

TUESDAY, NOVEMBER 23, 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 5:06 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Murphy and Ramos.  
Absent - - - - Council Member Vander Borcht.  
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

Citizen Comment Appearing to comment was Mike Nolan, in opposition to an advertising billboard proposed at the City's Recycling Center located at 500 South Flower Street.

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

- a. 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, 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  
**Name of Agency Negotiator:** Community Development Director/Susan M. 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 Stilley, 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  
**Name of Agency Negotiator:** Community Development Director/Susan M. 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.  
**Party 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

Regular Meeting Reconvened in Council Chambers	The regular meeting of the Council of the City of Burbank was reconvened at 6:44 p.m. by Mrs. Ramos, Mayor.
Invocation	The invocation was given by Mr. Kramer, Community Assistance Coordinator.
Flag Salute	The pledge of allegiance to the flag was led by Doris Vick.
ROLL CALL	
Present- - - -	Council Members Campbell, Golonski, Murphy, Vander Borght and Ramos.
Absent - - - -	Council Members None.
Also Present -	Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 National Family Caregivers Month	Mayor Ramos presented a proclamation in honor of National Family Caregivers Month to Sami Lomax, facilitator for the caregivers support group that meets at the Joslyn Adult Center.

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301-1  
World War II  
Veterans

Mayor Ramos recognized the following World War II Veterans who are Burbank residents: Melvin J. Brown; Genevieve H. Cadmus; Richard L. Cannon; David K. Elliot; Sam Ezrol; George Kirkpatrick; Earl Morrison; John Peebles; Bill Vick; and, Doris Vick. She commended them individually for their service and bravery in defending the country during World War II, and expressed richly-deserved gratitude to them.

7:14 P.M.  
Jt. Hearing with  
Redev. Agency  
1702  
AMC Phase II

Mayor Ramos stated that "this is the time and place for the joint public hearing of the Redevelopment Agency and the Council of the City of Burbank regarding the former AMC 14 Site that is the second phase of the AMC Project. The Applicants are Burbank Entertainment Village, L.L.C., American Multi-Cinema, Inc., and Champion Realty, Ltd. The various components of this project are:

- A Mitigated Negative Declaration;
- A Second Implementation Agreement to the Owner Participation Agreement between the Agency, AMC, and Burbank Entertainment Village;
- An Amended and Restated Owner Participation Agreement between the Agency and Champion Realty;
- An Amendment to Planned Development 98-2 with an Amendment to the Development Agreement; and
- Planned Development No. 2003-2 with Development Agreement Related Thereto."

Notice  
Given

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

Staff  
Report

Ms. Mack, Redevelopment Project Manager, Community Development Department, requested Council and Redevelopment Agency (Agency) Board consideration of the proposed development of the former AMC 14 Site by Champion Development, Inc. (Champion). She explained that the subject site is located on the block bounded by Palm Avenue, First Street, Orange Grove Avenue and the back of businesses along San Fernando Boulevard, within the City Centre Redevelopment Project Area.

Ms. Mack informed the Council that the proposed project consists of 50,000 square feet of ground level retail and restaurant space with 118 for-sale condominium units located above. She added that the project would also include a 734-space multi-level subterranean and above-grade parking structure which is designed to provide private, gated parking

for the residential units, parking for the retail/restaurant uses and accommodate 276 additional public parking spaces, above and beyond the required parking demand for the project. Also, she noted that 15 percent of the condominium units will be made available to low and moderate-income households.

Ms. Mack reported that Phase I improvements were completed in June 2003 by AMC, including completion of the AMC 16 theaters, retail and restaurant uses, and a parking structure. She added that improvements approved for Phase II included additional retail and restaurant uses and a parking structure. She noted that the former AMC 14 theater structure was demolished in July 2003 and the Phase II site is currently vacant. She reported that because the proposed Phase II development includes changes to the previously-approved project design, density and land uses, Champion has requested the separation of Phase I and II improvements to reflect separate ownership for each phase.

Mr. Ochsenbein, Senior Planner, Community Development Department, reviewed the proposed project entitlements; an amendment to Planned Development No. 98-2 and a new Planned Development No. 2003-2 with Development Review No. 2003-50. He noted that the proposed project has been reviewed by the Property Based Business Improvement District, the Downtown Parking Management Committee and the Planning Board. He added that the Planning Board approved the project with modifications on October 11, 2004, and noted that the modifications have been incorporated into the proposed Conditions of Approval. With a visual aid, he discussed the site plan and the residential, commercial, parking and signage components of the project.

Mr. Ochsenbein reported that pursuant to the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was prepared for the project indicating that the project would not result in a significant impact to the environment with the proposed mitigation measures. He noted that the project required mitigation for air quality and noise impacts during construction. He added that the incorporated mitigation measures include restriction on construction hours, and requirement of soil watering and clean burning equipment. He also reported that no significant traffic impacts were identified for the area.

