



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, DECEMBER 7, 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:** Hillside Property behind Church's Court (Block 130 of Rancho Providencia and Scott Tract).  
**Parties With Whom Agency is Negotiating:** Loyal Pumphrey, 2311 North Silverleaf Way, Meridian, ID 83642.  
**Name of Contact Person:** Loyal Pumphrey, 2311 North Silverleaf Way, Meridian, ID 83642.  
**Terms Under Negotiation:** Grant of roadway easement along a portion of City open space behind Church's Court (Block 130 of Rancho Providencia and Scott Tract).

c. Public Employee Performance Evaluation:

Pursuant to Govt. Code §54957

**Title of Employee's Position:** City Manager and City Attorney.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

**6:30 P.M.**

INVOCATION:

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.

PROCLAMATION:            PEARL HARBOR REMEMBRANCE.

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).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of December 6, 2004. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PLANNED DEVELOPMENT NO. 2003-1 WITH DEVELOPMENT REVIEW NO. 2003-36, GENERAL PLAN AMENDMENT 2004-187, VESTING TENTATIVE TRACT MAP 61882 AND VACATION V-339 – PROPERTY BOUNDED BY ALAMEDA AVENUE, LIMA STREET, OLIVE AVENUE AND PROPERTY ADJACENT TO THE 134 FREEWAY OFF-RAMP – APPLICANT: PW, LLC (AKA: THE PLATT COMPANIES):

The purpose of this report is to present a request by PW, LLC to construct a mixed use project consisting of: 298 residential units; approximately 20,000 square feet (sf) of retail/restaurant space; an approximately 13,000 sf health club; a church with a child care facility for 72 children; and, over 1,200 parking spaces located in a subterranean garage up to four levels below ground. The uses proposed by the developer are to be located within five buildings with one building proposed at 133 feet. The applicant is proposing a set site plan and layout for the buildings, but is requesting that the Council approve the final design and architecture of the buildings at a later time.

The developer proposes to demolish the existing buildings on the site to construct the project. The developer has also requested a vacation of the street and alleys within the project site which are necessary for the proposed project. Two lots on the subject site are owned by the Redevelopment Agency and therefore, if the project is conditionally approved, the applicant would be required to pay the fair market value based on the highest and best use of the property for these lots.

Pursuant to the provisions of the California Environmental Quality Act, an Environmental Impact Report (EIR) has been prepared by the City and its consultants to identify the significant environmental impacts that the proposed project may have. Specifically, the project that the developer has proposed will have significant impacts in the areas of geology and soils, air quality, noise, traffic and circulation and public services and utilities. All areas can be mitigated through measures outlined in the EIR to a level less than significant, except for the impact to air quality during construction of the proposed project.

Many members of the public have attended meetings and stated either their opposition to or support for the project. The major concerns of those opposing the project include: too much density, height of buildings, potential traffic impacts, and in general, too much development in this area of the City.

The staff report compares the proposed project with the goals of the Media District Specific Plan (MDSP) which was adopted by the City in 1991 and considered the “blueprint” of what is desired by the City in this area. Because the project meets most of

these goals, as well as objectives for commercial and residential development, staff recommends the Council approve the proposed project. The developer's proposal responds to the MDSP by containing elements with enough height and mass to identify this area as the center of the Media District while still building below the stair step height limits called for in the MDSP.

The Planning Board, at their meeting of October 18, 2004, by a vote of 4-0, recommended approval of the proposed project. The Planning Board stated, among other issues, that the development made great efforts to reduce the mass of the previously-approved project on this site which was denied by the Council in April 2003.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A WATER SUPPLY ASSESSMENT FOR THE BURBANK MEDIA CENTER PROJECT (PD 2003-1).
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2003081071) FOR THE BURBANK MEDIA CENTER, MAKING FINDINGS FOR EACH ENVIRONMENTAL EFFECT OF THE PROJECT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING GENERAL PLAN AMENDMENT NO. 2004-187 (PW, LLC, APPLICANT).
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING 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 (V-339).
5. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING VESTING TENTATIVE TRACT MAP NO. 61882 (BURBANK MEDIA CENTER PROJECT—PW, LLC, APPLICANT).

