



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

JUNE 28, 2010

CLOSED SESSION - 6:00 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.

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.

CLOSED SESSION

CALL TO ORDER 6:00 PM

Roll Call Councilmember Marj Leider
 Councilmember John Marchand
 Councilmember Jeff Williams
 Vice Mayor Doug Horner
 Mayor 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 pursuant to Government Code § 54956.9(b)(3)(C). The City has received a claim under the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation: Department of Fair Employment and Housing Case No. E200910M1027-01-asc.
2. Conference with Labor Negotiator. To meet with Troy Brown, Holly Brock-Cohn, and Marc Roberts, the City's negotiators pursuant to Government Code section 54957.6, regarding negotiations with the International Association of Fire Fighters, Municipal Employees' Agency for Negotiations, Livermore Management Group, Livermore Police Management Unit, and Livermore Police Officers Association.

Redevelopment Agency – None.

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

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 – June 14, 2010 City Council/Redevelopment Agency meeting. [Draft Minutes](#)

City Council

- 4.02 Adoption on second reading of an ordinance amending Municipal [Staff](#) Code Chapter 8.08, Solid Waste Management, and Chapter 15.28, [Report](#) Construction and Demolition Debris, to amend definitions and to clarify the provisions of unlawful collection. (06-14-10)
- 4.03 Adoption on second reading of an ordinance amending Municipal [Staff](#) Code Chapter 12.08, Encroachments, to clarify definitions, [Report](#) locations and permit procedures for seasonal displays. (06-14-10)
- 4.04 Adoption on second reading of an ordinance amending Municipal [Staff](#) Code Chapter 12.45, Use of Public Property and Public Right of [Report](#) Way, to amend and clarify definitions and permitting procedures for special events, and to assign permit issuing authority for special events to the Community Development Director. (06-14-10)
- 4.05 Introduction of an ordinance to allow reinsertion of text from the [Staff](#) previous Livermore Planning and Zoning Code which was [Report](#) inadvertently omitted from the recently adopted Development Code. The following sections will be inserted into the Development Code with no modifications: previous section 3-05-300 (Grading Activities) will be inserted into section 4.02.080, previous section 3-05-310 (Public Utility Undergrounding) will be inserted into section 4.02.090 and previous section 2-01-050 (Change of Zoning Designation) will be inserted into section 9.14.030.A.1.b.
- 4.06 Resolution authorizing execution of a two year contract renewal [Staff](#) with Motorola, Inc., in an amount not to exceed \$296,000, to [Report](#) provide software and hardware support for the City's public safety computer aided dispatch/records management software and related systems.
- 4.07 Resolution adopting the Public Agency Retirement Services [Staff](#) (PARS) Post-Retirement Health Care Plan §115 Trust to prefund [Report](#) other post employment benefits, and designate the Administrative Services Director as the City's Plan Administrator.
- 4.08 Resolution amending Resolution No. 72-79 for the Classified and [Staff](#) Unclassified Employees of the City of Livermore to add the job [Report](#) classification title of Senior Management Analyst to the Management Salary Schedule.
- 4.09 Resolution amending the City's Conflict of Interest Code to add the [Staff](#) title of Senior Management Analyst. [Report](#)
- 4.10 Resolution authorizing execution of a five year Microsoft Software [Staff](#) Licensing Enterprise Agreement with CompuCom Systems, Inc., in [Report](#)

an amount not to exceed \$525,000, for Microsoft software product licenses.

- 4.11 Resolution authorizing execution of an agreement with American [Staff](#) Asphalt Repair and Resurfacing Company, Inc., in the amount of [Report](#) \$575,987, for construction of the 2010 Slurry Seal, Project No. 2010-04.
- 4.12 Resolution accepting for permanent maintenance and releasing [Staff](#) security for the Filter Improvements, Project No. 1998-51. [Report](#)
- 4.13 Resolution accepting for permanent maintenance and releasing [Staff](#) security for the First Street, Holmes Street, Vallecitos Road [Report](#) Rehabilitation, City Project No. 2004-40.
- 4.14 Resolution authorizing 30% of the Traffic Impact Fees collected [Staff](#) during Fiscal Year 2009-2010 be set aside for reimbursement [Report](#) purposes in Fiscal Year 2010-2011.
- 4.15 Resolution authorizing appropriation of \$5,000 in grant funds from [Staff](#) the Livermore Rotary Foundation for the Dental Care Subsidy [Report](#) program.
- 4.16 Resolution authorizing renewal of the agreement with Jordan and [Staff](#) Associates, Inc. for an additional one year term, in the amount of [Report](#) \$30,000, for federal advocacy services for the City of Livermore.
- 4.17 Resolution authorizing renewal of the agreement with Jordan and [Staff](#) Associates, Inc. for an additional one year term, in an amount not [Report](#) to exceed \$19,800, to provide joint federal advocacy services for the Tri-Valley cities of Danville, San Ramon, Dublin, Livermore, and Pleasanton.
- 4.18 Resolution approving settlement and authorizing the City Attorney [Staff](#) to negotiate and execute a settlement agreement in Johnson v. [Report](#) City of Livermore, Alameda County Superior Court Case No. VG08424476.
- 4.19 Resolution of intention to levy and collect annual assessments for [Staff](#) the Landscape Maintenance Districts for Fiscal Year 2010-2011, [Report](#) directing the filing of the Engineer's Report, and establishing a public hearing date of July 12, 2010 for the levy of assessments.

City Council/Redevelopment Agency

- 4.20 Resolutions approving deferment of the Traffic Impact Fee [Staff](#) Exemption Loan between the City and the Redevelopment Agency [Report](#) for the Maroon Bear and ValleyCare projects.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider confirmation of assessments for the 2009-2010 [Staff](#) Sidewalk Repair Program, Project No. 2010-02 [Report](#)

Recommendation: Staff recommends the City Council adopt a resolution overruling protests and confirming the placement of the assessments for sidewalk repair that are unpaid as of July 6, 2010 on the Alameda County tax roll.

Redevelopment Agency – None.

6. MATTERS FOR CONSIDERATION

City Council

- 6.01 Discussion and direction regarding City Council appointments to [Document](#) Intergovernmental Agencies.
- 6.02 Appointment of Councilmembers to the City Council Subcommittee [Staff](#) to conduct Advisory Body interviews from July 1 through [Report](#) December 31, 2010, including the Livermore Area Youth Advisory Commission.
- 6.03 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.

Redevelopment Agency

- 6.04 Discussion and direction regarding amendments to the Downtown [Staff](#) Economic Incentive Program. [Report](#)

Recommendation: Staff recommends the City Council adopt a resolution amending the Downtown Economic Incentives Program to suspend the Tenant Assistance Program and modify the Façade Improvements/Design Consultation program regulations and

funding allocations.

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 July 12, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.