



MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

REGULAR MEETING – APRIL 17, 2012

A regular meeting of the Dublin City Council was held on Tuesday, April 17, 2012, in the City Council Chambers of the Dublin Civic Center. The meeting was called to order at 7:00 p.m., by Mayor Sbranti.



ROLL CALL

PRESENT: Councilmembers Biddle, Hart, Hildenbrand, Swalwell, and Mayor Sbranti
ABSENT:



PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited by the City Council, Staff and those present.



Mayor Sbranti stated Items 5.1 and 7.4 would be taken out of order tonight.



ORAL COMMUNICATIONS

Request for the Placement of Purple Ribbons on City Street Trees to Recognize the American Cancer Society's "Paint Your Town Purple" Campaign

7:03 p.m. 3.1

On motion of Cm. Biddle, seconded by Cm. Hildenbrand and by unanimous vote, the City Council approved the placement of purple ribbons on City Street trees to recognize the American Cancer Society's "Paint Your Town Purple" Campaign.



Public Comments

7:04 p.m. 3.2

No comments were made by any member of the public at this time.



CONSENT CALENDAR

7:05 p.m. Items 4.1 through 4.9

Vm. Hart stated that he would abstain from voting on Items 4.1 and 4.2.

On motion of Cm. Hildenbrand, seconded by Cm. Biddle and by unanimous vote (Vm. Hart abstaining on Items 4.1 and 4.2), the City Council took the following actions:

Approved (4.1) Minutes of the Adjourned Regular City Council Meeting of March 3, 2012 and the Regular City Council Meeting of April 3, 2012.

Adopted (4.2)

RESOLUTION NO. 43 – 12

PARTIAL ACCEPTANCE OF OFF-SITE IMPROVEMENTS (DUBLIN BOULEVARD WIDENING) FOR TRACT 6765, SCHAEFER RANCH (SCHAEFER RANCH HOLDINGS, LLC) AND APPROVAL OF REGULATORY TRAFFIC CONTROL DEVICES

Adopted (4.3)

RESOLUTION NO. 44 – 12

APPROVING AGREEMENT WITH LAI AND ASSOCIATES FOR GEOTECHNICAL SERVICES RELATED TO POSITANO HILLS PARK

Received (4.4) Check Issuance Report and Electronic Funds Transfer report.

Adopted (4.5)

RESOLUTION NO. 45 – 12

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MAZE ASSOCIATES ACCOUNTANCY CORPORATION TO PROVIDE AUDIT SERVICES



Adopted (4.6)

RESOLUTION NO. 46 – 12

AMENDING THE CLASSIFICATION PLAN

RESOLUTION NO. 47 – 12

AMENDING THE CLASSIFICATION PLAN

RESOLUTION NO. 48-12

**RESOLUTION AMENDING THE SALARY PLAN FOR FULL-TIME PERSONNEL
AND FOR POSITIONS EXEMPT FROM FAIR LABOR STANDARDS
ACT (flsa) OVERTIME PROVISIONS**

RESOLUTION NO. 49 – 12

**RESOLUTION AMENDING THE SALARY PLAN FOR FULL-TIME PERSONNEL AND FOR
MANAGEMENT POSITIONS EXEMPT FROM COMPETATIVE SERVICE**

RESOLUTION NO. 50 – 12

**AMENDING THE MANAGEMENT POSITIONS EXEMPT FROM COMPETITIVE SERVICE
AND PRESCRIBING LEAVE BENEFIT FOR THE DESIGNATED POSITIONS**

Adopted (4.7)

RESOLUTION NO. 51 – 12

**AWARDING CONTRACT NO. 11-12
EMERALD GLEN PARK PLAZA REPLACEMENT PROJECT
TO ENVIRONMENTAL LANDSCAPE SOLUTIONS**

Adopted (4.8)

RESOLUTION NO. 52 – 12

**APPROVING AGREEMENT WITH HARRIS & ASSOCIATES TO PROVIDE CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES FOR THE ALAMO CANAL REGIONAL TRAIL
PROJECT – CIP NO. 960008**

and authorized the City Manager or her designee to approve Change Orders for the contract up to the contingency amount of \$31,607.



Adopted (4.9)

RESOLUTION NO. 53 – 12

**APPROVING AGREEMENT WITH EM CONSTRUCTION MANAGEMENT
FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO POSITANO HILLS PARK**



WRITTEN COMMUNICATIONS

**Correspondence from Ferma Corporation Regarding a Notice of
Contract Expiration - Discard Material Non-Exclusive Collection Franchise Agreement**

7:07 p.m. 5.1

Lee Pierce, Government Affairs Manager for Industrial Carting and Global Materials Recovery Services, provided public comment on this item.

