generating approximately \$350,000 in new Sales Tax revenues each year.

Recommendation:

1. Adoption of proposed City Council resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION (AMENDMENT TO PLANNED DEVELOPMENT NO. 98-2 AND ADOPTION OF PLANNED DEVELOPMENT NO. 2003-2).

2. Introduction of proposed City Council ordinances entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT NO. 98-2 AND AN AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATED THERETO. (BURBANK ENTERTAINMENT VILLAGE, L.L.C. AND AMERICAN MULTI-CINEMA, INC., APPLICANTS).

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2003-2 AND A DEVELOPMENT AGREEMENT RELATED THERETO (CHAMPION REALTY, LTD., APPLICANT).

3. Adoption of proposed City Council resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND IMPLEMENTATION AGREEMENT TO THE OWNER PARTICIPATION AGREEMENT BY AND AMONG THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, BURBANK ENTERTAINMENT VILLAGE, L.L.C., AND AMERICAN MULTI-CINEMA, INC. AND AN AMENDED AND RESTATED OWNER PARTICIPATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND CHAMPION REALTY, LTD.

4. Adoption of proposed Redevelopment Agency resolution entitled:
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND IMPLEMENTATION AGREEMENT TO THE OWNER PARTICIPATION AGREEMENT BY AND AMONG THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, BURBANK ENTERTAINMENT VILLAGE, L.L.C., AND AMERICAN MULTI-CINEMA, INC. AND THE AMENDED AND RESTATED OWNER PARTICIPATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND CHAMPION REALTY, LTD.

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on 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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

2. OLD THRIFTY SITE – 3606 AND 3614 WEST MAGNOLIA BOULEVARD - PORTO'S BAKERY COMMERCIAL REHABILITATION LOAN AGREEMENT AND RECIPROCAL EASEMENT AGREEMENT:

The purpose of this report is for the Council to consider a request from Raul Porto of Porto's Bakery (Porto's) for financial assistance to locate a bakery and restaurant at the Old Thrifty site located at 3606 and 3614 West Magnolia Boulevard, as well as enter into a Reciprocal Easement Agreement that would affect the proposed bakery parking lot and the adjacent public parking lot.

The Old Thrifty site has been vacant for more than six years, and is a blighting condition for the Magnolia Park area. The current owner of the property, Ken Fisher, has considered different plans since purchasing the property in 2001. Recently, Ken Fisher and Raul Porto have reached agreement for Porto's to purchase the property. The owner has requested that escrow close as soon as possible. At the same time, Raul Porto has requested the City to provide \$790,000 in assistance to help pay for base building and tenant improvements. This assistance has been requested due to the high cost of purchasing and renovating the building and providing a more pedestrian-friendly environment. Keyser-Marston Associates, the City's economic consultant, has reviewed the request for assistance in the amount of \$790,000 and determined it is warranted.

The following are the major terms for the proposed loan to Porto's:

1. Porto's must purchase the property at a minimum cost of \$3.5 million with a minimum 25 percent equity down payment.
2. A minimum of 25 percent of the base building and tenant improvement costs shall be paid by Porto's or related Porto's entity.
3. Porto's will be required to improve the property to the general level of the Porto's Bakery in Glendale and as generally outlined in the Contractor's Estimated Cost.
4. The City shall make progress payments to Porto's as the improvements are completed based on 90 percent of the costs that are billed by Porto's contractor up to the \$790,000 loan amount through a pre-approved payment schedule. The loan shall earn interest at the prime rate plus two percent amortized over ten years.
5. The City shall place a second trust deed on the property as security for its promissory note behind the funding for the purchase and improvement of the property by Porto's. In addition, the City shall receive a loan guarantee placed on the Porto's Bakery business in Glendale.

6. The bakery and café shall be opened for business within nine months after beginning improvements on the building, and in any case within 12 months after the close of escrow.
7. For each year Porto's remains open, one-tenth of the loan amount shall be forgiven.
8. If after the third year of operation, Porto's gross revenue exceeds \$5,500,000, Porto's shall pay the City one-half of the revenues over this amount up to the total amount of the loan due for that year (\$79,000 plus interest).
9. Porto's shall agree to participate in a Business Improvement District should one be formed for the Magnolia Park Area.