Reporting on the Agency approvals, Ms. Mack stated that a Second Implementation Agreement to the approved Owner Participation Agreement (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. She then discussed the salient provisions of the proposed Amended and Restated OPA and the projected fiscal impact of the project. She noted that 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. She also discussed the project schedule, noting that completion is scheduled for Fall 2007.

Ms. Mack concluded that 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. She added that the project will build upon the entertainment synergism created by the new AMC 16 theaters as part of the AMC project. Furthermore, she stated that 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. She also noted that 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 and approximately \$3.9 million in net new Agency revenues.

Applicant

Bob Champion, Chief Executive Officer and Founder, Champion Development, Inc., provided a brief overview of the company and described several projects recently accomplished by his company. He also addressed concerns related to the proposed signage.

Winston Chang, Architect, Champion Development, Inc. addressed the design and architectural aspects considered for the various project components.

Citizen  
Comment

Appearing to comment were: Dave Siemienski, Mark Barton and Sam Asheghian, in support of the proposed project; Eden Rosen, Howard Rothenbach and Dink O'Neal expressing concerns about the project; and, Ron Vanderford, Theresa Karam, Mike Nolan, Jesse Byers and Esther Espinoza, in opposition to the project.

Rebuttal Comments	Mr. Champion responded to public comment with regard to: proposed signage; the mixed-use nature of the project; the acoustical measures taken; the provision of operable windows; and, the separation of vertical transportation systems for residents and retail tenants.
Hearing Closed	There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.
Council Deliberation	<p>Ms. Murphy expressed opposition to the proposed electronic signage but supported the mixed-use nature of the project.</p> <p>Mr. Campbell also expressed opposition to the electronic signage, requested that a ventilation system for the bay area be provided to avoid trucks' emissions creeping into the building and supported the mixed-use nature of the project. He also noted that the project will encourage transit opportunities but expressed concern with the CEQA process with regard to evaluating potential project impacts.</p> <p>Mr. Golonski expressed opposition to the proposed electronic signage and the provision of tandem parking for the residential units. Overall, he was supportive of the project.</p> <p>Mr. Vander Borght expressed opposition to the proposed location of the electronic signage and suggested that the signage be placed across from the theatre in the curved arcade area. He also requested that: a ventilation system for the bay area be installed; the loading facilities be increased in size; the access driveways be reconfigured; and, additional setbacks be provided for the retail shops along First Street. He was also not supportive of tandem parking for the residential units but noted that as a compromise, he would only consider tandem parking for the one-bedroom units with no lofts.</p> <p>Mrs. Ramos reiterated that the Council was opposed to the electronic signage and concurred with reviewing the size of the loading facility and installing a ventilation system; reconfiguring the driveway access; and, providing a one-foot additional setback along First Street. She was supportive of tandem parking for the one-bedroom units.</p> <p>Mr. Golonski and Mr. Vander Borght clarified that they would only support tandem parking for one bedroom units of 1,000 square feet or less.</p>

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Motion	It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following resolutions be passed and adopted and the following ordinances be introduced and passed to the second reading:"
1702 Adopt Mitigated Neg. Dec. (PD 98-2)	<u>RESOLUTION NO. 26,832:</u> 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).
Ordinance Introduced	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).
Ordinance Introduced	AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2003-2 AND DEVELOPMENT AGREEMENT RELATED THERETO (CHAMPION REALTY, LTD., APPLICANT).
1702 2 <sup>nd</sup> Imp. Agmt. to the OPA (AMC)	<u>RESOLUTION NO. 26,833:</u> 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.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2122 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. was adopted.

Adopted	The resolutions were adopted and the ordinances introduced by the following vote:  Ayes: Council Members Campbell, Murphy, and Ramos. Noes: Council Members Golonski and Vander Borght. Absent: Council Members None.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council, Redevelopment Agency and Housing Authority during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Sam Asheghian, expressing appreciation to the Council for supporting the Holiday in the Park Event and requesting additional routes for the senior transportation service; Don Elsmore, on comments made at a prior Council meeting; Michael Bergfeld, requesting the deadline for the public comment period on the Draft Development Agreement be extended; Jesse Byers, Ron Vanderford, Rose Prouser, Carolyn Berlin, Philip Berlin, David Piroli and Dink O'Neal, on Airport matters; Dr. Jay Adams, member of the Magnolia Park Citizens Advisory Committee, in support of Porto's Bakery; Esther Espinoza, on redevelopment improvements; Howard Rothenbach, inquiring as to the specifics of the billboard being discussed in a Closed Session matter; Eden Rosen, on Alzheimer's awareness and Airport matters; and, Mark Barton, on the Wayfinding Signage Program.
Staff Response Agenda Item Oral Communications	Members of the Council and staff responded to questions raised. Mrs. Ramos called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Ira Lippman, in support of Porto's Bakery; Esther Espinoza, on National Family Caregiver's Month and the veterans' recognition; Rose Prouser, in support of Porto's Bakery and inquiring as to the boundaries of the Magnolia Park area; Eden Rosen, Dink O'Neal and Mike Nolan,



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on the proposed AMC Phase II Project and in support of Porto's Bakery; Mark Barton, on the Wayfinding Signage Program; and, Howard Rothenbach, in support of Porto's Bakery.

