COOPERATION AGREEMENT

This COOPERATION AGREEMENT (the "Agreement") is entered into this _____ day of ______________, 2011, by and between the REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, a public body, corporate and politic (the "Agency") and the CITY OF BURBANK (the "City"), a municipal corporation and charter city.

Recitals

A. Health and Safety Code Section 33445 authorizes redevelopment agencies, with the consent of the legislative body, to pay all or part of the value of the land for, and cost of, the installation and construction of any publicly owned building, facility, structure or other improvement located inside or contiguous to the project area if the legislative body determines that such improvements are of benefit to the redevelopment project area or the immediate neighborhood in which the project is located, that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the community, and that the payment of funds for the improvements will assist in the elimination of one or more blighting conditions inside the project area and is consistent with the implementation plan adopted pursuant to Health and Safety Code Section 33490

B. The Redevelopment Agency of the City of Burbank ("Agency") desires to pay for some of the costs of public improvements for the Johnny Carson Park Revitalization Project (the "Project") as described in the Cooperation Agreement and the Staff Report dated March 29, 2011, each of which is incorporated herein by this reference, in the amount of $2,438,404.

C. The expenditure of $2,438,404 for the Projects meets the criteria of Health & Safety Code Section 33445 in that:

1) The use of Agency funds is of benefit to the project area funding the improvements. The proposed Project is located immediately adjacent to the West Olive Project Area, in that the park is separated from the project area by a public street.

The redesign and rehabilitation will: 1) address deficiencies in the park’s major systems, which need to be replaced thereby allowing for greater energy and water conservation; and 2) provide new amenities that will serve the West Olive Project Area, which includes a variety of stakeholders, including NBC/Universal television studios; and a variety of media and entertainment-related companies that comprise one of the city’s most important economic and job-rich hubs.

In addition to the redesign and replacement of the major capital systems of the park, the new design incorporates current practices that promote and support long-term environmental sustainability. For example it is expected that the amount of turf will be reduced, thus creating opportunity for a new plant palette that incorporates drought-tolerant species, as well as more effective storm water management opportunities.
2) **There is no other reasonable means of financing the proposed improvements.** The City’s General Fund is facing more budget cuts and funding is severely limited. Current and projected revenue vs. expenditure projections do not support the funding of this critical project. A General Fund shortfall of roughly $8.7 million in the proposed FY 2011-12 budget has been identified. In addition, the State’s budget deficit is likely to impact local government budgets even further, including the grave uncertainties revolving around the fate of redevelopment. Project funding is not available from any other source available to the City without delaying or cancelling other necessary infrastructure projects.

3) **Funding the project will assist in the elimination of one or more blighting conditions inside the project area.** The park is located right on the boundary line of, and just outside the West Olive Project Area. Within the West Olive Project Area lies a significant portion of the Media District, home to two of the world’s most popular media/entertainment companies (the international headquarters of The Walt Disney Company, and of course, Warner Bros.); also in the West Olive Project Area is NBC/Universal television studios, a leader in news, media, and entertainment. The Media District and the West Olive Project Area host a variety of production and post-production companies as well as other “support companies” for the media industry. Johnny Carson Park offers an important amenity for the premier job generators in the Project Area and is an important component of the city’s infrastructure. Recreational facilities provide a “bonus” when attracting, retaining, and expanding business, and Johnny Carson Park is no exception.

Formed in 1976 the West Olive Project Area has undergone significant change during the past 35 years; and the West Olive Project Area is currently scheduled to sunset in Fiscal Year 2019-2020 or sooner, depending on when the Project Area reaches its $60 million tax increment revenue cap. The Agency, throughout the years, has helped transform the Project Area to a world-renowned home to the media industry. The proposed Project has historically been identified by the Agency in the Implementation Plan as an integral component of the infrastructure that supports and benefits the Project Area as a whole. The Agency’s funding commitment will help facilitate the redevelopment of the few pockets of blight that remain, by providing a recreation amenity that will be designed to serve the needs of commercial and potential residential development during the final years of the Project Area.

4) **Funding the project is consistent with the Agency’s current Implementation Plan.** The Redevelopment Agency’s approved Implementation Plan of Fiscal Year 2009-2014 calls for capital improvement investments that address deficiencies in the City’s public infrastructure. The Agency’s five-year Implementation Plan also specifically mentions the refurbishment of the Johnny
Carson Park as a goal of the Agency during the term of the plan. Therefore, the funding of the Project is consistent with the Agency’s Implementation Plan.

D. The City and the Agency have made the appropriate findings under Section 33445 of the Health and Safety Code.

Agreements

NOW, THEREFORE, THE AGENCY AND THE CITY HEREBY AGREE AS FOLLOWS:

Section 1. Purpose of this Agreement.

City agrees to accept and use Agency funds to pay for a portion of the Johnny Carson Park Renovation Project in the amount of $2,438,404. The specific expenditures of the Johnny Carson Park Project to be paid out of these funds are set forth in Exhibit “A”, attached hereto and incorporated by this reference. The funds will be transferred immediately. City agrees to use the money solely for the Johnny Carson Park Renovation project as described herein.