If approved, staff proposes the funding be structured similar to how the Redevelopment Agency (Agency) provides assistance through the Downtown Tenant Assistance Program. This program was developed to provide financial assistance for structural and tenant improvements for underutilized and vacant properties in an effort to revitalize Downtown.

While the proposed bakery and café has sufficient on-site parking, a Reciprocal Easement Agreement is also proposed to improve circulation between the Porto's parking lot and adjacent public parking lot. Over time, this may allow the opportunity to reconfigure the public parking lot in a way to gain more parking spaces.

As part of the development of the Magnolia Park Action Plan, several focus group meetings were undertaken to determine, among other things, the type of retailers that residents would like to see in Magnolia Park. This was followed by a survey of the area residents to receive their opinion. The responses received called for more restaurants and cafes with outdoor seating, one-of-a-kind retailers, as well as a desire for a bakery. They also indicated that they wanted to eliminate vacant retail space and improve building facades. A Porto's Bakery and Café at the vacant Old Thrifty site appears to be a perfect fit in this regard.

The Old Thrifty site is not located within a Redevelopment Project Area. However, the Agency can provide funding by reimbursing a portion of one of its loans with the City. This would allow the City to execute the proposed loan agreement with no impact on the General Fund.

It is recommended that the Council and Agency Board adopt the respective resolutions to: 1) authorize the Community Development Director to enter in a Commercial Rehabilitation Loan Agreement under the terms outlined in this report; 2) approve a Reciprocal Easement Agreement to allow mutual access between the proposed bakery parking lot and adjacent public parking lot; and, 3) appropriate the necessary funds, through a Cooperation Agreement between the City and Redevelopment Agency.

Recommendation:

1. Adoption of proposed Redevelopment Agency resolution entitled:
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING A COOPERATION AGREEMENT WITH THE CITY OF BURBANK AND AMENDING FISCAL YEAR 2004-2005 ANNUAL BUDGET IN THE AMOUNT OF \$790,000 FOR THE PARTIAL PAYMENT OF A CITY CENTRE NOTE.

2. Adoption of proposed City Council resolution entitled:
(4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING VARIOUS AGREEMENTS RELATING TO 3606 AND 3614 WEST MAGNOLIA BOULEVARD/ PORTO'S BAKERY AND CAFE AND AMENDING FISCAL YEAR 2004-2005 ANNUAL BUDGET IN THE AMOUNT OF \$790,000 FOR THE PORTO'S BAKERY AND CAFE COMMERCIAL REHABILITATION LOAN.

RECESS for the Redevelopment Agency hearing.

RECONVENE the City Council meeting.

CONSENT CALENDAR: (Items 3 through 5)

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.

3. MINUTES:

Approval of minutes for the regular meeting of September 14, 2004, the adjourned meeting of September 20, 2004, the regular meetings of September 21 and September 28, 2004, the adjourned meeting of September 29, 2004, and the regular meetings of October 5, October 12, October 19, and October 26, 2004.

Recommendation:

Approve as submitted.

4. RESOLUTION OF INTENTION TO SET THE HEARING DATE TO CONSIDER THE CONDITIONAL VACATION OF AVON STREET BOUNDED BY ALAMEDA AVENUE AND OLIVE AVENUE, THE ALLEY BOUNDED BY LIMA STREET AND AVON STREET, AND THE ALLEY BOUNDED BY CORDOVA STREET AND AVON STREET – V-339 (PW, LLC APPLICANT):

The purpose of this report is to provide information to the Council to consider adoption of a Resolution of Intention to set the public hearing date of December 7, 2004, to consider

the conditional vacation of Avon Street and adjacent alleys between Olive Avenue and Alameda Avenue, Map V-339 for the PW, LLC (aka: The Platt Companies) project.

PW, LLC is requesting as part of their project to vacate Avon Street bounded by Alameda Avenue and Olive Avenue, the adjacent alley bounded by Lima Street and Avon Street, and the alley bounded by Cordova Street and Avon Street. The property is located within the Media District Specific Plan (MDSP) area and is a portion of the area identified as Media Center North. This area is intended for commercial mixed-use development. The street and alley vacation hearing is to be held in conjunction with Council consideration of the Planned Development (PD 2003-1 with Development Review No. 2003-36).

