

ADJOURNED REGULAR MEETING
Tuesday, December 04, 2012
DUBLIN CIVIC CENTER, 100 Civic Plaza
DUBLIN CITY COUNCIL
A G E N D A

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ADJOURNED REGULAR MEETING 5:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ORAL COMMUNICATIONS

3.1. Acceptance of Gifts to City from splatter Event Sponsors [\[STAFF REPORT\]](#)

The City Council will receive a report on the sponsors that provided monetary and in-kind donations to support the City's inaugural splatter event.

STAFF RECOMMENDATION:

Recognize the sponsors and formally accept the contributions.

3.2. Acceptance of Gifts from Dublin Historical Preservation Association [\[STAFF REPORT\]](#)

The City Council will receive a report on the donations the Dublin Historical Preservation Association made during Fiscal Year 2011-2012 to support projects and programs at the Dublin Heritage Park and Museums.

STAFF RECOMMENDATION:

Accept the gifts and formally recognize the Dublin Historical Preservation Association for its donations.

3.3. 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 20, 2012 [\[STAFF REPORT\]](#)

The City Council will consider the approval of the minutes of the Regular City Council meeting of November 20, 2012.

STAFF RECOMMENDATION:

Approve the minutes of the Regular City Council meeting of November 20, 2012.

4.2. Amendment to Agreement with Economic & Planning Systems, Inc. for the Economic Development Strategy and General Plan Economic Development Element [\[STAFF REPORT\]](#)

The current Agreement with Economic & Planning Systems expires in December 2012. The proposed amendment to the Agreement would extend the agreement until June 30, 2013 to complete the preparation of the City's Economic Development Element.

STAFF RECOMMENDATION:

Adopt **Resolution** Approving the Amendment to the Agreement between the City of Dublin and Economic & Planning Systems, Inc.

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

At the November 20, 2012 City Council meeting, the City Council introduced an Ordinance that amends Chapter 8.76 (Off-Street Parking and Loading) of the Dublin Zoning Ordinance to temporarily eliminate the parking standards in the Downtown Dublin Specific Plan Village Parkway District. The City Council will consider adoption of the Ordinance.

STAFF RECOMMENDATION:

Waive the reading and adopt **Ordinance** Amending Chapter 8.76 (Off-Street Parking and Loading) related to the Village Parkway Market-Based Parking Program.

4.4. Adopt Complete Streets Policy Resolution [\[STAFF REPORT\]](#)

This item seeks City Council adoption of the City of Dublin's Complete Streets Policy. Both the Alameda County Transportation Commission (Alameda CTC) and the Metropolitan Transportation Commission (MTC) now require local jurisdictions to adopt a Complete Streets Policy in order to receive local transportation sales tax (Measure B), Vehicle Registration Fee (VRF) funding, and OneBayArea (OBAG) Grant funds.

STAFF RECOMMENDATION:

Adopt **Resolution** Approving the City of Dublin's Complete Streets Policy.

4.5. Acceptance of Work - Contract No. 12-07, 2012 Storm Drain Cleaning and CCTV Project, CIP No. 960017 [\[STAFF REPORT\]](#)

On June 19, 2012 the City Council awarded Contract No. 12-07, 2012 Storm Drain Cleaning and CCTV Project (CIP No. 960017), to Sanact, Inc (DBA – Roto Rooter). The project included storm drain cleaning and closed-circuit television inspection for thirteen pipe segments identified in the Citywide Storm Drain Assessment Phase 2 Report. All of the work is complete and ready for acceptance.

STAFF RECOMMENDATION:

Accept the improvements under Contract No. 12-07, 2012 Storm Drain Cleaning and CCTV Project, authorize execution of a change order in the amount of \$23,401.70 to Sanact, Inc., authorize Staff to file a Notice of Completion, and authorize the release of retention after 35 days if there are no subcontractor claims.

