

TUESDAY, AUGUST 30, 2005

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 5:42 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

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

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

5:42 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with 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, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:51 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Reverend Sally Kinarthy, Unity Church of Burbank and North Hollywood.

Flag Salute The pledge of allegiance to the flag was led by Sam Engel.

ROLL CALL

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

- 301-1  
Warner Bros.  
Donation to the  
BEST Program
- Mrs. Sarquiz, Management Services Director, gave a brief description of Warner Bros.' participation and contribution to the City's Youth Employment Program. Mayor Vander Borgh presented appreciation to Warner Bros. for their efforts and presented a Certificate of Recognition to Lisa Rawlins, Senior Vice President Studio and Production Affairs, commending Warner Bros.' outstanding support and generous contribution in the amount of \$6,600 in support of the BEST Program.
- 301-1  
Muscular  
Dystrophy  
Assoc. Week
- Mayor Vander Borgh presented a proclamation in honor of Muscular Dystrophy Association Week to Desiree Dahm.
- 301-1  
Park, Rec. and  
Community  
Svc. 80<sup>th</sup>  
Anniversary
- Mayor Vander Borgh presented a proclamation in honor of the Park, Recreation and Community Services Department's 80<sup>th</sup> Anniversary to Eric Hansen, Park, Recreation and Community Services Director, and Carolyn Jackson, Chair of the Park, Recreation and Community Services Board.
- Ms. Murphy's  
Letter of  
Resignation
- Mayor Vander Borgh announced that the City was in receipt of a letter of resignation from Council Member Murphy and requested that Ms. Alvord, City Manager, read the letter.
- Ms. Alvord stated that she received Ms. Murphy's resignation letter via email and read it in its entirety.
- Reporting on  
Council Liaison  
Committees
- Mr. Vander Borgh reported on the Economic Alliance of the San Fernando Valley's Annual Board meeting he attended. He also reported on the 57<sup>th</sup> Annual Emmy Awards he attended, where the Teens in Action had been nominated.
- 7:15 P.M.  
Hearing  
1102  
1103  
1104  
1105  
Extend Plan  
Limits of the  
Golden State,  
City Centre and  
West Olive Proj.  
Areas  
Notice
- Mayor Vander Borgh stated that "this is the time and place for the hearing on the extension of the Redevelopment Project Area Plans and the time limits to collect tax increments for the payment of indebtedness for the Golden State, West Olive and City Centre Project Areas."
- The City Clerk was asked if notices had been given as required

8/30/05

Given by law. She replied in the affirmative and advised that no written communications had been received.

Staff Report Mrs. Leyland, Senior Redevelopment Project Manager, Community Development Department, requested Council authorization to extend the plan effectiveness date, and the debt repayment and receipt of tax increment date for the Golden State, City Centre and West Olive Redevelopment Project Areas as authorized under Senate Bill (SB) 1096. She explained that SB 1096 requires every redevelopment agency to make an Educational Revenue Augmentation Fund (ERAF) payment to the County Auditor during Fiscal Years (FY) 2004-05 and 2005-06. She noted that in an effort to offset the financial burden caused by the ERAF payment, SB 1096 gives authority to a city to extend the time limit for each redevelopment plan by one year. She noted that the time limits include the plan effectiveness date and the date for debt repayment and receipt of tax increment. She added that the proposed time limit extensions do not alter any of the other time limits, specifically the expiration of the agency's powers of eminent domain. She added that in order to extend the time limits, the payment must be made for that fiscal year and each plan must meet one of the following conditions: 1) if the plan effectiveness date is 10 years or less, the date can be extended without any other conditions; 2) if the plan effectiveness date is more than 10 years but less than 20, an agency can extend the date provided findings are met. She noted the Burbank Redevelopment Agency (Agency) meets all the required findings; and, 3) a plan with a plan effectiveness time limit date of more than 20 years cannot be amended.

Mrs. Leyland informed the Council that the Golden State and City Centre Redevelopment Plans meet the first condition, having a plan effectiveness date of less than 10 years. She added that the West Olive Redevelopment Plan meets the eligibility requirements under the second condition. She added that the South San Fernando Redevelopment Plan does not qualify for a timeline extension since its plan effectiveness date is more than 20 years. She requested the Council extend the time limit on the plan effectiveness date for the Golden State, from 2011 to 2012; City Centre from 2012 to 2013; and, West Olive from 2017 to 2018.

