

COUNCILMEMBERS
Melissa Hernandez, Mayor
Michael McCorriston, Vice Mayor
Jean Josey, Councilmember
Dr. Sherry Hu, Councilmember
Kashef Qaadri, Councilmember



City Council Chamber
Dublin Civic Center
100 Civic Plaza
Dublin, CA 94568
www.dublin.ca.gov

Regular Meeting of the DUBLIN CITY COUNCIL

Tuesday, February 7, 2023

**Location: City Council Chamber
100 Civic Plaza
Dublin, CA 94568**

REGULAR MEETING 7:00 PM

Pursuant to AB 361, the City is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public, without making available any physical location for the public.

Additional Meeting Procedures Available During the COVID-19 Pandemic

This City Council meeting will be broadcast live on Comcast T.V. channel 28 beginning at 7:00 p.m. This meeting will also be livestreamed at www.tv30.org and on the City's website at: <https://dublin.ca.gov/ccmeetings>

Members of the public who wish to participate in the meeting electronically have the option of giving public comment via Zoom, subject to the following procedures:

- Fill out an online speaker slip available at www.dublin.ca.gov. The speaker slip will be made available at 10:00 a.m. on Tuesday, February 7, 2023. Upon submission, you will receive Zoom link information from the City Clerk. Speakers slips will be accepted until the public comment period ends, or until the public comment period on non-agenda items is closed.
- Once connected to the Zoom platform using the Zoom link information from the City Clerk, the public speaker will be added to the Zoom webinar as an attendee and muted. The speaker will be able to observe the meeting from the Zoom platform.
- When the agenda item upon which the individual would like to comment is addressed, the City Clerk will announce the speaker in the meeting when it is their time to give public comment. The speaker will then be unmuted to give public comment via Zoom.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

3.1 Recognition of Dublin United Soccer League 2011 Girls Premier and Elite Teams

The City Council will recognize Dublin United Soccer League's 2011 Girls Premier and Elite teams for winning the championships in their divisions.

STAFF RECOMMENDATION:

Recognize the teams.

[Staff Report](#)

[Attachment 1 - Certificate of Recognition Dublin United Soccer League 2011 Girls Premier Team](#)

[Attachment 2 - Certificate of Recognition Dublin United Soccer League 2011 Girls Elite Team](#)

3.2 Presentation of Plaques to Outgoing Commissioners and Committee Members

The City Council will present plaques to outgoing commissioners and committee members in appreciation of their dedicated service to the City.

STAFF RECOMMENDATION:

Present the plaques.

[Staff Report](#)

3.3 Employee Introductions

New City of Dublin Staff members, Marc Sisto, Maintenance Coordinator with the Public Works Department, and Ruby Von Mecklenburg, Office Assistant II with the Parks and Community Services Department, will be introduced.

STAFF RECOMMENDATION:

Welcome the new City of Dublin Staff members.

[Staff Report](#)

3.4 Public Comment

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1 Approval of the January 10, 2023, Regular City Council Meeting Minutes

The City Council will consider approval of the minutes of the January 10, 2023, Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the January 10, 2023, Regular City Council Meeting.

[Staff Report](#)

[Attachment 1 - January 10, 2023 Regular City Council Meeting Minutes](#)

[Item 4.1 - SB 343](#)

4.2 Agreement with RES Environmental Operating Company for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Project, CIP No. ST0216

The City Council will consider approving an agreement with RES Environmental Operating Company, LLC to provide environmental mitigation services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Extension project. The City Council will also consider approving a budget change to increase the project funding.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving an Agreement with RES Environmental Operating Company, LLC for Environmental Mitigation Services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Project, CIP No. ST0216, and approve the budget change.

[Staff Report](#)

[Attachment 1 - Resolution Approving an Agreement with RES Environmental Operating Company, LLC for Environmental Mitigation Services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Project, CIP No. ST0216](#)

[Attachment 2 - Exhibit A to the Resolution - Mitigation Agreement Between the City of Dublin and RES](#)

[Attachment 3 - CIP No. ST0216 2022-2027 Adopted CIP](#)

[Attachment 4 - Budget Change Form](#)

4.3 Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October 2021, the City returned to in-person meetings and the Brown Act was amended to allow for teleconferencing during a state of emergency. Under the new law, AB 361, the City can continue to conduct virtual meetings where the Governor has proclaimed a State of Emergency, or state or local health officials have imposed or recommended social distancing, if the City Council makes certain required findings. From January 11 – February 10, 2022, and since May 3, 2022, the City Council has operated under a resolution pursuant to AB 361 authorizing teleconferenced meetings for at least 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

[Staff Report](#)

[Attachment 1 - Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency](#)

4.4 City Council Participation in the 2023 St. Patrick's Day Parade

The City Council will consider participating in the 2023 St. Patrick's Day Parade by riding as a group on a decorated float.

STAFF RECOMMENDATION:

Approve the securing and decorating of a float to be used by the City Council during the Parade, or provide other direction.

[Staff Report](#)

4.5 Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project

The City Council will consider approving an agreement with Alameda County Transportation Commission (Alameda CTC) to allow for the City's Green Stormwater Infrastructure project to be modified to accommodate the Caltrans' SR84 Expressway Widening and SR84/I-680 Interchange Improvements project, for which Alameda CTC is the lead implementing agency. The agreement provides for the responsibility of each party, as well as the cost split.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving the Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project.

[Staff Report](#)

[Attachment 1 - Resolution Approving the Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project](#)

[Attachment 2 - Exhibit A to the Resolution - Cooperative Agreement Between Alameda County Transportation Commission and City of Dublin, Alameda CTC Agreement No. A23-0012](#)

[Attachment 3 - CIP No. ST0121](#)

4.6 Appointment of City of Dublin Poet Laureate

The City Council will consider the appointment of a City of Dublin Poet Laureate for a term beginning February 8, 2023 and ending December 31, 2024.

STAFF RECOMMENDATION:

Confirm the Mayor's appointment of James Morehead to serve as City of Dublin Poet Laureate from February 8, 2023 to December 31, 2024.

[Staff Report](#)

[Attachment 1 - Program Guidelines for the City of Dublin Poet Laureate](#)

[Attachment 2 - James Morehead Poet Laureate Application Redacted](#)

4.7 Declaration of Weeds and Combustible Debris Abatement

The City Council will consider declaring that there is a public nuisance created by weeds and combustible debris growing and accumulating upon the streets, sidewalks, and property within the City of Dublin.

STAFF RECOMMENDATION:

Adopt the **Resolution** Declaring Weeds and Combustible Refuse a Public Nuisance and Ordering the Abatement Thereof; direct Staff to notify the public of the adoption of this Resolution; and schedule a public hearing for the April 4, 2023 City Council meeting at which time the City Council will hear and consider objections to this abatement order.

