

# CITY COUNCIL AND REDEVELOPMENT AGENCY AGENDA

MAY 14, 2009

SPECIAL MEETING - 7:00 P.M.

COUNCIL CHAMBERS 3575 PACIFIC AVENUE LIVERMORE, CA 94550

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## 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 Mari Leider Councilmember/Agencymember Jeff Williams Vice Mayor/Vice Chairperson John Marchand

Mayor/Chairperson Marshall Kamena

1.02 Pledge of Allegiance

#### 2. **PUBLIC HEARING**

# **City Council/Redevelopment Agency**

2.01 Hearing to consider approval of a Disposition and Development Agreement Staff Report by and between Livermore Valley Performing Arts Center and the Redevelopment Agency governing the development and construction of a 2,000± seat Regional Performing Arts Theater.

### Recommendations:

Staff recommends the City Council receive the Health and Safety Code Section 33433 report; and adopt a resolution finding the consideration paid by Livermore Valley Performing Arts Center for the purchase of the property at 2093 Railroad Avenue is not less than the fair reuse value with the covenants, condition and development costs and at the use set forth in the

Disposition and Development Agreement, and the sale and redevelopment of the property will assist in elimination of blight in the project area and is consistent with the Redevelopment Agency's implementation plan; and approving the Disposition and Development Agreement, attached exhibits, and Operating Covenant.

Staff recommends the Redevelopment Agency adopt a resolution receiving and approving the Operating Covenant Valuation Report for the proposed Regional Performing Arts Theater; approving the Health and Safety Code Section 33433 report conclusions; and authorizing execution and implementation of the Development and Disposition Agreement for the construction and operation of the proposed Regional Performing Arts Theater.

**3. ADJOURNMENT** – to a special City Council/Redevelopment Agency meeting on May 18, 2009 at 7:00 p.m., and a regular City Council/Redevelopment Agency meeting on June 8, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.