

CITY COUNCIL AND REDEVELOPMENT AGENCY AGENDA

NOVEMBER 23, 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/Agencymember Marj Leider

Councilmember/Agencymember John Marchand Councilmember/Agencymember Jeff Williams Vice Mayor/Vice Chairperson Doug Horner Mayor/Chairperson Marshall Kamena

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

ADJOURN TO CLOSED SESSION

City Council/Redevelopment Agency

 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.

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 Marj Leider

Councilmember/Agencymember John Marchand Councilmember/Agencymember Jeff Williams Vice Mayor/Vice Chairperson Doug Horner 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

Golf Course Greens Committee

Alan Brooks, Las Positas Senior's Club member, to an unexpired term ending November 1, 2010

2.02 Proclamation declaring November 22, 2009 as National Family Week.

Staff Report

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 9, 2009 City Council/Redevelopment Agency <u>Draft Minutes</u> meeting.

City Council

- 4.02 Introduction of an ordinance amending Municipal Code Section 5.20.160(Q)(3) to <u>Staff Report</u> reduce the hours of operation for expanded service cardrooms from 160 hours a week to 159 hours a week to comply with the Gambling Control Act.
- 4.03 Resolution authorizing reallocation of \$455,905 of Homeless Prevention and Rapid Staff Report Re-housing Program funds (HPRP) to ECHO Housing for Fiscal Years 2009-2010, 2010-2011, 2011-2012; and acceptance and appropriation of \$100,000 of CalWORKS funds from Alameda County Social Services Agency for Fiscal Year

2009-2010, to provide services for the homeless.

- 4.04 Resolution authorizing participation in the Healthy Eating Active Living Cities <u>Staff Report</u> Campaign to support and promote the principles of a healthy city.
- 4.05 Resolution authorizing the acceptance and appropriation of Section 108 funds from Staff Report the U.S. Department of Housing and Urban Development to acquire the Hagemann Farms site. Location: 455 Olivina Avenue
- 4.06 Resolution accepting Tract 7561 (Arroyo Crossing Phase 1) for permanent <u>Staff Report</u> maintenance, accepting offers of dedication, and releasing securities. Location: East of Arroyo Road between Robertson Park Road and Cabernet Way
- 4.07 Resolution accepting Tract 7778 (Arroyo Crossing Phase 4) for permanent <u>Staff Report</u> maintenance, accepting offers of dedication, and releasing securities. Location: East of Arroyo Road between Robertson Park Road and Cabernet Way
- 4.08 Resolution authorizing execution of an agreement with McNabb Construction, Inc. <u>Staff Report</u> in the amount of \$118,664 for construction of the Water Reclamation Plant Parking Improvements, Project No. 2008-71.

Redevelopment Agency - None.

5. PUBLIC HEARINGS

City Council

5.01 Hearing to consider an appeal of a Planning Commission decision to deny <u>Staff Report</u> Conditional Use Permit Amendment/Design Review 08-012 for the installation of a wireless cell phone tower at Piazza Rubino. (Continued from 10-26-2009)

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 January 11, 2010 City Council meeting

Hearing to consider a request to provide expanded services at an existing <u>Staff Report</u> cardroom, including three additional tables, additional games, and numbers of players at a table, increased bet limits, and extended operating hours.

Location: 3571 First Street

Applicant: Sidney Ahn and John Schireck On-site and off-site public improvements: None

Site Area: 42,905± square feet Zoning: Commercial Service (CS) General Plan: Service Commercial (SC)

Historic Status: None

CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, which exempts minor alterations to existing facilities.

Application Numbers: Conditional Use Permit 09-013 and Development Agreement 09-002

Recommendation: The Planning Commission recommends the City Council adopt a resolution approving Major Conditional Use Permit 09-013, and introduce an ordinance approving Development Agreement 09-002 for the Livermore Casino at 3571 First Street.

5.03A Hearing to consider a request to provide expanded services at an existing Staff Report cardroom, including additional games and number of players at a table, increased bet limits, and extended operating hours. The Conditional Use Permit will terminate upon the cardroom moving to a new location within one year from the approval date of the Conditional Use Permit.

Location: 1620 Railroad Avenue

Applicant: Dale Common

On-site and off-site public improvements: None

Site Area: 2.9± acres

Zoning: Downtown Specific Plan (DSP), Downtown Neighborhood-North Side

General Plan: Downtown Area (DA)

Historic Status: None

CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, which exempts minor alterations to existing facilities.

Application Numbers: Conditional Use Permit 09-016 and Development Agreement

09-001

5.03B

Recommendation: The Planning Commission recommends the City Council adopt a resolution approving Major Conditional Use Permit 09-016, and introduce an ordinance approving Development Agreement 09-001 for the Lucky Buck Cardroom at 1620 Railroad Avenue.

Hearing to consider a request to relocate an existing cardroom and provide Staff Report expanded services, including additional games and numbers of players at a table, increased bet limits, and extended operating hours. Minor site modifications are proposed.

Location: 744 East Airway Boulevard

Applicant: Dale Common

On-site and off-site public improvements: None

Site Area: 38,265± square feet Zoning: Commercial Service (CS) General Plan: Service Commercial (SC)

Historic Status: None

CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15302, which exempts conversions of small structures to a different use.

Application Numbers: Conditional Use Permit 09-009 and Development Agreement

09-001

Recommendation: The Planning Commission recommends the City Council adopt a resolution approving Major Conditional Use Permit 09-009 for the Lucky Buck Cardroom at 744 East Airway Boulevard.

Redevelopment Agency - None.

6. MATTERS FOR CONSIDERATION

City Council

- 6.01 Discussion and direction regarding City Council appointments to Intergovernmental <u>Staff Report</u> Agencies.
- 6.02 Discussion and direction regarding the reallocation of \$7,500 of the 2009-2010 Staff Report Special Event and Tourism Grant Funds from the California Independent Film Festival to the Livermore Valley Film Commission.

Recommendation: Staff recommends the City Council adopt a resolution reallocating the funds.

6.03 Discussion and direction regarding the issuance of a Request for Proposal for the <u>Staff Report</u> installation of a public art mural at 2369 First Street, the former Firehouse building.

Recommendation: The Commission for the Arts recommends the City Council adopt a resolution authorizing the issuance of the Request for Proposal documents.

6.04 Discussion and direction regarding Fiscal Year 2009-2010 Financial Update and <u>Staff Report</u> Service Reductions.

Recommendation: Staff recommends the City Council provide direction.

6.05 Discussion and direction regarding pending State or Federal legislation.

Staff Report

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, <u>Staff Report</u> Staff, and Councilmembers.
- **8. ADJOURNMENT** To a regular City Council/Redevelopment Agency meeting on December 14, 2009 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MEMO

Document

SUPPLEMENTAL MEMO #2

Document