

CITY COUNCIL AND REDEVELOPMENT AGENCY AGENDA

OCTOBER 10, 2011

REGULAR MEETING - 7:00 PM

COUNCIL CHAMBERS 3575 PACIFIC AVENUE LIVERMORE, CA 94550

CITY COUNCIL

Dr. Marshall H. Kamena, Mayor John Marchand, Vice Mayor Doug Horner, Councilmember Marj Leider, Councilmember Jeff Williams, Councilmember

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://cityoflivermore.net.

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://cityoflivermore.net.

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.



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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

2. PROCLAMATIONS AND PRESENTATIONS

2.01 Presentation of the 2011 Beautification Awards.

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 12, 2011 and September 26, 2011 <u>DOCUMENT</u> City Council meeting.
- 4.02 **Introduction of an ordinance** amending Municipal Code Chapter <u>DOCUMENT</u> 3.26, Affordable Housing Fee, exempting payment of the affordable housing in-lieu fee for projects involving the demolition and replacement of a single-family dwelling.
- 4.03 **Introduction of an ordinance** amending Municipal Code Chapter <u>DOCUMENT</u> 10.20, Stopping, Standing and Parking, to add specific authority to the City to tow vehicles in violation of the City's Municipal Code as authorized under California Vehicle Code Section 22651(n).
- 4.04 Resolution of the Redevelopment Agency determining that the DOCUMENT expenditure of \$729,200 in Housing Set-Aside funds by the Redevelopment Agency for planning and general administration in Fiscal Year 2010-2011 was appropriate and necessary to cover the cost of the production, improvement, or preservation of affordable housing.
- 4.05 Resolution approving appropriations to the Two-Year Financial Plan for Fiscal Year 2011-2012 to include operating expenses associated with properties recently transferred from the Redevelopment Agency to the City, in the amount of an additional \$25,560 in General Funds and an additional \$66,300 in Low Income Housing Funds.
- 4.06 Resolution authorizing execution of a cooperative agreement with DOCUMENT Alameda County for participation in the Alameda County HOME Consortium, and to be a subrecipient for HOME Partnership Program Funding for Fiscal Years 2012-2013, 2013-2014, and 2014-2015
- 4.07 Resolution authorizing acceptance for permanent maintenance of DOCUMENT Tract Map 7559 and 7984, including public improvements; accepting on behalf of the public all real property for dedication that was previously rejected; and authorizing release of security bonds for Tract Map 7559. Location: Signature at Station Square LLC.

- 4.08 Resolution accepting for permanent maintenance and releasing of **DOCUMENT** security for Uninterruptible Power Supply Replacement at the Livermore Police Department, Project No. 2000-27.
- 4.09 Resolution authorizing execution of an agreement with MCK Services, **DOCUMENT** Inc., in the amount of \$1,198,177, for construction of 2010 STP Arterial Street Rehabilitation, Project No. 2010-39; and reappropriating \$200,000 in Measure B 2000 funds budgeted in Fiscal Year 2011-2012 for 2011 Street Resurfacing (Project No. 2011-01) to 2010 STP Arterial Street Rehabilitation (Project No. 2010-39) in Fiscal Year 2011-2012.
- 4.10 Resolution authorizing distribution of a Request for Proposals for the **DOCUMENT** development of a hotel on City-owned property located at the southeast corner of South Livermore Avenue and Railroad Avenue.
- 4.11 Resolution authorizing initiation of judicial foreclosure actions against **DOCUMENT** thirty delinquent parcels of real property located within the Community Facilities District No. 99-1 (Tri-Valley Technology Park) to collect delinquent special taxes on behalf of the bondholders for the district: and ordering removal of delinquent special taxes from the tax roll. Cumulative special tax principal amount delinquent for tax year 2010-11 is \$401,760.
- Resolution confirming rejection of bid protest; authorizing execution of **DOCUMENT** 4.12 an agreement with Tennyson Electric, Inc., in the amount of \$111,875, for replacement of existing lighting fixtures and controls for the Livermore Valley Parking Structure Lighting Modification, Project No. 2010-12 (FRP 1101011); and appropriation of funds.

