



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

SEPTEMBER 27, 2010

SUMMER READING PROGRAM AWARDS – 6:30 PM

REGULAR MEETING – 7:30 PM

**COUNCIL CHAMBERS
3575 PACIFIC AVENUE
LIVERMORE, CA 94550**

Regular City Council meetings are broadcast live on Channel 29 and videotaped for local television and for replay. For a schedule of City Council meeting replay airtimes or to access videos of previous meetings, log onto www.tri-valleytv.org. City Council meetings are also streamed live on the web at www.tri-valleytv.org/live-tv29.html.

HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

You can participate in the meeting in a number of ways:

Speaker Cards - If you wish to address the Council, you must complete a speaker card for each item about which you want to speak. The speaker card box is located in the Council Chambers lobby, on the table directly below the staff reports. Place your speaker card in this box behind the tab that corresponds to the agenda item number. Staff will collect the cards for each item immediately before the item is to be considered and gives the speaker cards to the Mayor. The Mayor will call speakers to the public lectern. No cards will be accepted once the presentation on that item has commenced.

Citizens Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of three minutes per person. The Mayor may reduce the amount of time based on the number of persons wishing to speak. You should be aware that the City Council is

prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by questions from the City Council and a presentation by the applicant. The Mayor will then open the hearing to the public and offer an opportunity for public comments. You may take a maximum of three minutes to make your comments.

Other Agenda Items are also open for public input including *Consent Calendar or Matters for Consideration* items. These comments are also subject to the three minute limit.

Written Materials may be submitted by the public. If you wish your materials to be sent to the City Council prior to the City Council meeting, they must be submitted to the City Clerk's Office no later than noon on the Tuesday prior to the Monday meeting. Those items will be copied and sent to the City Council with the agenda packet. Materials submitted after noon on Tuesday will be copied and given to the City Council the night of the meeting; however, it is unlikely that the City Council will be able to read the materials before the start of the meeting. Therefore, it is suggested that you give a verbal summary of your materials at the meeting.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on the Thursday evening prior to the City Council meeting in all City libraries and at the City Clerk's Office. Copies may be obtained from the Clerk's Office and in the City Council Chambers lobby prior to the meeting. The Agenda is also available on the City's website, <http://www.ci.livermore.ca.us>.

Under Government Code §54957.5, any **supplemental material** distributed to the members of the City Council/Redevelopment Agency after the posting of this agenda will be available for public review in the City Clerk's Office, 1052 South Livermore Avenue, Livermore, and on the City's web site <http://www.ci.livermore.ca.us>.

If supplemental materials are made available to the members of the City Council/Redevelopment Agency at the meeting, a copy will be available for public review at the Council Chambers, 3575 Pacific Avenue, Livermore.

Pursuant to Title II of the Americans With Disabilities Act (Codified at 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, the City of Livermore does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or ACTIVITIES. to arrange an accommodation in order to participate in this public meeting, please call (925) 960-4590 (voice) or (925) 960-4104 (tdd) at least 72 hours in advance of the meeting.

SUMMER READING PROGRAM AWARDS CEREMONY 6:30 PM

REGULAR MEETING

- 1. CALL TO ORDER** 7:30 PM
- 1.01 Roll Call Councilmember/Agencymember Marj Leider
Councilmember/Agencymember John Marchand
Councilmember/Agencymember Jeff Williams
Vice Mayor/Vice Chairperson Doug Horner
Mayor/Chairperson Marshall Kamena
- 1.02 Pledge of Allegiance
- 2. PROCLAMATIONS AND PRESENTATIONS**
- 2.01 Update on the PG&E Pipeline by Fire Chief Jim Miguel, Livermore- [Document](#)
Pleasanton Fire Department.
- 3. CITIZENS FORUM**
 - *In conformance with the Brown Act, no City Council/Redevelopment Agency action can occur on items presented during Citizens Forum.*
 - *Please complete a speaker card. When the Mayor calls your name, walk to the lectern to address the City Council.*
 - *Speakers are limited to a maximum of three minutes per person. The Mayor may reduce the amount of time based on*

the number of persons wishing to speak.

- *Citizens Forum will conclude after 30 minutes; however, if there are additional speakers, Citizens Forum will reconvene at 9:30 pm, or following the Public Hearings, whichever occurs first.*

4. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council/Redevelopment Agency with a single action. Members of the audience wishing to provide public input must complete a speaker card.

