



CITY COUNCIL

AGENDA

MONDAY, APRIL 15, 2024

REGULAR MEETING – 7:00 PM

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

CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBERS
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
Robert W Carling, Vice Mayor
Ben Barrientos, Council Member
Evan Branning, Council Member
Brittni Kiick, Council Member

1. CLOSED SESSION - NONE.

2. CALL TO ORDER

ROLL CALL

Council Member Ben Barrientos

Council Member Evan Branning

Council Member Brittnei Kiick

Vice Mayor Robert W. Carling

Mayor John Marchand

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1 Proclamation recognizing Tri-Valley Haven during Sexual Assault Awareness Month, presented to Sarah Bariya, Tri-Valley Haven Director of Sexual Assault & Counseling Services.

Recommendation:

Staff recommends City Council recognize Tri-Valley Haven during Sexual Assault Awareness Month, and present a proclamation to Sarah Bariya, Tri-Valley Haven Director of Sexual Assault & Counseling Services.

Staff Report

Attachments:

- [1. Proclamation](#)

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 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 - March 25, 2024 Regular Meeting.

Recommendation:

Staff recommends the City Council approve the draft minutes.

Staff Report

Attachments:

[1. DRAFT 2024-03-25](#)

5.2 Adoption of ordinances pre-zoning the SMP 39 and SMP 40 properties to Planned Development - Industrial (PD-I) 22-001 and the Additional Annexation Only Parcels to Open Space - Floodplain (OS-F) consistent with Planned Development - Industrial (PD-I) 22-001, Zoning Map Amendment (ZMA) 21-002, and Development Code Amendment (DCA) 21-005; authorizing execution of Pre-Annexation and Development Agreement (DA) 21-001; and authorizing execution of Pre-Annexation and Development Agreement (DA) 23-002.

Recommendation:

Staff recommends the City Council **adopt the following ordinances:**

1. Ordinance pre-zoning the SMP 39 and SMP 40 properties to Planned Development - Industrial (PD-I) 22-001 and the Additional Annexation Only Parcels to Open Space - Floodplain (OS-F) consistent with Planned Development - Industrial (PD-I) 22-001, Zoning Map Amendment (ZMA) 21-002, and Development Code Amendment (DCA) 21-005;
2. Ordinance authorizing execution of Pre-Annexation and Development Agreement (DA) 21-001; and
3. Ordinance authorizing execution of Pre-Annexation and Development Agreement (DA) 23-002.

Staff Report

Attachments:

- [1. Ordinance - APZ,PD,ZMA,DCA](#)
- [2. Exhibit A - Planning Commission Resolution - Project Approval](#)
- [3. Exhibit B - Zoning Map Amendment \(ZMA\) 21-002](#)
- [4. Exhibit C - Draft Planned Development Zoning](#)
- [5. Ordinance - DA 21-001](#)
- [6. Exhibit A - SMP 39 Development Agreement](#)
- [7. Exhibit B - Planning Commission Resolution - Project Approval](#)
- [8. Ordinance - DA 23-002](#)
- [9. Exhibit A - SMP 40 Development Agreement](#)
- [10. Exhibit B - Planning Commission Resolution - Project Approval](#)

5.3 Introduce an ordinance, and waive the first reading, amending Title 11, Chapter 11.08, Airport Rules and Regulations, Chapters 11.08.010 Definitions and 11.08.110 Aviation Fueling Operations in the Livermore Municipal Code to Require Fixed Base Operators to Provide

certain aviation fuels by December 12, 2025.

Recommendation:

Staff recommends that the City Council **introduce an ordinance** and waive the first reading amending Title 11, Chapter 11.08, Airport Rules and Regulations, Chapters 11.08.010 Definitions and 11.08.110 Aviation Fueling Operations in the Livermore Municipal Code to update the definition of Fuel and include a provision requiring Fixed Base Operators (FBOs) to provide Unleaded Aviation Fuel.

Staff Report

Attachments:

1. [Redline Changes](#)
2. [Ordinance](#)

- 5.4 Resolution authorizing the following actions for Water Reclamation Plant (WRP) UV Treatment System Replacement Project 2021-28:
1. Authorize supplemental appropriations to FY 2024-25 and FY 2025-26;
 2. Award contracts with Mountain Cascade, Inc. and Carollo Engineers, Inc., for construction management and inspections; and
 3. Execute a first amendment to the agreement with Black & Veatch Corporation, for modified design scope and engineering services during construction.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the following actions for the Water Reclamation Plant (WRP) UV Treatment System Replacement, Project 2021-28:

1. A supplemental appropriation of \$1,173,000 from Water Resources Replacement to FY 2025-26;
2. A supplemental appropriation of \$391,000 from Sewer Connection Fees to FY 2025-26;
3. Supplemental appropriations of Water Replacement Funds in the amounts of \$1,857,000 to FY 2024-25 and \$874,000 to FY 2025-26;
4. Budget reductions of \$1,314,000 from Sewer Replacement in FY 2023-24 and \$627,000 in FY 2024-25;
5. Budget reductions of \$455,000 from Sewer Connection Fees in FY 2023-24 and \$236,000 in FY 2024-25;
6. Awarding and authorizing execution of an agreement with Mountain Cascade, Inc., in an amount not-to-exceed \$5,852,500, for construction of the Project;
7. Executing an agreement with Carollo Engineers, Inc., in an amount not-to-exceed \$489,526, for construction management and inspections;
8. Executing a first amendment to the agreement with Black & Veatch Corporation, increasing the amount of the agreement by \$142,685 to a total not-to-exceed amount of \$1,094,501 for additional engineering services during construction;
9. Rejecting all other bids or proposals; and
10. Authorizing the City Manager to sign the above agreements and 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 agreements.