5. **PUBLIC HEARINGS**

- 5.01 Hearing to consider an appeal of the Planning Commission denial of **DOCUMENT** Appeal 11-001 which upheld the staff application of Development Code provisions to an Encroachment Permit application, and which resulted in a requirement to underground portions of the utilities proposed in the Encroachment Permit application.
 - Location: Nielson Lane public right-of-way, from and including parts of East Avenue to and including parts of Amherst Way in the vicinity of 4258 Amherst Way
 - Applicant: AT&T
 - On-site and off-site public improvements: Installation of communication utility components
 - Site Area: Nielson Lane public right-of-way, from and including parts of East Avenue to and including parts of Amherst Way in the vicinity of 4258 Amherst Way

- Zoning: Low Density Residential (RL)
- General Plan: Urban Medium Residential (UM) and Major Street (East Avenue)
- Historic Status: None
- CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15305, Minor Land Use Limitations.
- Application Number: Appeal 11-002

Recommendation: The Planning Commission and staff recommend the City Council adopt a resolution denying Appeal 11-002.

- 5.02 Hearing to consider a request to amend the Livermore Development DOCUMENT Code setback and height requirements in the Suburban Multiple Residential (RG) Zoning District.
 - Location: Various
 - Applicant: City of Livermore
 - · On-site and off-site public improvements: None
 - · Site Area: Various
 - Zoning: Suburban Multiple Residential (RG)
 - · General Plan: Various
 - · Historic Status: None
 - CEQA: A Negative Declaration under the provisions of the California Environmental Quality Act (CEQA) will be considered.
 - Application Number: Development Code Amendment 11-006

Recommendation: The Planning Commission and staff recommend the City Council:

- 1. **Introduce an ordinance** approving Development Code Amendment 11-006; and
- 2. Adopt a resolution certifying the environmental document.
- 5.03 Hearing to consider a request to construct an approximately 8,600 <u>DOCUMENT</u> square foot skilled nursing facility.
 - Location: 752 Holmes Street
 - Applicant: Freanel & Son SOM, LLC
 - · On-site and off-site public improvements: Underground utilities, curb, gutter, sidewalk
 - · Site Area: .4± acres
 - Zoning: Suburban Multiple Residential (RG-16)
 - General Plan: Urban High Residential 8-14 d.u./ac (UH-2)
 - · Historic Status: None
 - CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, which exempts in-fill development

projects.

Application Number: Conditional Use Permit 11-003

Recommendation: The Planning Commission and staff recommend the City Council:

- Adopt a resolution approving Conditional Use Permit 11-003 for an 8,600 square-foot skilled nursing facility at 752 Holmes Street, subject to conditions; and
- 2. Adopt a resolution certifying the environmental document and, after approval of the application, direct staff to file the Notice of Exemption with the Alameda County Clerk.

6. MATTERS FOR CONSIDERATION

- 6.01 Discussion and direction regarding City Council appointments to <u>DOCUMENT</u> Intergovernmental Agencies.
- 6.02 Update on the Fiscal Year 2010-2012 City Council Goals and <u>DOCUMENT</u> Priorities.

Recommendation: This report is for information only; no action is required.

6.03 Discussion and direction regarding statewide pension reform <u>DOCUMENT</u> guidelines.

Recommendation: Staff recommends the City Council adopt the League of California Cities Statewide Pension Reform Action Plan as guidelines.

6.04 Discussion and direction regarding a resolution authorizing DOCUMENT amendments to the Joint Powers Agreement with Alameda County and cities in the County to facilitate winding up the Associated Community Action Program (ACAP) and to transition Boardmember authority from one City Councilmember from each jurisdiction to the chief executives of those jurisdictions.

Recommendation: Staff recommends the City Council adopt the resolution.

6.05 Discussion and direction regarding pending State or Federal <u>DOCUMENT</u> legislation.

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, <u>DOCUMENT</u> City Attorney, Staff, and Councilmembers.
- **8. ADJOURNMENT** To a regular City Council/Redevelopment Agency meeting on October 24, 2011 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS

DOCUMENT