

TUESDAY, DECEMBER 7, 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, Vander Borgh and Ramos.

Absent - - - - Council Members None.

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

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

5:06 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: 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 Waay, 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.

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 Morton Sollod.
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. Wilson, Deputy City Clerk.
301-1 Pearl Harbor Remembrance	Mayor Ramos presented a proclamation in honor of Pearl Harbor Remembrance Day to Don Farquhar, Veterans Commemorative Committee.
301-1 World War II Veterans	Mayor Ramos honored the following World War II veterans who are Burbank residents: Edward Castro; Joseph E. Depalo; Frank Kaden; Joseph N. Roberts; Morton Sollod; and, D. E. Blackie Winter. She commended them individually for their service and bravery in defending the country during World War II and expressed richly-deserved gratitude to them.
Reporting on Council Liaison Committees	Ms. Murphy suggested holding open forum community meetings to discuss the proposed Airport Development Agreement.
	Mr. Vander Borght reported on the Community Services Building subcommittee meeting he attended with Mr. Campbell.
	Mr. Campbell reported on the North County Maglev Committee meeting he attended with Ms. Murphy on further developing the Orange Line from Palmdale to San Diego.
	Mr. Campbell reported on his appointment as the Metropolitan Transportation Authority's representative on the Mobile Source Air Pollution Reduction Review Committee.
	Mr. Campbell also reported on his appointment to the Airport Advisory Committee under the South Coast Air Quality

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Management District to participate in two studies on the Van Nuys and Santa Monica general aviation airports to evaluate toxicity and mass particulate matter counts at those airports.

Mrs. Ramos commented on a citizen's concern regarding the scheduling of three consecutive dark Council meetings.

406
Airport
Authority
Meeting Report

Commissioner Wiggins reported on the Airport Authority meeting of December 6, 2004. He stated that the Authority accepted a bid of \$66,000 to re-roof building No. 60 in the old Aviall building; and, approved Module 7.10 for the Residential Acoustical Treatment Program in the amount of \$1,134,000 consisting of 20 houses in Burbank and 10 houses in Sun Valley.

7:11 P.M.
Hearing
1702
1204-1
1411-1
PD 2003-1
(Platt)

Mayor Ramos stated that "this is the time and place for the public hearing on Planned Development No. 2003-1, and related development entitlements. The site of the proposed project is the property bounded by Alameda Avenue, Lima Street, Olive Avenue, and property adjacent to the 134 Freeway off ramp. The applicant is PW, LLC. Specifically this hearing encompasses the following:

1. Approval of a Water Supply Assessment;
2. Certification of an Environmental Impact Report, Adoption of Findings of Environmental Impact, and a Statement of Overriding Considerations;
3. Adoption of General Plan Amendment No. 2004-187;
4. Consideration of Planned Development No. 2003-1 with Development Review No. 2000-36;
5. Consideration of a proposed Development Agreement between the City and PW, LLC;
6. Approval of a Vesting Tentative Tract Map; and
7. Approval of a Resolution ordering the conditional vacation of Avon Street between Alameda Avenue and Olive Avenue, as well as two alleys traversing the proposed Project Site.

In addition, the proposed sale of land owned by the Redevelopment Agency was intended to be part of this hearing. However, the Redevelopment Agency and the Developer are still negotiating price and terms of payment of the Agency-owned land and this item will be brought back to the Council and Agency at a later time if the Project is approved."

Notice
Given

The Deputy City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised

that three pieces of correspondence had been received on the matter.

Staff
Report

Mrs. Forbes, Principal Planner, Community Development Department, presented a proposal from PW, LLC, also known as the Platt Companies, requesting Council consideration of several entitlements, including: a Planned Development which would create a new zone and development standards with a Development Agreement; a Development Review as required for construction projects; a vested tentative tract map to allow the applicant to sell the condominium units; a vacation for Avon Street and two alleys; a Water Supply Assessment as required by Senate Bill 610; and, an Environmental Impact Report (EIR).

Mrs. Forbes reported that following Council denial of the Platt Companies' original project proposal in April 2003, a new application for the 3.8-acre site bounded by Alameda Avenue, Lima Street, Olive Avenue and the State Route 134 Freeway off-ramp has been submitted. She noted that the zoning on the property is both MDR-4, a medium density multi-family residential zone, and MDC-2, a limited general commercial zone.