Section 2. Liability and Indemnification.

Pursuant to Section 895.4 of the Government Code, the Agency and the City agree that each will assume the full liability imposed upon it or any of its officers, agents or employees for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, and each party agrees to indemnify and hold harmless the other party for any loss, cost or expense that may be imposed upon such other party by virtue of Sections 895.2 and 895.6 of the Government Code.

IN WITNESS WHEREOF, the City and the Agency have executed this Agreement as of the date first above written.

REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, a public body, corporate and politic

CITY OF BURBANK, a municipal corporation and charter city

By: __________________________
Greg Herrmann
Assistant Executive Director

By: __________________________
Michael S. Flad
City Manager
Attest:

By: _______________________
    Margarita Campos, CMC, Secretary

By: _______________________
    Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content
Dennis A. Barlow, City Attorney/Agency Counsel

By: _______________________
    Mary F. Riley
    Senior Assistant City Attorney
PROJECT DESIGN GOALS
In order to continue to plan, operate and maintain the park, the redesign will incorporate infrastructure components that further the sustainability goals of the Council. The Project will focus on improving energy efficiency, water efficiency, public access, and will employ current design practices that are geared toward long-term sustainability, while still serving the community’s recreational needs.

As previously mentioned, AHBE was asked to submit a subsequent design proposal to address the increased Project scope. The design contract, now totaling $458,163 specifically relate to enhanced Project components. For example, the original fee proposal characterized the park design as a renovation with upgrades to irrigation, the pathways, and new planting. The increased design scope will allow the design team to investigate all aspects of the park design to ensure that it is a model for sustainability in Burbank and the Los Angeles region. Additionally, the existing drainage channel is being designed as a full stream restoration. The original fee proposal accounted for restoring a short length of the stream – from the park outfall to the first bridge. The new fee proposal takes into account the full length of the stream as it traverses Johnny Carson Park. This includes additional design time by Restoration Design Group and California Watershed Engineers (as well as AHBE), as well as a significant amount of construction observation time by Restoration Design Group to ensure that the contractor is suitably guided through what may be a complicated construction process.

Another factor that supports the design proposal includes a full interpretive educational program. As a means of communicating to the general public all of the elements that will make Johnny Carson Park a model for sustainability, AHBE has engaged the services of Leslie Stone Associates – an interpretive program designer with a history both in Los Angeles and with the National Park Services. Since it is expected that the transformation of the full stream will be a signature element of the park, it will be important to communicate this to the fullest extent possible and to ensure that the Project is a model for open space education in Burbank and the region.

The design fee proposal also accounts for three workshops with the community to ensure that all stakeholders are properly vested in all park design activities. By bringing in the public early into the design process, staff believes that the Project will be not only environmentally sustainable, but also socially sustainable, viewed as a centerpiece in the community. Lastly, AHBE’s proposal includes assistance with grant research, the importance of which will be further explained later in this report.
ENERGY EFFICIENCY
The lighting system at Johnny Carson Park was installed in 1959, and since its installation no additional improvements have been made to the system. Consequently, the antiquated lighting system is currently in disrepair and has become inefficient.

To improve energy efficiency and safety lighting levels at the park, staff is proposing to replace the lighting system with a light-emitting diode (LED) automated lighting control system. This system will not only provide an adequate amount of low-level lighting which is sufficient for parkway path lighting, but the system will allow staff to control and monitor the systems hours of operation from a remote location depending on the overall cost of the system.

There are a number of benefits associated with the installation of a LED lighting system such as uniformity in lighting, a reduction in energy usage and a reduction in maintenance requirements. Furthermore, because the useful life of a LED lighting system is much longer than that of traditional lighting systems such as incandescent or high-intensity discharge lighting systems, this will present a long term savings to the City.

The new lighting system will not only be designed to be energy efficient but will also be designed in a way that compliments the overall design of the park. The new lighting system will also assist in creating a more attractive environment for the public and provide increased visibility throughout the park's decomposed granite access road and driveway. Overall, the proposed lighting system will be equipped with energy efficient fixtures that would result in a substantial energy savings to the City.

WATER EFFICIENCY
The irrigation system at Johnny Carson Park was refurbished in 1974; however, the system utilizes technology that was developed in the 1960’s. The irrigation system was designed and built to provide thorough coverage of large tracts of turf which allowed for overspray of water onto picnic pads, benches, hardscape areas such as parking lots, sidewalks and adjacent street curbs. Covering undulating terrain was more important than conservation of resources. At the time, it was standard practice to install irrigation systems with a combination of polyvinyl chloride and transite piping. Transite piping is no longer a suitable material to utilize for an irrigation system.

With any system, there is a useful life expectancy; however, when a large irrigation system like the one utilized at Johnny Carson Park has been in operation for more than 35 years, over time the system becomes less efficient. The new irrigation system will be designed to comply with the City’s water ordinance and will be designed to accommodate recycled water use and will be integrated into the City’s existing automated irrigation system.

