



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

JULY 26, 2010

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.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.

CLOSED SESSION

CALL TO ORDER 6:30 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 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.

REGULAR MEETING

1. CALL 7:00 PM
TO
ORDER

1.01 Roll Councilmember/Agencymember Marj Leider
Call 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

2.01 Proclamation recognizing July 26, 2010 as the 20th Anniversary of the [Document](#) Americans with Disabilities Act (ADA).

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 – July 12, 2010 City Council/Redevelopment Agency meeting. [Minutes](#)

City Council

- 4.02 Resolution authorizing execution of a contract extension with All-City Management Services, in the amount of \$185,000, to provide crossing guard services at 20 intersections throughout the city for the period of July 1, 2010 through June 30, 2011. [Staff Report](#)

- 4.03 Resolution authorizing the appropriation and expenditure of the California Office of Traffic Safety Comprehensive Traffic Safety Grant award in the amount of \$119,000. [Staff Report](#)

- 4.04 Resolution establishing the annual For-Sale and Rental Housing Price Limits, Maximum Income Limits, and Maximum Housing In-lieu Fee for 2010. [Staff Report](#)

- 4.05 Resolution authorizing submission of an application for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond Act of 2006 in an amount not to exceed \$200,000. [Staff Report](#)

- 4.06 City Council reappointments to the Livermore Area Youth Advisory Commission: [Staff Report](#)

- Anastasia Goold, Youth Member, to a regular term ending September 1, 2012
- Kathryn Rambo, Youth Member, to a regular term ending September 1, 2012
- Collin Rodgers, Youth Member, to a regular term ending September 1, 2012

City Council/Redevelopment Agency

- 4.07 Resolution of the Redevelopment Agency authorizing termination of the Disposition and Development Agreement with Ronald Witherspoon for 2047 First Street, execution of an Exclusive [Staff Report](#)

Negotiation Rights Agreement with Eden Housing for development of Redevelopment Agency owned sites located at 2047 First Street, and 2121 and 2139 Railroad Avenue.

Resolution of the City Council authorizing the application to the Alameda County Housing and Community Development Department for HOME Investment Partnership Program Funds in the amount of \$500,000 to be appropriated to the Redevelopment Agency for predevelopment and demolition costs for the Redevelopment Agency owned properties located at 2027 First Street, and 2121 and 2139 Railroad Avenue.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider an appeal of a Planning Commission decision to deny Conditional Use Permit Amendment/Design Review 08-012 for the installation of a wireless facility at Piazza Rubino. (Continued from 3/8/2010)

[Staff Report](#)

Location: 101 East Vineyard Avenue

Appellants: Verizon Wireless

On-site and off-site public improvements: None

Site Area: 6.18± acres

Zoning: Planned Development -Commercial (PD-C) 00-198

General Plan: Neighborhood Commercial (NC)

Historic Status: None

CEQA: Staff is recommending denial of the project. No CEQA review is required for project denial.

Application Number: Appeal 09-004

Recommendation: Staff recommends the City Council adopt a resolution affirming the Planning Commission's decision to deny Conditional Use Permit/Design Review 08-012 and denying Appeal 09-004 by Verizon Wireless, requesting the installation of a wireless facility at 101 East Vineyard Avenue.

Redevelopment Agency – None.

6. MATTERS FOR CONSIDERATION

City Council

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

- 6.02 Designation of a voting delegate for the September 15-17, 2010 League of California Cities Annual Conference. [Staff Report](#)
- Recommendation:** Staff recommends the City Council designate one voting delegate and up to two alternates.
- 6.03 Discussion and direction on the draft ordinance banning the use of expanded polystyrene foodservice ware by food vendors in the City of Livermore. [Staff Report](#)
- Recommendation:** Staff recommends the City Council provide direction on the draft ordinance. Staff also recommends the City Council direct staff to amend the duties of the Environment and Energy Committee to reflect assignments related to the expanded polystyrene foodservice ware ordinance.
- 6.04 Annual report on Economic Development activities. [Staff Report](#)
- Recommendation:** This report is for information only. No action is requested.
- 6.05 Introduction of an ordinance regulating video services provided by state franchise holders in accordance with the Digital Infrastructure and Video Competition Act (DIVCA). [Staff Report](#)
- Recommendation:** Staff recommends the City Council introduce the ordinance.
- 6.06 Discussion and direction on the further study of the financial impacts of and process for potential consolidation of the Livermore Area Recreation and Park District with the City of Livermore. [Staff Report](#)
- Recommendation:** Staff recommends the City Council provide direction.
- 6.07 Discussion and direction on the selection and interview process for City Advisory Bodies. [Staff Report](#)
- Recommendation:** Staff recommends the City Council provide direction.
- 6.08 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, [Document](#)
City Attorney, Staff, and Councilmembers.

8. ADJOURNMENT – The August 9, 2010 regular City Council/ Redevelopment Agency meeting is cancelled. The next regular City Council/Redevelopment Agency meeting will be held on September 13, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS

[Document](#)