CITY COUNCIL
AND
LIVERMORE CAPITAL PROJECTS FINANCING AUTHORITY

AGENDA

JUNE 25, 2012

CLOSED SESSION - 6:00 PM

REGULAR MEETING - 7:00 PM

COUNCIL CHAMBERS
3575 PACIFIC AVENUE
LIVERMORE, CA 94550

CITY COUNCIL

John Marchand, Mayor
Doug Horner, Vice Mayor
Stewart Gary, Councilmember
Laureen Turner, Councilmember
Bob Woerner, 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.

LIVERMORE
CALIFORNIA

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 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 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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CLOSED SESSION

CALL TO ORDER	6:00 PM
Roll Call	Councilmember Stewart Gary Councilmember Laureen Turner Councilmember Bob Woerner Vice Mayor Doug Horner Mayor John Marchand

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

ADJOURN TO CLOSED SESSION

1. To meet with the City Attorney regarding existing litigation pursuant to Government Code § 54956.9(a). Discussion in open session would prejudice the position of the City in litigation. Two cases.

a. City of Livermore v. Dennis E. Baca, et al. Court of Appeal, Sixth Appellate District, Case No. H034835; Santa Clara County Superior Court Case No. 108CV119575.
b. Joel Silva v. City of Livermore, U. S. District Court, Northern District of California, Case No. C11-05354 EMC.

2. To meet with the City Attorney regarding anticipated litigation pursuant to Government Code § 54956.9(b)(1) because there is significant exposure to litigation against the City based on existing facts and circumstances, and Government Code § 54956.9(b)(3)(c) – The City has received a claim under the Tort Claims Act or some other written communications from a potential plaintiff threatening litigation.

   a. Written and electronic correspondence and telephone calls from Ghilotti Construction asserting construction claims for damages relative to the Isabel Interchange Project.

3. To meet with the Assistant City Manager Troy Brown, the City's negotiator, pursuant to Government Code section 54957.6 regarding negotiations with the International Association of Fire Fighters, Local 1974.

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 Stewart Gary
Councilmember Laureen Turner
Councilmember Bob Woerner
Vice Mayor Doug Horner
Mayor John Marchand

1.02 Pledge of Allegiance

1.03 Report of Action Taken in Closed Session

2. PROCLAMATIONS AND PRESENTATIONS

2.01 Presentation of awards to the 2012 Amgen Tour of California Livermore Stage 3 Finish Photo Contest winners. DOCUMENT

2.02 Commission for the Arts Annual Update. DOCUMENT

2.03 Proclamation honoring the 10th Anniversary of the Livermore Shakespeare Festival. DOCUMENT

3. CITIZENS FORUM

- *In conformance with the Brown Act, no City Council 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 with a single action. Members of the audience wishing to provide public input must complete a speaker card.

4.01 Approval of Minutes – June 11, 2012 City Council meeting. DOCUMENT

4.02 **Adoption of an Ordinance** amending Municipal Code Chapter 13.25 for Water Efficient Landscapes. (6-11-2012) DOCUMENT

4.03 Resolution authorizing execution of an agreement with Innovative Claim Solutions, in the amount not to exceed $88,361 in Fiscal Year 2012-13, $91,102 in Fiscal Year 2013-14 and $93,742 in Fiscal Year 2014-15, for third-party administration of the City's Self-Insured Workers' Compensation Program. DOCUMENT

4.04 Resolution authorizing execution of an agreement with Motorola Solutions, Inc., in an amount not to exceed $142,000, for maintenance and support of public safety software and related systems. DOCUMENT

4.05 Resolution authorizing execution of an agreement with Jordan and Associates, Inc., in the amount of $19,200, for Federal Government Affairs Consulting Services for the Tri-Valley cities in Alameda and Contra Costa Counties. DOCUMENT

4.06 Resolution approving the 2012-2013 Tourism and Special Event Grant Program. DOCUMENT

4.07 Resolution authorizing the issuance of a purchase order to Univar USA, Inc., in an amount not to exceed $170,000, for the purchase of sodium hypochlorite 12.5% to be used for treated effluent disinfection at the Water Reclamation Plant. DOCUMENT

4.08 Resolution authorizing the issuance of a purchase order to Polydyne Inc., in an amount not to exceed $245,628, for the purchase of polymer to be used for coagulation of digested sludge at the Water Reclamation Plant. DOCUMENT

