



## CITY COUNCIL

### AGENDA

MONDAY, MAY 24, 2021

VIRTUAL REGULAR MEETING – 7:00 PM

CLOSED SESSION - 6:30 PM

#### **TELECONFERENCE:**

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

CITY OF LIVERMORE YOUTUBE CHANNEL:

<https://www.youtube.com/c/CityofLivermoreCalifornia>

ZOOM WEBINAR:

<https://us02web.zoom.us/j/88699480798>

Zoom dial in phone number:

1 669 900 6833

Meeting ID: 886 9948 0798

## CITY COUNCIL

Bob Woerner, Mayor

Trish Munro, Vice Mayor

Robert W. Carling, Council Member

Regina Bonanno, Council Member

Brittni Kiick, Council Member

Regular City Council meetings are broadcast live on Channel 29 and videotaped for local television and for replay. For a schedule of City Council meeting replay airtimes or to access videos of previous meetings, log onto [www.tri-valleytv.org](http://www.tri-valleytv.org). City Council meetings are also streamed live on the web at [www.tri-valleytv.org/live-tv29.html](http://www.tri-valleytv.org/live-tv29.html).

## **CLOSED SESSION**

- Roll Call
- Opportunity for the Public to Address City Council Regarding Closed Session Items
- Adjourn to Closed Session
  - 1. Conference with Labor Negotiator. To meet with Douglas Alessio, Administrative Services Director, the City's negotiator pursuant to Government Code section 54957.6 regarding negotiations with the Livermore Police Management Association.
  - 2. Conference with Labor Negotiator. To meet with Douglas Alessio, Administrative Services Director, the City's negotiator pursuant to Government Code section 54957.6 regarding negotiations with the Livermore Management Group.

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

## **1. CALL TO ORDER**

### **ROLL CALL**

Council Member Regina Bonanno  
Council Member Robert W. Carling  
Council Member Brittni Kiick  
Vice Mayor Trish Munro  
Mayor Bob Woerner

### **PLEDGE OF ALLEGIANCE**

### **REPORT OF ACTION TAKEN IN CLOSED SESSION**

## **2. PROCLAMATIONS AND PRESENTATIONS**

2.1 Proclamation declaring June as Safety Awareness Month.

**Recommendation:**

Staff recommends City Council declare June as Safety Awareness Month.

**Staff Report**

**Attachments:**

[1. Safety Awareness Month 2021 Proclamation](#)

2.2 Confirmation of Advisory Body appointments to the Beautification Committee, Historic Preservation Commission, Livermore Housing Authority, Human Services Commission, Library Board of Trustees, and Livermore Area Youth Advisory Commission (LAYAC).

**Recommendation:**

The City Council Subcommittee on Advisory Bodies recommends the City Council confirm the advisory body appointments and direct the City Clerk to schedule individual meetings with the new members to administer the oath of office.

## Staff Report

### 3. CITIZENS FORUM

- In conformance with the Brown Act, no City Council action can occur on items presented during Citizens Forum.
- Please log into Zoom to provide verbal public comment during the City Council Meeting.
- 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. Speakers are called upon in the order their hands were raised. Speakers who lower their hand and then re-raise it will be moved to the bottom of the list.
- Citizens Forum will conclude after 30 minutes; however, if there are additional speakers, Citizens Forum will reconvene before the meeting adjourns.

### 4. CONSENT CALENDAR

- 4.1 Approval of draft minutes - January 11, 2021 City Council Regular Meeting and January 25, 2021 City Council Special Meeting.

**Recommendation:**

Staff recommends the City Council approve the draft minutes.

**Staff Report**

**Attachments:**

1. [2021-01-11 Draft Meeting Minutes](#)
2. [2021-01-25 Draft Meeting Minutes - Special Meeting](#)

- 4.2 Approval of draft minutes - May 10, 2021 City Council Regular Meeting and May 17, 2021 City Council Special Meeting.

**Recommendation:**

Staff recommends City Council approve the draft minutes.

**Staff Report**

**Attachments:**

1. [2021-05-10 Draft Meeting Minutes](#)
2. [2021-05-17 Draft Meeting Minutes](#)

- 4.3 Resolution authorizing acceptance for permanent maintenance and release of security for the 2018 Arterial Street Rehabilitation project.

**Recommendation:**

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance and release of the security bonds for the 2018 Arterial Street Rehabilitation, Project No. 2018-46, Federal Aid Project No. STPL 5053 (31).

**Staff Report**

**Attachments:**

- 1. Resolution
- 2. Exhibit A- Notice of Completion

- 4.4 Resolution authorizing an agreement with Terracare Associates for City-Wide Landscape Maintenance Services in an amount not-to-exceed \$2,934,000.

**Recommendation:**

Staff recommends City Council adopt a resolution authorizing execution of a three-year agreement with the option of two 2-year agreement extensions with Terracare Associates to provide landscape maintenance services for City maintained landscape areas, in an amount not-to-exceed \$2,934,000 over the initial three-year term.

