



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

JULY 13, 2009

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.

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 Presentation of Historic Preservation Commemorative plaques to property owners by City Council and Historic Preservation Commission. [Document](#)

Steve and Kathleen Azevedo
Carl G. Clark House
543 South Livermore Avenue

James Buranis II
Taylor/Twohey House
966 Roma Street

Jeffrey and Jane Durant
J.C. Safford House
609 South Livermore Avenue

Vernon and Carol Green
Emmenger House
2273 Fourth Street

Philip and Caroline Harben
J.S. Van Buskirk/J. Luders House
817 South G Street

Doo and Yuet Jue
Lydiksen Building
613 Orion Way

Carmen McCorery
A. Homen House
2152 Oak Street

Richard and Holly Sears
Dr. O.B. Jensen House
947 South L Street

Carrie Seng
Roy Bernhardt House
543 South L Street

Steven and Trudy Shelby
Enrico Ferrario House
1790 Elm Street

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.

4.01 Approval of Minutes – June 22, 2009 City Council/Redevelopment Agency meeting. [Draft Minutes](#)

City Council

4.02 Adoption on second reading of an ordinance amending the Municipal Code to add a [Document](#) subsection entitled Deferred Fee Program, to provide a special fee deferral program in response to unprecedented economic conditions:

Sewers, Construction and Connection (Chapter 13.28);
Storm Drainage Facilities (Chapter 13.44);
Water Connection - Rates and Charges (Chapter 13.20);
Traffic Impact Fees (Chapter 12.30);
Affordable Housing Fee (Chapter 3.26);
Downtown Revitalization Fee (Chapter 12.32);
Art in Public Places Fee (Chapter 12.51) (06-22-2009)

4.03 Adoption on second reading of an ordinance amending the Planning and Zoning Code to [Document](#) add Section 3-20-080(c)(3) to allow for a special fee deferral program. (06-22-2009)

4.04 Adoption on second reading of an ordinance amending the Municipal Code, Chapter 12.32, [Document](#) Downtown Revitalization Fee to update Fee Nexus Study. (06-22-2009)

4.05 Resolution approving the dedication of a baseball field at May Nissen Park as “Randy [Staff Report](#) Johnson Field”. (MIS 09-004)

4.06 Resolution authorizing execution of a consortium agreement with the County of Alameda for [Staff Report](#) the purpose of submitting an application to the United States Department of Housing and Urban Development for the Neighborhood Stabilization Program, Round 2, created through the American Recovery and Reinvestment Act of 2009.

4.07 Resolution establishing the For-Sale and Rental Housing Price Limits and income limits for [Staff Report](#) 2009.

4.08 Resolution authorizing the execution of an agreement with Innovative Claim Solutions to [Staff Report](#) provide third-party administration of the City's self-insured workers compensation program for Fiscal Year 2010-2011 and 2011-2012.

4.09 Resolution authorizing execution of an extension to the agreement with ValleyCrest [Staff Report](#) Landscape Maintenance, Inc. for an additional one-year term, in an annual amount not to exceed \$200,000, to provide routine landscape maintenance services for selected areas throughout the City and within landscape maintenance districts.

4.10 Resolution authorizing execution of Joint Exercise of Powers Agreement with the Bay Area [Staff Report](#) Biosolids to Energy Coalition, in an amount not to exceed \$75,000, for technical and environmental review and legislative efforts.

4.11 Resolution accepting for permanent maintenance and releasing security for Lucky's Building [Staff Report](#) Demolition at Railroad Avenue, Project No. 586007.

- 4.12 Resolution accepting for permanent maintenance and releasing security for Airport Wash Rack Retrofit, Project No. 2004-18. [Staff Report](#)
- 4.13 Resolution authorizing execution of an agreement with Mark Thomas & Company in the amount of \$3,408,000, to provide construction support services for the Isabel Avenue/I-580 Interchange Improvements, City Contracts No. 1 and 2, and State Contract No. 3 administered by Caltrans, Project No. 1992-38. [Staff Report](#)
- 4.14 City Council appointments to the following Advisory Bodies: [Staff Report](#)
- Environmental and Energy Commission
Appointment of Lori Marra to an unexpired term ending September 1, 2012
- Golf Course Greens Committee
Appointment of Doug Brown to an unexpired term ending November 1, 2009 and a regular term ending November 1, 2013
- Appointment of Jose Valles to an unexpired term ending November 1, 2009 and a regular term ending November 1, 2013
- Historic Preservation Commission
Appointment of Suzanne McCann to a regular term ending May 1, 2013
- Library Board of Trustees
Appointment of David Furst to a regular term ending June 1, 2013
- Livermore Housing Authority
Appointment of David Muellenhoff to a regular term ending January 1, 2012
- 4.15 Resolution modifying the Planning Commission decision approving Conditional Use Permit Amendment 08-003, following appeal by Nancy Tenuta (Tenuta Winery and residence) and incorporating revisions by the City Council. (Appeal 09-001) [Staff Report](#)
- 4.16 Resolution approving amendments to the Art in Public Place Program: Policy and Procedures Manual, including updated language and application forms regarding the processing of the project, program grants and mini grants. [Staff Report](#)
- 4.17 Resolution authorizing the execution of an agreement with Maxistone, Inc. dba Maxicrete, in the amount of \$589,555 for the Downtown Pedestrian Transit Center Connection, Project No. 583015. [Staff Report](#)