Mrs. Leyland also added that SB 1096 authorizes agencies to amend their redevelopment plans to extend the time limits on the use of tax increment to pay indebtedness by one year for each of the payments. She noted that the new time limits were as follows: Golden State from 2021 to 2022; City Centre from 2022 to 2023; and, West Olive from 2027 to 2028. She

noted that while the payment contribution creates a financial burden on the Agency by reducing the number and types of projects than can be carried out in the short-term, the ability to extend the life of each plan by one year off-sets this burden in the long term. She added that by extending these limits, the Agency will receive an estimated 57 million in the last year of tax increment for these project areas, which additional funds will be used to pay debt and the cost of projects and activities necessary to carry out the goals and objectives of the redevelopment plan.

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

Ordinances Introduced It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried with Ms. Murphy absent that "the following ordinances be introduced and read for the first time by title only and be passed to the second reading." The ordinances were introduced and the titles read:

1103  
Extend Time Limits on the Life of the City Centre Redev. Project Area AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1104  
Extend Time Limits on the Life of the Golden State Redev. Project Area AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1105  
Extend Time Limits on the Life of the West Olive Redev. Project Area AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

Reporting on Mr. Barlow reported on the items considered by the City

8/30/05

Closed Session	Council during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Don Elsmore, on the Burbank Transportation Service bus purchase; Mark Barton, on a City employee's conduct; David Gordon and Mike Nolan, on the Warner Bros. Release Agreement; Jim Schad, on Ms. Murphy's resignation, stating business owners should provide childcare for their own employees, in support of a City employee and requesting information on tree trimming schedules; and, Esther Espinoza, Theresa Karam and David Piroli, on Ms. Murphy's resignation.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borght called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment on the Warner Bros. Release Agreement were: Don Elsmore; Dr. David Gordon; Esther Espinoza; Eden Rosen; Mark Barton; Irma Loose; David Piroli; Theresa Karam; and, Mike Nolan.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Campbell and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of May 2 and May 3, 2005, the adjourned meeting of May 7, 2005, and the regular meetings of May 10, May 17, May 24 and May 31, 2005 were approved as submitted.
1503 1504	The Monthly Water and Power Operating Report was received from Burbank Water and Power.

BWP Monthly  
Operations  
Report

804-3  
Homeland  
Security Grant

RESOLUTION NO. 27,054:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FISCAL YEAR 2005 HOMELAND SECURITY GRANT PROGRAM GRANT FUNDS IN THE AMOUNT OF \$236,758 FROM U.S. DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE FOR DOMESTIC PREPAREDNESS.

804-3  
Urban Areas  
Security  
Initiative Grant

RESOLUTION NO. 27,055:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FY 2005-2006 URBAN AREAS SECURITY INITIATIVE GRANT FUNDS IN THE AMOUNT OF \$624,511 FROM THE DEPARTMENT OF HOMELAND SECURITY OFFICE FOR DOMESTIC PREPAREDNESS.

1401  
Coop Agmt. w/  
CalTrans for SR-  
134 Ramp  
Project

RESOLUTION NO. 27,056:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA (DEPARTMENT OF TRANSPORTATION) FOR THE PURPOSE OF THE RAMP IMPROVEMENT ON SR-134 BETWEEN CALIFORNIA STREET AND PASS AVENUE IN THE CITY OF BURBANK.

304-1  
Warner Bros.  
Donation to the  
BEST Program

RESOLUTION NO. 27,057:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING DONATION FUNDS IN THE AMOUNT OF \$6,600 FROM WARNER BROS.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

203  
Charter Review

Ms. Dolan, Administrative Analyst, City Manager's Office, requested the Council appoint members to the Charter Review

8/30/05

Committee Appointments      Committee and select the Chair of the Committee. She reported that in March 2005, the Council directed staff to convene an 11-member Charter Review Committee charged with the task of reviewing the Charter and making suggestions for amendments. She noted that with Council Member Murphy's resignation, each Council Member was to select one member from among all electors in the City and the remaining seven would be selected from the applicant pool through a vote of the entire Council.

Ms. Dolan noted the Council's interest in increasing the Committee beyond the 11 members, and stated that the City's consultant recommended no more than 15 members. She also gave a timeline of the Committee's upcoming meetings.

Motion      It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the Committee's membership be increased to 15."

Carried      The motion was carried by the following vote:

Ayes:      Council Members Golonski, Ramos and Vander Borght.

Noes:      Council Member Campbell.

