



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

MARCH 23, 2009

NOTE CHANGE IN LOCATION FOR CLOSED SESSION ONLY

CLOSED SESSION – 6:00 P.M.

**MULTI-SERVICE CENTER
3311 PACIFIC AVENUE
LIVERMORE, CA 94550**

REGULAR MEETING – 7:00 P.M.

**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.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.

CLOSED SESSION

1. **CALL TO ORDER** 6:00 P. M.
 - 1.01 **Roll Call** Councilmember Doug Horner
Councilmember Marj Leider
Councilmember Jeff Williams
Vice Mayor John Marchand
Mayor Marshall Kamena
2. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL REGARDING CLOSED SESSION ITEM**
3. **ADJOURN TO CLOSED SESSION**

3.01 To meet with the City Attorney regarding anticipated litigation pursuant to Government Code Section 54956.9(b)(1) because there is significant exposure to litigation against the City based on existing facts and circumstances; and Government Code Section 54956.9(b)(3)(A) – facts and circumstances that might result in litigation, but which the City believes are not yet known to a potential plaintiff(s).

4. REPORT OF ACTION TAKEN IN CLOSED SESSION

REGULAR MEETING

1. CALL 7:00 P.M. TO ORDER

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 honoring Abode Services (formerly Tri-City Homeless Coalition) for 20 years of service to the community. [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 – Amended December 8, 2008 City Council/ Redevelopment Agency meeting, March 9, 2009 City Council/ Redevelopment Agency meeting, and March 16, 2009 Special City Council/Redevelopment Agency Closed Session meeting. [Draft Minutes](#)

City Council

- 4.02 Resolution establishing the City Manager's salary and authorizing Amendment No. 8 to [Staff Report](#) the City Manager's Employment Contract.
- 4.03 Resolution establishing the City Attorney's salary and authorizing Amendment No. 5 to [Staff Report](#) the City Attorney's Employment Contract.
- 4.04 City Council appointments and reappointments to the following Advisory Bodies: [Staff Report](#)
- Golf Course Greens Committee
Appointment of Paul Bauman to an unexpired term ending November 1, 2009, and a regular term ending November 1, 2013
- Human Services Commission
Appointment of David George to an unexpired term ending May 1, 2010
Reappointment of Barbara Bianchi Kai to a regular term ending March 1, 2013
Reappointment of Don Meeker to a final term ending April 1, 2013
- 4.05 Resolution authorizing execution of an agreement with ICF Jones & Stokes, in the amount of \$140,940, to provide design services for onsite habitat mitigation and monitoring for environmental impacts associated with the El Charro Specific Plan; and authorizing a supplemental appropriation for the 2008 Livermore Capital Project Financing Authority (LCPFA) Refunding and Capital Projects Construction Fund, Project No. 2007-20. [Staff Report](#)
- 4.06 Resolution authorizing application for federal American Recovery and Reinvestment Act of 2009 funding through the Metropolitan Transportation Commission for Major Street Rehabilitations, and assuring program compliance and project completion, Project No. 2009-23. [Staff Report](#)
- 4.07 Resolution authorizing execution of a joint agreement with the cities of Alameda, Berkeley, Fremont, San Leandro, and Union City, for participation in the State of California's Neighborhood Stabilization Program, and authorizing execution of all related documents. [Staff Report](#)
- 4.08 Resolution adopting amended Relocation Appeals Board Rules of Procedure. [Staff Report](#)
- 4.09 Resolution accepting Fiscal Year 2007-2008 Comprehensive Annual Financial Report (CAFR), Single Audit, and other annual reports for the year ended June 30, 2008. [Staff Report](#)

Redevelopment Agency - None.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider a request for approval of a Development Agreement Amendment to modify construction timing and maintenance assessments for Cayetano Park, located southeast of Las Positas College, and to secure a public utility easement for the relocation of existing overhead utilities adjacent to the future Isabel Interchange. [Staff Report](#)

Location: North of I-580, east of Collier Canyon Road

Applicant: Shea Properties

On-site and off-site public improvements: No development is proposed with this

application. The proposed Development Agreement establishes revised construction timing obligations for a previously approved 9.8± acre public park and secures a public utility easement to accommodate the relocation of existing overhead utilities.

Site Area: 300± acres

Zoning: Planned Development-Industrial (PD-I) 03-003

General Plan: Business and Commercial Park (BCP), Urban High-4 Residential (UH-4) and Parks, Trail Ways, Recreation Corridors and Protected Areas (OSP) and Hillside Conservation (HLCN)

Historic Status: None

CEQA: An Environmental Impact Report was previously certified for this project (State Clearinghouse Number 970652005)

Application Number: Development Agreement Amendment 09-001

Recommendation: The Planning Commission recommends the City Council introduce an ordinance authorizing execution of Development Agreement 09-001 and amending the Amended and Restated Development Agreement with Shea Center Livermore, LLC, and Shea Homes at Montage, LLC (formerly Cayetano Corporate Campus).

5.02 El Charro Community Facilities District No. 2009-1

5.02A Hearing to consider formation of the El Charro Community Facilities District No. 2009-1 [Staff Report](#) and related improvement areas; and

Hearing to consider necessity to incur bonded indebtedness for the El Charro Community Facilities District No. 2009-1, and call for Special Landowner Election.

Recommendation: Staff recommends the City Council:

- a. Adopt a resolution approving the formation of the El Charro Community Facilities District No. 2009-1.
- b. Adopt a resolution determining necessity to incur bonded indebtedness.
- c. Adopt a resolution calling for the Special Landowner Election.
- d. Direct the City Clerk to complete the landowner elections.

5.02B Declaration of results for the Special Landowner Election for the five improvement [Staff Report](#) areas in the El Charro Community Facilities District No. 2009-1, and introduce an ordinance levying special taxes for the El Charro Community Facilities District No. 2009-1.

Recommendation: Staff recommends the City Council:

- a. Adopt a resolution declaring results of the Special Landowner Election and directing recording of Notice of Special Tax Lien.
- b. Introduce an ordinance levying special taxes for the El Charro Community Facilities District No. 2009-1.

Redevelopment Agency – None.

6. MATTERS FOR CONSIDERATION

City Council

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

Agencies.

- 6.02 Update on 2008-2010 City Council Priorities. [Staff Report](#)

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

- 6.03 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.

City Council/Redevelopment Agency

- 6.04 Discussion and direction regarding the financial capacity of the Redevelopment Agency, the Financing Plan for the Regional Performing Arts Theater, and the Operation and Use Plan for the Regional Performing Arts Theater. [Staff Report](#)

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

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, [Document](#) and Councilmembers.

- 8. ADJOURNMENT** – To a special City Council/Redevelopment Agency meeting on March 30, 2009 at 7:00 p.m., and to a regular City Council/ Redevelopment Agency meeting on April 13, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS [Document](#)