[Staff Report](#)

[Attachment 1 - Resolution Declaring Weeds and Combustible Refuse a Public Nuisance and Ordering the Abatement Thereof](#)

5. WRITTEN COMMUNICATION – None.

6. PUBLIC HEARING – None.

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS

8.1 2023 Draft City of Dublin Legislative Platform

The City Council will receive a report on the draft 2023 Legislative Platform, which guides the City's response to potential and pending legislation, policies, programs, ballot measures, mandates, and budgets at all levels of government, and provide direction to Staff.

STAFF RECOMMENDATION:

Receive the report and provide direction.

[Staff Report](#)

[Attachment 1 - Draft 2023 City of Dublin Legislative Platform \(Redlined\)](#)

[Item 8.1 PowerPoint Presentation](#)

[Item 8.1 - SB 343](#)

8.2 Informational Report on Adult Day Services Programs

The City Council will receive an informational report on Adult Day Services Programs, including an overview of their structures, regulations, and local program examples.

STAFF RECOMMENDATION:

Receive the report and provide direction, as necessary.

[Staff Report](#)

[Item 8.2 PowerPoint Presentation](#)

8.3 Future Events at Don Biddle Community Park

The City Council will receive a report on the possible relocation and addition of City events and festivals, including Splatter, to Don Biddle Community Park.

STAFF RECOMMENDATION:

Receive the report and provide feedback.

[Staff Report](#)

[Attachment 1 - Draft Splatter Footprint for Don Biddle Community Park](#)

[Attachment 2 - 2022 Splatter Footprint at Emerald Glen Park](#)

[Item 8.3 PowerPoint Presentation](#)

9. OTHER BUSINESS

Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) (ADA), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the District Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting. Upon receiving a request, the District will swiftly resolve requests for reasonable accommodation for individuals with disabilities, consistent with the federal ADA, and resolve any doubt in favor of accessibility.

Agenda materials that become available within 72 hours in advance of the meeting, and after publishing of the agenda, will be available at Civic Center, 100 Civic Plaza, and will be posted on the District's website at www.dublin.ca.gov/ccmeetings.

Mission

The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, fosters new opportunities, provides equity across all programs, and champions a culture of diversity and inclusion.



STAFF REPORT CITY COUNCIL

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Recognition of Dublin United Soccer League 2011 Girls Premier and Elite Teams
Prepared by: Cierra Fabrigas, Executive Aide

EXECUTIVE SUMMARY:

The City Council will recognize Dublin United Soccer League's 2011 Girls Premier and Elite teams for winning the championships in their divisions.

STAFF RECOMMENDATION:

Recognize the teams.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The Dublin United Soccer League 2011 Girls Premier and Elite teams won the NorCal Premier Fall League championships in their divisions. The City Council will acknowledge their work and recognize them for their achievement.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

- 1) Certificate of Recognition Dublin United Soccer League 2011 Girls Premier Team
- 2) Certificate of Recognition Dublin United Soccer League 2011 Girls Elite Team

CERTIFICATE OF RECOGNITION

Given to

*DUBLIN UNITED SOCCER LEAGUE
2011 GIRLS PREMIER TEAM*

In recognition of winning the NorCal Premier Fall League championship in their division.

Presented by the

The City of Dublin

Dated: February 7, 2023

Mayor Melissa Hernandez

Vice Mayor Michael McCorriston

Councilmember Sherry Hu

Councilmember Jean Josey

Councilmember Kashef Qaadri

CERTIFICATE OF RECOGNITION

Given to

*DUBLIN UNITED SOCCER LEAGUE
2011 GIRLS ELITE TEAM*

In recognition of winning the NorCal Premier Fall League championship in their division.

Presented by the

The City of Dublin

Dated: February 7, 2023

Mayor Melissa Hernandez

Vice Mayor Michael McCorriston

Councilmember Sherry Hu

Councilmember Jean Josey

Councilmember Kashef Qaadri



STAFF REPORT CITY COUNCIL

Agenda Item 3.2

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Presentation of Plaques to Outgoing Commissioners and Committee Members
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will present plaques to outgoing commissioners and committee members in appreciation of their dedicated service to the City.

STAFF RECOMMENDATION:

Present the plaques.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will present plaques to Kristin Speck (Parks and Community Services Commission); Kathy Blackburn, Steve Minniear, and Eileen Liu (Heritage and Cultural Arts Commission); Michele Wayland (Senior Center Advisory Committee); Janet Songey (Human Services Commission); and Kashef Qaadri (Planning Commission).

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.



STAFF REPORT CITY COUNCIL

Agenda Item 3.3

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Employee Introductions
Prepared by: Sarah Monnastes, Human Resources Director

EXECUTIVE SUMMARY:

New City of Dublin Staff members, Marc Sisto, Maintenance Coordinator with the Public Works Department, and Ruby Von Mecklenburg, Office Assistant II with the Parks and Community Services Department, will be introduced.

STAFF RECOMMENDATION:

Welcome the new City of Dublin Staff members.

FINANCIAL IMPACT:

None.

DESCRIPTION:

New City of Dublin Staff members, Marc Sisto, Maintenance Coordinator with the Public Works Department, and Ruby Von Mecklenburg, Office Assistant II with the Parks and Community Services Department, will be introduced

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.



STAFF REPORT CITY COUNCIL

Agenda Item 4.1

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approval of the January 10, 2023, Regular City Council Meeting Minutes
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will consider approval of the minutes of the January 10, 2023, Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the January 10, 2023, Regular City Council Meeting.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will consider approval of the minutes of the January 10, 2023, Regular City Council Meeting.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) January 10, 2023 Regular City Council Meeting Minutes



MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

Regular Meeting: January 10, 2023

The following are minutes of the actions taken by the City of Dublin City Council. A full video recording of the meeting with the agenda items indexed and time stamped is available on the City's website at: <https://dublin.ca.gov/ccmeetings>

CLOSED SESSION 6:30 PM

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0028-003-00 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: East Bay Regional Park District

Under Negotiation: Price and terms of payment

II. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0028-002-00 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: Javid Roshan/Zarmina Mayar

Under Negotiation: Price and terms of payment

III. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0001-001-07 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: United States of America

Under Negotiation: Price and terms of payment

IV. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0003-001-02 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: Kathy L. Betran

Under Negotiation: Price and terms of payment

REGULAR MEETING 7:00 PM

A Regular Meeting of the Dublin City Council was held on Tuesday, January 10, 2023, in the City Council Chamber. The meeting was called to order at 7:00 PM, by Mayor Hernandez.

1) CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Attendee Name	Status
Melissa Hernandez, Mayor	Present
Michael McCorriston, Vice Mayor	Present
Jean Josey, Councilmember	Present
Dr. Sherry Hu, Councilmember	Present
Kashef Qaadri, Councilmember	Present

2) REPORT ON CLOSED SESSION

Mayor Hernandez reported there was no reportable action out of Closed Session.

