

REGULAR MEETING
Tuesday, November 20, 2012
DUBLIN CIVIC CENTER, 100 Civic Plaza
DUBLIN CITY COUNCIL
A G E N D A

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CALL TO ORDER & CLOSED SESSION 6:30 P.M.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: Elite Landscaping, Inc. v. City of Dublin, Alameda County Superior Court, RG1155549

REGULAR MEETING 7:00 PM

1. CALL TO ORDER & PLEDGE ALLEGIANCE TO THE FLAG

2. REPORT ON CLOSED SESSION

3. ORAL COMMUNICATIONS

3.1. 2012 Business Anniversary Awards [STAFF REPORT]

The City Council will recognize those businesses that have been in Dublin 20, 25, 30, 35, 40, 45, and 50 years.

STAFF RECOMMENDATION:

Recognize those businesses that have been in Dublin 20, 25, 30, 35, 40, 45, and 50 years.

3.2. Introduction of New City Employee [STAFF REPORT]

A new member of City Staff will be introduced.

STAFF RECOMMENDATION:

Welcome the new City of Dublin Staff member.

3.3. Recognition of Inside Dublin 2012 Participants [STAFF REPORT]

The City Council will recognize the Inside Dublin 2012 participants.

STAFF RECOMMENDATION:

Recognize the 2012 Inside Dublin participants.

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 November 6, 2012 [\[STAFF REPORT\]](#)

The City Council will consider the approval of the minutes of the Regular City Council meeting of November 6, 2012.

STAFF RECOMMENDATION:

Approve the minutes of the Regular City Council meeting of November 6, 2012.

4.2. City Treasurer's Informational Report of Investments for the Period from July 1, 2012 to September 30, 2012 [\[STAFF REPORT\]](#)

The adopted Investment policy calls for a semi-annual report of investments. This is an informational report for the period from July 1, 2012 to September 30, 2012. The City's investment portfolio totals \$126,808,769.86 (par value). As of September 30, 2012, funds were invested at an average yield of 0.933%. The portfolio includes both discretionary and restricted funds and the balance will fluctuate throughout the year. The report provides background on the City investment portfolio, as well as the investment results, as of September 30, 2012.

STAFF RECOMMENDATION:

Receive the Report.

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

The City Council will receive a listing of payments issued from October 1, 2012 – October 31, 2012 totaling \$6,886,205.58.

STAFF RECOMMENDATION:

Receive the report.

4.4. Preliminary Quarterly Financial Report for the Period Ending September 30, 2012 (1st Quarter) [\[STAFF REPORT\]](#)

The City Council will be presented with preliminary information related to the revenues and expenditures through the end of the first quarter of Fiscal Year ending June 30, 2013. The annual financial audit field work was completed on October 26, 2012. The auditors have not proposed any audit adjustments at the time the financial reports are prepared. However the beginning balances should be considered preliminary as any final 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 the first quarter of the year, the report will include analysis of significant trends and variances between budgets and actual expenditures.

STAFF RECOMMENDATION:

Receive the reports as authorized by Section 41004 of the California Government Code

4.5. Sales Tax Reimbursement Agreement with Dick's Sporting Goods, Inc. [\[STAFF REPORT\]](#)

In January 2009, City Council adopted the Sales Tax Reimbursement Program as one way to stimulate economic investment in Dublin. Representatives of Dick's Sporting Goods requested participation in the Sales Tax Reimbursement Program to offset a portion of \$1.75 million in tenant improvements costs for their new store at 2820 Dublin Boulevard.

STAFF RECOMMENDATION:

adopt the proposed **Resolution** Approving an Agreement for Reimbursement of Sales and Use Tax Revenue with Dick's Sporting Goods, Inc. relating to tenant improvements to be performed on a property located at 2820 Dublin Boulevard at the Fallon Gateway project.

5. WRITTEN COMMUNICATION – NONE

6. PUBLIC HEARINGS

6.1. PUBLIC HEARING: PLPA-2012-00033 Zoning Ordinance Amendment to Chapter 8.76 (Off-Street Parking and Loading) related to the Village Parkway Market-Based Parking Program [STAFF REPORT]

The proposed amendments to Chapter 8.76 (Off-Street Parking and Loading) of the Dublin Zoning Ordinance temporarily eliminate the parking standards in the Downtown Dublin Specific Plan Village Parkway District. The proposed amendments address direction provided by the City Council on May 15, 2012 and August 21, 2012. The proposed amendments will implement a test-case parking program in the District to see if it can enable more intense uses along the Village Parkway corridor. The Program will be in effect for a temporary period of two years.

