LIVERMORE
CALIFORNIA

CITY COUNCIL

AGENDA
MONDAY, JULY 14, 2025

REGULAR MEETING – 7:00 PM

CLOSED SESSION - 6:15 PM

MEETING PARTICIPATION INFORMATION CAN BE FOUND AT THE END OF THE AGENDA

CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBER
1016 S. LIVERMORE AVENUE

CITY OF LIVERMORE YOUTUBE CHANNEL:
https://www.youtube.com/c/CityofLivermoreCalifornia

TV29:
Comcast TV Channel 29
tv29live.org

John P Marchand, Mayor
Evan Branning, Vice Mayor
Ben Barrientos, Council Member
Steven Dunbar, Council Member
Kristie Wang, Council Member

1. CLOSED SESSION - 6:15 PM

- Roll Call
- Opportunity for the the Public to Address City Council Regarding Closed Session Items
- Adjourn to Closed Session

Note: This Closed Session my be continued to the end of the Regular Meeting.

1.1 Conference with Legal Counsel - Existing Litigation. To meet with legal counsel pursuant to Government Code section 54956.9(d)(1) to discuss litigation that has been formally initiated. (One case)

1. Alameda County Taxpayers' Association Inc, et al. v. Livermore, Alameda County Superior Court Case No. 23CV047436

1.2 PUBLIC EMPLOYEE EMPLOYMENT: Public employee recruitment pursuant to Government Code section 54957(b).

Title of position to be filled: City Attorney.

2. CALL TO ORDER

ROLL CALL

Council Member Ben Barrientos
Council Member Steven Dunbar
Council Member Kristie Wang
Vice Mayor Evan Branning
Mayor John Marchand

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

3. PROCLAMATIONS AND PRESENTATIONS - NONE

4. OPEN FORUM

- In conformance with the Brown Act, no City Council action can occur on items presented during Open Forum.
- To provide public comment in person, please submit a speaker card. When your name is called, walk to the lectern to address City Council.
- Comments are limited to a maximum of 3 minutes per person, per item. The Mayor may reduce the amount of time based on the number of persons wishing to speak.
- Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene before the meeting adjourns.

5. 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 submit a speaker card found at the entrance of the Council Chambers. A speaker is limited to a single comment with a maximum of three minutes for the entire Consent Calendar. If Consent Calendar items are pulled for discussion by the City Council, a speaker will be allowed one comment per item on the items pulled for discussion and a separate comment for the remaining Consent Calendar. The one comment limit applies regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

5.1 Approval of draft minutes - June 23, 2025 Regular Meeting.

Recommendation:
Staff recommends the City Council approve the draft minutes.

Staff Report
Attachments:
1. DRAFT 2025-06-23

5.2 Resolution authorizing delegation of authority to the City Manager to award a construction contract, in an amount not-to-exceed $1,200,000, for the Stream Maintenance by Contractors Project, Project No. SD202523, for repairs at Holmes Street and the Arroyo Mocho.

Recommendation:
Staff recommends the City Council adopt a resolution for the construction of the Stream Maintenance by Contractors Project, Project No. SD202523:

1. Delegating authority to the City Manager to award a construction contract in a total amount not-to-exceed $1,200,000 in substantially similar form to the draft contract in Exhibit A of the resolution, subject to the City Attorney's approval to form of the final construction contract and Risk Management approval of insurance;
2. Delegating authority to the City Manager to execute any change orders or amendments which do not exceed the not-to-exceed amount;
3. Delegating authority to the City Manager to reject all other bids; and
4. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including approving minor changes to the proposed agreement.

Staff Report
Attachments:
1. Project Location
2. Resolution
3. Exhibit A - Draft Construction Contract

5.3 Resolution approving Final Tract Map 8714 Arroyo Vista, authorizing the execution of a Subdivision Improvement Agreement for the Arroyo Vista project located on the west side of the Arroyo Seco Channel along Las Positas Road, and accepting on behalf of the public, all real property offered for dedication within Final Tract Map 8714 except for certain dedications which the City Council reserves the right to accept at a future date.