3) ORAL COMMUNICATIONS

3.1) 2022 Sponsor Recognition

The City Council recognized sponsors who contributed to City events, programs, and facilities in 2022.

3.2) Recognition of Parks Reserve Forces Training Area 80th Anniversary

The City Council presented a Certificate of Recognition to Parks Reserve Forces Training Area in recognition of their 80th Anniversary.

3.3) Recognition of the 2022 “Deck the Homes” Holiday Home Decorating Contest Winners

The City Council presented Certificates of Recognition to the 2022 “Deck the Homes” Holiday Home Decorating Contest winners.

3.4) Employee Introductions

New City of Dublin Staff members, Gabrielle Abdon, Associate Civil Engineer, with the Public Works Department, and Gary Gosal, Captain, with Dublin Police Services, were introduced.

3.5) Public Comment

Bruce Fiedler provided public comment.

Brent Songey provided public comment.

Andrea Renzulli provided public comment.

4) CONSENT CALENDAR

- 4.1) Approved the December 20, 2022, Regular City Council Meeting Minutes.
- 4.2) Adopted Resolution No. 01-23 titled, “Approving Funding Recommendations for Fiscal Year 2022-23 Youth Advisory Committee Mini-Grant Program.”
- 4.3) Adopted Resolution No. 02-23 titled, “Approving the Plans and Specifications and Awarding a Contract to St. Francis Electric for the Citywide Signal Communications Upgrade – Conduit Installation for Future Fiber Interconnect on Dublin Boulevard, CIP No. ST0713.”
- 4.4) Adopted Resolution No. 03-23 titled, “Approving an Agreement with Slide Guys Restoration Inc. for Waterslide Maintenance Services.”
- 4.5) Adopted Resolution No. 04-23 titled, “Accepting the Civic Center HVAC and Roof Replacement Project, CIP No. GI0119.”
- 4.6) Approved the artwork proposal by AvalonBay Communities for the Avalon West/St. Patrick’s Way development project.
- 4.7) Adopted Resolution No. 05-23 titled, “Finding that there is a Proclaimed State of Emergency; Finding that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.”
- 4.8) Adopted Resolution No. 06-23 titled, “Authorizing the City Manager to Execute the Owner’s Statement of Parcel Map 10999 on Behalf of the City of Dublin.”

On a motion by Councilmember Kumagai, seconded by Councilmember McCorriston, and by unanimous vote, the City Council adopted the Consent Calendar items, except for item 4.9.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Michael McCorriston, Vice Mayor
SECOND:	Jean Josey, Councilmember
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

4.9) *Annual Proclamation*

This item was pulled from the consent calendar by Councilmember Hu for further discussion.

Councilmember Hu requested Staff move Lunar New Year to January from February and add Mid-Autumn (Moon) Festival to September.

Vice Mayor McCorriston requested Staff add Arab-American Heritage Month in April and Italian-American Heritage Month and German-American Heritage Month in October.

On a motion by Councilmember Hu and seconded by Vice Mayor McCorriston, and by unanimous vote, the City Council accepted the Proclamation List and approved the Annual Proclamation, amended to move the Lunar New Year to January, and add Mid-Autumn Festival, Arab-American Heritage Month, Italian-American Heritage Month, and German-American Heritage Month.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Dr. Sherry Hu, Councilmember
SECOND:	Michael McCorriston, Vice Mayor
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

5) WRITTEN COMMUNICATION – None.

6) PUBLIC HEARING

6.1) Bicycle and Pedestrian Plan Update

The City Council received a presentation on the proposed Plan updates which replaces the 2014 Bicycle and Pedestrian Master Plan and will inform future infrastructure, program, and policy recommendations.

Mayor Hernandez opened the Public Hearing.

Robert Prinz provided public comment.

Kristi Marleau provided public comment.

Mayor Hernandez closed the Public Hearing.

On a motion by Vice Mayor McCorriston, seconded by Councilmember Qaadri, and by unanimous vote, the City Council adopted Resolution No. 07-23 titled, “Adopting the Bicycle and Pedestrian Plan and Finding the Plan Exempt from the California Environmental Quality Act,” amended to include a biennial update to the City Council on the plan’s progress.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Michael McCorriston, Vice Mayor
SECOND:	Kashef Qaadri, Councilmember
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

7) UNFINISHED BUSINESS

7.1) Local Roadway Safety Plan

The City Council received a report regarding the Local Roadway Safety Plan, which provides a local-level assessment of roadway safety and identifies high-risk locations, appropriate safety improvements, and strategies to improve safety for roadways in the City of Dublin.

Mayor Hernandez opened the public comment period.

Upon receiving no public comment, Mayor Hernandez closed the public comment period.

On a motion by Councilmember Josey, seconded by Vice Mayor McCorriston, and by unanimous vote, the City Council adopted Resolution No. 08-23 titled, “Adopting the Local Roadway Safety Plan and Finding the Plan Exempt from the California Environmental Quality Act.”

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Jean Josey, Councilmember
SECOND:	Michael McCorriston, Vice Mayor
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

8) NEW BUSINESS - None

9) OTHER BUSINESS

The City Council and Staff provided brief information-only reports, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10) ADJOURNMENT

Mayor Hernandez adjourned the meeting at 9:00 p.m.

Mayor

ATTEST:

City Clerk

February 7, 2023

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the February 7, 2023, Regular City Council meeting agenda packet.

Item 4.1



MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

Regular Meeting: January 10, 2023

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Property: Portion of Assessor's Parcel No. 986-0028-003-00 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: East Bay Regional Park District

Under Negotiation: Price and terms of payment

II. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0028-002-00 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: Javid Roshan/Zarmina Mayar

Under Negotiation: Price and terms of payment

III. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0001-001-07 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: United States of America

Under Negotiation: Price and terms of payment

IV. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of Assessor's Parcel No. 986-0003-001-02 adjacent to Tassajara Road

Agency Negotiator: Linda Smith, City Manager

Negotiating Parties: Kathy L. Betran

Under Negotiation: Price and terms of payment

REGULAR MEETING 7:00 PM

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I) CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Attendee Name	Status
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Michael McCorriston, Vice Mayor	Present
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Dr. Sherry Hu, Councilmember	Present
Kashef Qaadri, Councilmember	Present

2) REPORT ON CLOSED SESSION

Mayor Hernandez reported there was no reportable action out of Closed Session.

3) ORAL COMMUNICATIONS

3.1) 2022 Sponsor Recognition

The City Council recognized sponsors who contributed to City events, programs, and facilities in 2022.