4.6. Request for Sewer Capacity Assistance [\[STAFF REPORT\]](#)

The City received a request from Red Mountain Retail Group to participate in the City's Sewer Capacity Assistance Program. Red Mountain owns the parcel that includes Sprouts, Joann's Fabrics and Chuck E. Cheese's and proposes to use the assistance to partially offset the costs for the construction of a pad building for two future food tenants.

STAFF RECOMMENDATION:

Authorize, by motion, the allocation of sewer capacity to Red Mountain Retail Group.

4.7. Tobacco Retailers Ordinance and Community Park Smoking Prohibition [\[STAFF REPORT\]](#)

A Fiscal Year 2012-13 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; 3) Chapter 8.30 (Downtown Dublin Zoning District) to regulate tobacco retailers in the Downtown Dublin Specific Plan in the same way as the C-1 and C-2 Zoning Districts; and 4) 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:

Waive the reading and adopt **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 prohibit smoking within Community Parks; and adopt **Resolution** amending the City of Dublin Master Fee Schedule to include a tobacco retailers' license fee.

4.8. Emerald Glen Recreation and Aquatic Complex Amendment to Agreement for Design Services
[STAFF REPORT]

On October 16, 2012, the City Council approved the update to the building and phasing plan for the Emerald Glen Recreation and Aquatic Complex and directed Staff to move forward with design of Phase I. 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. Due to a change in the scope of Phase One the City needs to amend the Agreement with Dahlin Group Architecture that was originally approved by the City Council on October 7, 2008.

STAFF RECOMMENDATION:

Adopt **Resolution** Approving an Amendment to the Agreement dated, October 7, 2008 with Dahlin Group Architecture Planning for design services for Phase One of the Emerald Glen Recreation and Aquatic Complex; and approve the Budget Change.

5. WRITTEN COMMUNICATION – None.

6. PUBLIC HEARINGS

6.1. Community Benefit Agreement and Development Agreement between the City of Dublin and the Kingsmill Group/Diamond Heights Investments, PLPA-2012-00060 [STAFF REPORT]

The Kingsmill Group/Diamond Heights Investments seeks to develop the former Crown Chevrolet site located in Downtown Dublin. Under the Downtown Dublin Specific Plan, a Community Benefit Agreement is required in order to allocate units from the Development Pool. Additionally, Kingsmill Group/Diamond Heights Investments has requested a Development Agreement to secure the future entitlements. In exchange for the allocation of residential units and the benefits in the Agreement, the developer is offering to donate a portion of their land to a non-profit affordable housing developer.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate, waive the reading and INTRODUCE an Ordinance approving a Community Benefit Agreement and Development Agreement between the City of Dublin and the Kingsmill Group/Diamond Heights Investments for a Mixed-Use Retail/Residential Project.

6.2. Commercial Corridor Design Guidelines. Creation of Design Guidelines for Commercial and Industrial Properties, Amendments to the Zoning Ordinance (Chapter 8.33 and Chapter 8.104), and an Amendment to the Zoning Map for the Purposes of Project Implementation, PLPA-2012-00061 [STAFF REPORT]

The project includes the creation of design guidelines and a Zoning Ordinance Amendment (Title 8 of the Dublin Municipal Code). The Design Guidelines are intended to guide private improvements and new construction along commercial corridors that are not already addressed in a specific plan or design guidelines document. The Zoning Ordinance amendment includes the creation of Chapter 8.33 (Commercial Corridor Overlay Zoning District) to create an overlay zoning district for the City's commercial and industrial areas that are subject to the proposed Design Guidelines. The Zoning Ordinance Amendment also includes an amendment to Chapter 8.104 (Site Development Review) and the Zoning Map to depict the boundaries of the Commercial Corridor Zoning District.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate, adopt **Resolution** approving the Commercial Corridor Design Guidelines; and waive the reading and INTRODUCE an Ordinance adding Chapter 8.33 to the Dublin Municipal Code (Zoning Ordinance) establishing the Commercial Corridor Overlay Zoning District and amending Section 8.104.040 relating to the Commercial Corridor Overlay Zoning District Site Development Review and amending the Zoning Map to add an Overlay Zoning District Designation to the Commercial Corridor area.