Recommendation:
Staff recommends the City Council adopt a resolution:

1. Finding that the requirements of the California Environmental Quality Act have been satisfied;
2. Approving Final Tract Map 8714 for recording;
3. Approving and authorizing execution of the Subdivision Improvement Agreement for Tract 8714; and
4. Accepting, on behalf of the public, all real property offered for dedication within Final Tract Map 8714 in conformance with the terms of the offer, except for the following, which the Council rejects at this time, reserving the right to accept the offer at a future date: Public Utility Easement (PUE), Water Line Easement (WLE), and Sanitary Sewer Easement (SSE), Public Access Easement (PAE), Vilana Street, Marengo Loop, Las Positas Road and Arroyo Vista Street, and Emergency Vehicle Access Easement (EVAE).

Staff Report
Attachments:
1. Vicinity Map
2. Resolution
3. Exhibit A - Final Tract Map 8714
4. Exhibit B - Subdivision Improvement Agreement

5.4 Resolution authorizing minor modifications to the Third Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials, and Compostable Materials Services

Recommendation:
Staff recommends the City Council authorize the City Manager to execute a resolution to authorize minor modifications to the Third Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials, and Compostable Materials Services to add an approved composting site, clarify the scope of materials eligible for on-call single-family clean-up services, and include an additional Livermore Sanitation signatory.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Third Amendment to Franchise Agreement

5.5 Resolution authorizing the approval of K.J. Woods Construction, Inc.'s request to withdraw their bid proposal, authorizing supplemental appropriations to the Fiscal Year 2025-26 budget, and awarding a construction agreement to DPI, Inc., in the amount of $4,798,723, for the Sewer Replacement Project, WW202003.

Recommendation:
Staff recommends the City Council adopt a resolution for the Sewer Replacement Project WW202003:

1. Authorizing approval of K.J. Woods Construction, Inc. request to withdraw their bid

proposal;
2. Authorizing a supplemental appropriation of $250,875 from Wastewater Replacement Fund 622 to the FY 2025-26 budget for Sewer Replacement Project, WW202003;
3. Authorizing a supplemental appropriation of $83,625 from Wastewater Connections Fees Fund 623 to the FY 2025-26 budget for Sewer Replacement Project, WW202003;
4. Authorizing a supplemental appropriation of $15,500 from County Measure BB – Local Streets and Roads Fund 552 to the FY 2025-26 budget for Sewer Replacement Project, WW202003;
5. Awarding and authorizing execution of a construction agreement with DPI, Inc., in the amount of $4,798,723, for construction of the Sewer Replacement Project, WW202003 pursuant to Livermore Municipal Code section 2.68.58 (C);
6. Rejecting all other bids or proposals; and
7. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution including approving minor changes to the proposed agreement.

Staff Report
Attachments:
1. Vicinity Map
2. Resolution
3. Exhibit A - Agreement

5.6 Resolution authorizing the execution of an agreement with Pencco, Inc. for the supply and delivery of ferric chloride for use at the Water Reclamation Plant in an amount not-to-exceed $210,600.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an agreement with Pencco, Inc. for the supply and delivery of ferric chloride for use at the Water Reclamation Plant in an amount not-to-exceed $210,600.

Staff Report
Attachments:
1. Award Letter
2. Resolution
3. Exhibit A - Agreement

5.7 Resolution authorizing execution of an agreement with Univar Solutions USA, LLC for the supply and delivery of sodium hypochlorite (12.5%) for use at the Water Reclamation Plant, in an amount no-to-exceed $705,000.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an agreement with Univar Solutions USA, LLC for the supply and delivery of sodium hypochlorite (12.5%) for use at the Water Reclamation Plant, in an amount not-to-exceed $705,000.

Staff Report

Attachments:
1. Award Letter
2. Resolution
3. Exhibit A - Agreement

5.8 Resolution authorizing the execution of a two-year agreement with Interwest Consulting Group to provide planning services in an amount not-to-exceed $390,000.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an agreement with Interwest Consulting Group to provide planning technical services for the period of July 10, 2025, through July 10, 2027, in an amount not-to-exceed $390,000.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Agreement

5.9 Resolution approving the Memorandum of Understanding between the City of Livermore and the Livermore Management Group (LMG).

Recommendation:
Staff recommends that the City Council adopt a resolution authorizing the execution of the Memorandum of Understanding (MOU) between the City of Livermore and the Livermore Management Group (LMG) for the period of July 1, 2025, through June 30, 2029.