3.2) Recognition of Parks Reserve Forces Training Area 80th Anniversary

The City Council presented a Certificate of Recognition to Parks Reserve Forces Training Area in recognition of their 80th Anniversary.

3.3) Recognition of the 2022 “Deck the Homes” Holiday Home Decorating Contest Winners

The City Council presented Certificates of Recognition to the 2022 “Deck the Homes” Holiday Home Decorating Contest winners.

3.4) Employee Introductions

New City of Dublin Staff members, Gabrielle Abdon, Associate Civil Engineer, with the Public Works Department, and Gary Gosal, Captain, with Dublin Police Services, were introduced.

3.5) Public Comment

Bruce Fiedler provided public comment.

Brent Songey provided public comment.

Andrea Renzulli provided public comment.

4) CONSENT CALENDAR

- 4.1) Approved the December 20, 2022, Regular City Council Meeting Minutes.
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On a motion by ~~Councilmember Kumagai, seconded by Councilmember McCorriston~~Vice Mayor McCorriston and seconded by Councilmember Josey, and by unanimous vote, the City Council adopted the Consent Calendar items, except for item 4.9.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Michael McCorriston, Vice Mayor
SECOND:	Jean Josey, Councilmember
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

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Councilmember Hu requested Staff move Lunar New Year to January from February and add Mid-Autumn (Moon) Festival to September.

Vice Mayor McCorriston requested Staff add Arab-American Heritage Month in April and Italian-American Heritage Month and German-American Heritage Month in October.

On a motion by Councilmember Hu and seconded by Vice Mayor McCorriston, and by unanimous vote, the City Council accepted the Proclamation List and approved the Annual Proclamation, amended to move the Lunar New Year to January, and add Mid-Autumn Festival, Arab-American Heritage Month, Italian-American Heritage Month, and German-American Heritage Month.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Dr. Sherry Hu, Councilmember
SECOND:	Michael McCorriston, Vice Mayor
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

5) WRITTEN COMMUNICATION – None.

6) PUBLIC HEARING

6.1) Bicycle and Pedestrian Plan Update

The City Council received a presentation on the proposed Plan updates which replaces the 2014 Bicycle and Pedestrian Master Plan and will inform future infrastructure, program, and policy recommendations.

Mayor Hernandez opened the Public Hearing.

Robert Prinz provided public comment.

Kristi Marleau provided public comment.

Mayor Hernandez closed the Public Hearing.

On a motion by Vice Mayor McCorriston, seconded by Councilmember Qaadri, and by unanimous vote, the City Council adopted Resolution No. 07-23 titled, “Adopting the Bicycle and Pedestrian Plan and Finding the Plan Exempt from the California Environmental Quality Act,” amended to include a biennial update to the City Council on the plan’s progress.

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Michael McCorriston, Vice Mayor
SECOND:	Kashef Qaadri, Councilmember
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

7) **UNFINISHED BUSINESS**

7.1) **Local Roadway Safety Plan**

The City Council received a report regarding the Local Roadway Safety Plan, which provides a local-level assessment of roadway safety and identifies high-risk locations, appropriate safety improvements, and strategies to improve safety for roadways in the City of Dublin.

Mayor Hernandez opened the public comment period.

Upon receiving no public comment, Mayor Hernandez closed the public comment period.

On a motion by Councilmember Josey, seconded by Vice Mayor McCorriston, and by unanimous vote, the City Council adopted Resolution No. 08-23 titled, "Adopting the Local Roadway Safety Plan and Finding the Plan Exempt from the California Environmental Quality Act."

RESULT:	ADOPTED [UNANIMOUS]
MOVED BY:	Jean Josey, Councilmember
SECOND:	Michael McCorriston, Vice Mayor
AYES:	Hernandez, McCorriston, Josey, Hu, Qaadri

8) **NEW BUSINESS** - None

9) **OTHER BUSINESS**

The City Council and Staff provided brief information-only reports, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10) ADJOURNMENT

Mayor Hernandez adjourned the meeting at 9:00 p.m.

Mayor

ATTEST:

City Clerk



STAFF REPORT CITY COUNCIL

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Agreement with RES Environmental Operating Company for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Project, CIP No. ST0216
Prepared by: Pratyush Bhatia, Transportation and Operations Manager

EXECUTIVE SUMMARY:

The City Council will consider approving an agreement with RES Environmental Operating Company, LLC to provide environmental mitigation services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway project. The City Council will also consider approving a budget change to increase the project funding.

STAFF RECOMMENDATION:

Adopt the Resolution Approving an Agreement with RES Environmental Operating Company, LLC for Environmental Mitigation Services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway Project, CIP No. ST0216, and approve the budget change.

FINANCIAL IMPACT:

The estimated cost of the environmental mitigation services is \$15,480,144. Approval of the agreement will require a budget increase in that amount for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway project (CIP No. ST0216). Direct impact environmental mitigation up to an amount of \$1,737,585 is included in the Eastern Dublin Transportation Impact Fee (EDTIF) program and would be funded by the EDTIF. The remaining \$13,742,559, comprising \$11,906,472 in indirect mitigation costs and \$1,836,087 in direct mitigation costs, will come from the Assigned Reserve for the Dublin Boulevard Extension project, which has a balance of \$20 million.

Staff has determined that the indirect environmental mitigation will meet Community Facilities District (CFD) requirements and is working on a CFD financing mechanism to reimburse the City for the General Fund contribution of \$11.9 million in indirect mitigation costs.

DESCRIPTION:

The 2022-2027 Capital Improvement Program (CIP) includes the Dublin Boulevard Extension – Fallon Road to North Canyons Parkway Project (CIP No. ST0216), which will extend Dublin Boulevard approximately 1.5 miles from Fallon Road to North Canyons Parkway in the City of Livermore, including a portion through unincorporated Alameda County. The project has been planned since 1984.

Construction of the project will impact the potential habitat for several special-status species. The project will also impact a stream channel, seasonal wetland, and riparian habitat. The Project Environmental Impact Report (EIR) and the U.S. Fish and Wildlife Service (USFWS) Biological Opinion identified 22.7 acres of permanent direct impact due to the construction of the roadway. Permanent direct impacts will result from the permanent replacement of existing habitat within the footprint of the new road. The EIR identified up to 133.47 acres of permanent indirect impacts south of the roadway. Indirect impacts will result from the isolation of habitat on land between the new road and Interstate 580. Compensatory mitigation for impacts to these species' habitat is required in accordance with the measures outlined in the East Alameda County Conservation Strategy (EACCS). Mitigation can take the form of purchase of credits from a mitigation bank, project-specific mitigation, or other mitigation plan.