Mrs. Forbes informed the Council that the applicant has removed all scenarios from consideration with the exception of Scenario 5 which consists of: 298 residential units; 20,541 square feet (sf) of retail/restaurant space; a 12,689 sf health club; a 17,600 church with a multi-purpose room; a 72-children child care facility; and, over 1,200 parking spaces located in a subterranean garage of up to four levels below ground. She then discussed the site plan, building heights and setbacks, driveway configurations, landscaping plan, water features and other art in public places features. She noted a major change proposed by the applicant that the design and architecture of the buildings be considered at a later date, but the design parameters be approved.

Mrs. Forbes stated that because the predominant use proposed by Scenario 5 is residential and not the commercial mixed use called for in the Media District Specific Plan (MDSP), a General Plan Amendment is required. She added that the City's consultant hired to review the plan determined that residential use was not contemplated in the MDSP, mostly because mixed use was not in practice at the time it was adopted in 1991. She added that another financial study conducted for the Land Use Element revealed that due to the oversubscribed commercial uses, a 3.8-acre site would not result into a significant loss given the existing and entitled commercial uses

in Media District. She noted that the General Plan Amendment would only apply to this specific site.

Mrs. Forbes also reported that a vacation is required for the project proposal, conditioned on relocation of several utilities and a requirement that the site must be ready for development to avoid interference with residents and businesses on the site.

Mr. Tony Locacciato, Principal with Impact Sciences, gave an overview of the environmental review process conducted for this project and the summary of the impacts identified in the Final EIR for Scenario 5. He noted that the Draft EIR analyzed five development scenarios and four separate alternatives. He explained that the topics addressed in the EIR include: air quality; noise; consistency with the City's land use policies; consistency with population and housing policies and projections; traffic and circulation; potential impacts to public services and utilities; aesthetics/shade and shadow impacts; and, potential impacts on cultural resources. He then discussed the potential impacts for Scenario 5 in comparison with the four alternatives developed by staff. He also stated that the Final EIR includes responses to all comments received on the Draft EIR but noted that the comments did not result in any changes to the basic conclusions of the project impacts.

Mrs. Forbes noted that the major themes of the community's concerns included: traffic; air quality; proximity to schools; loss of mountain views; excessive overall height and mass; and, architecture, prior to the proposed architectural change. She then discussed the changes to the project since its consideration by the Planning Board in October 2002 and the Council in April 2003, as follows: a building height reduction by 72 feet from the last Planning Board consideration and 46 feet from the last Council consideration; a reduction in the Floor Area Ratio from 2.36 to 1.1; elimination of a previous Development Opportunity Reserve request of 500,000 sf; the provision of a site master plan; a proposal for the Council to have sole and absolute discretion of approval of the architecture; a proposal to open up the corner along Olive Avenue and Lima Street; and, establishment of a Neighborhood Protection Plan.

Mrs. Forbes informed the Council that it is staff's determination that the project meets all goals and additional objectives identified in the MDSP; the development standards of the Media District; and, the criteria required to approve a Planned Development.

Lastly, Mrs. Forbes reported that on October 18, 2004, the Planning Board, by a vote of 4-0 recommended approval of the project and all conditions and that their recommendations have been included in the Conditions of Approval or discussed in the staff report.

Applicant

Dale Goldsmith, representing PW, LLC, gave the project history since the initial proposal in 2000; described the currently-proposed Scenario 5; landscape plan; combined peak hour trip comparison with other projects in the neighborhood; and, the design selection process and use of design guidelines provided by staff. He added that \$3 million will be contributed towards affordable housing in the City and that state-of-the-art Level I equipment recommended by the South Coast Air Quality Management District will be used to reduce construction emissions. He noted the increased setback along Olive Avenue and the provision of a transit shuttle stop on the site, and stated that adequate parking for loading trucks, vendors and contractors will be provided. He also conceded to reducing the height of the tallest building, but requested that the floor area be maintained to sustain the economic viability of the project. In response to traffic generation concerns, he noted the applicant's willingness to eliminate the public health club facility and dedicate the space for residential uses, without an increase in the number of residential units or square footage. He urged the Council to approve the project and noted other project benefits such as: contribution of funds for the Neighborhood Protection Plan; consistency with the MDSP; provision of ample open space; contribution to affordable housing; and, increased property values.

Mr. Golonski; Mr. Campbell; Mr. Vander Borgh; Ms. Murphy; and, Mrs. Ramos disclosed that they have held meetings with the applicant or their representative regarding the project.

Citizen
Comment

Appearing to comment in support of the project were: Charles Zembillas; Wayne Schulze; Barbara Turri; Stephanie Quayle; Bart Doll; Reagan Holmes; Craig Bullock; and, Dan Humfreville, who also clarified comments made regarding a potential conflict of interest on his vote for the project at the Planning Board hearing.

