



**CITY COUNCIL  
AND  
REDEVELOPMENT AGENCY  
AGENDA**

**DECEMBER 13, 2010**

**WORKSHOP – 5:30 PM**

**CLOSED SESSION – 6:30 PM**

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

**REGULAR MEETING – 7:00 PM**

**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.tri-valleytv.org](http://www.tri-valleytv.org). City Council meetings are also streamed live on the web at [www.tri-valleytv.org/live-tv29.html](http://www.tri-valleytv.org/live-tv29.html).

## **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 the Civic Center Library, 1188 South Livermore Avenue, Livermore, and at the City Clerk's Office, 1052 South Livermore Avenue, Livermore. 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 <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) 960-4590 (voice) or (925) 960-4104 (tdd) at least 72 hours in advance of the meeting.

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## **WORKSHOP**

### **1. CALL TO ORDER 5:30 PM**

- 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 WORKSHOP ITEMS**

### **3. MATTERS FOR CONSIDERATION**

- 3.01 Workshop on AB 1234 Ethics.

### **ADJOURN TO CLOSED SESSION**

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## **CLOSED SESSION**

**CALL TO ORDER**                      6:30 PM

Roll Call

Councilmember Doug Horner  
Councilmember Marj Leider  
Councilmember Jeff Williams  
Vice Mayor John Marchand  
Mayor Marshall Kamena

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL  
REGARDING CLOSED SESSION ITEMS**

**ADJOURN TO CLOSED SESSION**

**City Council**

1. Litigation/Conference with Legal Counsel. To meet with the City Attorney regarding existing litigation pursuant to Government Code section 54956.9(a). Discussion in open session would prejudice the position of the City in litigation. Four cases.

- City of Industry and City of Livermore v. City of Fillmore; MTS Consulting, LLC; Owens & Minor, Inc.; Inspired Development, LLC, Los Angeles County Superior Court Case No. BC411865.
- City of Fillmore v. California State Board of Equalization; City of Industry and City of Livermore v. City of Fillmore and California State Board of Equalization, Los Angeles County Superior Court Case No. BX120799.
- California State Board of Equalization Appeal

Account No. SRZ OHB 097-955387, Appeals Case ID: 468939  
Taxpayer: Owens & Minor Distribution.

- California State Board of Equalization Appeal

Account No. SR Y CH 21-682885  
Taxpayer: Vanstar Corporation.

**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 PM
  - 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 Presentation of the 2011 Safety Calendar awards. [Document](#)
  - 2.02 Presentation of the Mayor's Livermore Hero Award. [Document](#)
  - 2.03 Administration of Oath of Office. [Document](#)  
  
Commission for the Arts  
Arthur Barinque to an unexpired term ending January 1, 2013
  - 2.04 "Wheels" Bus Rapid Transit Service presentation by Livermore-Amador Valley Transit Authority Planning Director, Jeff Flynn. [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 pm, 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.*

- 4.01 Approval of Minutes – November 22, 2010 City Council/Redevelopment Agency meeting. [Draft Minutes](#)
- 4.02 **Adoption of an ordinance** amending Municipal Code Chapter 13.25, Water Efficient Landscape, as required to be consistent with the requirements of the updated State Model Water Efficient Landscape Ordinance. [Ordinance](#)
- 4.03 Resolution approving a Scenic Corridor Study and View Angle Analysis for new structures proposed as part of the relocation and expansion of the Livermore Valley Charter School. Location: 3102 - 3278 Constitution Drive [Staff Report](#)
- 4.04 Resolution accepting for permanent maintenance and releasing security for the 2010 Slurry Seal Project; Project No. 2010-04. [Staff Report](#)
- 4.05 Resolution authorizing approval of the substitution of AHA Development, Inc. as the Managing General Partner in the 2891 Carmen, L.P., California limited partnership, and execution of all related documents. [Staff Report](#)
- 4.06 Resolution authorizing the appropriation of Neighborhood Stabilization Program Funds, in an amount up to \$1,500,000, for the purpose of acquisition, rehabilitation, and resale of foreclosed homes and residential properties, including such mechanisms as soft-second and down payment assistance loans for low-, moderate-, and middle-income homebuyers in Fiscal Year 2010-2011. [Staff Report](#)
- 4.07 Resolution adopting the City's Conflict of Interest Code. [Staff Report](#)
- 4.08 Resolution authorizing execution of an agreement with Zone 7 of Alameda County Flood Control and Water Conservation District for the El Charro Specific Plan Area Flood Protection Improvements, and execution of all related documents including easements, deed restrictions, and land transfers necessary to facilitate future flood protection improvements. [Staff Report](#)
- 4.09 Resolution approving the Annual Report on Development Fee [Staff](#)

