



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, SEPTEMBER 13, 2005
5:30 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 Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

1. **Name of Case:** Coordination Proceeding Special Title (rule 1550(b)) vs. Natural Gas Anti-Trust Cases – Cases I, II, III and IV.

Case No.: Judicial Council Coordination Proceedings Nos. 4221, 4224, 4226 and 4228.

Brief description and nature of case: Anti-trust Claim Against Southern California Gas Company.

b. 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: Contracts and Retirement Issues.

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: Reverend Tania Kleiman, Olive Branch Ministries.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: HELPING VICTIMS OF HURRICANE KATRINA.

RECOGNITION: BURBANK FIRE DEPARTMENT MEDAL OF VALOR AND MEDAL OF DISTINCTION.

PROCLAMATION: NATIONAL GET A LIBRARY CARD MONTH.

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 September 6, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. THE CASTAWAY RESTAURANT AMENDED AND RESTATED LEASE AGREEMENT:

Staff is requesting that the Council consider the Amended and Restated Lease Agreement between the City and Verdugo Restaurant Corporation (VRC) for the Castaway Restaurant.

The Castaway Restaurant operates under a 1962 ground lease for the restaurant and banquet facilities, due to expire in February 2012, and a separate percentage-only 1975 concession agreement for the Mountain View Banquet Room, which expired on March 19, 2005. Both the ground lease and the concession agreement include a base rent and an additional rent based upon various percentages of gross sales revenue. The Castaway Restaurant has been operating the Mountain View facility on a month-to-month basis since March 2005.

In 2002, VRC requested an extension of their lease and the Council directed staff to proceed with negotiations for a new lease for the restaurant. Staff has met over the past few years with VRC to negotiate a new lease agreement. In addition to the basic business terms of the proposed lease amendment, the Amended and Restated Lease Agreement for the Castaway Restaurant addresses concerns and issues brought forth by several City departments, including: Community Development; Public Works; Park, Recreation and Community Services; Police; Fire; Finance; City Attorney's Office; and, City Manager's Office.

The current ground lease rent structure is significantly below market rates because the existing lease agreement was negotiated in the 1960's. Under the Amended and Restated Lease Agreement, the minimum base rent will be \$180,000 per year, payable \$15,000 per month. Every five years, the minimum base rent will be adjusted to the greater of the prior period's base rent or 75 percent of the average total annual rent for the previous five years. This adjustment is intended to keep the rents current with market rates. The percentage rent for the restaurant portion will be five percent of the gross sales for the first two years of the Agreement, and then increased to seven percent of the gross sales for the remaining term of the Agreement. The percentage rent for the banquet facilities will be seven percent of the gross sales for the entire term of the Agreement. The Castaway Restaurant, on a monthly basis, will pay the greater of either the base rent or the percentage rent. The base rent will be due the first of the month, and the percentage rent will be collected at the end of the month if and when the amount is higher than the base rent.

In addition to bringing the rent structure to market rates, the Amended and Restated Lease Agreement extends the term of the existing lease, incorporates the Concession Agreement from 1975, retains the Luau Grounds as part of the lease and provides that the Castaway Restaurant will maintain all the parking areas and surrounding hillside areas. Other significant terms of the Amended and Restated Lease Agreement include:

- A Capital Improvement Reserve Fund: The Castaway Restaurant will be required to deposit two percent of their gross sales into a Capital Improvement Reserve Fund. The Castaway Restaurant will be obligated to use this fund for facility improvements such as replacing building elements, mechanical systems, roofing and structural repairs. Improvements that are eligible to be paid out of the reserve fund will be identified through a joint inspection of the restaurant, banquet facilities, Luau Grounds and surrounding areas by the City and the Castaway Restaurant. Every two years, should all necessary capital improvements to the facility be deemed complete, the Castaway Restaurant may request to spend additional funds for discretionary items such as the replacement or refurbishment of furniture, fixtures, equipment and carpeting. Approval of this request is at the discretion of the City Manager. Moreover, before an approval is given to use the reserve funds for discretionary expenditures, the Community Development Director may require that additional reserve funds be set aside for anticipated, long term expenditures or for unanticipated emergency expenditures.
- In addition to the improvements to be made out of the Capital Improvement Reserve Fund, there are immediate capital improvements that will be required of the Castaway Restaurant to complete within the first nine months of the effective date of the Amended and Restated Lease Agreement. These improvements are conditioned upon the City's approval and are not included as part of the two-percent reserve fund.
- Operating Functions: The Castaway Restaurant is permitted to operate a restaurant, cocktail lounge, banquet facilities, gift shop and Luau Grounds. Any other uses will require written consent from the City. Any functions that are proposed to take place at the Luau Grounds will need approval from the Park, Recreation and Community Services Director prior to the event being booked.
- Special Maintenance Issues: The Castaway Restaurant will be responsible for maintaining the restaurant (including cocktail lounge), banquet facilities, Luau Grounds, parking areas and surrounding areas. In addition, there are special maintenance items in the Agreement provisions that the Castaway Restaurant is required to address. These items consist of a long-term maintenance schedule for all the parking lots, expansion stipulations for the Luau Grounds, a Parking Plan, wastewater treatment procedures and an Annual Inspection Program.