Staff  
Response

Members of the Council and staff responded to questions raised.

603  
1102  
Joint Mtg. with  
Redev. Agency  
(Porto's Bakery)

Mr. Lynch, Senior Project Manager, Community Development Department, reported that as part of the development of the Magnolia Park Action Plan, several focus group meetings and a survey were undertaken to determine, among other things, the type of retailers that residents would like to see in Magnolia Park. He added that the responses received called for more restaurants and cafés with outdoor seating, one-of-a-kind retailers, as well as a desire for a bakery. He also reported that residents expressed a desire to eliminate vacant retail space and improve building facades. He then presented 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, and a Reciprocal Easement Agreement that would affect the proposed bakery parking lot and the adjacent public parking lot.

Mr. Lynch reported that the Old Thrifty site has been vacant for more than six years, and is a blighting condition for the Magnolia Park area. He added that the current owner of the property, Ken Fisher, has considered different plans since purchasing the property in 2001 and has reached an agreement for Porto's to purchase the property. He also noted that the owner has requested that escrow close as soon as possible. Concurrently, he stated that Porto's has requested the City to provide \$790,000 in assistance to help pay for base building and tenant improvements, due to the high cost of purchasing and renovating the building, and the need to provide a more pedestrian-friendly environment. He added that Keyser-Marston Associates, the City's economic consultant, has reviewed the request for assistance and determined it is warranted. He noted that the loan was subject to the close of escrow on the property.

Mr. Lynch reported that if approved, staff proposes that the funding be structured similar to the Redevelopment Agency (Agency) assistance provided through the Downtown Tenant Assistance Program. He explained that the program was developed to provide financial assistance for structural and tenant improvements for underutilized and vacant properties in

an effort to revitalize Downtown. He noted that over the next ten years, the Agency will forgive one-tenth of the loan amount for each year Porto's remains open. He also discussed other salient terms for the proposed loan to Porto's.

Mr. Lynch informed the Council that 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 the adjacent public parking lot. He noted that over time, this may allow for the opportunity to reconfigure the public parking lot in a way to gain more parking spaces. He also noted that the Magnolia Park Citizen's Advisory Committee unanimously recommended approval of the proposed bakery as a good fit for Magnolia Park.

Redev. Agency Reso. Adopted      Redevelopment Agency Resolution No. R-2123 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 was adopted.

Motion      It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following resolution be passed and adopted:"

603      RESOLUTION NO. 26,834:  
1102      A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Approve Various      APPROVING VARIOUS AGREEMENTS RELATING TO 3606 AND  
Agmts.      3614 WEST MAGNOLIA BOULEVARD/POROTO'S BAKERY AND  
Regarding      CAFÉ AND AMENDING FISCAL YEAR 2004-2005 ANNUAL  
Porto's Bakery      BUDGET IN THE AMOUNT OF \$790,000 FOR THE PORTO'S  
BAKER AND CAFÉ COMMERCIAL REHABILITATION LOAN.

Adopted      The resolution was adopted by the following vote:

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

Noes:      Council Members None.

Absent:      Council Members None.

11:56 P.M.      The Council recessed to permit the Redevelopment Agency to  
Recess      hold its hearing. The Council reconvened at 12:00 a.m. with  
all members present.

Motion      It was moved by Ms. Murphy and seconded by Mr. Vander  
Borgh that "the following items on the consent calendar be

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approved as recommended.”

Minutes  
Approved

The 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 were approved as submitted.

1411-1  
1411-2  
Vacation of  
Avon Street  
(V-339)

RESOLUTION NO. 26,835:  
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).

1207  
Proceed with  
the  
Construction  
Document Phase  
for the  
Community  
Svcs. Bldg.

A report was received from the Public Works Department 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. The report indicated that a Study Session for the project was held on November 4, 2004 at which time the Council was presented with an overview of the project Design Development process.

The reported stated that the following results represent the primary concerns identified by the Council at the November 4, 2004 Study Session and the follow-up Study Session held on November 16, 2004: a warmer material, finish and color palette for the exterior limestone, window mullions, cement plaster and metal panels; the green tinted glass; the water fountain design envelope which was clearly defined at the main entry area; an active water fountain feature with articulated noise and movement, pending further detailed design; a black granite accent material for use around the primary entrances and other openings; the main and secondary entrances enhanced with hard-scape and soft-scape modifications; 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; the etch of the City Seal into the large single window at the south elevation; an alternative material and design for the window above the double doors at the community room, south building elevation; and, no changes to the primary building setbacks along Third Street and Orange Grove Avenue based on the width sufficiency in the current



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APPROVED FEBRUARY 1, 2005

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of the City of Burbank

Mayor of the Council