



**CITY COUNCIL  
AND  
REDEVELOPMENT AGENCY  
AGENDA**

MARCH 22, 2010

**REVISED AGENDA**

**Item 4.02 Amending title of Ordinance as introduced to reflect references to the new Development Code.**

CLOSED SESSION - 6:30 PM

REGULAR MEETING - 7:00 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.tv30.org](http://www.tv30.org).

**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.

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COUNCIL CHAMBERS  
3575 PACIFIC AVENUE  
LIVERMORE, CA 94550

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**CLOSED SESSION**

CALL TO ORDER                      6:30 PM

Roll Call                              Councilmember/Agencymember Marj Leider  
                                                 Councilmember/Agencymember John Marchand  
                                                 Councilmember/Agencymember Jeff Williams  
                                                 Vice Mayor/Vice Chairperson Doug Horner  
                                                 Mayor/Chairperson Marshall Kamena

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL  
REGARDING CLOSED SESSION ITEMS**

**ADJOURN TO CLOSED SESSION**

## City Council

1. Litigation/Conference with Legal Counsel. To meet with the City Attorney regarding existing litigation pursuant to Government Code Section 54956.9(a). Discussion in open session would prejudice the position of the City in litigation. Four cases.
  - a. City of Industry and City of Livermore v. City of Fillmore; MTS Consulting, LLC; Owens & Minor, Inc.; Inspired Development, LLC  
Los Angeles County Superior Court Case No. BC411865.
  - b. City of Fillmore v. California State Board of Equalization;  
City of Industry and City of Livermore v. City of Fillmore and California State Board of Equalization  
Los Angeles County Superior Court Case No. BS120799
  - c. California State Board of Equalization Appeal  
Account No. SRZ OHB 097-955387, Appeals Case ID: 468939  
Taxpayer: Owens & Minor Distribution
  - d. California State Board of Equalization Appeal  
Account No. SR Y CH 21-682885  
Taxpayer: Vanstar Corporation

**Redevelopment Agency** – None.

**Note:** This Closed Session may be continued to the end of the Regular Meeting.

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## REGULAR MEETING

1. CALL TO ORDER 7:00 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
- 1.03 Report of Action Taken in Closed Session
2. **PROCLAMATIONS AND PRESENTATIONS** – None.
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 – March 8, 2010 City Council/Redevelopment Agency meeting. [Draft Minutes](#)

#### **City Council**

- 4.02 Adoption on second reading of an ordinance amending the Affordable Housing Sections of the Development Code and the Municipal Code to temporarily suspend the prerequisite that a subdivider obtain prior City Council approval before satisfying the inclusionary requirement through alternative means, to clarify that the primary inclusionary requirement for residential rental housing projects is the dedication of reserved units to the City or an approved non-profit housing group. (03-08-2010) [Staff Report](#)
- 4.03 Resolutions authorizing execution of three summary vacation deeds, a quitclaim deed transferring title of excess easements and right-of-way for a ten foot wide pedestrian walkway, and all related documents. Location: 889 & 925 Del Norte Drive [Staff Report](#)
- 4.04 Resolution accepting for permanent maintenance and release of security for Parcel Map 9350. Location: Independence Drive, north of North Canyons Parkway [Staff Report](#)

- 4.05 Resolution authorizing submission of an application to the Metropolitan [Staff Report](#) Transportation Commission for approximately \$1,400,000 in federal funding from the Jobs for Main Street Act of 2010 and stating assurance of project completion for the 2010 Major Streets Rehabilitation, Project No. 2010-31.
- 4.06 Resolution authorizing execution of Amendment No. 3 to the agreement [Staff Report](#) with FloraTech Landscape Management, Inc., in an annual amount not to exceed \$686,033, to provide routine landscape maintenance services to City maintained areas.
- 4.07 Resolution approving and adopting a reimbursement policy regarding [Staff Report](#) expense reimbursement for elected and appointed officials conforming to Assembly Bill 1234.
- 4.08 Resolution establishing a policy regarding distribution of tickets and [Staff Report](#) passes to City officials, and acceptance and distribution of other gifts to the City.
- 4.09 Resolution authorizing the issuance of a purchase order with Konica [Staff Report](#) Minolta Business Solutions, in an annual amount not to exceed \$54,000, for replacement reprographics equipment.
- 4.10 Confirmation of appointment of Gary Drummond as City Historian, to a [Staff Report](#) regular term ending February 1, 2012.

**Redevelopment Agency** – None.

## **5. PUBLIC HEARINGS**

### **City Council**

- 5.01A Resolution establishing Airport Operational and Development Policies. [Staff Report](#)

The proposed policies would include:

1. Assurance future development at the Airport would only be approved by Council in response to existing demand.
2. No action would be taken to encourage a major air cargo service coming to Livermore.
3. The City does not intend to extend the existing runways.
4. The City would continue to aggressively foster the reduction of airport noise consistent with Federal law, and in cooperation with other Tri-Valley cities.
5. The City would operate the airport as a self-sustaining

enterprise.