The Amended and Restated Lease Agreement addresses the issues the City has regarding the Castaway Restaurant's maintenance and improvement needs, and will ensure that the restaurant is maintained as a first-class establishment. The provisions of the Amended and Restated Lease Agreement will be effective upon its execution and the existing lease and concession agreement will be terminated. The term of the Amended and Restated Lease Agreement is 20 years. Should the Council adopt a resolution approving the Agreement, the execution date will be October 1, 2005, and the termination date will be set for October 1, 2025. The Agreement contains a

provision whereby the Castaway Restaurant is given the option to extend the term of the lease for one additional ten-year period. If the Castaway Restaurant were to exercise the "Option Period" in the Agreement, and receive approval from the City, the termination date of the Agreement would extend to October 1, 2035.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF BURBANK AND VERDUGO RESTAURANT CORPORATION (CASTAWAY RESTAURANT).

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 action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 through 8)

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 June 7, 2005, the adjourned meeting of June 8, 2005, the regular meeting of June 14, 2005, the adjourned meeting of June 20, 2005, and the regular meetings of June 21 and June 28, 2005.

Recommendation:

Approve as submitted.

4. FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY) AND ISSUANCE AND SALE OF 2005 SPECIAL TAX BONDS:

The purpose of this report is to request that the Council take the initial steps to form the City of Burbank Community Facilities District No. 2005-1 and to issue and sell special tax bonds in an amount not to exceed \$8 million to finance certain costs of The Collection Public Parking Facility, and authorize related actions.

On November 23, 2004, the Council, following a joint public hearing before the Council and Redevelopment Agency (Agency) Board, approved an Amended and Restated Owner Participation Agreement (Champion OPA), a Second Implementation Agreement to the Owner Participation Agreement between the Agency and Burbank Entertainment Village, LLC and other documents relating to the proposed development of the Phase II site of the Burbank Entertainment Village Project (Project) by Burbank Collection, Ltd

(Developer).

Under the Champion OPA, the Developer is required to construct a mixed-use, 118-unit residential/commercial project, which includes a six-level parking structure on the Phase II site. The parking structure will consist of parking spaces required for the condominium and commercial components of the project and 276 public parking spaces (Parking Facility). The Parking Facility will be subdivided into three legal components: a component to be owned by condominium owners, a component to be owned by the owner of the Project's commercial components and the public parking component to be owned by the City's Parking Authority.

The Developer is required to pay the costs of all improvements on the Phase II site, including the Parking Facility. However, the Agency is required to provide for Community Facilities District (CFD) financing that will generate \$5 million in net proceeds to finance a portion of the costs of constructing the public parking spaces in the Parking Facility. Following the completion of the Parking Facility, annual debt service on the CFD financing will be paid from 75 percent of the tax increment generated by the Phase I and Phase II projects. To the extent that tax increment revenues are insufficient to pay all CFD obligations, annual debt service will be paid from special taxes levied by the City on certain property in the CFD. The Agency's obligation to contribute tax increment will be triggered upon completion of the Parking Facility.

Before the City can issue special tax bonds to satisfy the Agency's obligations to the Developer under the OPA, it must form the CFD to be known as "City of Burbank Community Facilities District No. 2005-1 (The Collection Public Parking Facility)" and have the special tax approved by the property owners in the CFD. The sole property owner in the CFD is Burbank Entertainment Village, LLC, an AMC entity, which will sell the property to the Developer for the development of the project by December 6, 2005. Once approved, the special tax is levied by ordinance. This process involves both a public hearing and a special election among the CFD property owners and requires three separate Council meetings. The property owner has submitted a petition requesting that the City take the necessary actions to form the CFD.

At the first Council meeting, the Council takes certain actions that are preliminary to the CFD formation and bond issuance. These actions include:

- Adopting a Resolution of Intention to Establish the CFD (which, among other things, approves a Rate and Method of Apportionment of special taxes and a Boundary Map); and,
- Adopting a Resolution of Intention to Incur Bonded Indebtedness.

At the second Council meeting, which is expected to occur on October 25, 2005, the CFD will be formed and authorization requested for the issuance of the special tax bonds. The Council will be asked to take the following actions:

- Accept the CFD report;
- Conduct the public hearing;
- Adopt the Resolution of Formation of the CFD;

- Adopt the Resolution to Incur Indebtedness;
- Adopt the Resolution Calling for the Special CFD Election;
- Hold the Election;
- Introduce an Ordinance Levying the Special Tax; and,
- Adopt the Resolution Approving the Legal and Disclosure Documents necessary to issue the bonds.