Commenting in opposition to the project were: Frank Kaden; Rick Lacher; Michael Anderson; Lauren Lacher; Don Elsmore; Eden Rosen; Richard Gillis; Geralyn Ricciardella; Mark Welles; Rose Prouser; Mary Ann Christ; Patrika Darbo; Jeannie Davis; Rolf Darbo; Esther Espinoza; Joseph Ricciardella; Alice Howell; Jennifer Sprow; Jean Myers; Mary Brady; Mark Stebbeds; Ron

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Vanderford; Theresa Karam; and, Michael Bergfeld. Also, Mark Barton commented on the need to improve traffic circulation in the Barham Corridor.

Hearing
Closed

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

Rebuttal
Comments

Dale Goldsmith, representing PW, LLC, reaffirmed that the proforma of the project was based on condominium units which have a higher value than apartment units; noted that the traffic study analysis included traffic impacts from the Pinnacle and Bob Hope projects in addition to an ambient growth factor; \$1 million will be contributed to the schools; the project design process is pending residents' approval; residential uses were not excluded from the MDSP and that housing is in compliance with the City's General Plan; the taller building as currently proposed could be up to 13 stories but regardless of the number of stories the height will be maintained; the shared parking analysis determined that the project provides sufficient parking for all uses; the Barham Corridor traffic impacts were included in the City's traffic analysis; existing tenants will be paid up to \$6,000 per unit for relocation purposes; a relocation expert will be made available and a six-month notice will be issued; additional construction mitigation measures with regard to dust control and air quality have been incorporated into the Conditions of Approval; elaborated on the traffic flow intensity; noted the height of the project was consistent with the MDSP; stated that the City's EIR concluded that there would be no significant view blockage; and, discussed several site plan scenarios noting that Scenario 5 yielded the best project.

Staff

In response to public comment, Mrs. Forbes noted that the Development Agreement includes default clauses in the event the project does not meet obligations; the amendment to the MDSP was considered at the Planning Board and Council hearings; input from the community was received at the public meetings; the MSDP amendment was to only allow for the residential component of the project; Development Impact Fees are put into a special fund and not the General Fund; the residential component is compatible with the Media District; elaborated on the view impact analysis conducted by staff and on conditions added to the project to address the associated parking and traffic issues; clarified that the 10-percent affordable housing in-lieu fee was a request but not an imposition; noted that the affordable units would not be included in the proposed project but the fee would help to provide affordable housing elsewhere; commented on

scheduling issues for community meetings on the Neighborhood Protection Plan; reiterated that the EIR traffic study included projects such as the Pinnacle Phase 2, Bob Hope and the St. Joseph medical building; noted that the project provides adequate parking; stated that the 3.8 acres include all the vacations and land and will not extend the project to over four acres; added that the trip analysis indicated 2300 net new trips would be generated from the project; noted that there is no childcare facility currently on the site; clarified the size of the alleys and streets proposed for vacation; noted that the Planning Board considered Scenarios 2, 5 and 5a and the Council is considering Scenario 5; and, commented on the potential modifications to the Conditions of Approval suggested by the developer.

Council
Deliberation

Mr. Vander Borcht requested clarification on the minimum setbacks as proposed. Mrs. Forbes responded.

Mr. Vander Borcht also requested a status report on the new State Route 134 Freeway on-ramp and the associated cost. Mrs. Forbes noted that the traffic analysis and mitigation measures did not assume a new on-ramp. Mr. Herrmann, Assistant Community Development Director/Transportation, added that the estimated construction time of the on-ramp was three years and that the California Department of Transportation (Caltrans) is estimating \$3.5 million for their portion of relocating utilities and other right-of-way related work and then construction would follow. He stated that the total cost of the on-ramp is approximately \$30 million which is already programmed by Caltrans and the California Transportation Commission.

Mr. Golonski commented on the allowable by-right development; noted his preference to use standard residential densities; and, expressed opposition to R-5 zoning density for residential projects.

Mr. Campbell inquired as to why no massing was done relative to the residences across the street from the project and requested clarification on the project construction phases, the MDSP amendment requirement, size of the proposed parks and the shared use parking analysis.

Mrs. Ramos requested clarification on: the future street improvements; parking availability for duplexes in the area already using street parking; projected traffic volumes Citywide; the traffic analysis process for mixed use developments; by-pass traffic assumptions; the significant traffic impact criteria for Level of Service for intersections;

and, the proposed size for the condominium units. She also expressed concern with the traffic impact determination and not completing the Neighborhood Protection Plan.

