



**CITY COUNCIL  
AND  
REDEVELOPMENT AGENCY  
AGENDA**

**FEBRUARY 23, 2009**

**CLOSED SESSION – 5:30 P.M.**

**REGULAR MEETING – 7:00 P.M.**

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

**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](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 [www.ci.livermore.ca.us](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) 960-4586/4582 (voice) or (925) 960-4104 (tdd) at least 72 hours in advance of the meeting.

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## CLOSED SESSION

**CALL TO ORDER**            5:30 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/Redevelopment Agency**

1. Conference with Real Property Negotiator. To meet with Marc Roberts and Tom Webber, City and Agency negotiators, 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 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.

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## 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 Proclamation declaring March 8-14, 2009 as Girl Scout Week.

[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 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 – February 9, 2009 City Council/Redevelopment Agency [Draft Minutes](#) meeting.

**City Council**

4.02 Adoption on second reading of an ordinance dissolving Community Facilities District 2007-1 (El Charro). (02-09-2009) [Document](#)

4.03 Adoption on second reading of an ordinance amending the Zoning District Map and approving the rezoning to Planned Development-Residential 07-002. Location: 3134 Gardella Plaza (02-09-2009) [Document](#)

- 4.04 Adoption on second reading of an ordinance approving Development Agreement 07-005 with Vishva Homes, LLC. Location: 3134 Gardella Plaza (02-09-2009) [Document](#)
- 4.05 Introduction of an ordinance amending Municipal Code Section 2.53, redefining the membership of the Relocation Appeals Board and specifying persons eligible to file appeals. [Staff Report](#)
- 4.06 Resolution amending the Conflict of Interest Code to add the Relocation Appeals Board and delete the Design Review Committee. [Staff Report](#)
- 4.07 Resolution authorizing execution of the second extension to the agreement with FloraTech Landscape Management, Inc., for an additional one-year term commencing April 1, 2009, in an annual amount not to exceed \$769,610, to provide routine landscape maintenance services of City facilities and within landscape maintenance districts. [Staff Report](#)
- 4.08 Resolution consenting to detachment of APN 904-0010-007 from City limits, approving a waiver of property tax, and certifying the environmental document. Location: 1.09 acre strip of vacant land bordered on the east and west by County quarry lands, on the south by Stanley Boulevard, and on the north by the Oaks Business Park [Staff Report](#)
- 4.09 Resolution authorizing execution of Amendment No. 1 to the design services agreement with T.Y. Lin International, in an amount not to exceed \$124,782, increasing the maximum expenditure allowance to \$303,125, for the El Charro Specific Plan Infrastructure, Project 2007-20. [Staff Report](#)
- 4.10 Approval of the selection process for the Poet Laureate. [Staff Report](#)

**Redevelopment Agency - None.**

## **5. PUBLIC HEARINGS**

### **City Council**

- 5.01 Hearing to consider amendments to the Development Agreements with property 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 El Charro Specific Plan area. Related proposed actions include an amendment to the Sales Tax Reimbursement Agreement between the City of Livermore and Prime Outlets Livermore Valley, LLC, and the rescission of the Sales Tax Reimbursement Agreements between the City of Livermore 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 of Livermore, El Charro Vista, LLC, Syufy Enterprises, LP, and other El Charro Specific Plan property owners and/or developers. (Continued from 01-26-2008) [Staff Report](#) [Supplemental Material](#)
- 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 Park (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; and Policy Proposal Implementation 08-002

**Recommendation:** The Planning Commission recommends the City Council:

1. introduce ordinances authorizing execution of:
  - a. Development Agreement Amendment 08-001, with Prime Outlets Livermore Valley, LLC, amending Development Agreement 05-005;
  - b. Development Agreement Amendment 08-002, with Johnson Himsl Partnership, amending Development Agreement 06-001;
  - c. Development Agreement Amendment 08-003, with El Charro, LLC (formerly Hybernia Group), amending Development Agreement 07-001;
  - d. Development Agreement Amendment 08-004, with CrossWinds Church, amending Development Agreement 07-002;
  - e. Development Agreement Amendment 08-005, with The Terrill Company, amending Development Agreement 07-004;
2. adopt a resolution approving Policy Proposal Implementation 08-002, amending the Sales Tax Reimbursement Agreement with Prime Outlets Livermore Valley, LLC; and
3. adopt a resolution rescinding the Sales Tax Reimbursement Agreements with the Johnson-Himsl Partnership, El Charro, LLC, CrossWinds Church, and The Terrill Company.

5.02 Hearing to consider the General Plan Draft 2009 Housing Element.

[Staff Report](#)

Location: Citywide  
Applicant: City of Livermore  
On-site and off-site public improvements: None  
Site Area: Citywide  
Zoning: Various  
General Plan: Various  
Historic Status: None  
Application Number: General Plan Amendment 08-004

**Recommendation:** The Planning Commission and staff recommend the City Council adopt a resolution approving the submission of the draft Housing Element to the State Housing and Community Development Department to start

the required 60-day review and comment period.

**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 Infrastructure Rehabilitation Program. [Staff Report](#)

**Recommendation:** Staff recommends the City Council receive a report from the Lew Edwards Group; direct staff to report to the Council on the impacts of the Federal Stimulus Package in late 2009 or early 2010; and direct staff to bring a formal, structured, community engagement proposal from the Lew Edwards Group in early 2010.

6.03 Discussion and direction regarding the Springtown Alkali Wetlands restoration and maintenance efforts. (MI 02-09-2009) [Staff Report](#)

**Recommendation:** Staff recommends the City Council provide direction.

6.04 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 March 9, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.

[SUPPLEMENTAL MATERIAL](#)  
[SUPPLEMENTAL MATERIAL - PRESENTATIONS](#)