



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

MARCH 30, 2009

SPECIAL MEETING – 7:00 P.M.

CLOSED SESSION AT THE END OF THE MEETING

**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.

SPECIAL 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. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL REGARDING SPECIAL MEETING ITEMS**

3. **PUBLIC HEARINGS**

City Council/Redevelopment Agency

- 3.01 Hearing to consider amendments to the Downtown Specific Plan and General [Staff Report](#) Plan and certification of the Downtown Specific Plan Amendments and Regional Performing Arts Theater Final Subsequent Environmental Impact Report (SEIR). The amendments and project will increase the size of a proposed regional performing arts theater from 1,500 seats to 2,000± seats; increase the number of movie screens from 12 screens to 15 screens; increase the number of hotel and bed and breakfast rooms in the Downtown Area to 300 rooms; increase the amount of commercial development from 855,000 square feet to 1,000,000 square feet; increase the amount of office development from 217,000 square feet to 356,000 square feet; include a new second parking structure within the

Downtown Core Area; allow the construction of a 2000± seat Regional Performing Arts Theater on the Railroad Avenue/South Livermore Avenue (Livermore Village) site; and allow for the realignment of Railroad Avenue.

Location: Downtown Specific Plan Area

Applicant: City of Livermore

On-site and off-site improvements: Various

Site Area: 272± acres

Zoning: Various

General Plan: Downtown Area (DA)

Historic Status: Various

CEQA: A Final Subsequent Environmental Impact Report under the provisions of the California Environmental Quality Act will be considered (State Clearinghouse Number 2008092085)

Application Numbers: General Plan Amendment 08-002 and Specific Plan Amendment 08-001

Recommendation: The Planning Commission recommends the City Council adopt the resolutions certifying the Final Subsequent Environmental Impact Report; approving the General Plan Amendment 08-002; and approving the Downtown Specific Plan Amendment 08-001, including approval of the Regional Performing Arts Theater location at Railroad Avenue/South Livermore Avenue (Livermore Village site).

- 3.02 Hearing to consider design review for a 77,854± square foot, 2,000± seat, [Staff Report](#) Regional Performing Arts Theater.

Location: 2009-2111 Railroad Avenue (north of First Street, south of Railroad Avenue, east of L Street, and west of South Livermore Avenue)

Applicant: Livermore Valley Performing Arts Center (LVPAC)

On-site and off-site public improvements: Related public improvements including street, sewer, water, and storm drainage improvements

Site Area: A 50,620± square foot project area within a 5.5± acre parcel

Zoning: Downtown Specific Plan (DSP) Downtown Core Plan Area

General Plan: Downtown Area (DA)

Historic Status: None

CEQA: A Final Subsequent Environmental Impact Report under the provisions of the California Environmental Quality Act will be considered (State Clearinghouse Number 2008092085)

Application Number: Design Review 09-006

Recommendation: The Planning Commission recommends the City Council adopt a resolution approving Design Review 09-006 for the Regional Performing Arts Theater.

Redevelopment Agency

- 3.03 Hearing to consider amendments to the Disposition and Development [Staff Report](#) Agreement between Ronald Witherspoon and the Redevelopment Agency covering the sale and use of the Agency owned property at 2047 First Street. The proposed Disposition and Development Agreement Amendments modify the obligation to construct a new building and add provisions allowing the property to be utilized for outdoor dining.

Location: 2047 First Street

Applicant: City of Livermore Redevelopment Agency

On-site and off-site public improvements: None
Site Area: 2,500± square feet
Zoning: Downtown Specific Plan – Downtown Core
General Plan: Downtown Area
Historic Status: None
CEQA: This project is within the scope of the 2004 Final Environmental Impact Report (FEIR) on the City of Livermore General Plan Update and Downtown Specific Plan (State Clearinghouse Number 2003034038)
Application Number: Disposition and Development Agreement 09-003

Recommendation: Staff recommends the Redevelopment Agency adopt the resolution amending the Disposition and Development Agreement (DDA) between the Redevelopment Agency and Ronald Witherspoon governing the sale and redevelopment of the Agency-owned parcel at 2047 First Street; authorizing the Executive Director to proceed with the sale of the property pursuant to the amended DDA and authorizing execution of all necessary documents and utilize the proceeds to reimburse the City's State Housing Enabled by Local Partnership (HELP) fund loan; and approving a supplemental appropriation of \$130,000 from Fund 586 to repay the City's outstanding HELP fund loan balance pursuant to the City/Agency Cooperation Agreement.

8. ADJOURNMENT TO CLOSED SESSION

SUPPLEMENTAL MATERIALS

[Document](#)

CLOSED SESSION

CALL TO ORDER

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, and exchange, or lease of real property at 2009-2111 Railroad Avenue (former Luckys site). The City and Agency negotiators may negotiate with Ed Willig. The instructions will concern price and terms of payment.

REPORT OF ACTION TAKEN IN CLOSED SESSION

ADJOURNMENT - To a regular City Council/Redevelopment Agency meeting on April 13, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.