4.09 Resolution authorizing execution of an agreement with Tetra Tech, Inc., in an amount not to exceed $237,980, for consulting services required to evaluate and provide recommendations for planning future Water Reclamation Plant facilities in connection with Utility Master Plan, Project No. 1988-15. DOCUMENT

4.10 Resolution authorizing execution of an agreement with Motorola Solutions, Inc., allowing the installation of public safety broadband communications system infrastructure and equipment as part of the regional Bay Area Wireless Enhanced Broadband (BayWEB) project on three City-owned properties, including the Doolan Road property, Dalton Road water tank property, and City Hall Campus. DOCUMENT

4.11 Resolution of intention to sell City property; a 13,926 square foot parcel located on the north side of First Street, east of Inman Street. DOCUMENT

4.12 Resolution accepting for permanent maintenance and releasing of security for Portola Avenue (east of Campus Hill Drive). DOCUMENT

4.13 Resolutions approving the Memorandum of Understanding with the Livermore Police Officers Association for the period of February 1, 2012 through January 31, 2014, and paying and reporting the value of employer-paid member contributions for the Livermore Police Officers Association. DOCUMENT

5. PUBLIC HEARINGS

5.01 Resolutions initiating formation of Community Facilities District 2012-1 (El Charro Maintenance) (CFD-2012-1), calling for a Special Landowner Election, and declaring results for the Special Landowner Election; and **introduction of an ordinance** Levying Special Taxes within the Community Facilities District 2012-1. DOCUMENT

Recommendation: Staff recommends the City Council:

- Adopt the resolution forming CFD 2012-1;
- Adopt the resolution calling a Special Landowner Election for CFD 2012-1 and directing the City Clerk to complete the landowner elections;
- Adopt the resolution declaring the results of the election and directing recording of the Notice of Special Tax Lien; and
- **Introduce the ordinance** levying special taxes within CFD 2012-1.

5.02 Hearing to consider amendments to the Development Agreements with property owners in the El Charro Specific Plan area. The proposed amendments clarify what subsequent approvals would require Development Agreement Amendments and the manner in which those amendments are reviewed. In addition, the Cottonwood Creek Partners Development Agreement is being amended to incorporate alternate financing to construct their Supplemental Improvements DOCUMENT

- Location: Southeast quadrant of El Charro Road and Interstate 580
- Applicant: Paragon Outlets Livermore Valley LLC, Johnson-Himsl Partnership, Paragon Outlets Livermore Valley II LLC, CrossWinds Church, Cottonwood Creek Partners LLC, and El Charro Vista
- On-site and off-site public improvements: None
- Site Area: 154± acres
- Zoning: Planned Development - El Charro Specific Plan Regional Commercial (PD-ECSP-RC) and Planned Development - El Charro Specific Plan Highway Regional Commercial (PD-ECSP-HRC)
- General Plan: Business and Commercial Park (BCP)
- Historic Status: None
- CEQA: An Environmental Impact Report was previously certified for this project (SCH#2006052112).

Recommendation: The Planning Commission and staff recommend the City Council **introduce the ordinances** amending Development Agreements with:

- Paragon Outlets Livermore Valley, LLC
- Johnson-Himsl Partnership
- Paragon Outlets Livermore Valley II, LLC
- CrossWinds Church
- Cottonwood Creek Partners, LLC; and
- El Charro Vista, LLC
-

6. MATTERS FOR CONSIDERATION

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

6.02 Appointment of Councilmembers to the City Council Subcommittee to conduct Advisory Body interviews from July 1 through December 31, 2012, including the Livermore Area Youth Advisory Commission. DOCUMENT

Recommendation: Staff recommends two Councilmembers be appointed to serve on the City Council Subcommittee for Advisory Bodies.

6.03 **Certificates of Participation.** Resolution authorizing execution of certain lease financing documents, approving sale of certificates, approving a preliminary official statement, and execution of all related documents to provide funding in an amount not to exceed $9 million for the refunding and refinancing of previously issued 2007 Certificates of Participation ($15.1 million). DOCUMENT

Recommendation: Staff recommends the City Council adopt the resolution.

6.04 Resolution of the Capital Projects Financing Authority approving lease refinancing documents in connection with the refunding of 2007 lease and 2007 Certificates of Participation. DOCUMENT

Recommendation: Staff recommends the Livermore Capital Projects Financing Authority adopt the resolution.

6.05 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 meeting on July 9, 2012 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS DOCUMENT