STAFF RECOMMENDATION:

Conduct public hearing, deliberate, waive the reading and INTRODUCE an Ordinance amending Chapter 8.76 (Off-Street Parking and Loading) related to the Village Parkway Market-Based Parking Program.

6.2. Tobacco Retailers Ordinance and Community Park Smoking Prohibition [STAFF REPORT] [STAFF REPORT]

A Fiscal Year 2012-2013 City Council Initiative directs Staff to establish zoning restrictions for new tobacco retailers and a licensing system for all tobacco retailers within the City. Additionally, Staff was directed to include an expansion of the present prohibition of smoking within 100 feet of recreational areas within Community Parks, making Community Parks consistent with the total smoking prohibition within Neighborhood Parks and Squares. The City is adding a new Chapter to the Zoning Ordinance relating to the location of tobacco retailers within the City. Additionally, amendments are proposed to: 1) Chapter 8.08 (Definitions) to add a new definition for Tobacco Retailers; 2) Chapter 8.12 (Zoning Districts and Permitted Uses of Land) to add tobacco retailers as a commercial use type; and 3) Chapter 8.116 (Zoning Clearance) to include tobacco retailers as a use that can be approved via the Zoning Clearance process. The City is also adding a new Chapter 4.40 to the Dublin Municipal Code to establish a Tobacco Retailing Licensing System for all tobacco retailers within the City.

STAFF RECOMMENDATION:

Conduct public hearing, deliberate, waive the reading and INTRODUCE an Ordinance adding a new Chapter 4.40 and a new Chapter 8.43 and amending Chapter 8.08 (Definitions), Chapter 8.12 (Zoning Districts and Permitted Uses of Land), Chapter 8.30 (Downtown Dublin Zoning District), Chapter 8.116 (Zoning Clearance), and Chapter 5.56 (Smoking Pollution Control) to the Dublin Municipal Code to regulate the location of new tobacco retailers, establish a tobacco retailing licensing system within the City of Dublin, and prohibited smoking within Community Parks.

6.3. Appeal of the Planning Commission's Denial of the Downtown Regional Serving Sign Conditional Use Permit and Site Development Review Permit, PLPA-2012-00042 [STAFF REPORT]

The City Council will consider an appeal of the Planning Commission's denial of a Conditional Use Permit and Site Development Review for the construction and ongoing operation of an 85 foot tall, regional-serving, freestanding sign as permitted by the Downtown Dublin Specific Plan. The proposed project is located at 7153 Amador Plaza Road within the Retail District of the Downtown Dublin Zoning District and Downtown Dublin Specific Plan.

STAFF RECOMMENDATION:

Adopt a **Resolution** reversing the Planning Commission's adoption of Resolution 12-33 and Approving a Conditional Use Permit and Site Development Review Permit for the construction and ongoing operation of an 85 foot tall, regional-serving, freestanding sign as originally proposed, as permitted by the Downtown Dublin Specific Plan, and as recommended to the Planning Commission on September 11, 2012; **OR** adopt a **Resolution** Reversing the Planning

Commission's adoption of Resolution 12-33 and approving a Conditional Use Permit and Site Development Review Permit for the construction and ongoing operation of a regional-serving, freestanding sign with a revised design and modified conditions of approval; **OR** adopt a **Resolution** Affirming the Planning Commission's adoption of Resolution 12-33 denying a Conditional Use Permit and Site Development Review Permit for the construction and ongoing operation of an 85 foot tall, regional-serving, freestanding sign as permitted by the Downtown Dublin Specific Plan; **OR** provide other direction.

7. UNFINISHED BUSINESS

7.1. Site 16A General Plan and Eastern Dublin Specific Plan Amendment Study

[STAFF REPORT]

Reaffirm their authorization to initiate a General Plan and Eastern Dublin Specific Plan Amendment Study to change both the General Plan and Eastern Dublin Specific Plan land use designations for a 14.32 acre parcel at the southwest corner of Dublin Boulevard and Hacienda Drive from Campus Office to General Commercial/Campus Office.

