CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA

MARCH 14, 2011

CLOSED SESSION – 6:30 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.tri-valleytv.org. City Council meetings are also streamed live on the web at 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.

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/Redevelopment Agency

1. To meet with the City Attorney pursuant to Government Code section 54956.9(b)(1) because there is significant exposure to litigation against the City based on existing facts and circumstances; and Government Code section 54956.9(b)(3)(A) - facts and circumstances that might result in litigation, but which the City believes are not yet known to a potential plaintiff(s).

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 — Document

Planning Commission

- Neal Pann to a term expiring March 1, 2015
- Todd Storti to a final term expiring March 1, 2015
- Bob Woerner to a term expiring March 1, 2015

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 – February 14, 2011 City Council/Redevelopment Agency meeting, February 22, 2011 adjourned regular City Council/ Redevelopment Agency meeting, and February 28, 2011 City Council/ Redevelopment Agency meeting. — Draft Minutes

4.02 **Adoption on second reading of an Ordinance** approving the Zoning Map Amendment 10-002 from Planned Unit Development 246-81 to Heavy Industrial. (2/28/2011) — Document

4.03 Resolution declaring non-complying parcels a public nuisance requiring abatement, directing staf fto proceed with the 2011 Weed Abatement Program, and setting a public hearing date of April 25, 2011. — Document

4.04 Resoluting approving the Altamont Settlement Agreement Education Advisory Board's $425,000 Expenditure Plan for Fiscal Year 2011-2012. — Document

4.05 Resolution rejecting the bid from MO/JAS Construction Company as non-responsive and authorizing execution of the agreement with Breneman, Inc. in the amount of $87,712.80 for the 2010-2011 Sidewalk Repair Program, Project No. 2011-02. — Document

4.06 Resolution rejecting the bid from Jonas and Associates for the construction of the Livermore Municipal Airport Hangar S-1 Fire Suppression Improvements Project as the bid exceeded the engineer's estimate by 56%. Document

5. **PUBLIC HEARINGS**

5.01 Hearing to consider a request to amend Planned Development-Industrial 00-181 to permit a cardroom at the subject site as a conditional use; to relocate an existing cardroom and provide expanded services, including additional games and number of players at a table, increased bet limits, and expanded operating hours; to enter into a Development Agreement to establish an expanded services cardroom; and to modify the existing building at the subject site. Document

· Location: 950 North Canyons Parkway
· Applicant: Casino 580 LLC
· On-site and off-site public improvements: None
· Site Area: 3.8± acres
· Zoning: Planned Development-Industrial (PD-I) 00-181
· General Plan: Business Commercial Park (BCP)
· 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 leasing and minor modifications to existing facilities.

Recommendation: The Planning Commission and staff recommend the City Council:
1. Adopt a resolution certifying the environmental document and, after approval of the application, instruct staff to file the Notice of Exemption with the Alameda County Clerk;
2. Adopt a resolution approving Conditional Use Permit 10-007, subject to conditions;
3. **Introduce an ordinance** approving Development Code Amendment 10-006; and
4. **Introduce an ordinance** approving Development Agreement 10-003.

5.02 Hearing to consider a request to subdivide land into 50 single-family detached residential lots and common areas served with private streets accessed from Central Avenue. Document

· Location: 1000-1016 Vasco Road
· Applicant: Arbor Development Group LLC
· On-site and off-site public improvements: Includes extensions of utilities including water, sewer, storm drain, electrical lines, sidewalk, and landscaping, including utility work within Central Avenue
· Site Area: 5.8± acres
· Zoning: Suburban Residential (RS) and Commercial Service (CS)/Transferable Development Credit (TDC) Receiver Site
· General Plan: Transferable Development Credit (TDC) Receiver Site - Type E - Urban Medium High Residential/Urban High Residential-2 (UMH/UH-2) Baseline of 4.5 to 6 dwellings per acre (the maximum density when developers decline to use TDC option) or a maximum of 8 to 14 dwellings per acre when developers choose to exceed the baseline and comply with City's TDC Ordinance

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

Recommendation: The Planning Commission and staff recommend the City Council:
1. Adopt a resolution adopting a mitigated negative declaration and certifying the environmental documents with direction to file;
2. Adopt a resolution approving Vesting Tentative Tract Map 8061 and Site Plan Design Review 10-016;
3. Introduce an ordinance amending the Zoning District Map and establishing development standards for Planned Development-Residential 10-004.

5.03 Hearing to consider a request to annex and prezone 1,022± acres located east of Vasco Road, south of Patterson Pass Road, and west of Greenville Road. The project site includes the Lawrence Livermore National Laboratory (627± acres), the Sandia National Laboratory (390± acres) , two privately-owned parcels (5± acres), and Greenville Road right-of-way between Patterson Pass Road and approximately 400 feet south of East Avenue to the South Bay Aqueduct. Prezone the National Laboratories' properties to Education and Institution (E) and the private parcels to South Livermore Valley/Agriculture (SLV-AG). Document

· Location: South of Patterson Pass Road, east of Vasco Road, and west of Greenville Road.
· Applicant: City of Livermore
· On-site and off-site public improvements: None
· Site Area: 1,022± acres
· Zoning: Various Alameda County Zoning Districts, including M-P Industrial Park
· General Plan: Community Facilities - Research and Development (National laboratories); Agriculture-Viticulture
· Historic Status: None
· CEQA: A Mitigated Negative Declaration under the provisions of the California Environmental Quality Act (CEQA) will be considered.

Recommendation: Staff recommends the City Council:
1. Adopt a resolution certifying the environmental documents with direction to file;
2. Adopt a resolution authoring an application to the Alameda County Local Area Formation Commission for annexation of approximately 1,022 acres of land in the southeast area of the City;
3. Adopt a resolution authorizing execution of the Transfer of Property Tax Revenues Agreement for the two privately-owned parcels associated with the project; and
4. Introduce an ordinance approving Zoning Map Amendment 11-011 to prezone the Lawrence Livermore and Sandia National laboratory properties to E (Education and Institutions) and the two privately-owned parcels to SLV/AG (South Livermore Valley/Agriculture).

6. MATTERS FOR CONSIDERATION

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

6.02 Discussion and direction regarding the proposed Guidelines and Application Form for the UrbanArt Utility Box Mural Program. Document

Recommendation: Staff recommends the City Council approve the proposed Guidelines and Application for the UrbanArt Utility Mural Box Program.

6.03 Discussion and direction regarding a Multi-year Loan Agreement and Expenditure Authorization to Support the i-GATE Development Corporation in Leasing and Maintaining Space for the National Energy Systems Technology Incubator Document

Recommendation: Staff recommends the City Council adopt a resolution authorizing negotiation and execution of a loan agreement with the Innovation for Green Advanced Transportation Excellence (i-GATE) Development Corporation in an amount not to exceed $450,000 between Fiscal Year 2010-11 and Fiscal Year 2013-2014, and appropriation of funds in the amount of $6,000 in Fiscal Year 2010-11 and $95,000 in Fiscal Year 2011-12 to reflect the loan agreement. Funding from the loan would only be available to the i-GATE Development Corporation to support any shortfalls in the i-GATE NEST Incubator lease costs and monthly utilities charges over a 3½ year period.

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.

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 March 28, 2011 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

Supplemental Materials Document