



**CITY COUNCIL  
AND  
REDEVELOPMENT AGENCY  
AGENDA**

APRIL 12, 2010

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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## 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

### 2. PROCLAMATIONS AND PRESENTATIONS

- 2.01 Proclamation declaring April 17, 2010 as Earth Day.

[Document](#)

### 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 22, 2010 City [Draft Minutes](#)  
Council/Redevelopment Agency meeting.

## City Council

- 4.02 Adoption on second reading of 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 (Development Code Text Amendment 08-383). (3-22-2010) [Ordinance](#)
- 4.03 Adoption on second reading of an ordinance amending the Zoning District Map – Livermore Municipal Airport Rezoning (Development Code Map Amendment 08-591). (3-22-2010) [Ordinance](#)
- 4.04 Adoption on second reading of an ordinance amending Municipal Code Title 11, Airport, by amending Chapter 11.08, Airport Rules and Regulations. (3-22-2010) [Ordinance](#)
- 4.05 Adoption on second reading of an ordinance amending Municipal Code Section 2.41.020, Duties and Responsibilities, of Chapter 2.41, Airport Advisory Commission. (3-22-2010) [Ordinance](#)
- 4.06 Resolution approving the Altamont Settlement Agreement Education Advisory Board's Expenditure Plan, in the amount of \$640,000, for Fiscal Year 2010-2011. [Staff Report](#)
- 4.07 Resolution authorizing execution of an agreement with Wilsey Ham, in an amount not to exceed \$500,000 over a two-year period, for on-call survey, drafting, and civil engineering services. [Staff Report](#)
- 4.08 Resolutions authorizing execution of an agreement with Teichert Construction, in the amount of \$401,461.19 plus 10 percent contingency, for construction of the Arterial Street Rehabilitation (North Vasco Road), Project No. 2009-23; and authorizing the appropriation of Waste Management Impact Fee funds, in the amount of \$120,000, for Fiscal Year 2009-2010. [Staff Report](#)
- 4.09 Resolution accepting for permanent maintenance and releasing security for the Downtown Pedestrian Transit Center Connection, Project No. 583015, Federal Project No. CML-5053(016). [Staff Report](#)
- 4.10 Resolution authorizing execution of an agreement with C. Overaa & Co., in the amount of \$1,567,000, for construction of the Water Reclamation Plant Gravity Belt Thickeners, Project No. 1998-49. [Staff Report](#)
- 4.11 Resolution authorizing the reallocation of Proposition 1B Funds to the 2010 Street Resurfacing, Project No. 2010-01 in Fiscal Year 2010-2011, and the East Vineyard Avenue Realignment and Signalization, Project No. 1996-60 in Fiscal Year 2009-2010, and approval of the revised Proposition 1B funding proposals. [Staff Report](#)
- 4.12 Introduction of an ordinance amending Municipal Code Section 12.50.010 – Public Art Enrichment Allocation, designating the allowed use of public art funds generated by City public works projects. [Staff Report](#)

- 4.13 Resolution authorizing appropriation of Housing & Human Services [Staff Report](#), HOME Investment Partnership Program Funds, Social Opportunity Endowment Funds, supplemental appropriation and allocation of In-Lieu Housing Funds for Fiscal Year 2010-2011, and reappropriation of Fiscal Year 2008-2009 Community Development Block Grant Recovery funds, and execution of all related documents.

**Redevelopment Agency** – None.

## 5. PUBLIC HEARINGS

### City Council

- 5.01 Hearing to receive protests related to the annual weed abatement program and to order abatement of public nuisances. [Staff Report](#)

**Recommendation:** Staff recommends the City Council adopt a resolution overruling protests and ordering the abatement of public nuisances.

- 5.02 Hearing to consider the formation of Maintenance District No. LL-860 for Tract 7428. Location: West side of North Vasco Road, south of the intersection of Lobelia Way and Orchid Street [Staff Report](#)

**Recommendation:** Staff recommends the City Clerk tabulate the ballots and announce the results. If a majority of ballots are in favor of forming the Maintenance District, staff recommends the City Council adopt a resolution approving the amended Engineer's Report, ordering district formation, and confirming the levy of assessments for Fiscal Year 2010-2011; and adopt a resolution appropriating \$2,041.66 from the General Fund to Landscape Maintenance District LL-860 in Fiscal Year 2010-2011.

**Redevelopment Agency** – None.

## 6. MATTERS FOR CONSIDERATION

### City Council

- 6.01 Discussion and direction regarding City Council appointments to Intergovernmental Agencies. [Document](#)
- 6.02 Discussion and direction regarding the installation of a mural at 2369 First Street (the Old Firehouse building). [Staff Report](#)

**Recommendation:** The Commission for the Arts and staff recommend the City Council adopt a resolution approving the design of the mural; authorizing execution of an agreement with lead artist Vera Lowdermilk in the amount of \$10,000; and authorizing execution of a Public Art Easement (mural program) with the property owners for a term of ten years.

- 6.03 Discussion and direction regarding the formation of a non-profit corporation as identified in the Cultural Arts Master Plan, *Arts Alive!* [Staff Report](#)

**Recommendation:** Staff recommends the City Council direct staff to prepare formation documentation and proposed structure for the non-profit corporation.

- 6.04 Discussion and direction regarding the use of expanded polystyrene foodservice ware by restaurants and fast food establishments in Livermore. [Staff Report](#)

**Recommendation:** Staff recommendeds the City Council provide direction on a preferred option with implementation details and ordinance language for final City Council approval.

- 6.05 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 Attorney, Staff, and Councilmembers. [Document](#)

**8. ADJOURNMENT** – To a regular City Council/Redevelopment Agency meeting on April 26, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.