Replacing an antiquated irrigation system with an automated system that capitalizes on modern technology is considered a sustainable design practice that allows staff to activate and monitor a park’s irrigation system from a centralized computer system.
The automated irrigation system also allows staff to identify any existing problems, monitor water usage and efficiently deliver an adequate amount of water to individual areas of the park. Another important aspect of an automated irrigation system is that the system has the ability to utilize multiple stations at a time. An automated system allows for stations to run concurrently which maximizes the capacity of the systems water use as opposed to standard irrigation controllers which only allows for one station to run at a time.

The replacement of the existing irrigation system will also save the City a significant amount of money as continual repairs to the aging system would no longer be necessary. It should also be noted, that with the park redesign, comes the opportunity to look at reduced turf acreage and the use of drought-tolerant, California native plant material incorporated throughout the park’s landscape. Even greater water use efficiencies are expected as a result of more sensitive landscape design.

STREAMBED RESTORATION
During the early 1970’s a significant effort was initiated by the City to redevelop Johnny Carson Park. One of the significant design elements that commenced was the reconstruction of the drainage channel. Prior to the renovation of the park, the northern portion of the park was bisected by an 885 foot concrete-lined drainage channel that entered and exited the park via two concrete box culverts. Because there was a constant trickle of water flowing through the channel, the channel became a breeding ground for insects and unwanted weed growth. Consequently, the channel became both a public health and maintenance issue.

In 1974, the City embarked on an effort to reconstruct the channel into a more natural, aesthetically pleasing creek-like streambed. The City removed the concrete-lined channel and constructed a minimal flow natural appearing creek that meanders throughout the park. The creek was lined by grass turf and decorative boulders to produce a more aesthetically pleasing and natural looking drainage channel. No additional improvements have been made to the streambed since then. However, currently this component has limited to no appeal, yet has great potential if restored.

The sole purpose of the streambed is to act as a drainage channel to effectively move storm water runoff away from developed areas and into the Los Angeles River. At this time, because portions of the streambed are still lined with concrete during periods of heavy rain the streambed overflows and the interior core section of the park often floods. Furthermore, the majority of the storm water runoff is diverted into the Los Angeles River and a limited amount of water is absorbed back into the water table. In order to further eliminate standing water and to improve ground water percolation, additional improvements need to be made to the streambed.

Given advancements in technology, drainage channels can now be designed in a way that integrates a natural treatment of urban storm water runoff. It is hoped that the revitalization of the drainage channel/streambed will improve ground water percolation along with increasing public awareness of the City’s sustainable efforts, and providing
an amenity that is better aligned with natural aesthetics and function.

PUBLIC ACCESS
To improve public access to the park, staff is proposing to renovate the park’s decomposed granite service road which was installed in 1974. The service road serves two purposes; as an outdoor fitness track and as an access point for Park Services staff to maintain the interior core sections of the park.

Staff recommends the renovation of the service road in conjunction with the integration of outdoor exercise equipment features along the pathway which comply with the Americans with Disabilities Act (ADA). This will not only make the road and equipment compliant with new regulations but this will also enhance the public’s accessibility to the existing outdoor fitness equipment that is adjacent to the service road.

Also, the children’s play area will be looked at with the goal of providing new play structures that are completely ADA accessible.

Additionally, the vehicular ingress to the parking lot is via a driveway that traverses through Providence High School; egress from the park is adjacent to the rear of the hospital. The proposed design efforts will examine the possibility to add an on-site ingress road in close proximity to the current egress drive. This will provide greater vehicular circulation that would not be dependent on travel through the high school campus.

Furthermore, as part of this Project staff would also like to revitalize the two existing wooden pedestrian/vehicular bridges which cross the streambed. The bridges were installed in the early 1950’s to improve pedestrian access to the eastern and western potions of the park which were divided by the installation of the drainage channel. If warranted through a structural assessment, staff would like to renovate both of the bridges to improve the overall safety of this unique amenity.

COMMUNITY & REGIONAL RECREATION USES
Johnny Carson Park is located in the heart of Burbank’s Media District and offers a wide array of recreational amenities for Burbank residents and neighboring communities to utilize. Johnny Carson Park is one of the City’s most utilized parks and accommodates a variety of community and regional events throughout the year, and taking into consideration the existing uses, staff would like to further enhance its recreational amenities.

The redesign proposes to replace the Tonight Show Playground structure which is extensively utilized by large permitted picnic groups and the general public. The structure has exceeded its useful life. The new playground will be designed to comply with ADA and Certified Playground Safety Guideline requirements.

Also proposed is the redesign of the large decomposed granite “plaza” that is adjacent to the playground and restroom facility, to better identify and expand the picnic area.
The functionality of the existing picnic area is limited because the space is located several yards away from the playground area.

In addition, staff will be evaluating the use and need of the exiting stage. The concrete stage was constructed in 2003 to provide an elevated area to facilitate a variety of events. The stage area has been utilized both by the PRCS Department and various other community organizations; however, the size and location of the stage has limited its functionality. Staff believes that if the stage was redesigned and expanded the overall functionality of the stage would be enhanced, and could accommodate more regional and larger community events.