The purpose of the Resolution of Intention is to set the public hearing date of December 7, 2004 for the proposed conditional vacations. The vacation of these rights-of-way is necessary for Platt to be able to assemble the development parcel. All appropriate City departments and outside utility companies have reviewed the proposed vacations, including Pacific Bell, Charter Cable, The Gas Company, the Los Angeles County Department of Public Works and the Metropolitan Water District. The proposed vacations will be conditioned in accordance with their responses.

Once the vacation hearing date is set, the hearing will be noticed in accordance with the Streets and Highways Code and the Burbank Municipal Code, including: 1) a mailed notification to all property owners within 1000 foot radius of the area to be vacated at least 10 days prior to the public hearing on the vacation; 2) posting a notice at several locations in the area to be vacated; and, 3) a published notice in the Burbank Leader. The published notice will appear two times within the fourteen days preceding the hearing.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF A PORTION OF AVON STREET BOUNDED BY ALAMEDA AVENUE AND OLIVE AVENUE, THE ALLEY BOUNDED BY LIMA STREET AND AVON STREET, AND THE ALLEY BOUNDED BY CORDOVA STREET AND AVON STREET (PW, LLC.) (V-339).

5. REQUEST FOR AUTHORITY TO PROCEED WITH THE CONSTRUCTION DOCUMENTS PHASE AND DEVELOPMENT OF THE GUARANTEED MAXIMUM PRICE FOR THE COMMUNITY SERVICES BUILDING PROJECT:

Staff is requesting authority to proceed with the Construction Documents Phase program and development of the Guaranteed Maximum Price (GMP) for the Community Services Building (CSB) Project.

Staff presented the Design Development Phase program for the CSB Project to the

Council on October 5, 2004 seeking program acceptance and subsequent direction to proceed with the Construction Documents Phase. The Council requested that a special design study session be scheduled to address exterior building and landscape design concerns identified at said Council meeting.

The study session was held on November 4, 2004 with all Council Members present. Leo A. Daly (Daly), the project architect, presented an overview of its Design Development process since re-starting the project on November 6, 2003.

The significance of the CSB's exterior design and how it melds into the future and existing fabric of the civic center environment cannot be underestimated. The additional collaborative effort between the Design Team, Oversight Committee and the Council effectually addressed important design signatures for the building's exterior design.

The results listed below represent the primary concerns that Council Members identified at the November 4, 2004 study session. These concerns were addressed at a follow-up study session on November 16, 2004. Based on the Council's acceptance of the proposed modifications staff is now prepared to move forward with the Construction Documents Phase and to develop the GMP.

1. A warmer material, finish and color palette for the exterior limestone, window mullions, cement plaster and metal panels.
2. The green tinted glass.
3. The water fountain design envelope was clearly defined at the main entry area. Although further detailed design is required, it was agreed that the fountain shall be active with articulated noise and movement, rather than passive.
4. A black granite accent material for use around the primary entrances and other openings.
5. The main and secondary entrances enhanced with hard-scape and soft-scape modifications.
6. A bas relief to be considered further at the Third Street and Orange Grove Avenue main entrance to provide an additional design link to City Hall.
7. The City seal etched into the large single window at the south elevation.
8. An alternative material and design for the window above the double doors at the community room, south building elevation.
9. No changes to the primary building setbacks along Third Street and Orange Grove Avenue were made based on the width sufficiency in the current design.

Based on the Council's approval to commence the Construction Documents Design Phase efforts, the following milestone activities are anticipated.

- | | |
|--|---------------|
| 1. Construction Document Completion | May 2005 |
| 2. Construction Document and GMP Approvals | July 2005 |
| 3. Commence Construction | August 2005 |
| 4. Complete Construction | October 2006 |
| 5. Occupancy | December 2006 |

As reported at the October 5, 2004 Council meeting, the CSB Project budget was estimated to be \$28.1 million or \$3.56 million above the currently-approved \$24.54 million budget. This \$3.56 million budget increase is attributable to construction market escalations. No changes or additional recommendations to the fiscal impact report provided at the previous Council meeting are being provided herein as a result of these minor design considerations.

Recommendation:

Accept Design Development Phase and direct staff to proceed with Construction Document Phase program and development of the Guaranteed Maximum Price.

END OF CONSENT CALENDAR *** *** ***

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**