Staff Report
Attachments:
1. Memorandum of Understanding - Redlined
2. Resolution
3. Exhibit A - LMG MOU 2025 - 2029

5.10 Resolution approving the Memorandum of Understanding between the City of Livermore and the Livermore Police Management Association.

Recommendation:
Staff recommends that the City Council adopt a resolution authorizing the execution of the Memorandum of Understanding (MOU) between the City of Livermore and the Livermore Police Management Association for the period of July 1, 2025, through June 30, 2029.

Staff Report
Attachments:
1. Memorandum of Understanding - Redlined
2. Resolution
3. Exhibit A - Livermore PMA MOU 2025 - 2029

5.11 Resolution approving the City of Livermore Salary Plan as of July 14, 2025, in accordance with California Code of Regulations, Title 2, Section 570.5.

Recommendation:
Staff recommends the City Council adopt a resolution approving the City of Livermore Salary Plan as of July 14, 2025, in accordance with California Code of Regulations, Title 2, Section 570.5.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Salary Plan effective July 2025

5.12 Resolution approving the 2025-26 City of Livermore State and Federal Legislative Platform and updating the City's Legislative Platform to a two-year cycle.

Recommendation:
Staff recommends the City Council adopt a resolution approving the 2025-26 City of Livermore State and Federal Legislative Platform and updating the City's Legislative Platform to a two-year cycle.

Staff Report
Attachments:
1. Redlined 2025-26 City of Livermore State and Federal Legislative Platform
2. 2024 Tri-Valley Cities Legislative Framework
3. Resolution
4. Exhibit A - City of Livermore 2025-26 State and Federal Legislative Platform

5.13 Approval of the City Council 2026 Meeting Calendar.

Recommendation:
Staff recommends the City Council approve the 2026 Meeting Calendar. Staff is prepared to make adjustments if a Council Member identifies a scheduling or holiday conflict to ensure all members of the Council can participate in meetings.

Staff Report

6. PUBLIC HEARINGS

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

6.1 Public Hearing to consider protests related to the non-payment of solid waste, recycling, and organics handling services provided by Livermore Sanitation for collection on the County Assessor tax roll.

Recommendation:
Staff recommends the City Council hold a Public Hearing to:
1. Consider protests related to the non-payment of solid waste, recycling, and organics services;
2. Adopt a resolution overruling protests;

3. Confirm the Fiscal Year 2023-2024 assessments if applicable;
4. Direct staff to forward a finalized copy of the assessment report to the County Tax Assessor; and
5. Authorize the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

Staff Report

Attachments:

1. Resolution
2. Exhibit A - Property Assessment - Solid Waste and Recycling

6.2 Public Hearing to receive and consider the Comprehensive Housing Update to the Livermore Development Code and establishment of Mixed-Use and Multifamily Objective Design Standards (Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001)

Recommendation:

The Planning Commission and staff recommend the City Council:

1. Adopt a resolution finding the project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) and Government Code Sections 65852.2, 65852.21, 65852.24, 65912.114 and 65912.124;
2. Adopt a resolution approving the Mixed-Use and Multifamily Objective Design Standards;
3. **Introduce an ordinance**, and waive the first reading, repealing Development Code housing sections 6.02.030 Density Bonus, 6.03.060 Emergency Shelters, 6.03.070 Farmworker Housing, 6.03.080 Mobile Homes and Mobile Home Parks, 6.03.120 Accessory Dwelling Units, and 10.06.050 Affordable Housing, and adopting a new “Part 11 Housing” chapter in the Development Code;
4. **Introduce an ordinance**, and waive the first reading, amending Development Code sections 9.07.020 Applicability, 9.07.030 (Table 9.3 Review Authority for Site Plan and Design Review), 9.07.040 Application Filing, Processing, and Review, of “Part 9 Permits and Approvals”, and sections 10.01.050 (Table 10.1 Subdivision Review Authorities), and 10.02.050 Tentative Map Public Hearing and Action of "Part 10 Subdivisions"; and
5. **Introduce an ordinance**, and waive the first reading, amending various Development Code sections for internal consistency with new “Part 11 Housing” and amendments to “Part 9 Permits and Approvals” and “Part 10 Subdivisions”.