At the third Council meeting anticipated for November 1, 2005, the second reading and adoption of the special tax ordinance will occur.

The proposed actions are preliminary to the formation of the CFD and the issuance of special tax bonds for the Parking Facility. Under the Champion OPA, the Agency is required to contribute tax increment generated from Phase I and II in an amount not to exceed \$5 million to pay debt service on the special tax bonds only after the Parking Facility is completed.

Recommendation:

Adoption of proposed resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING INTENTION TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY).
 2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.
5. SUMMARY VACATION V-375, 455 NORTH VARNEY STREET (APPLICANT: DARIN KERBY):

The applicant, Darin Kerby, is requesting to vacate the five-foot pole line easement which extends across the rear of the subject property for the purpose of enlarging his existing garage. The proposed vacation has been submitted to all appropriate City departments and outside utility companies and there are no public utilities within the area to be vacated. The Streets and Highway Code allows this vacation since the easement has been superseded by relocation and there are no other public facilities located within the easement. Staff has not received any opposition to this vacation request and recommends the Council approve this summary vacation.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A POLE LINE EASEMENT LOCATED AT 455 NORTH

VARNEY STREET (V-375).
6. APPROVING REVISED REIMBURSEMENT TERMS FOR ACCEPTING GRANT FUNDS FOR THE CALIFORNIA USED OIL BLOCK GRANT 11TH CYCLE AND AMENDING THE FISCAL YEAR 2005-06 BUDGET:

Staff is requesting Council approval to accept grant funds for the California Integrated Waste Management Board (CIWMB) Used Oil Block Grant 11th Cycle under revised reimbursement terms and to amend the Fiscal Year (FY) 2005-06 budget to appropriate the funds.

For the past several years, the State's oil recycling program awarded cities and counties 90 percent of oil block grant funds at the beginning of the fiscal year and the remaining 10 percent when the final report was submitted and approved. In May 2005, the Council authorized staff to submit the grant application for FY 2005-06 through 2010-2011 and amended the FY 2004-05 budget by accepting and appropriating funds in the amount of \$27,324 for the 11th Cycle Used Oil Recycling Block Grant. The Council's approval was based on the City receiving 90 percent of the funds at the beginning of each fiscal year.

In June 2005, however, the CIWMB changed its policy of advancing 90 percent in grant funds to reimbursing applicants' funds at the end of each fiscal year. The CIWMB states this change will greatly simplify accounting procedures because neither the State nor applicants will need to track interest accrued on unspent grant funds from each grant cycle.

The CIWMB formula for grant funds distribution is based on a city's population. Burbank is eligible to receive \$27,324 for FY 2005-06. Oil grant funds have paid for Burbank Recycle Center (BRC) oil recycling educational materials and outreach, oil drain pans, a portion of the utility worker's salary, BRC oil-related improvements, the collection and recycling of oil and filters and some oil center equipment and supplies. The BRC oil recycling program helps the City meet Assembly Bill 939 Source Reduction and Recycling and Household Hazardous Waste element requirements.

Staff is requesting that the Council amend the FY 2005-06 budget by appropriating \$27,324 from the Refuse Collection and Disposal unappropriated fund balance for the first year of the 11th Cycle Used Oil Recycling Block Grant. Due to this change in policy, the City will need to budget the grant funds for FY 2006-07 through 2010-11 (the 11th Cycle Grant term) as part of the annual budget process. Reimbursement will be received from the CIWMB at the end of each fiscal year after the final report has been submitted and approved.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING REVISED REIMBURSEMENT TERMS FOR ACCEPTANCE OF THE CALIFORNIA

USED OIL RECYCLING BLOCK GRANT APPLICATION FOR FISCAL YEARS 2005-06 THROUGH 2010-11 AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$27,324 FOR THE BURBANK RECYCLE CENTER OIL RECYCLING PROGRAM.

7. DECLARING A VACANCY ON THE COUNCIL:

On Tuesday, August 30, 2005, the City received a written resignation from Council Member Stacey Murphy, dated August 29, 2005. The Charter provides that: "If any officer of the City . . . shall resign . . . the office held by such officer shall thereupon be declared vacant by a majority vote of the Council and shall thereupon become vacant." (Charter Section 26(c).)

It is therefore recommended that the Council adopt a resolution declaring the seat of Council Member Stacey Murphy vacant and direct staff to bring back the requisite documents and actions to provide for the filling of the vacant position.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING VACANT THE SEAT OF COUNCIL MEMBER STACEY MURPHY.

