CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA

OCTOBER 12, 2009

CLOSED SESSION – 6:00 PM

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.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 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.

CLOSED SESSION

CALL TO ORDER 6:00 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 ITEM

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. One case.

   Elaine Andrews v. City of Livermore
   Alameda County Superior Court
   Court Case No. VG07345331

2. Litigation/Conference with Legal Counsel – To meet with the City Attorney pursuant to Government Code Section 54956.9(c) to discuss whether to initiate litigation. One case.

Redevelopment Agency – None.

Note: This Closed Session may be continued to the end of the Regular Meeting.

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 Administration of Oath of Office — Staff Report

Livermore Housing Authority
Appointment of John Fulghum to a regular term ending January 1, 2011

2.02 Proclamation declaring October as Cultural Arts Month. — 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 – September 28, 2009 City Council/ Redevelopment Agency meeting. — Draft Minutes

City Council

4.02 Adoption on second reading of an ordinance amending Municipal Code, Chapter 12.24, Tri-Valley Transportation Development Fee. (09-28-09) — Document

4.03 Resolution accepting for permanent maintenance and releasing of security for the 2009 Slurry Seal, Project 2009-04. — Staff Report

4.04 Resolution accepting for permanent maintenance and releasing of security for Crosswalk and Miscellaneous Safety Improvements, Project No. 2008-06. Staff Report

4.05 Resolution amending Resolution 72-79 for the Classified and Unclassified Employees of the City of Livermore to add the job classification title of Administrative Services Director and to delete the job classification title of Director of Human Resources from the City of Livermore Executive Management Salary Schedule. Staff Report

4.06 Resolution amending the City's Conflict of Interest Code to add the position of Administrative Services Director and to delete the position of Director of Human Resources. Staff Report

4.07 Resolution updating the In-Lieu Housing Fee maximum for 2009. Staff Report

4.08 Resolutions establishing the payment and reporting of the value of employer paid member contributions to CalPERS reflecting the reduced costs to the City and increase to the members for the additional employee contribution amounts. Staff Report

City Council/Redevelopment Agency

4.09 Resolution authorizing execution of an agreement with Maxistone, Inc. dba Maxicrete, in the amount of $873,936 for construction of the Lizzie Fountain Park Pedestrian Improvements, Project No. 583013, Federal Project Number CML5053. Staff Report

5. PUBLIC HEARINGS

City Council

5.01 Hearing to consider information concerning the proposed sale and issuance by the Association of Bay Area Governments Finance Authority for Nonprofit Corporations of its Revenue Bonds (Tri-Valley Montessori School), in an aggregate principal amount not to exceed $8,000,000, pursuant to a plan of finance for various capital facilities. Staff Report

Recommendation: Staff recommends the City Council adopt a resolution approving the issuance and sale of revenue bonds by the Association of Bay Area Government Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $8,000,000 for the Tri-Valley Montessori School.

Redevelopment Agency – None

6. MATTERS FOR CONSIDERATION

City Council

6.01 Discussion and direction regarding City Council appointments to Intergovernmental Agencies. Document

6.02 Discussion and direction regarding the Proposition 1A Securitization Program. Staff Report

Recommendation: Staff recommends the City Council direct staff to return with a proposed Proposition 1A sale, resolution, purchase and sale agreement, and other related documents for the City's participation in the Proposition 1A

Securitization program.

6.03 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 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 October 26, 2009 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

Document

SUPPLEMENTAL MATERIALS