



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

JANUARY 26, 2009

CLOSED SESSION – 6:00 P.M.

REGULAR MEETING – 7:00 P.M.

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

CITY COUNCIL

**Dr. Marshall H. Kamena, Mayor
John Marchand, Vice Mayor
Doug Horner, Councilmember
Marj Leider, Councilmember
Jeff Williams, Councilmember**

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 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) 960-4586/4582 (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**

CLOSED SESSION

CALL 6:00 P.M.

TO

ORDER

Roll Councilmember/Agencymember Doug Horner

Call Councilmember/Agencymember Marj Leider

Councilmember/Agencymember Jeff Williams
Vice Mayor/Vice Chairperson John Marchand
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 – Government Code Section 54956.9. 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. Six cases.
 - a. Rhodes & Jamieson, LLC, et al. v. City of Livermore
Alameda County Superior Court Case No. RG07342619
Court of Appeal, First Appellate District, Case No. A122879
 - b. El Charro Vista, LLC and SYUFY Enterprises, LLP v. City of Livermore
Alameda County Superior Court Case No. RG07342392
Court of Appeal, First Appellate District, Case No. A122929
 - c. El Charro Vista, LLC and SYUFY Enterprises, LLP v. City of Livermore
Alameda County Superior Court Case No. RG08354103
 - d. In the matter of validity of Special Taxes to be levied within and validity of Bonds to be issued for the City of Livermore Community Facilities District No. 2007-1 (El Charro)
Alameda County Superior Court Case No. VG08371120
 - e. El Charro Vista, LLC and SYUFY Enterprises, LLP v. City of Livermore
Alameda County Superior Court Case No. VG08371104
Court of Appeal, First Appellate District, Case No. A122930
 - f. City of Livermore v. Douglas M. Jamieson
Alameda County Superior Court Case No. VG08390504

City Council/Redevelopment Agency

2. Conference with Real Property Negotiator. To meet with Tom Webber, Agency negotiator, pursuant to Government Code Section 54956.8 regarding the purchase, sale, exchange, or lease of real property at 2009-2111 Railroad Avenue. The Agency negotiators may negotiate with Ed Willig. The instructions will concern price and terms of payment.

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

REGULAR MEETING

1. **CALL TO ORDER** 7:00 P.M.
- 1.01 Roll Call
Councilmember/Agencymember Doug Horner
Councilmember/Agencymember Marj Leider
Councilmember/Agencymember Jeff Williams
Vice Mayor/Vice Chairperson John Marchand
Mayor/Chairperson Marshall Kamena
- 1.02 Pledge of Allegiance
- 1.03 Report of Action Taken in Closed Session

2. PROCLAMATIONS AND PRESENTATIONS

2.01 Administration of Oath of Office

[Document](#)

Commission for the Arts

Len Alexander to a regular term ending January 1, 2013

Phillip Dean to a regular term ending January 1, 2013

Sally Dunlop to a regular term ending January 1, 2013

Altamont Landfill Committee Education Account Advisory Board

Stephen Bailey

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 p.m., 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.

City Council/Redevelopment Agency

- 4.01 Approval of Minutes – January 12, 2009 City Council/Redevelopment Agency [Draft Minutes](#) meeting.

City Council

- 4.02 Adoption on second reading of an ordinance approving the third amendment to [Document](#) Development Agreement 05-002 (Development Agreement Amendment 08-006), with Arroyo Crossing, Inc. Location: Arroyo Road and Rivers Bend Circle (01-12-2009)
- 4.03 Resolution authorizing execution of an agreement with All City Management [Staff Report](#) Services, in the amount of \$265,000, for crossing guard services, for the period February 1, 2009 through June 30, 2010.
- 4.04 Resolution authorizing execution of an agreement with Public Agency Retirement [Staff Report](#) Services to provide an alternate retirement system for part-time employees not eligible for enrollment in the Public Employees Retirement System.
- 4.05 Resolution accepting for permanent maintenance and releasing of security for [Staff Report](#) the Deep Well Anode, Project No. 2009-21. Location: Hawthorne Avenue
- 4.06 Resolution authorizing the supplemental appropriation of \$1,500 of unallocated [Staff Report](#)

Community Development Block Grant (CDBG) funds for the Open Heart Kitchen meals program, appropriation of \$6,500 of CDBG funds for the Path to Picasso youth arts program, appropriation of \$15,000 of CDBG funds for a program to assist downtown businesses in need of disabled access (ADA) modifications to their buildings, and authorizing execution of all related documents.