Brock Hill, Premier Recycle Company representative, provided public comment on this item.

Hans Herb, M and M Services representative, provided public comment on this item.

Terry Benedict, Director for FERMA Corporation, provided public comment on this item.

Chuck Templeton provided public comment on this item.

Shawn Costello, Dublin resident, provided public comments on this item.

A driver from FERMA provided public comments on this item.

The City Council received the report.



Cm. Hildenbrand left the dais and the meeting at 9:15 pm.

PUBLIC HEARINGS

Brannigan Street: General Plan Amendment, Eastern Dublin Specific Plan Amendment, Planned Development rezoning with related Stage 1 Development Plan Amendment and new Stage 2 Development Plan, Development Agreement, and CEQA Addendum to prior CEQA documents for a 3-acre parcel located along the west side of Brannigan Street north of Gleason Drive within Area F of Dublin Ranch (PLPA-2011-00039)

9:19 PM 6.1

Mayor Sbranti opened the public hearing.

No testimony was received by any member of the public relative to this issue.

Mayor Sbranti closed the public hearing.

On motion of Cm. Biddle, seconded by Vm. Hart and by unanimous vote (Cm. Hildenbrand absent), the City Council adopted

RESOLUTION NO. 54 – 12

**ADOPTING A CEQA ADDENDUM FOR THE PROJECT PROPOSED FOR
A 3-ACRE SITE ON BRANNIGAN STREET NORTH OF
GLEASON DRIVE WITHIN DUBLIN RANCH AND ADOPTING A RELATED STATEMENT OF
OVERRIDING CONSIDERATIONS, (APN 985-0052-021), PLPA-2011-00039;**

waived the reading and introduced an Ordinance adopting a Planned Development rezone with related Stage 1 Development Plan Amendment and new Stage 2 Development Plan for a 3-acre site on Brannigan Street north of Gleason Drive; waived the reading and introduced an Ordinance approving a Development Agreement between the City of Dublin and Lennar Homes of California, Inc.



Silvera Ranch Phase 4 General Plan Amendment, Eastern Dublin Specific Plan Amendment, Planned Development Zoning Amendments with related Stage 1 and Stage 2 Development Plan Amendments, and related CEQA findings for a 0.95-acre site north of Fallon Road in the neighborhood known as Bella Monte (PLPA 2010-00055)

9:36 PM 6.2

Mayor Sbranti opened the public hearing.

No testimony was received by any member of the public relative to this issue.



Mayor Sbranti closed the public hearing.

On motion of Cm. Biddle, seconded by Vm. Hart and by unanimous vote (Cm. Hildenbrand absent), the City Council waived the reading and introduced an Ordinance adopting Planned Development Zoning Amendments for a 0.95-acre area within Silvera Ranch Phase 4 (Bella Monte) from Planned Development (PD) Rural Residential/Agriculture to PD Single-Family Residential and approved related Stage 1 and Stage 2 Development Plan Amendments.



Brannigan Street Project and Silvera Ranch Phase 4 – General Plan and Eastern Dublin Specific Plan Amendments (PLPA 2011-00039 and PLPA-2010-00055)

9:44 PM 6.3

Mayor Sbranti opened the public hearing.

Zameer Siddiqui, Board member of Muslim Community Center East Bay, provided public comment on this item.

Rafael Kamal, Dublin resident, provided written comment in support of the project.

Kausar M. Ismail, Dublin resident, provided public comment on this item.

Mayor Sbranti closed the public hearing.

On motion of Cm. Biddle, seconded by Cm. Swalwell and by unanimous vote (Cm. Hildenbrand absent), the City Council adopted

RESOLUTION NO. 55 – 12

APPROVING GENERAL PLAN AND EASTERN DUBLIN SPECIFIC PLAN AMENDMENTS FOR THE BRANNIGAN STREET PROJECT (PLPA-2011-00039) AND THE SILVERA RANCH PHASE 4 PROJECT (PLPA 2010-00055)



Zoning Ordinance Amendment to Chapter 8.84 (Sign Regulations)

9:57 PM 6.4

Mayor Sbranti opened the public hearing.

Bruce Fiedler, Dublin resident, provided public comment on this item.



Mayor Sbranti closed the public hearing.

On motion of Vm. Hart, seconded by Cm. Biddle and by majority vote (Cm. Swalwell voting no, Cm. Hildenbrand absent), the City Council waived the reading and introduced an Ordinance Amending Chapter 8.84 (Sign Regulations) of the Zoning Ordinance.



Tralee Townhomes Planned Development Rezone Stage 2 Development Plan Amendment to Revise the Land Plan to Remove the Public Art Feature

10:16 PM 6.5

On motion of Cm. Biddle, seconded by Vm. Hart and by unanimous vote (Cm. Hildenbrand absent), the City Council waived the reading and introduced an Ordinance adopting a Planned Development Rezone with a Stage 2 Development Plan Amendment to revise the public art requirement for the Tralee Mixed-Use development project.



