

REGULAR MEETING
Tuesday, September 18, 2012
DUBLIN CIVIC CENTER, 100 Civic Plaza
DUBLIN CITY COUNCIL
A G E N D A

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CLOSED SESSION 6:30 PM

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City owned right-of-way located in front of 11501 Dublin Blvd.

Agency negotiator: Joni Pattillo

Negotiating parties: Ring Family Revocable Trust and Davies Family Revocable Trust, jointly doing business as Ring Properties

Under negotiation: Price and terms of payment.

REGULAR MEETING 7:00 PM

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG**
2. **REPORT ON CLOSED SESSION**
3. **ORAL COMMUNICATIONS**
 - 3.1. **Proclamation in Honor of the Anniversary of the United States Constitution [\[STAFF REPORT\]](#)**

The City Council will present a proclamation to representatives from Daughters of the American Revolution designating September 17 through September 23, 2012 as Constitution Week in the City of Dublin.

STAFF RECOMMENDATION:
Present the proclamation.
 - 3.2. **Acceptance of Gifts to City from Dublin Senior Center Sponsors [\[STAFF REPORT\]](#)**

The City Council will receive a report on the various sponsors that provided monetary donations to support the City of Dublin Senior Center in Fiscal Year 2011-2012.

STAFF RECOMMENDATION:
Recognize the sponsors and individuals, and formally accept the contributions.
 - 3.3. **2012 Walk to School Week [\[STAFF REPORT\]](#)**

During the first week of October, the City of Dublin will work with the Dublin Unified School District and Safe Routes to Schools to promote participation in International Walk to School Month, an annual event that encourages students and parents to consider walk and bicycling to school. This proclamation will declare the week of October 1st through 7th "Walk and Roll to School Week" in the City of Dublin.

STAFF RECOMMENDATION:
Approve the proclamation declaring the week of October 1st through 7th as "Walk and Roll to School Week" in the City of Dublin.

3.4. Public Comments

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. **CONSENT CALENDAR**

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1. **Minutes of the Regular City Council Meeting of September 4, 2012** [\[STAFF REPORT\]](#)

The City Council will consider the approval of the minutes of the Regular City Council meeting of September 4, 2012.

STAFF RECOMMENDATION:

Approve the minutes of the Regular City Council meeting of September 4, 2012.

4.2. **Annual Review of the following Development Agreements: Dublin Ranch Area A-H; Dublin Ranch Supplemental DA, Areas F, G and H; AMB/Legacy Partners, West Dublin Transit Village; Stockbridge/BHV Emerald Place – Green on Park Place; Western Pacific Housing, Transit Center Site E-1; Gateway Medical Group/Triad; Sorrento East/SR Structured Lot Options; Grafton Station; Dublin Ranch Amendment to the Master Agreement; Standard Pacific (Fallon Crossings); Schaefer Ranch South; Wallis Ranch; Transit Center, Master DA; Springfield Montessori; Dublin Ranch North; Sorrento East/SR Structured Amended; Jordan Ranch; Fallon Gateway/Target; Promenade; and Avalon Bay, Site C.** [\[STAFF REPORT\]](#)

Staff has determined that, in regards to compliance with the above mentioned Development Agreements, all Developers have complied in good faith and/or are progressing toward full conformance with the terms and conditions of the Development Agreements during the past year. Staff will continue monitoring all of the projects to assure that the Developers are moving towards full compliance.

STAFF RECOMMENDATION:

Adopt **Resolution** finding that: 1) the following developers have complied in good faith with the terms and provisions of the following Development Agreements: Dublin Ranch Area A-H; Dublin Ranch Supplemental DA, Areas F, G and H; AMB/Legacy Partners, West Dublin Transit Village; Stockbridge/BHV Emerald Place – Green on Park Place; Western Pacific Housing, Transit Center Site E-1; Gateway Medical Group/Triad; Sorrento East/SR Structured Lot Options; Grafton Station; Dublin Ranch Amendment to the Master Agreement; Standard Pacific (Fallon Crossings); Schaefer Ranch South; Wallis Ranch; Transit Center, Master DA; Springfield Montessori; Dublin Ranch North; Sorrento East/SR Structured Amended; Jordan Ranch; Fallon Gateway/Target; Promenade; and Avalon Bay, Site C; and 2) conclude the Annual Review Period for 2012 for the Development Agreements.

4.3. **Check Issuance Report and Electronic Funds Transfers** [\[STAFF REPORT\]](#)

The City Council will receive a listing of payments issued from August 1, 2012 – August 31, 2012 totaling \$6,345,506.26.