- 4.07 Resolution authorizing execution of an Assignment and Assumption Agreement [Staff Report](#) with Allied Housing, Inc., and the Livermore Housing Authority; Amendment No. 1 to the Regulatory Agreement with the Livermore Housing Authority; a Subordination Agreement to subordinate the City loan and regulatory agreement to the deed of trust benefiting Fremont Bank, and authorizing execution of all related documents to allow for the transfer of ownership of the Las Posadas Apartments from Allied Housing, Inc., to the Livermore Housing Authority.
- 4.08 Resolution amending Resolution No. 2008-217 authorizing the addition of [Staff Report](#) McDonough, Holland, and Allen PC to the list of consultants authorized to receive and review sales or transactions and use tax records under State Revenue and Taxation Code Section 7056.

Redevelopment Agency

- 4.09 Resolution authorizing execution of a settlement agreement with Melissa Emery [Staff Report](#) dba In Between Stitches, in the amount of \$100,000, for business relocation.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider amendments to the Development Agreements with property [Document](#) owners in the El Charro Specific Plan area. The proposed amendments adjust the public improvement financing and reimbursement provisions for property owners/developers in the Specific Plan area. Related proposed actions include an amendment to the Sales Tax Reimbursement Agreement between the City and Prime Outlets Livermore Valley, LLC, and the rescission of the Sales Tax Reimbursement Agreements between the City and The Terrill Company, Melia & Mateos, Inc. dba Hybernia Group, CrossWinds Church, and the Johnson-Himsl Partnership. Each proposed action is in conformance with the Settlement Agreement between the City, El Charro Vista, LLC, Syufy Enterprises, LP, and other El Charro Specific Plan property owners and/or developers.

Location: Southeast quadrant of El Charro Road and Interstate 580

Applicant: City of Livermore

On-site and off-site public improvements: The previously-approved El Charro Specific Plan and associated Development Agreements include roadway and pedestrian improvements including widening El Charro Road, extending Jack London Boulevard, relocating Friesman Road, and constructing a multi-use trail; the extension of utilities, including sewer, water, and storm drains; installation of on and off-site flood control facilities; and related improvements

Site Area: 152± acres

Zoning: Planned Development-El Charro Specific Plan-Regional Commercial and Highway Regional Commercial

General Plan: Business and Commercial (BCP)

Historic Status: None

CEQA: An Environmental Impact Report was previously certified for this project (SCH #2006052112)

Application Numbers: Development Agreement Amendment 08-001 with Prime

Outlets Livermore Valley, LLC; Development Agreement 08-002 with the Johnson-Himsl Partnership; Development Agreement 08-003 with Melia & Mateos, Inc. dba Hybernia Group; Development Agreement 08-004 with CrossWinds Church; Development Agreement 08-005 with The Terrill Company for the Children's Hospital and Research Center Foundation; Policy Proposal Implementation 08-002

Recommendation: Staff recommends the City Council continue this item to February 23, 2009.

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 the placement of Dougherty Valley [Staff Report](#) Settlement Agreement Open Space Funds into a separate interest bearing account and status report on Dougherty Valley Settlement Agreement, Altamont Landfill Open Space Fund, and Vasco Road Landfill Open Space Fund. (MIC06-010)

Recommendation: Staff recommends the City Council provide direction.

6.03 Discussion and direction regarding commercial sign enforcement. [Staff Report](#)

Recommendation: Staff recommends the City Council provide direction.

6.04 Update on preparations for the 2010 Census. [Staff Report](#)

Recommendation: This report is for information only. No action is required.

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

None

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 City Manager's report regarding previously requested Matters Initiated. [Document](#)

None

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

8. **ADJOURNMENT** – To a regular City Council/Redevelopment Agency meeting on February 9, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue,

Livermore.