- 4.01 Approval of Minutes – September 13, 2010 City [Draft Minutes](#)
- 4.02 Adoption on second reading of an ordinance adopting the required [Ordinance](#) findings for and approving Development Code Amendment 10-002 to retain Fire Department and Community Development Department review, permitting, and inspections of businesses with hazardous materials uses, and removing the additional requirement for a Conditional Use Permit.
- 4.03 Resolution authorizing execution of an agreement with Ghilotti [Staff Report](#) Construction Company, in the amount of \$2,002,484 plus 10 percent contingencies, for the construction of the Annual Sewer Replacement 2009-10, Project No. 2009-03, Sanitary Sewer Mainline Bottlenecks, Project No. 1998-74, and Bear Creek Storm Drain (Phase II), Project No. 2006-48; appropriation of \$173,420 in Sanitary Sewer Construction and Expansion Funds from Fiscal Year 2011-12 to Fiscal Year 2010-11 for the Sanitary Sewer Mainline Bottlenecks; and appropriation of \$50,000 in unbudgeted Storm Water User Funds in Fiscal Year 2010-11 to the Bear Creek Storm Drain Protection (Phase II).
- 4.04 Resolution authorizing execution of an agreement with Top Grade [Staff Report](#) Construction, Inc., in the amount of \$463,525 plus 10 percent contingencies, for construction of the Trail Improvements, Segments H-2 (Marina Avenue) and F (Wente Street), Project No. 2007-15.
- 4.05 Resolution authorizing execution of an agreement with Livermore- [Staff Report](#) Amador Valley Transit Authority (LAVTA) for the design, project administration, and construction of the Civic Center Bus Stop and Driveway, Project No. 2010-38.
- 4.06 Resolution authorizing the appropriation of \$6,460 in unspent [Staff](#)

Measure B Bike/Pedestrian Path funds, and \$659,300 in unspent [Report](#) California River Parkways State Proposition 50 Grant funds from Fiscal Year 2009-10 to Fiscal Year 2010-11 for the Livermore to Pleasanton Arroyo Trail Segment T14, Project No. 2006-47.

- 4.07 Resolution authorizing submission of applications for Surface [Staff](#) Transportation Program and Congestion Mitigation and Air Quality [Report](#) grant funding through Alameda County Transportation Commission's Block Grant Program, in the amount of \$2,676,000, for the 2010 Surface Transportation Program Arterial Street Rehabilitation Project and construction of the Iron Horse Trail from the Downtown Transit Center to K Street; committing the necessary non-federal match funding; authorizing inclusion of the project in the 2010-12 Capital Improvement Program budget; and assuring project completion.
- 4.08 Resolution authorizing the extension of funding requests by [Staff](#) Housing and Human Services grant sub-recipients; appropriating [Report](#) unspent Community Development Block Grant (CDBG) funds and HOME Investment Partnership funds from Fiscal Year 2009-10 to Fiscal Year 2010-11; and appropriating unspent housing program funds to Fiscal Year 2010-11.
- 4.09 Resolution supporting the City's involvement in the Association of [Staff](#) Bay Area Government's (ABAG) FOCUS Program, and authorizing [Report](#) submission of an application to ABAG to designate the Vasco Road BART Station Area as a priority development area.
- 4.10 Resolution authorizing execution of a Master Property Agreement [Staff](#) with the Livermore Area Recreation and Park District. [Report](#)
- 4.11 Resolution accepting the Altamont Landfill Open Space [Staff](#) Committee's recommendation and authorizing the Tri-Valley [Report](#) Conservancy's grant request in the amount of \$300,000 for the acquisition of approximately 74 acres off Arroyo Road. (APN 099-0500-002-04 and 099-0500-002-05)
- 4.12 Introduction of ordinances amending Municipal Code Chapter [Staff](#) 11.08 and Chapter 2.41 to change the title from Airport Advisory [Report](#) Commission to Airport Commission and change the composition of the Airport Commission, and amending Section 2.72.070 to extend signing authority of certain Airport property leases.

Resolution amending the Airport Advisory Commission Rules of Procedure.

- 4.13 Introduction of an ordinance amending the Municipal Code, [Staff](#) Chapter 2.40 Advisory Bodies, to change the membership on the [Report](#) Beautification Committee, Commission for the Arts, Environment and Energy Committee, and Human Services Commission and to sunset the Golf Course Greens Committee.

Resolution updating the Advisory Bodies Rules of Procedures and adopting a schedule for realigning term expirations for the Human Services Commission.