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2003-1 AND A DEVELOPMENT AGREEMENT RELATED THERETO (BURBANK MEDIA CENTER PROJECT – PW LLC, APPLICANT).

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 runningtime 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:

CONSENT CALENDAR: (Items 3 through 7)

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 November 2, 2004, the a djourned meeting of November 4 , 2004, and the regular meetings of November 9 and November 16, 2004.

Recommendation:

Approve as submitted.

4. AUTHORIZING THE ACCEPTANCE OF A FISCAL YEAR 2003 ASSISTANCE TO FIREFIGHTERS GRANT AND AMENDING THE FISCAL YEAR 2004-05 BUDGET BY APPROPRIATING THE FUNDS:

The purpose of this report is to request Council authorization for the City Manager to accept a Federal Emergency Management Agency (FEMA) Firefighter Assistance Grant for the Fire Department, and amend the Fiscal Year (FY) 2004-05 budget by appropriating the funds. The Burbank Fire Department has been awarded a Federal grant from the Emergency Preparedness and Response Directorate of FEMA for the FY 2003 Assistance to Firefighters Grant Program. This grant will be used to purchase and install a crisis information management system (software) for the City's Emergency Operations Center. The software will provide the City with the ability to more effectively manage a response to major emergency such as an earthquake or terrorist incident.

The total amount of the grant is \$39,480, which represents FEMA's 70 percent share of the grant. This grant requires a 30 percent match (or \$16,920) of local funds for the project. The Fire Department will use existing funds from the FY 2004-05 budget to cover this expense.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FIREFIGHTER ASSISTANCE GRANT PROGRAM FUNDS IN THE AMOUNT OF \$39,480 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

5. AUTHORIZING THE ACCEPTANCE OF A FISCAL YEAR 2004 HOMELAND

SECURITY GRANT AND AMENDING THE FISCAL YEAR 2004-05 BUDGET BY APPROPRIATING THE FUNDS:

The purpose of this report is to request Council approval of a proposed resolution that authorizes the City Manager to accept \$308,783.65 in Fiscal Year (FY) 2004 Homeland Security Grant Program funds for the Fire and Police Departments, and amend the FY 2004-05 budget by appropriating the funds.

The Federal Department of Homeland Security, through the Office for Domestic Preparedness, is providing funding to California for emergency prevention, preparedness and response personnel to prevent, deter, respond to and recover from threats and incidents of terrorism. The FY 2004 Homeland Security Grant Program will support two separate programs for the City: the State Homeland Security Program and the Law Enforcement Terrorism Prevention Program. The grant provides for one-time funding for specialized equipment to enhance the capability of local agencies to prevent, respond to and mitigate incidents of terrorism. This is a reimbursement grant and does not require matching funds.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FISCAL YEAR 2004 HOMELAND SECURITY GRANT PROGRAM GRANT FUNDS IN THE AMOUNT OF \$308,783.65 FROM U.S. DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE FOR DOMESTIC PREPAREDNESS.

6. APPROPRIATION OF FUNDS FROM THE STARLIGHT BOWL SPONSORSHIP PROGRAM FOR MATERIALS, SUPPLIES AND SERVICES:

The purpose of this report is to request that the Council appropriate Starlight Bowl Sponsorship Program funds to the Starlight Bowl cost center. The Starlight Bowl Corporate Sponsorship Program presents local businesses with the opportunity to provide financial support for the Starlight Bowl summer concert season. Funds from this program give the City an additional funding mechanism for expenditures associated with Starlight Bowl entertainment, as well as the purchase of marketing materials, operating materials and supplies. This year, the Starlight Bowl Sponsorship Program generated \$25,500 for the 2004 summer concert season. In Fiscal Year 2003-04, \$25,500 was received in sponsorship revenue. Staff is requesting that this amount be allocated to cover future operating expenses associated with the 2005 summer concert season.