Staff Report**Attachments:**

1. Project Location
2. Current and Proposed Funding
3. Resolution
4. Exhibit A - Agreement with Mountain Cascade, Inc.
5. Exhibit B - Agreement with Carollo Engineers, Inc.
6. Exhibit C - First Amendment to Agreement with Black & Veatch Corporation

- 5.5 Resolution authorizing the execution of an agreement with Rincon Consultants, Inc. to provide planning consultant and project management services in an amount not-to-exceed \$600,000 over a three-year term ending on April 16, 2027.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an agreement with Rincon Consultants, Inc. to provide planning consultant and project management services, with a not-to-exceed amount of \$600,000 and a term ending on April 16, 2027.

Staff Report**Attachments:**

1. Resolution
2. Exhibit A - Agreement

- 5.6 Resolution authorizing an agreement with Tagswag Holdings, Inc. dba All Video Media Solutions to install and configure hardware and software in five conference rooms throughout several city facilities including the Civic Center Library, Police Department, Water Reclamation Plant, Maintenance Services Center, and City Hall in an amount not-to-exceed \$159,000.

Recommendation:

Staff recommends the City Council authorize the execution of an agreement with Tagswag Holdings, Inc. dba All Video Media Solutions (AVMS) to install and configure hardware and software in five conference rooms throughout several city facilities including the Civic Center Library, Police Department, Water Reclamation Plant, Maintenance Services Center, and City Hall all in an amount not-to-exceed \$159,000.

Staff Report**Attachments:**

1. Resolution
2. Exhibit A - Agreement

- 5.7 Resolution authorizing execution of an amended purchase order with OverDrive for the licensing of e-books, audiobooks, and electronic periodicals, in an amount not-to-exceed \$120,000.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an amended purchase order with OverDrive for the licensing of e-Books, audiobooks, and

electronic periodicals, in an amount not-to-exceed \$120,000.

Staff Report

Attachments:

[1. Resolution](#)

- 5.8 Resolution determining Tract 8657, Triad East Amarone, located at the northeast corner of Triad Drive and North Canyons Parkway, is annexed to the City of Livermore Community Facilities District No. 2023-1 (Isabel Neighborhood Specific Plan Services).

Recommendation:

Staff recommends the City Council adopt a resolution determining Tract 8657, Triad East Amarone, located at the northeast corner of Triad Drive and North Canyons Parkway, is annexed to the City of Livermore Community Facilities District No. 2023-1 (Isabel Neighborhood Specific Plan Services) and directing the City Clerk to record the Notice of Annexation.

Staff Report

Attachments:

[1. CFD 2023-1 Tax Zone Map](#)

[2. Resolution](#)

[3. Exhibit A - Unanimous Approval](#)

- 5.9 Resolution approving an exception to the Livermore Municipal Code bidding requirements and authorizing issuance of a purchase order in an amount not-to-exceed \$120,000 for six CUBIC Trafficware Advanced Transportation Controller Cabinet Assemblies from AZCO Supply as part of the Traffic Signal Modification 2019-2021 Project 2019-33.

Recommendation:

Staff recommends the City Council adopt a resolution:

1. Approving an exception to the bidding requirements contained in Livermore Municipal Code Section 2.68.370.B.2 because the supplies and equipment are unique and available from one source so there is no competitive advantage to be gained by inviting bids; and
2. Authorizing the City Manager to execute a purchase order in an amount not-to-exceed \$120,000 for six CUBIC Trafficware Advanced Transportation Controller Cabinet Assemblies from AZCO Supply as part of the Traffic Signal Modification 2019-2021 Project 2019-33.

Staff Report

Attachments:

[1. Project Location](#)

[2. Resolution](#)

- 5.10 Resolution receiving the Livermore Police Department's 2023 Annual Review of Military Equipment Report, determining that the equipment identified in the report complies with applicable standards, and determining the Livermore Municipal Code section 2.36.200 Military

Equipment should be renewed and remain in effect.

Recommendation:

Staff recommends City Council:

1. Accept the Livermore Police Department's 2023 Annual Military Equipment Report;
2. Determine that the equipment identified in the report complies with the City's policy and the statutory requirements; and
3. Review Livermore Municipal Code section 2.36.200 Military Equipment Policy and vote on whether to renew the ordinance.