Ms. Murphy inquired as to whether the elimination of the health club component would also result in a reduction in the associated parking spaces. Staff responded in the affirmative.

Mr. Vander Borcht expressed opposition to the project as proposed, noting that the buildings were too tall and suggested that: the tallest building be reduced from 133 feet to 93 feet; Lima Street be widened by eight to ten feet to provide for the possibility of an additional lane; the project be constructed in a single phase with a maximum of two phases; the \$3 million contribution towards affordable housing be used for funding mitigation measures for traffic improvements and the Neighborhood Protection Plan; the project proceed after the Neighborhood Protection Plan is in place; the project be maintained as a condominium project; the setback on Lima Street for the 70-foot building be increased to 15 feet; and, noted that a by-right project will add much more traffic to the area. He also supported amending the MDSP to allow for residential housing.

Ms. Murphy expressed concern with the fact that the neighborhood is still not supportive of the proposed project. She was supportive of the height limits suggested by Mr. Vander Borcht but was uncertain about their potential impact to project components such as open space. She also concurred with the project being constructed in a single phase or two phases at most and expressed concern that the Neighborhood Protection Plan has not been implemented. She noted her dilemma in considering a project with no design in place.

Mr. Golonski noted the difficulty in approving development parameters without the design; agreed that the MDSP needs to be amended to allow for housing; approved of the mixed use nature of the project; questioned the invasion of privacy alleged during public comment; expressed opposition to the R-5 density but would agree to an R-4 density; suggested a 103-foot height limit on the tallest building and a maximum of 250 units; agreed with widening Lima Street; noted that the onus of implementing the Neighborhood Protection Plan should be placed on staff and not the developer; and, was supportive of maintaining the proposed setback on Lima Street and suggested the provision of an eight to ten-foot dedication for future use.

Mr. Campbell expressed appreciation to the developer for the air quality elements incorporated particularly with the

construction equipment and the flexibility in design; approved of the mixed use nature of the project; supported an R-4 density that would reduce the number of units to between 220 and 250; and, noted the lack of support from the immediate neighborhood. He also expressed support for the open space provisions; stated that the project is too tall, noting there may be some privacy issues; and, expressed concern with the MDSP amendment and the proposed right-only-in/right-only-out traffic pattern. He was supportive of reducing the density and height of the buildings.

Mrs. Ramos expressed concern with the potential traffic generation from the project; supported amending the MDSP to allow residential uses; approved of the mixed use nature of the project; expressed concern with the proposed 298 units and the potential traffic generation; and, stated she was not expressly concerned about the proposed height.

Dale Goldsmith responded to the Council's comments with regard to the failure to garner community support; stated that 250 units would be the least feasible for the project; requested that the Lima Street setbacks be maintained as proposed and a dedication be provided; and, requested that the two taller buildings be limited to 113 feet and 70 feet or 103 and 80 feet, respectively.

Mr. Golonski was supportive of the residential units not exceeding 250; a 103-foot height limit on the tallest building while maintaining the height of the middle buildings at 50 feet and 70 feet; and, a slight encroachment into the open space area.

Mr. Vander Borght added that the above conditions should be predicated upon the same concept of a quality development as presented, with lush and mature trees.

Ms. Murphy was supportive of the ten percent density bonus for affordable housing.

Mr. Campbell concurred with a maximum of 250 units; the height limits of 103 feet, 70 feet and 50 feet with the requirement that the quality of the project be maintained; and, requested that the Neighborhood Protection Plan be implemented prior to constructing the project.

Mrs. Ramos concurred with the reduced number of units, widening of Lima Street and supported payment of the affordable housing fee.

Mr. Golonski proposed that the developer pay the 10 percent affordable housing fee and that \$500,000 be allocated to the Media District shuttle operation and the remainder be used for affordable housing.

Dale Goldsmith reported that the applicant conceded to a limit of 250 dwelling units; 103 feet for the tallest building but the building could be slightly squatter; 70 feet for the middle buildings and 50 feet for the buildings along Alameda Avenue; a dedication along Lima Street to be determined by transportation staff with no additional setback; and, stated that the applicant will attempt to construct the project in one phase and not more than two phases.

Mrs. Forbes requested that the Council set a maximum square footage for the residential uses.

Mr. Golonski and Mr. Vander Borcht suggested that the square footage for the retail and health club uses be maintained and that the maximum residential square footage not exceed the square footage as currently proposed.

Ms. Murphy noted the challenge of approving a project with no specific design.