Recommendation:



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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$25,500 TO THE STARLIGHT BOWL FOR EXPENDITURES FOR MATERIALS, SERVICES AND SUPPLIES.

7. AMENDMENT TO THE AGREEMENT WITH PURETEC INDUSTRIAL WATER FOR THE TREATMENT OF RECLAIM WATER FOR POWER USES:

Staff is requesting Council authorization for the Burbank Water and Power (BWP) General Manager to execute an amendment to the Agreement with Puretec, Inc. (Puretec) that will incorporate the additional processed water needs of the Magnolia Power Project. This amendment will extend the term of the current agreement from 2007 to 2010. While this amendment will increase the minimum monthly cost from \$17,920 to \$43,550 per month, because of the increased usage of the Magnolia Power Project, the price per gallon of processed water will decrease by more than three percent for BWP, with a further reduction of more than 19 percent taking effect in July 2007.

BWP began using reclaim water for its processed water needs for the local power plants in Fiscal Year (FY) 2002-03 by utilizing technology used by semiconductor manufacturers that allows use of reclaim water to generate very pure water. This measure has not only saved potable water, but also reduced the water processing cost from \$34 per 1,000 gallons to \$12.32 per 1,000 gallons.

This technology was made possible by Puretec, which is a water service company that provides specialized water for industrial applications. Puretec provides on-site water treatment facilities, monitors and operates the facilities, and maintains the facilities for a monthly fee. Burbank entered into a five-year agreement with Puretec in the summer of 2002 to provide processed water using reclaim water.

In order to handle the 360,000 gallons a day increase in capacity required for the Magnolia Power Project, an amendment is required to the Puretec Agreement. Under this amendment, Puretec will provide the additional water treatment facilities to produce processed water and will extend the service to April 2010.

Unlike the other local power plants, the Magnolia Power Project will be operated on a daily basis. This will better utilize the water treatment facilities and allow Puretec to reduce its price for processed water. As a result, the average price of water at the minimum production level will be reduced from \$8.96 per 1,000 gallons to \$8.71 per 1,000 gallons. Further, water usage above the minimum production level, two million gallons in the original Agreement, five million gallons in the amendment, will be reduced from \$4.96 per 1,000 gallons to \$2.94 per 1,000 gallons.

Another price reduction which will commence on July 1, 2007, reduces the base water

costs to \$7.21 per 1,000 gallons. Water in excess of five million gallons will continue to be priced at the low rate of \$2.94 per 1,000 gallons.

Total historical cost before Puretec was approximately \$34 per 1,000 gallons from potable water. Comprising this processed water cost per 1,000 gallons were prices of \$32 for processing, \$2.04 for potable water and labor at \$0.25. Electrical costs were not metered, but the electrical use of the former system was relatively low.

This amendment allows BWP to expand its use of reclaim water and reduce its cost of processed water for the local power plants. It is the lowest cost and best performing option available.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIRST ADDENDUM TO THE WATER SERVICE AGREEMENT BETWEEN J. HARRIS INDUSTRIAL WATER TREATMENT, INC., DBA PURETEC INDUSTRIAL WATER AND THE CITY OF BURBANK WATER AND POWER FOR PROCESSING RECLAIMED WATER FOR POWER PRODUCTION PURPOSES.

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

REPORT TO COUNCIL:

8. ELECTRIC SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND PROVIDENCE HEALTH SYSTEM - SOUTHERN CALIFORNIA dba PROVIDENCE ST. JOSEPH MEDICAL CENTER:

Staff is requesting Council approval of an Electric Service Agreement (Agreement) between the City of Burbank (City) and Providence Health System - Southern California dba Providence St. Joseph Medical Center (St. Joseph). The Council is also being requested to authorize the Burbank Water and Power (BWP) General Manager to execute the Agreement on behalf of the City.

The Council has authorized BWP to pursue developing mutually beneficial, long-term power supply contracts with large electric customers. Specific contract proposals were to be brought back to the Council for approval.