Redevelopment Agency

- 4.18 Resolution authorizing execution of a grant agreement with Livermore Downtown Inc. in the amount of \$75,000 for operating expenses for Fiscal Year 2009-2010. [Staff Report](#)
- 4.19 Resolution authorizing the issuance, sale and delivery of subordinate revenue refunding bonds for the purpose of refinancing the acquisition and construction of a multifamily housing residential facility; the execution and delivery of a subordinate indenture of trust and a subordinate loan agreement; and the execution and delivery of and approving other related documents and actions in connection therewith. Location: Livermore Independent Senior Apartments, 800 East Stanley Boulevard [Staff Report](#)
- 4.20 Resolution appropriating \$400,000 in housing set-aside funds to provide gap financing to Murrieta Senior Investors in the conversion of the construction financing to permanent financing for Livermore Independent Senior Apartments and authorizing execution of all [Staff Report](#)

related documents.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider amendments to the Municipal Code, Chapter 5.20, and the Livermore [Staff Report](#) Planning and Zoning Code regarding the regulations for cardrooms; and establishing a fee for expanded services cardrooms.

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 (CEQA) will be considered.

Application Numbers: Municipal Code Amendment 09-002 and General Zoning Code Text Amendment 09-392

Recommendation: The Planning Commission recommends the City Council:

a) Introduce an ordinance amending Municipal Code, Chapter 5.20, Cardrooms, of Title 5 (Business Regulations) to modify the regulations, change the calculation for the number of card tables permitted, and to allow for expanded cardroom services subject to the approval of a conditional use permit and a development agreement;

b) Introduce an ordinance amending the Planning and Zoning Code to allow cardrooms as a permitted use in the Commercial Service (CS) Zoning District and introducing cardroom regulations in Chapter 3-10; and

c) Adopt a resolution approving a financial contribution to fulfill the community amenity requirement for a cardroom providing expanded services as stated in the Municipal Code Section 5.20.160, Subsection R.

- 5.02 Hearing to consider a City-initiated request to prezone 12 parcels to Planned Development - [Staff Report](#) Rural Residential (PD R-R-5; minimum lot size 210,000 net square feet with Density Transfer Provisions). (Hilliker Place)

Location: Adjacent to and south of Las Positas Road, approximately 1000 feet east of North Livermore Avenue and generally accessed by Hilliker Place, a private road.

Subject Area Assessor Parcel Numbers: 099-0015-026-05, 099-0015-031-00, 099-0015-030-00, 099-0015-039-00, 099-0015-024-00, 099-0015-040-00, 099-0015-025-04, 099-0015-023-04, 099-0015-026-06, 099-0015-022-02, 099-015-022-03, and 099-0015-020-04

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: 45± acres

Zoning: Alameda County Zoning R-1-L-B-E (Single-Family Residence, Limited Agriculture, 5-Acre Minimum Buildable Site Area) for all parcels, except APN 099-0015-023-04, which is zoned R-1-L-B-E-SU (Single-Family Residence, Limited Agriculture, 5-Acre Minimum Buildable Site Area with a Secondary Dwelling permitted up to 640 square feet)

City of Livermore General Plan: Rural Residential (RR (1-to-5-acre sites)) for all parcels

City of Livermore Prezoning: Rural Residential (R-R-5; minimum lot size 210,000 net square

feet).

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

Application Number: General Zoning Text Amendment 09-393

Recommendation: The Planning Commission recommends the City Council introduce an ordinance amending the Zoning District Map and establishing a rezoning designation of all parcels to Planned Development/Rural Residential – Minimum Lot size 210,000 net square with density transfer provisions (PD/R-R-5) and certifying the environmental documents.

- 5.03 Hearing to receive protests to the annual Weed Abatement Program and confirm the 2009 [Staff Report](#) Weed Abatement assessments for collection on the property tax roll.

Recommendation: Staff recommends the City Council adopt a resolution confirming the 2009 weed abatement assessments and directing staff to forward a certified copy of the assessment report to the County Auditor.

Redevelopment Agency - None

6. MATTERS FOR CONSIDERATION

City Council

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

- 6.02 Discussion and direction regarding the Altamont Landfill Open Space Committee's [Staff Report](#) recommendation to fund a City grant request in the amount of \$1,040,465, for the acquisition of an approximately 107-acre property on Doolan Road; adopt a resolution authorizing execution of all necessary agreements to acquire the property (PT09-009); and status report on Dougherty Valley Settlement Agreement and Vasco Road Landfill Open Space Fund (MIC06-010).

Recommendation: Staff recommends the City Council provide direction regarding the Altamont Open Space Committee's recommendation to fund the grant request; adopt a resolution authorizing entering into a purchase and sale agreement with Borel Private Bank & Trust for the acquisition of the property located on Doolan Road, APN 905-0008-001-15; and authorizing execution of all related documents.

- 6.03 Discussion and direction regarding the selection of Livermore Sanitation for a franchise [Staff Report](#) contract for Solid Waste, Recycling and Compostable collection services.

Recommendation: The Council Subcommittee recommends that the City Council direct staff to negotiate a franchise contract with Livermore Sanitation.

Staff recommends the City Council direct staff to incorporate compensation deferral as a cost-saving measure, and exclude all other alternative services, innovative ideas, and cost-saving measures in the franchise contract.

- 6.04 Status update of the Commission for the Arts. [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](#)

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 July 27, 2009 at 7:00 p.m., Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS
SUPPLEMENTAL MATERIALS #2

[Document](#)
[Document](#)