**Recommendation:** Staff recommends the City Council adopt a resolution establishing policies that guide the Airport Advisory Commission and staff in operational and development activities at the airport.

- 5.01B Resolution rescinding the 1975 Airport Master Plan for the Livermore [Staff Report](#) Municipal Airport.

**Recommendation:** Staff recommends the City Council adopt the resolution.

### **Second General Plan Amendment Cycle of 2010**

- 5.01C Hearing to consider the proposed Livermore Municipal Airport General [Staff Report](#) Plan Amendment and Rezoning Project and Response to Comments/Final Environmental Impact Report. The proposed project includes rezoning 403±-acre portion of the Municipal Airport to the proposed Airport (AIR) Zoning District. The AIR District consists of two zoning subdistricts: 1) the Airport Operations (AIR-OP) Zoning Subdistrict and 2) the Airport Service (AIR-SE) Zoning Subdistrict. The purpose of the AIR-OP Zoning Subdistrict is to provide standards for Airport operations facilities and to allow for the development of aviation land uses and related facilities that are necessary for the safe and efficient operation of the Airport, such as runways, taxiways, run-up aprons, airfield lighting, signage, and similar uses. The purpose of the AIR-SE Zoning Subdistrict is to provide standards for Airport support facilities and to allow for the development of aviation-related land uses and associated facilities to support Airport operations, such as access taxilanes, aircraft hangars, aircraft manufacturing and research uses, aircraft sales, ancillary support services, and similar uses. The General Plan will be amended to delete references to the 1975 Airport Master Plan proposed to be rescinded and to acknowledge revised estimates of annual aircraft operations and the proposed number of stored/parked aircraft at the Airport. A Response to Comments/Final Environmental Impact Report

(EIR) has been completed which provides responses to comments received on the Draft Environmental Impact Report (EIR) and Draft EIR text revisions.

Location: The project site generally bounded by Club House Drive and Airway Boulevard on the north; Stealth Street and the Water Reclamation Plant on the east; the Water Reclamation Plant and West Jack London Boulevard on the south; and parcels bordering El Charro Road on the west.

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: 403± acres

Zoning: Education and Institutions (E) and Planned Development (PD)

General Plan: Community Facilities - Airport

Historic Status: None

CEQA: A Final Environmental Impact Report under the provisions of the California Environmental Quality Act (CEQA) will be considered. State Clearinghouse Number 2008102103.

Application Numbers: General Plan Amendment 09-001, General Zoning Code Text Amendment 08-383, and General Zoning Code Map Amendment 08-591

**Recommendation:** The Planning Commission and staff recommend the City Council:

1. adopt a resolution certifying the Final Environmental Impact Report for the Livermore Municipal Airport General Plan Amendment and Rezoning Project;
2. adopt a resolution approving General Plan Amendment 09-001;
3. introduce an ordinance amending the Livermore Development Code, adding Section 3.03.180 – Airport



District, adding Section 4.06.265 – Signs, and amending Part 11 – Definitions; and

4. introduce an ordinance amending the Zoning District Map – Livermore Municipal Airport Rezoning (Development Code Map Amendment 08-591).

- 5.01D Hearing to consider amendments to Sections 11.08 and 2.41.020 of the [Staff Report](#) Livermore Municipal Code regarding Airport Rules and Regulations and Airport Advisory Commission Duties and Responsibilities to remove references to the Airport Master Plan and to conduct appeal hearings.

**Recommendation:** The Airport Advisory Commission and staff recommend the City Council introduce the ordinances and adopt a resolution amending the Airport Advisory Commission Rules of Procedure.

- 5.02 Hearing to consider an amendment to the 2008-2010 Housing [Staff Report](#) Implementation Program (HIP) to allow a second 12-month extension of HIP approval and modifications to projects to avoid demonstrated environmental and safety concerns, and grant a second 12-month extension for the submission of a completed application for entitlements for Housing Implementation Program 08-001.

Location: Citywide

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: Various

Zoning: Various

General Plan: Various

Historic Status: None

CEQA: A previous environmental document, the 2003-2025 General Plan Environmental Impact Report (SCH 2003032038), adequately addresses this project.

Application Number: Policy Proposal 10-001

**Recommendation:** The Planning Commission and staff recommend the City Council adopt resolutions amending the 2008-2010 Housing Implementation Program, and granting a 12-month extension for Housing Implementation Program 08-001, the Scenic Avenue project.

**Redevelopment Agency** – None.

## 6. MATTERS FOR CONSIDERATION

## City Council

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

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

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

**Redevelopment Agency – None.**

## **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, City [Document](#) Attorney, Staff, and Councilmembers.

**8. ADJOURNMENT** – To a regular City Council/Redevelopment Agency meeting on April 12, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MEMO

[Document](#)