STAFF RECOMMENDATION:

Receive the report.

4.4. **2012 Notice of Amendment to Conflict of Interest Code** [\[STAFF REPORT\]](#)

This item is a notice to the City Council that an amendment to City's Conflict of Interest Code is required.

STAFF RECOMMENDATION:

Direct Staff to prepare an ordinance amending the City's Conflict of Interest Code.

4.5. Modification to Fiscal Year 2012-2013 Position Allocation Plan and Amendment to Salary Plan for Public Works Technician I/II classifications [\[STAFF REPORT\]](#)

This report modifies the Position Allocation Plan for Fiscal Year 2012-2013 to reflect changes to the Dublin Police Services' personnel allocations and amends the Salary Plan for the positions of Public Works Technician I and Public Works Technician II.

STAFF RECOMMENDATION:

Adopt **Resolution** Modifying the Position Allocation Plan for Fiscal Year 2012-2013; and adopt **Resolution** Amending the Salary Plan for the positions of Public Works Technician I and Public Works Technician II.

4.6. Annual Review of City Investment Policy and Delegation of Authority To Complete Investment Transactions [\[STAFF REPORT\]](#)

The adopted Investment Policy for the City of Dublin includes a provision for an annual review of the policy to be presented at a public meeting. The City Council is also required to annually designate positions authorized to complete investment transactions. A minor change has been proposed to the designated reporting timeline. In accordance with State Law the City Council can only delegate for a one year period the responsibility to complete investment transactions. The City Council has authorized in the past the City Treasurer (Administrative Services Director) and Deputy City Treasurers (City Manager and / or Finance Manager).

STAFF RECOMMENDATION:

Adopt **Resolution** adopting the 2012 Annual Review of Investment Policy and Delegation of Authority to Complete Investment Transactions.

4.7. Preliminary Quarterly Financial Report for the Period Ending June 30, 2012 (4th Quarter) and Final Fiscal Year 2011/2012 Budget Changes [\[STAFF REPORT\]](#)

The City Council will be presented with preliminary information related to the revenues and expenditures through the end of the fourth quarter of Fiscal Year ending June 30, 2012. At this time the annual financial audit has not been completed, therefore, the financial reports as presented are preliminary. In order to prepare the report in some cases estimates were used which will be updated with the final information when it is received. The auditors are scheduled to be on site beginning October 15th, 2012. Consistent with prior years any audit adjusting entries will be recorded and included in the City's Comprehensive Annual Financial Report, to be presented in December. Based on the completion of four quarters of the year the report will include analysis of significant trends and variances between budgets and actual expenditures. Final Budget changes requiring City Council action are provided.

STAFF RECOMMENDATION:

Receive the reports as authorized by Section 41004 of the California Government Code; and approve the Budget Change.

4.8. Adoption of the Ordinance to Amend the City's Retirement Contract with the Board of Administration of the California Public Employees' Retirement System (CalPERS) [\[STAFF REPORT\]](#)

This is the second reading of an Ordinance introduced at the regularly scheduled City Council Meeting of August 21, 2012. The Ordinance authorizes an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System to provide Employee Cost Sharing of Additional Benefits as defined under Article 2, Section 20516 of the California Public Employee Retirement Law (PERL). The proposed amendment increases City employee contributions to their CalPERS retirement costs and thus decreases the employer's retirement program costs. Employee CalPERS deductions will be made on a pre-tax basis under Internal Revenue Code (IRC) Section 414 (h) (2) which was previously adopted by the City.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** authorizing an amendment to the contract between the City of Dublin and the Board of Administration of the California Public Employees' Retirement System.

4.9. Award of Bid-Contract No. 12-11, Golden Gate Drive Streetscape Enhancement Project

[\[STAFF REPORT\]](#)

The Golden Gate Drive Streetscape Enhancement Project will enhance pedestrian and bicycle access from Dublin Boulevard to the end of Golden Gate Drive adjacent to the West Dublin BART Station; provide a new street overlay; and install pedestrian-scaled lighting, street trees and median landscaping. The City has advertised the project, solicited bids from contractors and is now ready to award the contract to Suarez & Munoz Construction, Inc., the lowest responsible bidder.

STAFF RECOMMENDATION:

Adopt **Resolution** Awarding Contract No. 12-11, Golden Gate Drive Streetscape Enhancement Project, to Suarez & Munoz Construction, Inc. as the lowest responsible bidder and authorizing the City Manager or her designee to approve Change Orders for the project up to the contingency amount of \$132,919; and approve the Budget Change authorizing additional Measure B Bike/Pedestrian and Local Streets Program funds for the Golden Gate Drive Streetscape Enhancement Project.

