



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

FEBRUARY 9, 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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REGULAR MEETING – 7:00 P.M.

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

CALL TO ORDER 6:00 P.M.

Roll Call Councilmember/Agencymember Doug Horner
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. To meet with the City Attorney pursuant to Government Code Section 54956.9(c) to discuss whether to initiate litigation. One case.

City Council/Redevelopment Agency

2. Conference with Real Property Negotiator. To meet with Marc Roberts, City and 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 City and Agency negotiator may negotiate with Ed Willig. The instructions will concern price and terms of payment.

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 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 - 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 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 26, 2009 City Council/Redevelopment Agency meeting. [Draft Minutes](#)

City Council

- 4.02 Introduction of an ordinance amending Municipal Code Section 2.53, redefining the membership of the Relocation Appeals Board. [Staff Report](#)
- 4.03 Resolution amending Resolution No. 2008-250, redefining the membership of the consolidated Planning Commission, effective March 1, 2009. [Staff Report](#)
- 4.04 Introduction of an ordinance dissolving Community Facilities District 2007-1 (El Charro). [Staff Report](#)
- 4.05 Resolution of Intention establishing a Community Facilities District and a Resolution of Intention to Incur Bonded Indebtedness for the El Charro Community Facilities District, and authorizing execution of all related documents. [Staff Report Attachment](#)
- 4.06 Resolution authorizing execution of an agreement with Ernie's Quality Concrete, in the amount of \$114,433.50, for the 2008-2009 Sidewalk Repair Program and ADA Access Ramps 2008, Project Nos. 2009-02 and 2008-07. [Staff Report](#)
- 4.07 Resolution authorizing rescission of the existing farming lease with Norman Marciel and execution of a new farming lease with Daniel Marciel, for a term of two years, for unimproved and non-irrigated parcels at the Livermore Municipal Airport. Location: East and south of the airfield [Staff Report](#)
- 4.08 Introduction of an ordinance amending Municipal Code Section 2.52, Redevelopment Agency, to authorize the Agency Executive Director and the Agency General Counsel to enter into settlement agreements for relocation assistance, in an amount not to exceed \$250,000 per occurrence. [Staff Report](#)

Redevelopment Agency

- 4.09 Resolution confirming the City Council's authority to amend the Municipal Code, to authorize the Agency Executive Director and the Agency General Counsel to mutually approve settlement agreements for relocation assistance, in an amount not to exceed \$250,000 per occurrence. [Staff Report](#)
- 4.10 Resolution amending the Downtown Economic Incentives Program and authorizing the allocation of additional funds from Fund 580, in an amount not to exceed \$200,000, to increase the total annual budget to the amount of \$475,000. [Staff Report](#)

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider a request to amend Planning Division application fees based on the consolidation of the Planning Commission and the Design Review Committee. [Staff Report](#)
- 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: The application is not a project under the California Environmental Quality Act
Application Number: Policy Proposal 09-001

Recommendation: Staff recommends the City Council adopt a resolution approving adjustments to three Planning Division application fees.

- 5.02 Hearing to consider a request to subdivide land into residential parcels and build 27 three-story townhome dwellings accessed by a private road. The application proposes increased housing affordability to qualify under density bonus provisions of State Law to propose additional dwellings above the maximum General Plan residential density of 23 dwellings. The application includes a request to rezone the property to a Planned Development-Residential District. [Staff Report](#)

Location: 3134 Gardella Plaza
Applicant: Vishva Homes, LLC
On-site and off-site public improvements: Include sewer, water, storm drain, streets, lighting, and landscaping
Site Area: 1.2± acres
Zoning: Medium Density Residential (RM)
General Plan: Urban High Residential (14 to 18 dwellings per acre)
Historic Status: Certificate of Appropriateness previously issued for demolition of existing structures
CEQA: A Mitigated Negative Declaration under the provisions of the California Environmental Quality Act (CEQA) will be considered
Application Numbers: Vesting Tentative Tract Map 7900 (Subdivision 07-003); Planned Development - Residential 07-002; Development Agreement 07-005; and Site Plan Approval/ Design Review 07-007

Recommendation: The Planning Commission recommends the City Council adopt resolutions approving Vesting Tentative Tract Map 7900 and Site Plan Approval/Design Review 07-007 and certifying the environmental document, and introduce ordinances amending the Zoning District Map, establishing zoning standards, and approving Development Agreement 07-005.

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](#)

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, Staff, and Councilmembers. [Document](#)

8. ADJOURNMENT – To a regular City Council/Redevelopment Agency meeting on February 23, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.

[SUPPLEMENTAL MATERIALS](#)