



CITY COUNCIL

AGENDA

MONDAY, FEBRUARY 10, 2025

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

1. CLOSED SESSION - NONE

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

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 - January 27, 2025 Regular Meeting

Recommendation:

Staff recommends the City Council approve the draft minutes.

Staff Report

Attachments:

[1. DRAFT 2025-01-27](#)

- 5.2 Introduce an ordinance and waive the first reading amending Livermore Municipal Code Section 13.36.050 Rates Per Service Unit to streamline the rate setting process and improve consistency with the water rate setting process.

Recommendation:

Staff recommends the City Council **introduce an ordinance** and waive the first reading amending Livermore Municipal Code section 13.36.050 Rates per Service Unit to streamline the rate setting process and improve consistency with the water rate setting process.

Staff Report

Attachments:

1. [Ordinance](#)

- 5.3 Introduce an ordinance and waive the first reading establishing a permanent Building Appeals Board by adding new chapter 15.90 to the Livermore Municipal Code and amending sections 8.15.125, 15.20.100, 15.20.110, and 15.20.120.

Recommendation:

Staff recommends the City Council **introduce an ordinance** and waive the first reading establishing a permanent Building Appeals Board by adding new chapter 15.90 to the Livermore Municipal Code and amending sections 8.15.125, 15.20.100, 15.20.110, and 15.20.120 for consistency with the new Appeals Board.

Staff Report

Attachments:

1. [Ordinance](#)
2. [Exhibit A - Chapter 15.90 Building Appeals Board](#)
3. [Exhibit B - Amendments to LMC Sections 8.15.125, 15.20.100, 15.20.110, and 15.20.120](#)

- 5.4 Resolution authorizing execution of a fourth amendment to the agreement with Ruggeri-Jensen-Azar for on-call engineering design services, increasing the not-to-exceed amount from \$1,800,000 to \$2,400,000 with a term ending December 31, 2026.

Recommendation:

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a fourth amendment to the agreement with Ruggeri-Jensen-Azar for on-call engineering design services for various development projects and capital improvement projects, increasing the not-to-exceed contract amount from \$1,800,000 to \$2,400,000.

Staff Report

Attachments:

1. [Resolution](#)
2. [Exhibit A - Fourth Amendment](#)

- 5.5 Resolution authorizing execution of a fourth amendment to the agreement with JR Structural Engineering, Inc. for project management services for various capital improvement projects, increasing the not-to-exceed contract amount from \$910,000 to \$1,510,000 with a term ending December 31, 2026.

Recommendation:

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a fourth amendment to the agreement with JR Structural Engineering, Inc. for project management services for various capital improvement projects, increasing the not-to-exceed contract amount from \$910,000 to \$1,510,000 with a term ending December 31, 2026.

Staff Report**Attachments:**

1. Resolution
2. Exhibit A - Fourth Amendment

- 5.6 Resolution authorizing a supplemental appropriation of Traffic Impact Fee Fund 510 in the amount of \$200,000 to complete the analysis for the Traffic Impact Fee Nexus Study.

Recommendation:

Staff recommends City Council adopt a resolution authorizing a supplemental appropriation of Traffic Impact Fee Fund 510 in the amount of \$200,000 to the FY 2024-25 engineering operating budget to complete the analysis for the Traffic Impact Fee Nexus Study.

Staff Report**Attachments:**

1. Resolution

- 5.7 Resolution accepting the Annual Comprehensive Financial Report (ACFR) and Other Audit Reports for the Fiscal Year ended June 30, 2024.

Recommendation:

Staff recommends the City Council adopt a resolution accepting the following reports for Fiscal Year 2023-24 as completed:

- Annual Comprehensive Financial Report, and ratify and approve the audited financial statements presented therein in accordance with Government Code §37208;
- Alameda County Transportation Commission Measure B Program Financial Statements;
- Alameda County Transportation Commission Measure BB Program Financial Statements;
- Alameda County Transportation Commission Vehicle Registration Fee (VRF) Measure F Program Financial Statements;
- Agreed Upon Procedures for Compliance with the Proposition 111 2023-24 Appropriations Limit Increment;
- Memorandum of Internal Control; and
- Required Communications.

Staff Report**Attachments:**

1. Resolution
2. Exhibit A - Annual Comprehensive Financial Report

3. [Exhibit B - ACTC Measure B Funds Financial Statements](#)
4. [Exhibit C - ACTC Measure BB Funds Financial Statements](#)
5. [Exhibit D - ACTC Vehicle Registration Fee Program \(VRF\) Financial Statements](#)
6. [Exhibit E - Independent Accountant's Report on Applying Agreed Upon Procedures Related to the Article XIII-B Appropriations Limit Calculation](#)
7. [Exhibit F - Independent Auditor's Report on Internal Control Over Financial Reporting on Compliance and Other Matters](#)
8. [Exhibit G - Required Communications](#)

- 5.8 Resolution amending the City of Livermore Salary Plan dated February 2025 in accordance with California Code of Regulations, Title 2, Section 570.5 and establish a new classification of Supervising Crime and Intelligence Analyst (Class Code 4152) and assign it to the Association of Livermore Employees salary schedule.

Recommendation:

Staff recommends approving a resolution amending the City of Livermore Salary Plan dated February 2025 in accordance with California Code of Regulations, Title 2, Section 570.5 and establish a new classification of Supervising Crime and Intelligence Analyst (Class Code 4152) and assign it to the Association of Livermore Employees salary schedule.

Staff Report

Attachments:

1. [Resolution](#)
2. [Exhibit A - Salary Plan effective February 2025](#)

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 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.
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 - Ava PPA CEQA](#)
2. [Resolution - Ava PPA Approval](#)
3. [Exhibit A - Draft Renewable Energy & Storage Power Purchase Agreement](#)

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, Michael Pato, former Senior Management Analyst, 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, Michael Pato, former Senior Management Analyst, 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 Regular City Council meeting on Monday, February 24, 2025 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.