Staff Report

Attachments:

1. Planning Commission Staff Report - June 3, 2025
2. Planning Commission Draft Meeting Minutes - June 3, 2025
3. Planning Commission Public Comments - June 3, 2025
4. Planning Commission Study Session Staff Report - May 6, 2025
5. Planning Commission Meeting Minutes - May 6, 2025
6. Resolution - CEQA
7. Exhibit A - Resolution No. 17-25
8. Resolution - MODS
9. Exhibit A - Resolution No. 18-25

10. Exhibit B - MODS
11. Ordinance - Part 11
12. Exhibit A - Resolution No. 19-25
13. Exhibit B - Part 11
14. Ordinance - Permit Streamlining
15. Exhibit A - Resolution No. 20-25
16. Exhibit B - Permit Streamlining
17. Ordinance - Internal Consistency
18. Exhibit A - Resolution No. 21-25
19. Exhibit B - Internal Consistency

6.3 Public Hearing to adopt a resolution authorizing the City Manager to execute a Renewable Energy & Storage Power Purchase Agreement with Ava Community Energy and determining that the agreement is in the City's best interest.

Recommendation:
Staff recommends the City Council adopt two resolutions:

1. Determining the project is exempt from the California Environmental Quality Act (CEQA) because it is consistent with California Public Resources Code section 21080.35, which provides that solar energy systems installed on the roof of an existing building or on an existing parking lot, meeting certain characteristics, are exempt from CEQA; and.
2. Authorizing the City Manager to execute a Renewable Energy & Storage Power Purchase Agreement between the City and Ava Community Energy in substantially the same form as the draft agreement, subject to the City Attorney's approvals as to form, pursuant to the California Government Code (sections 4217.10 through 4217.18), and determining pursuant to California Government Code section 4217.12 that the agreement is in the City's best interest because the anticipated energy costs will be less than the marginal cost the City would otherwise pay for the consumed energy, which savings will also offset any potential revenue from Ava to place its equipment on City facilities.

Staff Report
Attachments:
1. Resolution - CEQA
2. Resolution - Agreement
3. Exhibit A - Draft Agreement

7. MATTERS FOR CONSIDERATION - NONE

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

8. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, AND COUNCIL MEMBERS

9. ADJOURNMENT

To a Regular City Council meeting on Monday, July 28, 2025 at 7:00 pm, Civic Center Meeting Hall, City Council Chamber, 1016 S. Livermore Avenue.

10. HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

You can participate in the meeting in a number of ways:

Open Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of that item. Please note 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 a presentation by the applicant, and questions from the City Council. The Mayor will then open the hearing to the public and offer an opportunity for public comments. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of the presentation of the item.

Other Agenda Items are also open for public input including Consent Calendar or Matters for Consideration items. These comments are also subject to the 3-minute limit.

Special Meetings, Workshops - The public will have the opportunity to address the City Council regarding the item that is the subject of the special meeting or workshop. Public comments are limited to a maximum of 3 minutes per person.

Platforms to Participate in Meetings:

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the City Clerk's Office (cityclerk@LivermoreCA.gov). Items received no later than 12:00 pm on the day of the meeting will be provided to the City Council and available on the City website prior to the meeting. These items will NOT be read into the record.

eComments may be submitted by the public using the eComment link here. Comments may be up to 1000 characters in length and will be accepted up until 4:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the City Council and the public upon submittal.

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the City Clerk prior to the start of the item. Please note 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.

The City will be using YouTube and TV29 as two tools to provide the public access to view City Council meetings. No public comment will be accepted via YouTube.

TV29: tv29live.org Comcast Cable 29

YouTube: http://youtube.com/c/CityofLivermoreCalifornia

If you would like to deliver written materials to the City Council as part of your public comment, please provide 10 copies to the City Clerk with your speaker card.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on Tuesday evening, six days 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. The Agenda is also available on the City's website, http://LivermoreCA.gov/agenda.

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 included in the agenda packet available on the City's web site at http://LivermoreCA.gov/agenda.

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 CONTACT THE ADA COORDINATOR AT ADACOORDINATOR@LIVERMORECA.GOV OR CALL (925) 960-4170 (VOICE) OR (925) 960- 4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.