Key terms proposed agreement with St. Joseph include:

**An initial seven-year term:** The initial term will begin on January 1, 2005 and remain in effect through December 31, 2011. During this term, BWP will be the exclusive provider of electricity to St. Joseph, regardless of any changes in electric utility deregulation.

**St. Joseph's electric rates over the life of the Agreement will be seasonal time-of-**

**use rates:** There will be a five-month summer period, from June 1 to October 31, and a seven-month winter period, from November 1 to May 31 of the following year. For each day within the summer period, there will be three time-of-use periods: on-peak hours, mid-peak hours and off-peak hours. For each day within the winter period, there will be two time-of-use periods: mid-peak hours and off-peak hours.

The intent of these electric rates is to move St. Joseph to cost-based delivery rates and provide St. Joseph with incentives to install equipment which will provide on-peak energy utilization. The economic result of these electric rates is to provide St. Joseph with a 9.9 percent (approximately \$292,000) savings per year on their electric bill for the first three years of the Agreement. This assumes that St. Joseph continues to have an energy use pattern similar to that during Fiscal Year 2003-04. Changes in usage levels or patterns (in response to time-of-use rates, for example) will vary the actual savings.

Power Delivery Service Rates: The Delivery Service Rates consist of a Service Charge (\$/meter) and a Billing Demand Charge. The Service Charge Rate is \$100 per meter for the entire term of the Agreement. The Billing Demand Rate is fixed at \$8.50/kVA for the first three years, and then escalates at two percent per year for the final four years.

Power Supply Rates, first three years: The Power Supply Rates consist of a Reliability Service Rate and a seasonal time-of-use Energy Rate. The Reliability Service Rate is fixed at \$6.05/kVA for the first three years of the Agreement. The seasonal time-of-use Energy Rate consists of a Summer On-Peak Rate, a Mid-Peak Rate, and an Off-Peak Rate. The Energy Rate is designed to yield a \$0.0717/kWh average.

Power Supply Rates, next four years: Beginning January 1, 2008 and continuing through December 31, 2011, the Power Supply Rates shall be equal to the power supply component of the tariff rate of general application for large, primary voltage, general service customers.

**Uncontrollable Force may apply under certain power market conditions.** BWP may suspend the rate provisions of the Agreement temporarily if at least one of the following occurs:

- The price of natural gas for delivery at Topock exceeds an average of \$9 per million Btu for any three-month period.
- The on-peak price of energy at Palo Verde or NOB exceeds an average of \$90 per megawatt-hour for any three-month period.
- An outage or curtailment of the Magnolia Power Project, Intermountain Power Authority coal-fired power plant, or Southern Transmission System occurs that is projected to, or does exceed 90 days.

Note that BWP is not required to take advantage of the Uncontrollable Force provision of

the Agreement. It may be that, in spite of the circumstances just mentioned, BWP is still in a position to continue the rate provisions of the Agreement by mitigation measures or activity. In the event that the rate provisions in this contract are suspended under this clause, the customer will revert to the tariff rate of general application for large primary voltage customers until the Uncontrollable Force condition ends.

**Energy Efficiency Assistance:** BWP will make a grant of \$150,000 available to St. Joseph for cost-effective energy efficiency and/or load management purposes. Measures with a simple payback period shorter than the contract term will be deemed cost-effective.

The fiscal impact of the Agreement is positive for both the City and St. Joseph. It offers lower rates to St. Joseph that reflect cost-of-service and encourages conservation and lowers overall local air emissions, but does not require a rate increase for other customers.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF AN ELECTRICAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND PROVIDENCE HEALTH SYSTEM – SOUTHERN CALIFORNIA dba PROVIDENCE ST. JOSEPH MEDICAL CENTER.

ADOPTION OF PROPOSED ORDINANCES:

9. 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:

Staff is requesting that the Council adopt the ordinances approving Phase II 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 Development, Inc. (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.

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.

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.

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.

These ordinances were introduced at the November 23, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

1. 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 MULTICINEMA, INC., APPLICANTS).
  
2. 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).

**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](http://www.ci.burbank.ca.us)**