STAFF RECOMMENDATION:

Adopt **Resolution** approving the initiation of a General Plan and Eastern Dublin Specific Plan Amendment Study to change the land use designation for a 14.32 acre parcel at the southwest corner of Dublin Boulevard and Hacienda Drive from Campus Office to General Commercial/Campus Office.

7.2. Consulting Services Agreement with Economic & Planning Systems, Inc. to evaluate of proposed Zoning Ordinance Amendments [STAFF REPORT]

On February 7, 2012, the City Council received an informational report on the status of parking in Area G of Dublin Ranch and directed Staff to prepare Zoning Ordinance Amendments to: establish consistency between the parking standards for apartments and condominiums; require a minimum amount of personal storage for attached residential units; and eliminate the use of tandem parking to meet minimum parking requirements. Staff presented the proposed amendments to the Planning Commission on July 10, 2012, and based on feedback received from the development community, is recommending that the City Council direct Staff to enter into a Consulting Services Agreement with Economic & Planning Systems to evaluate the economic impacts of the proposed amendments on future residential projects.

STAFF RECOMMENDATION:

Adopt **Resolution** approving a Consulting Services Agreement with Economic & Planning Systems, Inc. to evaluate proposed Zoning Ordinance Amendments; and approve the Budget Transfer.

8. NEW BUSINESS

8.1. Heritage Park Office Complex General Plan and Dublin Village Historic Area Specific Plan Amendment Study [STAFF REPORT] [STAFF REPORT]

The City Council will consider whether to initiate a General Plan and Specific Plan Amendment Study to change the land use designation on approximately 5.85 acres of property in the Dublin Village Historic Area from Retail/Office to Medium Density Residential. The subject property is currently occupied by the Heritage Park Office Complex at 11875 Dublin Boulevard and is located south of Dublin Boulevard between San Ramon Road and Donlon Way.

STAFF RECOMMENDATION:

Either adopt **Resolution** approving the initiation of a General Plan and Specific Plan Amendment Study to change the land use designation on approximately 5.85 acres at 11875 Dublin Boulevard from Retail/Office to Medium Density Residential; **OR** adopt **Resolution** denying the initiation of a General Plan and Specific Plan Amendment Study to change the land use designation on approximately 5.85 acres at 11875 Dublin Boulevard from Retail/Office to Medium Density Residential.

8.2. City of Dublin Community Grants Program City Council Subcommittee Appointments [STAFF REPORT]

The City Council will be asked to confirm the Mayor's appointments to the City of Dublin Community Grants Program Subcommittee for Fiscal Year 2013-2014.

STAFF RECOMMENDATION:

Confirm the Mayor's appointments to the City of Dublin Community Grants Program Subcommittee for Fiscal Year 2013-2014.

8.3. Financial Assistance for Hurricane Sandy Relief Efforts [STAFF REPORT]

The City Council will consider a \$10,000 donation to the American Red Cross to support the relief efforts for the victims of Hurricane Sandy.

STAFF RECOMMENDATION:

Consider the \$10,000 appropriation and authorize the Budget Change.

8.4. Consideration of Date of Volunteer Recognition Event and Appointments to Citizens/Organization of the Year Ad-Hoc Committee [STAFF REPORT]

Each year, the City of Dublin recognizes a citizen, young citizen and organization of the year at its Volunteer Recognition event. As part of the process, an Ad Hoc Committee comprised of two Dublin City Councilmembers is needed to perform duties including arranging for impartial judging and selection of winners. The City Council will consider appointment of two City Councilmembers to the Ad Hoc Committee, as well as determine a date for the recognition event.

STAFF RECOMMENDATION:

Confirm the appointment of two City Councilmembers to the Citizens/Organization of the Year Ad Hoc Committee, and determine the date of the recognition event.

8.5. Invitation for Mayor Sbranti to attend St. Patrick's Day Festival in Dublin, Ireland [STAFF REPORT]

The City Council will consider an invitation from the City of Dublin, Ireland to have Mayor Sbranti participate in the Gathering of Dublins during the St. Patrick's festival from March 16-20, 2013.

STAFF RECOMMENDATION:

Authorize City travel out of State by Mayor Sbranti and authorize the Budget Change.

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 to the Adjourned Regular Meeting of December 4, 2012, at 5:00 p.m.

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.