4.10. Third Amendment to Agreement for Legal Services with Meyers Nave [\[STAFF REPORT\]](#)

Meyers Nave, the law firm that has served as Dublin's City Attorney since its incorporation, has requested that the City Council consider amending its legal services agreement with the City to increase the hourly rates to \$220 for general legal services and to \$264 for litigation and for work for which the City is reimbursed by third parties.

STAFF RECOMMENDATION:

Approve the Third Amendment to Agreement for Legal Services.

4.11. Resolution Rescinding Resolution No. 53-02 and Establishing Staff Authority to Act on General Liability Claims. [\[STAFF REPORT\]](#)

The City Council approved the adoption of revisions to the City's purchasing Ordinance on August 21, 2012. In order to provide for consistency between purchasing and settling authority it is necessary to amend the Resolution that establishes the City Manager's authority to act on general liability claims.

STAFF RECOMMENDATION:

Adopt **Resolution** Establishing Staff Authority to Act on General Liability Claims.

5. WRITTEN COMMUNICATION – None.

6. PUBLIC HEARINGS

6.1. Adoption of Master Fee Schedule [\[STAFF REPORT\]](#)

On September 4, 2012 the City Council received a report on a comprehensive user fee study and adopted a policy related to User Fees. Based on the information presented, the City Council concurred with proceeding with a public hearing to consider adoption of the fees on September 18, 2012. The City's current fee and cost recovery model was adopted by the City Council in April 2006 using budgetary data from Fiscal Year 2004-05. The proposed Master Fee Schedule is based on a study completed by Capital Accounting Partners.

STAFF RECOMMENDATION:

Conduct public hearing, deliberate and adopt **Resolution** establishing a new Master Fee Schedule which will be effective December 1, 2012.

7. UNFINISHED BUSINESS

7.1. Introduction of Proposed Fireworks Ordinance Language Additions, relating to the Reinvestment of Fireworks Proceeds within the City of Dublin [\[STAFF REPORT\]](#)

The City Council will consider proposed language amendments to the City's Fireworks ordinance that will commit local non-profit groups to reinvest fireworks proceeds within the City of Dublin.

STAFF RECOMMENDATION:

Receive the report, comment on the proposed language, and provide Staff direction regarding the proposed amendment to the Firework's ordinance.

7.2. Tobacco Retailers Ordinance Outreach Report [STAFF REPORT] [STAFF REPORT]

A Fiscal Year 2012-2013 City Council initiated work plan goal directs Staff to establish zoning restrictions and a licensing system for new tobacco retailers within the City. As directed by the City Council, Staff met with representatives advocating various positions to solicit their input. Staff is presenting this item to receive additional direction before finalizing the Tobacco Retailer Ordinances.

STAFF RECOMMENDATION:

Receive the report and provide Staff with feedback and direction on developing a Tobacco Retailers Ordinance.

7.3. Proposed Building Plan for Emerald Glen Park [STAFF REPORT]

The Emerald Glen Park Master Plan envisions two public buildings: a Recreation and Aquatic Complex and a Community Center. The 2012-2017 Capital Improvement Program includes funding to restart the design process for the Recreation and Aquatic Complex which was suspended in 2009 due to the downturn in the economy. The City Council will consider a revised building plan that combines the remaining facilities planned for Emerald Glen into one building totaling 51,360 square feet (sf) that would be constructed in three phases, with Phase I being completed in 2015. The City Council will also consider whether to defer some of the improvements proposed for Phase I to advance the next phase of Fallon Sports Park.

STAFF RECOMMENDATION:

Receive the Staff and consultant presentations and approve the proposed building and phasing plan as presented by Staff.

8. NEW BUSINESS – None.

9. OTHER BUSINESS

Brief *INFORMATION ONLY* reports from Council and/or Staff, including Committee Reports and Reports by Council related to Meetings Attended at City Expense (AB 1234)

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

Mission

The City of Dublin promotes and supports a high quality of life which ensures a safe and secure environment that fosters new opportunities.

Vision

Dublin is a vibrant city committed to its citizens, natural resources, and cultural heritage. As Dublin grows, it will balance history with progress, to sustain an enlightened, economically balanced and diverse community.

Dublin is unified in its belief that an engaged and educated community encourages innovation in all aspects of City life, including programs to strengthen our economic vitality, and support environmental stewardship and sustainability through the preservation of our natural surroundings. Dublin is dedicated to promoting an active and healthy lifestyle through the creation of first-class recreational opportunities, facilities and programs.

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