

CITY COUNCIL

AGENDA

JULY 9, 2012

CLOSED SESSION - 6:30 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.



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 6:30 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 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 communication 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.

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** None.

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 25, 2012 City Council and Livermore <u>DOCUMENT</u> Capital Projects Financing Authority meeting.

- 4.02 **Adoption of an ordinance** levying special taxes within the <u>DOCUMENT</u> Community Facilities District 2012-1 (El Charro Maintenance). (6-25-2012)
- 4.03 **Adoption of ordinances** authorizing execution of El Charro Specific <u>DOCUMENT</u> Plan Development Agreement Amendments. (6-25-2012)
 - Paragon Outlets Livermore Valley, LLC (DAA 12-003)
 - Johnson-Himsl Partnership (DAA 12-004)
 - Paragon Outlets Livermore Valley II, LLC (DAA 12-005)
 - · CrossWinds Church (DAA 12-006)
 - Cottonwood Creek Partners, LLC (DAA 12-007)
 - El Charro Vista, LLC (DAA 12-008)
- 4.04 Resolution of intention to levy and collect annual assessments under the Landscape and Lighting Act of 1972; direct the filing of the annual Engineer's Report; and establish a Public Hearing date of July 23, 2012, for the levy of assessments.
- 4.05 Resolution accepting for permanent maintenance and releasing of DOCUMENT security for the El Charro Specific Plan Las Positas Golf Course Modifications, Project No. 2007-202.
- 4.06 Resolution authorizing execution of a Low Income Housing Agreement DOCUMENT with The Grove Livermore LT Ventures, LLC for property located approximately at 75 North Mines Road (Vesting Tentative Tract Map 7782).
- 4.07 Resolution authorizing execution of an agreement with the Alameda DOCUMENT County Housing and Community Development to receive HOME Investment Partnership Program (HOME) funding for Fiscal Year 2012-2013.
- 4.08 Resolution naming the Hagemann Farm's arena in honor of the Sean <u>DOCUMENT</u> McLarry Foundation, in recognition of support for Hoofprints on the Heart.
- 4.09 Resolution reallocating \$14,300 in Homeless Prevention and Rapid DOCUMENT Re-Housing Program funds from the City allocation for data collection to Abode Services to pay for additional program costs.

5. PUBLIC HEARINGS

Hearing to receive protests related to the non-payment of solid waste, DOCUMENT recycling, and organics services; and adoption of a resolution overruling protests and confirming the 2012 lien assessments; and directing staff to forward a finalized copy of the assessment report to

the County Tax Assessor.

Recommendation: Staff recommends the City Council adopt the resolution and direct staff to forward the finalized assessment report to the County Tax Assessor.

Hearing to consider a City-initiated project to modify the Livermore General Plan, El Charro Specific Plan, Livermore Zoning Map, and an existing Development Agreement to reflect adjustments to the location of a water detention basin, the relocation of Paragon Outlets Drive (formerly designated as Road A) and related adjustments to Jack London Boulevard. The basin relocation and associated land use designation changes eliminate the need for an additional drainage outfall to the Arroyo Las Positas and move a commercial land use designation away from the centerline of the primary departure runway at the Livermore Municipal Airport. The relocation of Paragon Outlets Drive farther east accommodates a proposed Phase II development of Paragon Outlets Livermore. The project also includes a proposed land exchange of private and City-owned land corresponding to the land

- Location: Southeast quadrant of El Charro Road and Interstate 580
- Applicant: City of Livermore

use designation changes and basin relocation.

- On-site and off-site public improvements: Construction of a public road (Paragon Outlets Drive) and extension of Jack London Boulevard and related infrastructure as part of Phase II of Paragon Outlets Livermore.
- Site Area: El Charro Specific Plan encompasses 250± acres
- Zoning: Planned Development-El Charro Specific Plan-Regional Commercial (PD-ECSP-RC), Planned Development-El Charro Specific Plan-Highway Regional Commercial (PD-ECSP-HRC), and Planned Development-El Charro Specific Plan-Open Space (PD-ECSP-OS)
- General Plan: Business and Commercial Park (BCP) and Limited Agriculture (LDAG)
- · Historic Status: None
- CEQA: An Environmental Impact Report (SCH# 2006052112) was previously certified for the project.

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

Adopt resolutions:

a. Approving General Plan Amendment 12-002 to amend the Livermore General Plan Map to adjust boundaries between a Business and Commercial Park (BCP) and Limited Agriculture (LDAG) District in the El Charro Specific Plan; and

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DOCUMENT

- b. Approving Specific Plan Amendment 12-003 to amend the El Charro Specific Plan to adjust district boundaries, the location of Road A (Paragon Outlets Drive), and modify lane configurations for a segment of Jack London Boulevard.
- c. Approving a Parcel Exchange Agreement with Johnson-Himsl LLC.

Introduce Ordinances:

- a. Approving the Third Amendment (DAA12-001) to Development Agreement 06-001 with Johnson-Himsl LLC (formerly Johnson-Himsl Partnership); and
- b. Approving the Zoning Map Amendment 12-001, to adjust the boundaries of the Planned Development-El Charro Specific Plan-Highway Regional Commercial District.

6. MATTERS FOR CONSIDERATION

- 6.01 Discussion and direction regarding City Council appointments to <u>DOCUMENT</u> Intergovernmental Agencies.
- 6.02 Discussion and direction regarding appointment of one voting delegate DOCUMENT and up to two alternates for the League of California Cities Annual Conference, September 5-7, 2012.

Recommendation: Staff recommends the City Council appoint one voting delegate and up to two alternates for the League of California Cities Annual Conference.

6.03 Discussion and direction regarding amending the City's election date. <u>DOCUMENT</u>

Recommendation: Staff recommends the City Council provide direction.

6.04 Discussion and direction regarding potential modifications to the City's DOCUMENT General Plan Airport Protection Area (APA) policies to allow new residential development in limited areas of the APA.

Recommendation: Staff recommends the City Council provide direction.

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 meeting on July 23, 2012 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MATERIALS

DOCUMENT

ADDITIONAL MATERIALS

DOCUMENT