CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA

MARCH 9, 2009

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*.

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.

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

2. PROCLAMATIONS AND PRESENTATIONS

2.01 Proclamation declaring March 2009 as American Red Cross Month. 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 19, 2009 Special City Council Closed Session meeting and February 23, 2009 City Council/Redevelopment Agency meeting.	Draft Minutes

City Council

4.02	Adoption on second reading of an ordinance amending Municipal Code Section 2.53, redefining the membership of the Relocation Appeals Board and specifying persons eligible to file appeals. (02-23-2009)	Document
4.03	Adoption on second reading of an ordinance authorizing the City Manager to finalize negotiations and execute Amended and Restated Development Agreement 08-001, with Prime Outlets Livermore Valley, LLC. (02-23-2009)	Document
4.04	Adoption on second reading of an ordinance approving Development Agreement Amendment 08-002, with Johnson-Himsl Partnership. (02-23-2009)	Document
4.05	Adoption on second reading of an ordinance approving Development Agreement Amendment 08-003, with El Charro Development, LLC (formerly Hybernia Group). (02-23-2009)	Document
4.06	Adoption on second reading of an ordinance approving Development Agreement Amendment 08-004, with CrossWinds Church. (02-23-2009)	Document
4.07	Adoption on second reading of an ordinance approving Development Agreement Amendment 08-005, with Cottonwood Creek Partners, LLC (formerly The Terrill Company). (02-23-2009)	Document
4.08	Resolution amending Resolution 72-79 to re-title selected job classifications at the Water Resources Division of the Public Works Department.	Staff Report
4.09	Resolution amending the City's Conflict of Interest Code to re-title selected job classifications at the Water Resources Division of the Public Works Department.	Staff Report
4.10	Resolution authorizing execution of a Memorandum of Understanding with Alameda County Fire Department to purchase portable radio communications equipment on behalf of the Livermore-Pleasanton Fire Department.	Staff Report
4.11	Resolution declaring non-complying parcels a public nuisance requiring abatement and directing staff to proceed with the 2009 Weed Abatement Program, and setting a public hearing date of April 13, 2009.	Staff Report
4.12	Resolution authorizing execution of a professional services agreement with Lynx	Staff Report

Technologies, in an amount not to exceed $160,000, for Geographic Information Systems maintenance and implementation services, Project No. 1993-64.

4.13 Approval of the annual Public Art Plan. Staff Report

Redevelopment Agency - None.

5. PUBLIC HEARINGS

City Council

5.01 Hearing to consider an amendment to the General Plan to include a Climate Change Element. The Climate Change Element would include a new goal to reduce greenhouse gas emissions within the community, consistent with the targets of the Global Warming Solutions Act of 2006 (AB 32). New objectives and policies to reduce potential greenhouse gas emissions associated with current and future development would be established to accomplish the new goal. Staff Report

Location: City-wide
Applicant: City of Livermore
On-site and off-site public improvements: None
Site Area: None
Zoning: Various
General Plan: Various
Historic Status: None
CEQA: A Final Supplemental Environmental Impact Report under the provisions of the California Environmental Quality Act (CEQA) will be considered (State Clearinghouse Number: 2003032038)
Application Number: General Plan Amendment 08-001

Recommendation: The Planning Commission recommends the City Council adopt resolutions approving the General Plan Amendment and certifying the environmental document.

5.02 Hearing to consider a request to change the street name on a portion of a City roadway. A portion of Triad Drive, the portion north of North Canyons Parkway, is proposed to be named Comcast Place. Staff Report

Location: Triad Drive (north of North Canyons Parkway, west of Collier Canyon Road, and east of Independence Drive)
Applicant: Comcast Corporation
On-site and off-site public improvements: None
Zoning: Planned Development-Industrial 00-181 (PD-I 00-181)
General Plan: Business Commercial Park (BCP)
CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, which exempts minor alteration of public facilities.
Application Number: Tentative Parcel Map 5112 Amendment (Subdivision Amendment 08-007)

Recommendation: The Planning Commission recommends the City Council adopt the resolution approving the street name change.

Redevelopment Agency - None.

6. MATTERS FOR CONSIDERATION

City Council

6.01 Discussion and direction regarding City Council appointments to Intergovernmental Agencies. Document

6.02 Discussion and direction regarding the circulation of a Request for Proposal for the full lease operation of the Springtown Golf Course for golf shop, food and beverage, and golf course maintenance. Staff Report

Recommendation: The Golf Course Greens Committee and staff recommend the City Council direct staff to circulate the Request for Proposal.

6.03 Resolution opposing the approval of the Tentative Order for the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit, dated February 11, 2009, and authorizing the Mayor to submit a letter requesting significant modifications to the permit prior to adoption. Staff Report

Recommendation: Staff recommends the City Council adopt the resolution.

6.04 Status Report on General Fund Financial Results as of December 31, 2008, Economic Outlook, and State Budget Overview. 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, Staff, and Councilmembers. Document

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

SUPPLEMENTAL MATERIAL Document