Staff has been coordinating with Alameda County Transportation Commission (Alameda CTC), Livermore, and Alameda CTC's consultants, BKF Engineers and H.T. Harvey & Associates, on the evaluation of environmental mitigation options for the project. Staff recommends entering into an agreement with RES Environmental Operating Company, LLC to provide project-specific, full-service mitigation, based on the evaluation of mitigation options by H.T. Harvey & Associates, the lack of currently approved conservation banks that could satisfy all mitigation needs, the uncertainty of when a conservation bank would be available, the potentially higher cost per acre of purchasing credits from a mitigation bank, and conversations with RES on mitigation options.

RES is a firm that specializes in finding mitigation solutions for projects such as the Dublin Boulevard Extension. RES will provide the City with the entire mitigation to compensate for the unavoidable impacts to species' habitat and aquatic resources for the project, at a total cost of \$15,480,144.

STRATEGIC PLAN INITIATIVE:

Strategy 1: Downtown Dublin and Economic Development
Objective E: Continue the Fallon-East development strategy.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

- 1) Resolution Approving an Agreement with RES Environmental Operating Company, LLC for Environmental Mitigation Services for the Dublin Boulevard Extension – Fallon Road to North Canyons Parkway Project, CIP No. ST0216
- 2) Exhibit A to the Resolution – Mitigation Agreement Between the City of Dublin and RES
- 3) CIP No. ST0216 2022-2027 Adopted CIP
- 4) Budget Change Form

RESOLUTION NO. XX – 23

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**APPROVING AN AGREEMENT WITH RES ENVIRONMENTAL OPERATING COMPANY,
LLC FOR ENVIRONMENTAL MITIGATION SERVICES FOR THE DUBLIN BOULEVARD
EXTENSION - FALLON ROAD TO NORTH CANYONS PARKWAY PROJECT, CIP NO.
ST0216**

WHEREAS, Staff is coordinating with Alameda County Transportation Commission (Alameda CTC) staff, Livermore staff, and Alameda CTC's design consultant, BKF Engineers and environmental subconsultant H.T. Harvey & Associates (collectively, Project Team), on the evaluation of environmental mitigation options for the Dublin Boulevard Extension – Fallon Road to North Canyons Parkway project, CIP No. ST0216 (Project); and

WHEREAS, RES Environmental Operating Company, LLC (RES) is qualified and has the ability to provide project specific mitigation services; and

WHEREAS, based on the evaluation of mitigation options by the Project Team, the lack of currently approved conservation banks that could satisfy all mitigation needs for the Project, the uncertainty of when a conservation bank would be available, the potentially higher cost per acre of purchasing mitigation credits from a mitigation bank, and conversations between RES and the Project Team on mitigation options, the services that RES can provide is the most cost-effective option; and

WHEREAS, RES will provide the City with the entire mitigation to compensate for the unavoidable impacts to species' habitat and aquatic resources for the Project; and

WHEREAS, the City desires to enter into an agreement with RES Environmental Operating Company, LLC for a not to exceed amount of \$15,480,144 for environmental mitigation services for the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve the Mitigation Agreement with RES, attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the Agreement and make any necessary, non-substantive changes to carry out the intent of this Resolution.

{Signatures on the following page}

PASSED, APPROVED AND ADOPTED this 7th day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

City Clerk

MITIGATION AGREEMENT

THIS MITIGATION AGREEMENT (this “**Agreement**”) is entered into as of _____, 2023, by and between HGS, LLC, a Virginia limited liability company d/b/a RES Environmental Operating Company, LLC (“**RES**”), and City of Dublin, a California incorporated City (“**City**”) (“**Permittee**” and together with RES, the “**Parties**” and each individually, a “**Party**”).

RECITALS:

WHEREAS, City, in collaboration with the City of Livermore, is the lead agency that desires to construct a project generally described as the roadway extension of Dublin Boulevard, from Fallon Road to the Dublin city limits, continuing easterly through unincorporated Alameda County and connecting to North Canyons Parkway within the City of Livermore, commonly referred to as the Dublin Boulevard Extension project located in Alameda County, California (the “**Project**”);

WHEREAS, the City may require approximately 0.27 ac of mixed riparian woodland, 1.75 ac of “riparian grassland” (defined as riparian habitat along creek banks), 0.30 ac of seasonal wetland, and 0.25 ac (750+ linear feet) of perennial and ephemeral stream mitigation (“**Estimated Aquatic Acres**”). It is the current policy of the United States Army Corps of Engineers (the “**USACE**”), California Department of Fish and Wildlife (CDFW), and San Francisco Regional Water Quality Control Board (RWQCB) to require unavoidable impacts to aquatic resources be mitigated through the establishment, re-establishment, rehabilitation, or enhancement of aquatic resources similar to the impacted resources in the Hydrologic Unit Code zone (“**HUC**”) in which the impacts are located¹;

WHEREAS, Permittee and/or its agents have, prior to the date hereof, in good faith and using an approved method estimated that 494 acres of combined California Tiger Salamander (CTS) / California Red Legged Frog (CRLF) acres (“**Estimated CTS/CRLF Acres**”) are expected to be required by CDFW and United States Fish and Wildlife Service (USFWS). CTS and CRLF compensation is achieved through the preservation and management of habitat supporting breeding ponds and adjacent grasslands with sufficient movement and aestivation habitat in locations near the impact site consistent with the requirements outlined in the East Alameda County Conservation Strategy²; and

WHEREAS, Permittee expects to receive the following permits for the Project: Incidental Take Permit or Consistency Determination under Cal. Fish & Game Code §2081, Streambed Alteration Agreement under Cal. Fish & Game Code §§1602-1603, Section 7 Biological Opinion under the Federal Endangered Species Act, Nationwide Permit under Section 404 of the Clean Water Act, and a water quality certification under Section 401 of the Clean Water Act (“**Project’s Permits**”); and

WHEREAS, Permittee desires to engage RES to provide the regulatory support, land management and execution and administration services set forth in Exhibit A for the Project (the “**Services**”), which Services include the development and, if the Project’s Permits are issued by the CDFW, USFWS, USACE, and RWQCB, implementation of a compensatory mitigation plan (the “**Mitigation Plan**”) to generate the Estimated CTS/CRLF Acres and the Estimated Aquatic Acres or, if agreed pursuant to Section 3, a greater or lesser number of Acres;

WHEREAS, Permittee anticipates that the Project’s Permit will be issued on or before November 15, 2025 (the “**Anticipated Project’s Permit Date**”); and

NOW THEREFORE, in consideration of the undertakings, promises and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and RES agree as follows:

¹ <https://www.spd.usace.army.mil/Portals/13/docs/regulatory/qmsref/ratio/12501-SPD.pdf>

² <http://www.eastalco-conservation.org/about.html>

AGREEMENTS:

1. Engagement of RES. Subject to (i) the terms and conditions set forth herein and (ii) all required approvals of the City and any other applicable transnational, domestic or foreign federal, state or local governmental, regulatory or administrative authority, department, court, agency or official, including any political subdivision thereof (a “**Governmental Authority**”), RES agrees to perform, or cause its affiliates, subcontractors or agents to perform, the Services in order to develop and, if the Project’s Permits are issued, implement the Mitigation Plan to generate the Estimated CTS/CRLF Acres and Estimated Aquatic Acres; provided that in lieu of providing the Services RES may obtain all or any portion of the Estimated CTS/CRLF and Estimated Aquatic Acres from mitigation banks or other sources.

