CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA

OCTOBER 26, 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. 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 Lucky's site). The City and Agency negotiators may negotiate with Ed Willig. The instructions will concern price and terms of payment.

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 Presentation to Livermore Valley Education Foundation by the American Swim Academy in recognition of the 2009 Walk for Education. Document

2.02 Presentation of the 2009 Ambassadors for Cities Award. 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 – October 12, 2009 City Council/Redevelopment Agency meeting. Draft Minutes

City Council

4.02 Resolution authorizing appropriation of $750,800 of Energy Efficiency and Conservation Block Grant funds from the U.S. Department of Energy for various projects for Fiscal Years 2009-2010, 2010-2011, and 2011-2012. Staff Report

4.03 Resolution authorizing execution of an encroachment and maintenance agreement with the Livermore-Amador Valley Transit Authority for the installation of Rapid Transit Bus Stops on City right-of-way. Staff Report

4.04 Resolution authorizing the execution of change orders with DeSilva Gates Construction Company, in an amount not to exceed $617,000, for construction of the Isabel Avenue/I-580 Interchange Improvement, Project No. 1992-38. (Contract 2 – Portola Avenue and Isabel Avenue Extensions) Staff Report

4.05 Resolution authorizing the execution of change orders with W. Bradley Electric, Inc., in an amount not to exceed $140,000, for traffic signal installation at N. Vasco Road and Dalton Avenue, and traffic signal modifications at various locations, Project No. 2007-18. Staff Report

4.06 Resolution authorizing execution of an agreement with DSS Company dba Knife River Construction, in the amount of $717,237.89, for construction of the First Street, Holmes Street, Vallecitos Road Rehabilitation, and re-appropriation of $350,000 in Special Gas Tax funds in Fiscal Year 2009-2010 from the Portola Avenue Rehabilitation, Project No. 2000-81 to the First Street, Holmes Street, Vallecitos Road Rehabilitation, Project No. 2004-40. Staff Report

4.07 Resolution approving the final map for Tract 7779 and Tract 7905 and authorizing execution of a Subdivision Improvement Agreement (Arroyo Crossing). Location: Rivers Bend Circle and Clavey River Court Staff Report

4.08 Resolution rescinding Resolution 2009-178 and designating the Administrative Services Director, Holly Brock-Cohn, as the City Treasurer. Staff Report

4.09 Resolution authorizing the form of and execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain actions in connection herewith. Staff Report

City Council/Redevelopment Agency

4.10 Approval of City Council/Redevelopment Agency meeting calendar for 2010. Staff Report

Redevelopment Agency - None

5. PUBLIC HEARINGS

City Council

5.01 Hearing to consider an appeal of a Planning Commission decision to deny Conditional Use Permit Amendment/Design Review 08-012 for the installation of a wireless facility at Piazza Rubino. Staff Report

Location: 101 East Vineyard Avenue
Appellants: Verizon Wireless
On-site and off-site public improvements: None
Site Area: 6.18+ acres
Zoning: Planned Development -Commercial (PD-C) 00-198
General Plan: Neighborhood Commercial (NC)
Historic Status: None
CEQA: Staff is recommending denial of the project. No CEQA review is required for project denial.
Application Number: Appeal 09-004

Recommendation: Staff recommends the City Council continue this item to the November 23, 2009 City Council meeting.

5.02 Hearing to consider an amendment to the Municipal Code Chapter 3.27 and Planning and Zoning Code Chapter 3.10.360 to include Transferable Development Credits Program (TDC) In-lieu Fees in the Local Economic Stimulus Fee Deferral Program that was recently adopted. This fee will be deferred generally from time of building permit until request for utility meter release. Staff Report

Location: City-wide
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 Numbers: Municipal Code Amendment 09-004, General Zoning Code Text Amendment 09-396

Recommendation: Staff recommends the City Council introduce the ordinances amending the Municipal Code and the Planning and Zoning Code.

5.03 Hearing to consider a request by Zone 7 Water Agency for an Out-of-Area Service Agreement to provide sanitary sewer service beyond the City boundary to the water treatment plant at 8750 Patterson Pass Road. Staff Report

Location: 8750 Patterson Pass Road
Applicant: Zone 7 - Alameda County Flood Control and Water Conservation District
On-site and off-site public improvements: Sanitary sewer line from the intersection of Patterson Pass Road and Greenville Road to the Zone 7 water treatment plant at 8750 Patterson Pass Road. The new sewer line will be approximately 0.7 mile in length and located within the existing Patterson Pass Road right-of-way.
Parcel Size: Various
Zoning: Alameda County - Agriculture
General Plan: Alameda County - Large Parcel Agriculture; City of Livermore - Large Parcel Agriculture and Water Management Lands
Historic Status: None
CEQA: A Negative Declaration under the provisions of the California Environmental Quality Act (CEQA) will be considered.
Application Number: Out-of-Area Service Agreement 09-002

Recommendation: Staff recommends the City Council adopt a resolution authorizing execution of an Out-of-Area Service Agreement with Zone 7 Water Agency.

Redevelopment Agency - None

6. MATTERS FOR CONSIDERATION

City Council

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

6.02 Resolution providing for the borrowing of funds for Fiscal Year 2009-2010 and the issuance and sale of 2009 Tax and Revenue Anticipation Notes, and authorizing the execution of financing documents which include the form of the Preliminary Official Statement, Financial Advisor Contract and Bond Counsel Contract. Staff Report

Recommendation: Staff recommends the City Council adopt the resolution.

6.03 Discussion and direction regarding participation in the Innovation for Green Advanced Transportation Excellence (i-GATE) Innovation Hub (iHub) proposal to the State of California Business, Transportation and Housing Agency by a partnership led by the City, Sandia National Laboratory, and Lawrence Livermore National Laboratory. Staff Report

Recommendation: Staff recommends the City Council adopt a resolution approving participation in the Innovation for Green Advanced Transportation Excellence (i-GATE) Innovation Hub (iHub), authorizing the execution of Memorandums of Understanding, and designating the Economic Development Director as the iHub Coordinator.

6.04 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 November 9, 2009 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MEMO Document