Staff Report

Attachments:

1. [2023 LPD Military Equipment Inventory](#)
2. [LPD Military Equipment Policy #709](#)
3. [Ordinance 2.36.200](#)
4. [Resolution](#)
5. [Exhibit A - 2023 LPD Annual Military Equipment Report](#)

- 5.11 Resolution of continued local emergency in response to impacts from a series of severe storm events last year.

Recommendation:

Staff recommends the City Council adopt a resolution of continued local emergency in response to impacts from a series of severe storm events last year.

Staff Report

Attachments:

1. [Resolution](#)

- 5.12 Resolution authorizing the allocation and appropriation of Community Development Block Grant, Home Investment Partnership Program, Housing In-Lieu funds, and General funds in the total amount of \$972,988 for Fiscal Year 2024-25 and authorizing the execution of documents required to receive, use, and distribute funds.

Recommendation:

Staff and the Human Services Commission recommend the City Council adopt a resolution authorizing the allocation and appropriation of approximately \$972,988 in funding as listed below and authorizing the City Manager to negotiate and execute all related documents, grant agreements, and modifications.

1. Community Development Block Grant Funds in the estimated amount of \$434,865
2. HOME Investment Partnership Program Funds in the estimated amount of \$148,123
3. In-Lieu Housing Funds in the amount of \$310,000
4. General Funds in the amount of \$80,000

Staff Report

Attachments:

1. [Resolution](#)

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 Hearing to modify participation in the Statewide Community Infrastructure Program (SCIP) to allow for financing of impact fees and public facilities through Community Facilities Districts.

Recommendation:

Staff recommends the City Council conduct a public hearing and adopt an amended and restated resolution to modify participation in the Statewide Community Infrastructure Program (SCIP) to allow for financing of impact fees and public facilities through Community Facilities Districts.

Staff Report

Attachments:

1. Resolution
2. Exhibit A - Form of Resolution of Intention
3. Exhibit B - Form of Acquisition Agreement
4. Exhibit C - Eligible Facilities and Fees
5. Exhibit D - Form of Increased Demands Certificate
6. Exhibit E - City of Livermore Contacts for SCIP Program

- 6.2 Hearing to consider a resolution approving the FY 2024-25 Annual Action Plan and application for a new Section 108 Guaranteed Loan; authorizing submittal to the U.S. Department of Housing and Urban Development; and authorization execution of associated documents.

Recommendation:

The Human Services Commission and staff recommend the City Council adopt a resolution:

1. Approving the FY 2024-25 Annual Action Plan, attached hereto as Exhibit A, and authorizes submission of the Action Plan to Alameda County for inclusion with the Alameda County HOME Consortium report for submittal to HUD;
2. Authorizing the submittal of a final Section 108 guaranteed loan application to HUD for the Tri-Valley Haven for Women Emergency Shelter Project in an amount not to exceed \$1,200,000;
3. Authorizing the City Manager, or her designee, to accept the Section 108 for the Tri-Valley Haven for Women Emergency Shelter Project if approved by HUD;
4. Authorizing the City Manager, or her designee, to negotiate and execute all documentation and agreements with HUD and any subgrantees that are necessary and appropriate to effectuate the FY 2024-25 Annual Action Plan and the new Section 108 guaranteed loan, including, without limitation, the FY 2024-25 Entitlement Certifications, attached hereto as Exhibit B, and the Section 108 loan certifications, attached hereto as Exhibit C; and
5. Authorizing the City Manager, or her designee, to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including

approving minor changes to the FY 2024-25 Annual Action Plan and the Section 108 guaranteed loan application.

Staff Report

Attachments:

1. Resolution
2. Exhibit A - FY 2024-25 Draft Annual Action Plan
3. Exhibit B - HUD Certifications FY 2024-25 Entitlement
4. Exhibit C - HUD Certifications- Section 108 Loan
5. Exhibit D - Proposed Section 108 Loan Application

- 6.3 Hearing to receive and consider protests and direct staff to proceed with field abatement work on the abatement of weeds, rubbish, dirt, or refuse on certain described properties under the 2024 Weed Abatement Program.

Recommendation:

Staff recommends City Council consider all protests, and if the City Council finds it appropriate, adopt a resolution overruling protests, and direct staff to proceed with necessary weed abatement on all parcels requiring abatement.

Staff Report

Attachments:

1. Resolution
2. Exhibit A - 2024 List of Parcels & Property Owners

7. MATTERS FOR CONSIDERATION

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).

- 7.1 Resolution adopting 180-day wait period exception to hire retired annuitant, Stephen Stewart, former Assistant Community Development Director, in accordance with Government Code section 7522.56 of the Public Employees' Retirement Law.

Recommendation:

Staff recommends that the City Council adopt a resolution approving the hiring of retired annuitant, Stephen Stewart, former Assistant Community Development Director, in accordance with Government Code section 7522.56 of the Public Employees' Retirement Law.

Staff Report

Attachments:

1. Resolution
2. Exhibit A - Offer Letter with Enclosures

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

9. **ADJOURNMENT**

To a Special City Council meeting, Monday, April 29, 2024, at 5:00 pm and a Regular City Council meeting on Monday, May 13, 2024, at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 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.