2. Required Payments.

(a) As consideration for the performance of the Services, Permittee shall pay RES an aggregate amount (as may be adjusted pursuant to Section 3 or Section 4, the “**Purchase Price**”) equal to \$15,523,311³ minus a \$43,167 credit for work already performed (Tasks A-C and submission of Credit Summary Report to City) equaling \$15,480,144, paid in installments as follows (each a “**Milestone Payment**”):

- i. On the date hereof, \$774,007, equal to 5% of the Purchase Price;
- ii. On the date that the first draft of the Mitigation Plan is submitted to Permittee or its agents for review (or, if Permittee requests that such draft be submitted directly to the City for review, upon the date that such draft is submitted to the City), \$774,007, equal to 5% of the Purchase Price; and
- iii. On the earlier of the (A) Anticipated Project’s Permit Date and (B) issuance of the Project’s Permits, \$3,870,036, equal to 25% of the Purchase Price; and
- iv. On the date RES records a conservation easement over the property or properties included in the approved Mitigation Plan, \$4,644,043, equal to 30% of the Purchase Price.
- v. On the date that the as-builts of the Estimated Aquatic Acres are submitted to the USACE, RWQCB, CDFW, and USFWS, \$4,644,043, equal to 30% of the Purchase Price.
- vi. On the date that the as-builts of the Estimated Aquatic Acres are approved by the USACE, RWQCB, CDFW, and USFWS, \$774,007 equal to 5% of the Purchase Price; and

The Purchase Price reflects the following pricing: \$29,870/acre for CTS and CRLF and \$298,650/acre for Aquatic Resources (for each type specified in this paragraph, the “**Price Per Acre**”).

(b) Any amount due and payable hereunder shall be paid within thirty (30) days of such amount becoming due and payable by wire transfer or by other method as directed by the RES. Any amount paid hereunder shall, when paid, be deemed to be fully earned and non-refundable.

(c) If Permittee fails to make any required payment under this Agreement:

- i. RES shall notify Permittee of the default within 10 business days of the potential default and in accordance with Section 7(d). RES shall not be required to perform hereunder unless and until such default is cured and shall not be responsible for any breach, liability or damages resulting from such non-performance, and
- ii. after a thirty (30) day cure period beginning upon RES’s notification to Permittee of such non-payment, RES may, in addition to its remedies at law and equity, (x) retain all prior payments received as liquidated damages, and/or (y) terminate this Agreement.

³ The Purchase Price is calculated as \$29,870/acre for Estimated CTS/CRLF Acres for 494 acres (\$14,755,780) + \$298,650/acre for Estimated Aquatic Acres for 2.57 acres (\$767,530.50).

3. Project Changes.

(a) Project changes or a re-evaluation of the Project's expected impacts may affect the number of Estimated CTS/CRLF Acres and/or Estimated Aquatic Acres. Prior to the issuance of the Project's Permits, Permittee will have the right to request a change in the number of Estimated CTS/CRLF Acres and Estimated Aquatic Acres by delivering a written notice (an "**Acreage Change Request**") to RES describing the type and number of Acres by which Permittee desires to increase or decrease the Estimated Acres. If an Acreage Change Request reduces the Estimated Acres to zero, either Party may terminate this Agreement and Section 5(a) shall apply.

(b) Promptly after receiving an Acreage Change Request, RES will use commercially reasonable efforts to deliver a written proposal (an "**Acreage Change Proposal**") to modify the Mitigation Plan to generate additional Acres or reduce the number of Acres generated by the Mitigation Plan. The Acreage Change Proposal will include RES' proposed increase or decrease, as applicable, in the Purchase Price given such modifications.

(c) Permittee and RES will discuss the Acreage Change Proposal in good faith. If the Parties agree on the Acreage Change Proposal, including any modifications to the Acreage Change Proposal agreed to by the Parties, RES will implement the Acreage Change Proposal. If the Parties cannot agree on a final version of the Acreage Change Proposal within 30 days of its delivery to initial delivery to Permittee, either Party may terminate this Agreement and Section 5(a) shall apply. RES and Permittee each agree to do such further lawful acts as are reasonably necessary to give effect to the intent of this Section 3.

4. Changes in Regulations.

(a) If, prior to the issuance of the Project's Permits, there is a change in any rules, guidance, regulations or the Methodology or the application thereof (a "**Change in Regulations**"), RES will use commercially reasonable efforts to deliver a written proposal (the "**Change in Regulations Proposal**") to modify the Mitigation Plan to address the Change in Regulations. The Change in Regulations Proposal will include RES' proposed change in the Purchase Price, if any, given such modifications.

(b) Permittee and RES will discuss the Change in Regulations Proposal in good faith. If the Parties agree on the Change in Regulations Proposal, including any modifications to the Change in Regulations Proposal agreed to by the Parties, RES will implement the Change in Regulations Proposal. If the Parties cannot agree on a final version of a Change in Regulations Proposal within 30 days of its initial delivery to Permittee, either Party may terminate this Agreement and Section 5(a) shall apply.

(c) Notwithstanding anything to the contrary herein, any modification to the Mitigation Plan is conditioned upon the receipt of all required Governmental Authority approvals, and in no event will RES be liable to Permittee or any other party if RES is unable to modify the Mitigation Plan to accommodate an Acreage Change Request or Change in Regulations.

5. Termination.

(a) If either Party terminates this Agreement as permitted by Section 3 or Section 4, then (i) any Milestone Payments that have been paid, or are at the time of termination due and payable to RES, shall be retained by and/or paid to RES as compensation for Services performed, (ii) Permittee shall not owe any additional amounts to RES, (iii) RES shall not have any additional obligations to Permittee and (iv) both Parties shall execute and deliver such additional documents, instruments, conveyances, and assurances and take such further actions as may be reasonably required to carry out the intent of this Section 5, including as required by any Governmental Authority.

(b) If RES terminates this Agreement as permitted under Section 2(c), then, without limiting Permittee's obligations or liabilities to RES arising from such breach, RES shall be relieved of its responsibilities hereunder and shall have no further obligations to Permittee.

(c) Termination under this Section 5 shall not be deemed to relieve any Party of any obligations that expressly survive termination of this Agreement (e.g., confidentiality obligations under Section 7(a)).