- 4.14 Redevelopment Agency resolution determining that the planning [Staff](#) and administration expenses funded in Fiscal Year 2009-10 by the [Report](#) Housing Reserve fund, in the amount of \$518,950, are necessary for the production, improvement, and preservation of affordable housing for low and moderate income households.
- 4.15 Redevelopment Agency resolution authorizing execution of a grant [Staff](#) agreement with Livermore Downtown Inc., in the amount of [Report](#) \$75,000, for Fiscal Year 2010-11 operating expenses.

5. PUBLIC HEARINGS

- 5.01 Hearing to consider an appeal of the decision by the Planning [Staff](#) Commission to conditionally approve Conditional Use Permit [Report](#) Modification 10-002 for a new Denny's Café restaurant with approximately 107 seats in a 3,618± square foot space in an existing building.

Location: 2259-2265 Las Positas Road

Appellant: Wassim Suliman

On-site and off-site public improvements: Street improvements on Las Positas Road and North Livermore Avenue

Site Area: 70,200± square feet

Zoning: Planned Development-Commercial 01-018

General Plan: Community Serving General Commercial

Historic Status: None

CEQA: This project is Categorical Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301

Application Number: Appeal 10-002

Recommendation: Staff recommends the City Council adopt a resolution denying Appeal 10-002 and affirming the Planning Commission's decision to approve Conditional Use Permit Modification 10-002.

- 5.02 Hearing to consider a request by Livermore Area Recreation and [Staff Report](#) Park District for an Out-of-Area Service Agreement to provide sanitary sewer service beyond the City boundary to Sycamore Grove Park to service a Ranger/Visitor Station. (Continued from 7/12/2010)

Location: Sycamore Grove Park (Assessor's Parcel Number 99-500-1-8) in unincorporated Alameda County adjacent to the City boundary and south of Wetmore Road

Applicant: Livermore Area Recreation and Park District

On-site and off-site public improvements: Sewer line extending from Wetmore Road 300± feet into the park to a Ranger/Visitor station

Parcel Size: 360± acres

Zoning: Alameda County Zoning is Agriculture with Cultivated Agriculture overlay (A-CA)

General Plan: Parks, Trail Ways, Recreation Corridors, and Protected Areas (OSP)

Historic Status: None

CEQA: A Negative Declaration under the provisions of the California Environmental Quality Act will be considered.

Application Number: Out-of-Area Service Agreement 09-001

Recommendation: Staff recommends the City Council adopt a resolution authorizing execution of an Out-of-Area Service Agreement with the Livermore Area Recreation and Park District.

- 5.03 Hearing to consider Municipal Code amendments adding Chapter [Staff Report](#) 8.20 Disposable Food Service Ware, Sections 8.20.010 to 8.20.070. The proposed ordinance bans the use of expanded polystyrene foodservice ware by Livermore food vendors. A Negative Declaration under the provisions of the California Environmental Quality Act (CEQA) will be considered.

Recommendation: Staff recommends the City Council introduce an ordinance and adopt a resolution certifying the environmental document.

- 5.04 Hearing to approve the sale of 318 South Livermore Avenue, Unit [Staff Report](#) #112 and enter into a Purchase and Sale Agreement with Nathan Westphal, and to extend first mortgage financing to the buyer. (Continued from 9/13/2010)

Recommendation: Staff recommends this item be continued to a date uncertain.

6. MATTERS FOR CONSIDERATION

6.01 Discussion and direction regarding City Council appointments to [Document](#) Intergovernmental Agencies.

6.02 Discussion and direction regarding the Fiscal Year 2010-11 budget [Staff Report](#) amendments and proposed service reductions.

Recommendation: Staff recommends the City Council provide direction.

6.03 Discussion and direction regarding the operating agreement with [Staff Report](#) the East Bay Regional Communications System Authority (EBRCSA).

Recommendation: Staff recommends the City Council adopt a resolution authorizing the appropriation and expenditure, in the amount of \$624,365, of the 2008 Certificate of Participation proceeds to pay upfront the City's share of the capital infrastructure to participate in the EBRCSA's public safety radio system, and authorizing the City Manager to negotiate and execute an operating agreement with the EBRCSA for radio service on the EBRCSA system in an amount not to exceed a monthly rate of \$30 per radio.

6.04 Discussion and direction regarding pending State or Federal [Document](#) legislation.

Note: Bills affecting local government operations may be discussed if they were introduced or amended after posting of the Agenda.

7. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS

7.01 Council Committee Reports and Matters Initiated by City Manager, [Document](#) City Attorney, Staff, and Councilmembers.

8. **ADJOURNMENT** – To a regular City Council/Redevelopment Agency meeting on October 11, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

Supplemental Materials

[Document](#)