8. ORDERING PREPARATION OF A MAP OR PLAT AND A REPORT BY THE PUBLIC WORKS DIRECTOR PURSUANT TO BURBANK MUNICIPAL CODE SECTION 7-1004 FOR OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1:

Per the Council's direction, staff is focusing on undergrounding power lines along view corridor segments where there would be considerable visual impact. Over the next several years, Burbank Water and Power (BWP) intends to underground its overhead lines along Olive Avenue from the Interstate-5 Bridge to Victory Boulevard, in a manner which will also eliminate overhead crossings at the Lake Street and Victory Boulevard intersections. BWP also intends to install underground lines along Lake Street from Olive Avenue to Magnolia Boulevard as part of its effort to build a new Burbank Station on the corner of the BWP Yard near Lake Street and Olive Avenue.

To achieve a complete elimination of overhead lines, the phone company and other utilities must underground their lines as well. Forming an Underground Utility District would require these utilities to underground their lines at their own cost as well as to share in the restoration of street surfaces. A handful of customers need to have their electric service converted from overhead to underground. The resolution before the Council represents one of the first steps in forming an Underground Utility District, that of directing staff to define the district and associated costs and impacts to the public.

The fiscal impact is within current budget and future capital plans for the Electric Fund and neutral for the General Fund. Forming an Underground Utility District enables the City to underground all overhead lines without having to pay for undergrounding the lines of other communication utilities.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING PREPARATION OF A MAP OR PLAT AND A REPORT BY THE PUBLIC WORKS DIRECTOR PURSUANT TO BURBANK MUNICIPAL CODE SECTION 7-1004 FOR OLIVE AVENUE UNDERGROUND UTILITY DISTRICT NO. 1.

END OF CONSENT CALENDAR

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REPORT TO COUNCIL :

9. OPTIONS FOR PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF A NEW FENCE ORDINANCE:

At the Council meeting of August 16, 2005, staff presented a proposed Zone Text Amendment to modify the development standards pertaining to fences, walls, hedges and other yard features in residential zones. At the conclusion of the meeting, the Council directed staff to present options for additional public involvement in the crafting of these new standards.

Staff has outlined two potential processes to incorporate additional public involvement in the development of new standards. The first process would involve a series of community meetings throughout the City where members of the public would have the opportunity to provide input on the development of new standards, similar to that used for the new single-family standards. The second process would involve the establishment of a Blue Ribbon Committee which would work with staff to develop new standards, similar to that used for the development of a citywide affordable housing strategy.

Recommendation:

Staff recommends Council direction to hold a series of community meetings.

ADOPTION OF PROPOSED ORDINANCES:

10. ORDINANCE TO EXTEND PLAN LIMITS OF THE GOLDEN STATE, CITY CENTRE, AND WEST OLIVE REDEVELOPMENT PROJECT AREAS AS AUTHORIZED BY SENATE BILL 1096:

Senate Bill (SB) 1096, adopted in 2004 by the California Legislature, 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. However, in an effort to offset the financial burden caused by the ERAF payment, SB 1096 gives authority

to a city to extend its redevelopment plan limits by one year for each year of the ERAF payments if the existing time limit of a project plan has no more than 10 years remaining or if the existing time limit is between 10 years and 20 years; provided that the agency is in compliance with housing requirements. The extension of the time limits will help minimize the impact that the ERAF payment may have on the agency's ability to do projects and repay debt by allowing agencies to extend the plan effectiveness date, and the date to use tax increment to repay debt. In Burbank, the FY 2004-05 ERAF payment was processed by the Redevelopment Agency on April 20, 2005. The FY 2005-06 payment will be paid on or before May 10, 2006. After payment has been made for FY 2005-06, the Council may consider the adoption of an ordinance for a second one-year time extension.

The time limitations required by SB 1096 will be counted individually for each plan from the date of adoption of each plan. The Golden State, City Centre and West Olive Redevelopment Project Areas meet the eligibility requirements. The South San Fernando Redevelopment Project Area does not qualify for a timeline extension under SB 1096 as that Plan's effectiveness date is more than 20 years from the fiscal year in which the ERAF payment was made. By extending the plan effectiveness date and the date for debt repayment and receipt of tax increment by one year for the Golden State, City Centre and West Olive Redevelopment Project Areas, the Redevelopment Agency (Agency) will have another year to pay for costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plans. The Agency will receive an estimated total of \$57,158,079 in net tax increment during that year.

These ordinances were introduced at the August 30, 2005 Council meeting.

Recommendation:

Adoption of proposed ordinances entitled:

1. 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.
2. 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.

3. 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.

RECONVENE the Redevelopment Agency meeting for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT. To Tuesday, September 20, 2005 at 5:00 p.m. in the Council Chamber for a Trip-Based Intensity Measurement Standard Study Session.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**