6. Responsibilities, Representations and Covenants. Permittee and RES each, as applicable, expressly acknowledge, represent, covenant and agree that:

(a) RES is not responsible for the calculation of the number and type of Estimated CTS/CRLF Acres and Estimated Aquatic Acres ultimately required by the Governmental Authorities as a condition to the approval of the Project's Permits;

(b) The number of Acres ultimately required by the Governmental Authorities as a condition to the approval of the Project's Permits may be greater than the Estimated CTS/CRLF Acres and/or Estimated Aquatic Acres, and RES is not responsible for providing such Acres unless agreed pursuant to Section 3;

(c) RES is responsible for compliance with, and will comply with, applicable laws, rules and regulations related to the performance of the Services, and Permittee is responsible for compliance with, and will comply with, any other applicable laws, rules and regulations related to the Project, including the Project's Permits;

(d) Permittee (i) has provided RES with true, correct and complete copies and/or summaries of any correspondence or requirements from any Governmental Authority related to the Mitigation Plan and compensatory mitigation requirements associated with the Project or the Project's Permits and (ii) shall promptly provide to RES true, correct and complete copies or summaries of any such correspondence or requirements received or occurring after the date hereof; and

(e) Permittee shall execute and deliver such additional documents, instruments, conveyances, and assurances and take such further actions as may be reasonably required to carry out the intent of the provisions hereof.

7. Miscellaneous.

(a) *Confidentiality.* The Parties acknowledge that this Agreement, including its contents, shall be subject to public disclosure by Permittee pursuant to the California Brown Act, California Public Records Act, and all other applicable laws pertaining to disclosure by public entities, and Permittee shall not be limited in any manner whatsoever with respect to its public disclosure of this Agreement, including the contents therein. *Nor* shall the Parties be prohibited from providing this Agreement or the terms hereof to their attorneys, consultants, professional advisors, and current and prospective investors and primary lenders. Permittee agrees that it shall not, without the prior written consent of RES, which consent may be withheld by RES in its sole discretion, contact or communicate directly or indirectly with any landowners, third party easement holders or other parties to any conservation easement or similar documents affecting the property from which RES has established a purchase or option agreement and intends to satisfy the Estimated CTS/CRLF Acres and Estimated Aquatic Acres. The terms and conditions of this paragraph shall survive any termination of this Agreement.

(b) *Governing Law and WAIVER OF JURY TRIAL.* This Agreement and all matters arising out of or relating to this Agreement are governed by the laws of California, including its statutes of limitations, without giving effect to any conflict of laws provisions thereof. Any Party may institute any legal suit, action, or proceeding arising out of or relating to this Agreement in the federal or state courts in each case located in Houston, Texas. EACH PARTY HEREBY IRREVOCABLY AND UNCONDITIONALLY: (A) CONSENTS AND SUBMITS TO THE EXCLUSIVE JURISDICTION OF THE AFOREMENTIONED COURTS; (B) WAIVES ANY OBJECTION TO THAT CHOICE OF FORUM BASED ON VENUE OR TO THE EFFECT THAT THE FORUM IS NOT CONVENIENT; AND (C) WAIVES ANY RIGHT TO TRIAL BY JURY. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

(c) *Counterparts and Authorization.* This Agreement may be signed by facsimile signature, which signature shall be deemed to constitute an original signature and be binding as such. This Agreement may be executed in identical counterparts, each of which when so executed and delivered will constitute an original, but all of which taken together will constitute one and the same instrument. The Parties each represent that the person signing this Agreement on their behalf is duly authorized to sign this Agreement.

(d) *Notices.* All notices, requests, consents, claims, demands, waivers, approvals and other communications hereunder (each, a “**Notice**”) shall be in writing and addressed to the parties at the addresses set forth on its signature page (or to such other address that may be designated by the receiving party from time to time in accordance with this Section 7(d)). All Notices shall be delivered by personal delivery, nationally recognized overnight courier or email (with confirmation of transmission) or certified or registered mail. A Notice is effective only (i) upon receipt by the receiving party, and (ii) if the Party giving the Notice has complied with the requirements of this Section 7(d). The provisions of this paragraph shall survive the expiration or termination of this Agreement.

(e) *Entire Agreement, Severability and Waiver.* This Agreement embodies the entire agreement between the Parties and supersedes all prior agreements and understandings relating to the subject matter of this Agreement. If any portion of this Agreement is held invalid or inoperative, then so far as is reasonable and possible the remainder of this Agreement shall be deemed valid and operative, and, to the greatest extent legally possible, effect shall be given to the intent manifested by the portion held invalid or inoperative. The failure by any Party to enforce against the other any term or provision of this Agreement shall not be deemed to be a waiver of such Party’s right to enforce against the other Party the same or any other such term or provision in the future. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

(f) *No Interest.* No provision of this Agreement shall be deemed to grant to Permittee or any other party any interest in any property of RES or any of its affiliates. If, despite the terms hereof, any tribunal or court determines that a payment made pursuant to this Agreement is a pre-payment not yet fully earned by RES, Permittee grants RES a security interest in any and all funds Permittee has delivered or deliver to RES pursuant to this Agreement, whenever delivered; this security interest secures all indebtedness and payment obligations of Permittee to RES arising under this Agreement, whether now existing or hereafter arising.

(g) *Force Majeure.* Except for the payment of monetary amounts due pursuant to Section 2 hereof, no Party shall be liable or responsible for failure to satisfy its obligations hereunder if such failure is attributable to Force Majeure. As used herein, “Force Majeure” means any of the following: fires, floods, storms, earthquakes, other weather events, strikes, riots, acts of God, shortages of labor or materials, war, terrorist acts or activities, governmental laws, regulations, or restrictions, adverse determinations from any such parties, delays in permitting or approvals from any governing bodies, changes to the scope of work that extend the time period necessary to complete the Services, delays to a Party that are caused by the other Party or any third party, discovery of environmental contamination or other adverse site conditions that suspend or delay the performance of the Services, the actions, faulty work or defective work of any third party for whom the delayed Party is not responsible, or any other causes of any kind whatsoever which are beyond the reasonable control of the responsible Party.

(h) *Amendment and Assignment.* This Agreement may not be changed, amended or modified except by an instrument in writing signed by all Parties. This Agreement shall be binding upon the Parties and their respective successors and assigns; however, this Agreement may not be assigned by any Party without the prior written consent of the other Parties, which consent shall not be unreasonably withheld, conditioned or delayed. The foregoing restriction shall not be deemed to prohibit (i) the assignment or transfer of this Agreement by any Party to (x) any third party that controls, is controlled by, or is under common control with, the assigning Party, or (y) any purchaser of all, or substantially all, of the assets of the assigning Party, as long as, in each case, the assignee agrees to assume all obligations of the assigning Party hereunder, or (ii) the pledge or collateral assignment of this Agreement, or any rights and/or remedies hereunder, by any Party to its primary lender(s) as collateral for such Party’s obligations under any secured credit facility.