**Staff Report**

**Attachments:**

- 1. Resolution
- 2. Exhibit A - Agreement Terracare Associates

- 4.5 Resolution summarily vacating a portion of Church Street (Cowboy Alley) right-of-way along the frontage of Livermore High School and authorizing the City Manager to execute a quit claim deed

**Recommendation:**

Staff recommends the City Council adopt a resolution:

- 1. Determining that the action to summarily vacate a portion of Church Street right-of-way to accommodate a wheelchair ramp and stairs that access the new Athletic Complex at Livermore High School is exempt from CEQA pursuant to 14 California Code of Regulations, Section 15061;
- 2. Summarily vacating the portion of the right-of-way that is no longer needed by the City; and
- 3. Authorizing the City Manager to quitclaim the portion of the right-of-way that is no longer needed by the City to Livermore Valley Joint Unified School District.

**Staff Report**

**Attachments:**

- 1. Vicinity Map
- 2. Resolution
- 3. Exhibit A - Plat and Legal Description
- 4. Exhibit B - Quit Claim Deed

- 4.6 Resolution approving Public Art Project and Program Funding Applications and authorizing agreements for funding of Arts Enrichment Projects and Programs totaling \$21,500.

**Recommendation:**

The Commission for the Arts and staff recommend the City Council adopt a resolution approving the execution of the following Project and Program Grant Agreements:

- 1. Cheza Nami Foundation, Inc. - \$10,000 for the 9th annual Taste of Africa Festival

2. East Bay Holocaust Education Center Inc. - \$1,500 for the broadcasting of an online staged reading of a Holocaust play
3. Only Up LLC - \$10,000 for the Arts & Cultural Festival

**Staff Report**

**Attachments:**

1. Resolution
2. Exhibit A - Agreement with Cheza Nami Foundation, Inc.
3. Exhibit B - Agreement with East Bay Holocaust Education Center Inc.
4. Exhibit C - Agreement with Only Up LLC

- 4.7 Resolution approving a Memorandum of Understanding for the Operation and Maintenance of the East County Animal Shelter.

**Recommendation:**

Staff recommends the City Council adopt a resolution approving a Memorandum of Understanding with the County of Alameda and the cities of Dublin, Livermore and Pleasanton for the maintenance and operation of the East County Animal Shelter located at 4595 Gleason Avenue in the City of Dublin.

**Staff Report**

**Attachments:**

1. Resolution
2. Exhibit A - MOU Agreement

- 4.8 Resolution authorizing the display of the Philadelphia Rainbow Pride Flag for the month of June 2021.

**Recommendation:**

Staff recommends the City Council adopt a resolution authorizing the display of the Philadelphia rainbow pride flag on the flagpole at the Civic Center Campus for the month of June 2021.

**Staff Report**

**Attachments:**

1. Resolution

**5. PUBLIC HEARINGS**

- 5.1 **THIS ITEM HAS BEEN REMOVED FROM THE AGENDA AND WILL BE PLACED ON A FUTURE CITY COUNCIL MEETING.**

Hearing to consider a request to adopt a resolution amending the City's Development Impact and Connection fees to modify existing fees for the Isabel Neighborhood Specific Plan area.

**Recommendation:**

Staff recommends the City Council adopt a resolution amending the City's Development Impact and Connection fees to modify existing fees for the Isabel Neighborhood Specific Plan area.

- 5.2 Hearing to consider a request for Downtown Design Review and Vesting Tentative Parcel Map to develop the western portion of the Downtown Core site (formerly Livermore Village) with the affordable housing component of the Downtown Plan approved by the City Council on January 29, 2018, and a First Amendment to Disposition, Development and Loan Agreement (DDLA) with Eden Housing, Inc.

**Recommendation:**

The Planning Commission and staff recommend the City Council:

1. Find the project is exempt from the California Environmental Quality Act pursuant to Government Code Section 65457 and Sections 15182 (c), 15332, 15304 (a)(b), and 15308 of the CEQA Guidelines, each as a separate and independent basis;
2. Approve Downtown Design Review 20-019 and Vesting Tentative Parcel Map 11186 – Subdivision 21-003, subject to the attached Conditions of Approval; and
3. Authorize the City Manager to execute the First Amendment to Disposition Development and Loan Agreement with Eden Housing, Inc.