Absent:      Council Member Murphy.

Following a vote of the Council and individual appointments, the following members were selected to the Charter Review Committee: Bob Olson (appointed by Council Member Ramos); Garen Yegparian (appointed by Council Member Vander Borght); Victor Georgino (appointed by Council Member Campbell); Alfred Aboulsad (appointed by Council Member Golonski); Lynn Kronzek; Rich Baenen; Robert Frutos; Carolyn Jackson; David Ahern; Celeste Francis; Hagop Hergelian; Claudia Bonis; Vincent Stefano; Susan Robles; and, Christopher Carson.

Motion      It was moved by Mrs. Ramos and seconded by Mr. Golonski that "Carolyn Jackson serve as the Committee Chair."

Carried      The motion was carried by the following vote:

Ayes:      Council Members Campbell, Golonski, Ramos and

- Vander Borght.  
 Noes: Council Members None.  
 Absent: Council Member Murphy.
- Motion It was moved by Mr. Campbell and seconded by Mr. Golonski that "the Council approve all 15 members appointed and the selection of the Chair."
- Carried The motion was carried by the following vote:  
 Ayes: Council Members Campbell, Golonski, Ramos and Vander Borght.  
 Noes: Council Members None.  
 Absent: Council Member Murphy.
- 8:49 P.M. The Council recessed at this time. The meeting reconvened at  
 Recess 8:58 p.m. with the same members present.
- 1702 Mr. Herrmann, Assistant Community Development Director,  
 Warner Bros. Transportation and Planning, requested Council approval of  
 Childcare Needs substitution of a childcare needs survey obligation with a  
 And Release childcare payment obligation under the Development  
 Agreement Agreement between the City and Warner Bros. Entertainment  
 Inc. (Warner Bros.) for the Main and Ranch Studio Lots and the  
 approval of a related Release Agreement. He reported that in  
 1995, Warner Bros. and the City entered into two separate  
 Development Agreements, for the Main Lot and Ranch Studio  
 Lot, approving certain development on each site.
- Mr. Herrmann informed the Council that at the present time, halfway through the 20-year term of the Development Agreements, Warner Bros. has developed less than ten percent of the entitlements authorized under the agreements. He noted that an obligation in each of those agreements requires Warner Bros. to conduct a childcare needs survey every five years to identify any unmet childcare needs and if so develop another facility or add to the existing facility on-site. He added that Warner Bros. currently operates an on-site childcare center that serves over 100 children. However, Warner Bros. has not conducted the childcare needs survey required under the Development Agreements.
- Mr. Herrmann noted that the parties have a difference of opinion over the interpretation of the actions required once a survey is conducted. He stated that in order to resolve these



8/30/05

differences, Warner Bros. proposes to substitute the childcare needs survey obligation provision with a childcare payment obligation under the Development Agreements. He explained that the proposal involves a one-time fee payment of \$150,000 by Warner Bros. to help fund new childcare facilities or community programs as determined by the City, and noted that the amount is commensurate to fees paid by other developers in the City for childcare such as the Media Studio North project which included a \$100,000 childcare obligation and the Empire Center Project which paid \$100,000 to the City for the development of childcare facilities in-lieu of an on-site childcare facility.

Mr. Herrmann concluded that a Release Agreement between the parties provides for the one-time payment of \$150,000 as full compliance with the provisions in each Development Agreement, and once paid, releases Warner Bros. from all obligations.

The Council was generally supportive of substituting the childcare needs survey obligation with a childcare payment but requested that the item be brought back for Council consideration after the Release Agreement has been revised.

Ordinance  
Submitted

It was moved by Mrs. Ramos and seconded by Mr. Campbell that "Ordinance No. 3678 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1503-2  
BWP Lifeline  
Service Rate

ORDINANCE NO. 3678:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 30-201 AND 30-206 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE LIFELINE SERVICE RATE FOR UTILITY SERVICE.

Adopted

The ordinance was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

Final Open  
Public Comment  
Period of Oral

Mr. Vander Borght called for speakers for the final open public comment period of oral communications at this time.

Communications

Citizen Comment            Appearing to comment was Craig Brockbill, on the Metropolitan Water District labor negotiations.

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

Adjournment            There being no further business to come before the Council, the meeting was adjourned at 9:24 p.m.

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Margarita Campos, CMC  
City Clerk

APPROVED OCTOBER 4, 2005

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Mayor of the Council  
of the City of Burbank