- Revenues and Expenditures for Fiscal Year 2009-2010. [Report](#)
- 4.10 City Council and Redevelopment Agency resolutions approving the Redevelopment Agency Fiscal Year 2009-2010 Annual Report. [Staff Report](#)
- 4.11 City Council and Redevelopment Agency resolutions approving the Redevelopment Agency Financial Audit Report for Fiscal Year 2009-2010. [Staff Report](#)
- 4.12 Approval of the City Council/Redevelopment Agency meeting calendar for 2011. [Staff Report](#)
- 4.13 Redevelopment Agency resolution authorizing execution of a Purchase and Sale Agreement and extending first-mortgage financing to Nathan Westphal for property located at 318 South Livermore Avenue, Unit #112. [Staff Report](#)
- 4.14 Resignation of Fred Zawada from the Beautification Committee. [Staff Report](#)
- 4.15 Resolution authorizing the appropriation of unallocated grant funds, in the amount of \$65,277, for Tri-Valley Community Television (TV30) to provide Educational and Government Access programming. [Staff Report](#)
- 4.16 Authorization to negotiate a joint agreement with the cities of Dublin, Pleasanton and San Ramon and the Town of Danville to provide a loan of up to \$125,000 to the Tri-Valley Housing Opportunity Center to address shortages in short-term operating expenses for Fiscal Year 2010-2011. [Staff Report](#)

## 5. PUBLIC HEARINGS

- 5.01 Hearing to consider a request to establish Section 6.02.100 of the Development Code to regulate the permitting process, location, and design of wireless telecommunication facilities. Minor changes to Part 3 (Specific to Zones), Part 9 (Permits and Approvals), and Part 11 (Definitions) of the Development Code are proposed to maintain internal consistency within the Development Code. [Staff Report](#)

Location: Citywide

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: Various

Zoning: Various

General Plan: Various

Historic Status: None

CEQA: A Negative Declaration under the provisions of the California Environmental Quality Act will be considered.

Application Number: General Zoning Code Text Amendment 10-398

**Recommendation:** Planning Commission and staff recommend the City Council introduce an ordinance approving General Zoning Code Text Amendment 10-398, Wireless Telecommunication Facilities Ordinance.

- 5.02 Hearing to consider a request to adopt a policy for leasing City-owned properties for wireless telecommunication facilities.

[Staff Report](#)

Location: Citywide

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: Various

Zoning: Various

General Plan: Various

Historic Status: None

CEQA: Not a project under the California Environmental Quality Act.

Application Number: Policy Proposal 10-003

**Recommendation:** Staff recommends the City Council adopt a resolution adopting the Policy for Leasing City-Owned Properties for Wireless Telecommunication Facilities.

## 6. MATTERS FOR CONSIDERATION

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

- 6.02 Discussion and direction regarding findings of Phase I Analysis on [Staff](#) financial impacts and processes for potential consolidation of [Report](#) Livermore Area Recreation and Park District with the City of Livermore.

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

- 6.03 Appointment to City Council Subcommittee to conduct Advisory [Staff](#) Bodies interviews. [Report](#)

**Recommendation:** Staff recommends the City Council appoint a Councilmember to serve with the Mayor on the City Council



Subcommittee for Advisory Bodies for the period of January 1, 2011 through June 30, 2011.

- 6.04 Discussion and direction regarding pending State or Federal [Document](#) legislation.

*Note: Bills affecting local government operations may be discussed if they were introduced or amended after posting of the Agenda.*

**7. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS**

- 7.01 Council Committee Reports and Matters Initiated by City Manager, [Document](#) City Attorney, Staff, and Councilmembers.

- 8. ADJOURNMENT** – To a regular City Council/Redevelopment Agency meeting on January 10, 2011 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

Supplemental Materials

[Document](#)