**Staff Report**

**Attachments:**

1. [Eden Housing Memo](#)
2. [Planning Commission April 20, 2021 Staff Report](#)
3. [Planning Commission April 20, 2021 Draft Minutes](#)
4. [Resolution - CEQA](#)
5. [Exhibit A - Planning Commission CEQA Resolution](#)
6. [Resolution - Project](#)
7. [Exhibit A - Planning Commission DDR and Vesting Tract Resolution](#)
8. [Conditions of Approval](#)
9. [Development Plans](#)
10. [Public Comment](#)
11. [Eden Livermore Density Bonus Letter dated April 30, 2021](#)
12. [State Density Bonus Law](#)
13. [Resolution - DDLA](#)
14. [Exhibit A - First Amendment to DDLA Eden Executed](#)
15. [Project Traffic and Parking Study](#)
16. [Legal Memorandum](#)

**6. MATTERS FOR CONSIDERATION**

- 6.1 Oral report from the Director of Emergency Services regarding the COVID-19 emergency, its impacts, and the governmental operations in response to that emergency, as well as discussion and direction regarding the City's emergency operations in response to that emergency.

**Recommendation:**

An oral report will be given at the meeting.

**Staff Report**

- 6.2 Resolutions approving the initial legislative actions for Trevarno Road Sewer and Water Improvements Assessment District 2021-1, including the intention to establish the Assessment District, approving the Engineer's Report and establishing the Public Hearing, and declaring intention to reimburse expenditures.

**Recommendation:**

Staff recommends the City Council adopt the following resolutions related to a proposed assessment district for the Trevarno Road Sewer and Water Improvements, CIP Project No. 201960:

1. A resolution of intention to make acquisitions and improvements, which declares intention to establish the Assessment District
2. A resolution preliminarily approving the Engineer's Report and directing related action which sets the date and time of the Public Hearing; and
3. A resolution declaring intention to reimburse expenditures under federal tax rules related to sewer, water and fire hydrant improvements along Trevarno Road, establishing the City's intent to reimburse prior capital expenditures with proceeds of bonds issued for the proposed assessment district.

**Staff Report**

**Attachments:**

1. [Trevarno Road Sewer and Water Preliminary Plans](#)
2. [Resolution of Intention](#)
3. [Exhibit A - Description of Improvements](#)
4. [Resolution](#)
5. [Exhibit A- Preliminary Engineers Report Assessment District 2021-1](#)
6. [Resolution](#)

- 6.3 Resolution of Intention to form Community Facilities District 2021-1 (Citywide Maintenance) and Future Annexation Area pursuant to the Mello-Roos Community Facilities Act of 1982.

**Recommendation:**

Staff recommends the City Council:

1. Accept the petition from property owner requesting initiation of formation of City of Livermore Community Facilities District No. 2021-1 (Citywide Maintenance) (the "CFD") to finance certain ongoing maintenance services, and waiving the otherwise-applicable election time periods;
2. Adopt a resolution of intention to form the CFD and Future Annexation Area for the CFD and call for a public hearing on July 12, 2021, to consider formation of the CFD and the Future Annexation Area.

**Staff Report**

**Attachments:**

1. [Resolution of Intention CFD 2021-1 Citywide Services CFD](#)
2. [Exhibit A- Boundary Map](#)
3. [Exhibit B - Description of Services](#)
4. [Exhibit C - Rate and Method of Apportionment CFD 2021-1 RMA](#)

**7. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS**

**8. ADJOURNMENT**

To a regular City Council meeting on June 14, 2021 at 7:00 pm, held virtually using Zoom.

**HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING**

IN THE EVENT THAT TECHNICAL DIFFICULTIES ARE PREVENTING PARTICIPATION IN OR ACCESS TO THE MEETING PLEASE EMAIL: [CITYCLERK@CITYOFLIVERMORE.NET](mailto:CITYCLERK@CITYOFLIVERMORE.NET)

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

**Citizens 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 submit a comment using Zoom, you may use the 'raise hand' feature. You should be aware 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 questions from the City Council and a presentation by the applicant. The Mayor will then open the hearing to the public and offer an opportunity for public comments. You may use the 'raise hand' feature in Zoom and take 3 minutes to make your comments.

**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 Virtual Meetings:**

**Submission of Comments Prior to the Meeting:**

**Email Comments** may be submitted by the public to the City Clerk's Office ([cityclerk@cityoflivermore.net](mailto:cityclerk@cityoflivermore.net)). 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 4PM the day of the meeting. These items will



NOT be read into the record and are viewable by the 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 using Zoom, you may use the 'raise hand' feature. You should be aware 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](http://tv29live.org)

**YouTube:** <http://youtube.com/c/CityofLivermoreCalifornia>

**Zoom Webinar:** <https://us02web.zoom.us/j/88699480798>

**Zoom dial in phone number:**

1 669 900 6833

Meeting ID: 886 9948 0798

If you would like to deliver written materials to the City Council as part of their electronic comments during a meeting, the speaker must identify that intent in his or her comment submitted and immediately email the materials to the City Clerk at [cityclerk@cityoflivermore.net](mailto:cityclerk@cityoflivermore.net).

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://cityoflivermore.net/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://cityoflivermore.net/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@CITYOFLIVERMORE.NET](mailto:ADACOORDINATOR@CITYOFLIVERMORE.NET) OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.