UNFINISHED BUSINESS

Award of Contract for Positano Hills Park - Contract No. 12-03

10:20 PM 7.1

On motion of Cm. Biddle, seconded by Vm. Hart and by unanimous vote (Cm. Hildenbrand absent), the City Council adopted

RESOLUTION NO. 56 – 12

**AWARDING CONTRACT NO. 12-03
POSITANO HILLS PARK TO
BLOSSOM VALLEY CONSTRUCTION INCORPORATED**



Building Plan for Emerald Glen Park

10:23 PM 7.2

The City Council directed Staff to prepare an update to the building program for Emerald Glen Park and phasing alternatives for consideration by the Parks and Community Services Commission and City Council, with a core mission of aquatics.



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Branding and Promotions Plan for the New Food, Wine and Art Event

10:45 PM 7.3

On motion of Cm. Biddle, seconded by Vm. Hart and by unanimous vote (Cm. Hildenbrand absent), the City Council received the report, selected "Splatter" as the preferred event logo, and adopted the budget change in the amount of \$35,779 for part-time seasonal staffing costs and deposits for fireworks and entertainment that would be expended in the current fiscal year.

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Report on Tobacco Retailers Ordinance

7:28 PM 7.4

The City Council provided feedback and direction on developing a Tobacco Retailers Ordinance.

Karen Seals, Dublin resident, provided public comment on this item.

Tim Johnson, Chevron station operator, provided public comment on this item.

Jeff Lemmo, Board of Directors Dublin Chamber of Commerce, asked that the Chamber be included in any future discussions regarding this item.

Julie Waters, American Lung Association representative, provided public comment on this item.

Carrie Cox, owner of Shell station, provided public comment on this item.

Clay Cox, owner of Shell station, provided public comment on this item.

John T. Collins Sr., Dublin resident, provided public comment on this item.

Gloria Soliz, member of the Alameda County Tobacco Control Coalition, provided public comment on this item.

Gordon Hung, Dublin Valero, provided public comments on this item.

Bruce Fiedler, Dublin resident, provided public comments on this item.

Shawn Costello, Dublin resident, provided public comment on this item.

Operator of 7-11 store, provided public comment on this item.



Janice Louie, Alameda County Public Health Department, provided public comment on this item.

Jason Rang, franchisee of 7-11 store, provided public comment on this item.

The City Council directed Staff to return with a draft ordinance including the following items:

Zoning Restrictions for Tobacco Retailers:

1. Minimum distance from areas where children are present (schools, libraries, parks, playgrounds, youth-centers, arcades, commercial daycare centers, pre-schools & City-owned facilities): 1,000 feet
2. Residential zones should not be included in the ordinance.
3. Smoke shops shall be prohibited from siting within 1,000 feet of one another.
4. In regard to approval process for new Tobacco Retailers, a zoning clearance should be used for the siting of new tobacco retailers.
5. Existing retailers shall be grandfathered in within the ordinance.

Licensing System for Tobacco Retailers:

1. A Tobacco Retailer Licensing System shall be established. :
2. A fee to obtain a Tobacco Retailer License shall be established at full recovery.
3. Licenses shall be revoked for violations.
4. Revocation periods for violations shall be included as outlined (1st violation: license revoked/suspended for 30 days, 2nd violation: license revoked/suspended for 90 days; 3rd violation: license revoked/suspended for 180 days; 4th violation: license revoked suspended for 1 year).
5. Fine in lieu of Revocation will be included as outlined (1st violation: an administrative penalty at least \$1,000; after second violation an agreement to stop acting as a tobacco retailer for 7 days & an administrative penalty of at least \$5,000).

In addition, the City Council also directed Staff to return with information regarding full recovery costs, facilitate two town hall meetings, one day and one evening, and include cheap and flavored cigars as part of the ordinance.

Mayor Sbranti also requested an item be brought to the City Council regarding the designation of all City parks as smoke-free zones.



Sustainable Communities Strategy Preferred Land Use Scenario

11:01 PM 7.5

The City Council received the report and directed Staff to provide comments to the Association of Bay Area Governments (ABAG), and send a letter with the Mayor's signature to the elected Board members of ABAG as a next step.



NEW BUSINESS – None.



OTHER BUSINESS

11:17 PM

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).



ADJOURNMENT

10.1

There being no further business to come before the City Council, the meeting was adjourned at 11:31 PM in memory of Staff Sgt. Sean Diamond and our fallen troops.

Minutes prepared by Caroline P. Soto, City Clerk.

Mayor

ATTEST:

City Clerk