Mrs. Georgino suggested that staff provide additional information on the layout of the proposed parameters for the second reading of the ordinance. The Council concurred.

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borcht that "the following resolutions be passed and adopted and the following ordinance be introduced as amended and read for the first time by title only and be passed to the second reading:"

1702 Approve Water Supply Assess. For PD 2003-1 RESOLUTION NO. 26,836:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A WATER SUPPLY ASSESSMENT FOR THE BURBANK MEDIA CENTER PROJECT (PD 2003-1).

1702 Certifying the EIR for the Burbank Media Center RESOLUTION NO. 26,837:
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.

1702
Approve GPA
No. 2004-187

RESOLUTION NO. 26,838:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING GENERAL PLAN AMENDMENT NO. 2004-187 (PW, LLC, APPLICANT).

1411-1
Conditional
Vacation of
Avon St.
(V-339)

RESOLUTION NO. 26,839:
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).

1204-1
Approve Tract
Map No. 61882

RESOLUTION NO. 26,840:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING VESTING TENTATIVE TRACT MAP NO. 61882 (BURBANK MEDIA CENTER PROJECT – PW, LLC, APPLICANT).

1702
Approve PD No.
2003-1

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).

Adopted

The resolutions were adopted and the ordinance was introduced and passed to the second reading by the following vote:

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

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency 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.

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Citizen Comment	Appearing to comment were: Don Elsmore, on the Airport's budget allocation for the Part 161 Study; Esther Espinoza, on Pearl Harbor Remembrance Day recognition; Rose Prouser, on the Magnolia Park boundaries; Mark Stebbeds, on noticing townhall meetings; Ron Vanderford, on the Platt Project and Airport matters; Mark Barton, on design consultation issues and on a banner on the Civic Plaza Project; and, Eden Rosen, on a letter in the Burbank Leader.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mrs. Ramos called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Don Elsmore, Esther Espinoza, Wayne Jackson, Eden Rosen, Mark Stebbeds, Ron Vanderford, Rose Prouser and Mark Barton, on Airport matters.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meeting of November 2, 2004, the adjourned meeting of November 4, 2004 and the regular meetings of November 9 and November 16, 2004 were approved as submitted.
804-3 Assistance to Firefighters Grant	<u>RESOLUTION NO. 26,841:</u> 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.

804-3
Homeland
Security Grant

RESOLUTION NO. 26,842:
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.

702-3
Starlight Bowl
Sponsorship
Program

RESOLUTION NO. 26,843:
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.

1505
Agmt. w/Puretec
for Treatment of
Reclaim Water

RESOLUTION NO. 26,844:
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.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1503
Electric Service
Agmt. with
Providence
St. Joseph
Medical Center

Mr. Simay, Assistant General Manager, Burbank Water and Power, requested 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). He reported that the Council previously authorized BWP to pursue developing mutually-beneficial, long-term power supply contracts with large electric customers subject to Council approval and noted that long term contracts have been approved with Warner Bros. and NBC.

Mrs. Meyer, Marketing Manager, Burbank Water and Power,

discussed the key terms proposed in the Agreement as follows:

An initial seven-year term, beginning on January 1, 2005 and remaining in effect through December 31, 2011 during which time 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 for each day within the summer period and two time-of-use periods for each day within the winter period;

An uncontrollable force provision that allows the utility to revert back to the non-contract tariff rate in the event of conditions out of the utility's control such as earthquakes and economic events; and,

An energy efficiency assistance provision through which BWP will make a grant of \$150,000 available to St. Joseph for cost-effective energy efficiency and/or load management purposes.

Mrs. Meyer informed the Council that the Agreement's fiscal impact is positive for both the City and St. Joseph as it offers lower rates to St. Joseph that reflect cost-of-service, encourages conservation and lowers overall local air emissions while not requiring a rate increase for other customers.

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

1503
Electric Service
Agmt. with
Providence St.
Joseph Medical
Center

RESOLUTION NO. 26,845:
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.

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.

Ordinances Submitted It was moved by Mr. Campbell and seconded by Ms. Murphy that "Ordinance Nos. 3657 and 3658 be read for the second time by title only and be passed and adopted." The title to the following ordinances were read:

1702 Approve PD No. 98-2 (AMC) ORDINANCE NO. 3657: 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).

1702 Approve PD No. 2003-2 (Champion) ORDINANCE NO. 3658: 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).

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

Final Open Public Comment Period of Oral Communications There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 1:21 a.m.

Josephine Wilson, Deputy City Clerk

APPROVED JULY 26, 2005

Mayor of the Council
of the City of Burbank