6.3. Introduction of Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Pertaining to the City's Conflict of Interest Code [STAFF REPORT]

The City Council will consider an ordinance amending the City of Dublin's Conflict of Interest Code to amend the list of designated positions that are required to adhere to the City's Conflict of Interest Code.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate, waive the reading and INTRODUCE Ordinance amending Dublin Municipal Code Chapter 2.24, pertaining to the City's Conflict of Interest Code.

6.4. Eastern Dublin Specific Plan Amendment to Eliminate the Requirement for Development Agreements and related Financing Plans and Infrastructure Sequencing Programs [STAFF REPORT] [STAFF REPORT]

The Eastern Dublin Specific Plan (EDSP) requires that Applicants for development in the specific plan area enter into a mutually acceptable development agreement with the City. The EDSP also requires the development agreements to include detailed financing plans and infrastructure sequencing programs. The City's original purpose for these requirements in the EDSP was to ensure the adequate provision of infrastructure needed by planned development. There are now other implementation measures in place that insure the provision of infrastructure and payment of fees, so these requirements are no longer necessary. City staff is recommending that the EDSP be amended to eliminate the above requirements because they are no longer needed and because the City would then have the opportunity to negotiate for community benefits when developers desire the certainty provided by a voluntary development agreement.

STAFF RECOMMENDATION

Conduct the public hearing, deliberate, and adopt **Resolution** amending the Eastern Dublin Specific Plan to eliminate the requirement for development agreements and related financing plans and infrastructure sequencing programs.

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS

8.1. Certification of November 6, 2012 Election Results [\[STAFF REPORT\]](#)

The City has received and will certify the November 6, 2012 election results for the Office of Mayor and two City Councilmembers from the Alameda County Registrar of Voters.

STAFF RECOMMENDATION:

Adopt **Resolution** Reciting the Facts of the General Municipal Election held on November 6, 2012, Declaring the Results Thereof, and Such Other Matters as are provided by Law.

8.2. Presentation of Plaque to Outgoing Councilmember Kasie Hildenbrand [\[STAFF REPORT\]](#)

Councilmember Kasie Hildenbrand has served on the Dublin City Council from 2004 through 2012. The City will present a plaque to her in appreciation of her dedicated service to the City.

STAFF RECOMMENDATION:

Present the plaque and receive comments from outgoing City Councilmember Kasie Hildenbrand.

8.3. Administration of Oath of Office to Newly Elected Mayor and City Councilmembers

[\[STAFF REPORT\]](#)

The Oath of Office will be administered to the newly elected Mayor and City Councilmembers.

STAFF RECOMMENDATION:

Administer the Oath of Office to the newly elected Mayor and City Councilmembers.

8.4. Selection of Vice Mayor [\[STAFF REPORT\]](#)

The City Council's policy is to select, in December of each year, a member of the City Council to serve as Vice Mayor for a period of one year. In the absence of the Mayor, the Vice Mayor would become Mayor Pro Tempore and would assume the temporary responsibilities of the Mayor.

STAFF RECOMMENDATION:

Determine who shall serve as Vice Mayor for a one-year period.

8.5. Determine Date/Time of Assembly Bill (AB) 1234 Ethics Training for City Officials

[\[STAFF REPORT\]](#)

Under Assembly Bill (AB) 1234, "local agency officials" must receive ethics training at least once every two years if the City provides compensation, salary, stipend or reimbursement for actual and necessary expenses to a member of a legislative body. The City will offer a mandatory Ethics Training session to all required City officials.

STAFF RECOMMENDATION:

Discuss and determine a date for the AB 1234 Ethics Training session for City officials or provide Staff with alternate direction.

8.6. Fiscal Year 2013-2014 Ten-Year Strategic Plan Update [\[STAFF REPORT\]](#)

The City Council will establish meeting dates for the Fiscal Year 2013-2014 Ten-Year Strategic Plan update.

STAFF RECOMMENDATION:

Establish meeting dates in preparation for the Fiscal Year 2013-2014 Ten-Year Strategic Plan update.

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)

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Mission

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