(i) *Consequential Damages.* Notwithstanding any provision of this Agreement to the contrary, no Party to this Agreement shall be liable for any lost or prospective profits or any other indirect, consequential, special, incidental, punitive, or other exemplary losses or damages, whether based in contract, warranty, indemnity, negligence, strict liability or other tort or otherwise, regardless of the foreseeability or the cause thereof. Each Party expressly agrees that the members, partners and shareholders of any defaulting or breaching Party hereunder are not jointly, solidarily or severally liable for any costs, expenses, losses or damages arising from such Party’s breach or default under this Agreement. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

(j) *Interpretation.* Section headings are included for convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement and should not be used to construe or interpret this Agreement.

Any singular term in this Agreement shall be deemed to include the plural, and any plural term the singular. Whenever the words “include”, “includes” or “including” are used in this Agreement, they shall be deemed to be followed by the words “without limitation”, whether or not they are in fact followed by those words or words of like import. “Writing”, “written” and comparable terms refer to printing, typing and other means of reproducing words (including electronic media) in a visible form. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted. The schedules and exhibits referred to herein shall be construed with, and as an integral part of, this Agreement to the same extent as if they were set forth verbatim herein; provided that in the event of any conflict between the body of this Agreement and an Exhibit, the terms of the body of the Agreement shall control.

(k) *Independence of Parties.* Nothing herein shall be construed to create a joint venture or partnership between the Parties hereto or an employer/employee or agency relationship.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

NOW THEREFORE, the Parties have caused this Agreement to be executed, sealed and delivered, all as of the date first written above.

RES:

[RES ENTITY]

By: [HGS, LLC d/b/a RES Environmental Operating Company, LLC,
a Virginia limited liability company,
its manager]

By: _____
Name: _____
Title: _____
Date: _____

Address:
6575 West Loop South, Suite 300
Bellaire, Texas 77401
Attn: Sam Burley, General Counsel
Email: sburley@res.us

PERMITTEE:

City of Dublin,
a California incorporated city

By: _____
Name: Linda Smith
Title: City Manager
Date: _____

Address: 100 Civic Plaza, Dublin CA 94568
Attn: City Engineer

Email: public.works@dublin.ca.gov

EXHIBIT A

Scope of Work

(See attached.)

RES has already acquired suitable land to provide the mitigation for the Dublin Boulevard Extension (Project) on behalf of the City. The purpose of the Mitigation Plan is to compensate for unavoidable impacts to species' habitat and aquatic resources associated with the Project. Working with clients as early as possible in project life cycles is a top priority for RES, allowing us to execute as a trusted advisor, planning effectively for complex mitigation solutions. This role enables us to analyze all project parameters and offer guidance on cost-effective solutions. For the Project, RES has developed a solution that will meet all mitigation needs, aligning with your permitting needs and conditions, resulting in success. RES has restored and protected over 62,000 acres of wetlands, conserved and restored over 400 miles of streams, and reduced over 280 tons of nutrients and preserved, restored and managed over 15,000 acres of special-status species habitat. Together, our employees have planted 20,000,000 restorative trees across the country and have provided compensatory mitigation solutions that have helped our clients obtain over 3,980 federal and state permits.

Project Phases

Below is a description of the phases of the project and a detailed scope for each task that RES will perform in order to complete each phase culminating in the delivery of the Estimated CTS/CRLF Acres and Estimated Aquatic Acres.

Tasks A- D from the Advisory Services Agreement are complete:

- Environmental DNA Sampling of Onsite Ponds
- Nighttime Surveys for CTS/CRLF Juveniles and Adults
- Wetland, Riparian, and Stream Mitigation Feasibility Study
- Credit Analysis and Summary Report

Additionally, RES has completed Phase 1, recommended here. Phase 1: Property Acquisition and Due Diligence

- Preliminary title report
- Phase 1 environmental site assessment
- Mineral assessment

RES will include the following Phases as part of the Services

Phase 2: Baseline Studies

- Biological resources report
- Rare plant surveys
- Jurisdictional determination
- Focused wildlife species surveys
- Surface water hydrologic and hydraulic analysis
- Cultural resources survey

Phase 3: Plan Development

- Offsite mitigation compensatory restoration plan
- Long-term management plan
- Conservation easement

Phase 4: Permitting

- California environmental quality act (CEQA) approval
- Alameda County planning department coordination
- Section 1602 lake and streambed alteration agreement
- Section 404 nationwide permit
- Section 401 water quality certification
- Section 7 biological assessment
- CDFW endangered species act coordination

Phase 5: Restoration Implementation

- Habitat construction

- As-built report

Phase 6: Maintenance and Monitoring

- Mitigation site maintenance
- Annual reporting

PHASE 2 – BASELINE STUDIES

Biological Resources Report

Based on a review of the CDFW Natural Diversity Database (CNDDB) and the USFWS county list, RES will compile a preliminary list and GIS occurrence maps of special status wildlife species with potential to occur in the vicinity of the mitigation site.

Site visits will be undertaken and the mitigation site will be traversed on foot and the habitat assessed to determine suitability for special status wildlife and plants. The field inspection will include rare plant surveys and focused wildlife surveys, detailed below. The site visits will be conducted by biologists with experience surveying for rare plant species and sensitive vegetation communities. This will be accomplished using GPS and hand-drawing the extents of the various vegetation communities on aerial photographs in the field. The field biologists will work with GIS staff to prepare a map of the vegetation communities of the mitigation site including non-native invasive species infestations. The map will include potential sensitive wetland features mapped during the wetland delineation, in addition to other sensitive habitats such as riparian habitat, native grassland, or other communities considered sensitive by the CDFW. Where it is necessary to make a determination of habitat sensitivity, vegetation communities will be assigned to the alliance level as described in *A Manual of California Vegetation*, 2nd Edition.

The Biological Resources Report will discuss the results of the literature search, field reconnaissance, and focused rare plant and wildlife surveys. Potential use of the properties by any sensitive species will be ranked as unlikely, moderate, or high depending upon the suitability of the habitat or proximity of any known records uncovered in the database search. If any sensitive species are observed, they will be reported in the findings. Any identified potential restoration opportunities or land management practices that could benefit special status species or improve the conservation value of the mitigation site will be discussed.

Jurisdictional Determination

The jurisdictional determination will identify the potential jurisdiction of the San Francisco Army Corps District under Section 404 of the Clean Water Act, the RWQCB under Section 401 of the Clean Water Act, and CDFW under Section 1602 of the California Fish and Game Code. A complete jurisdictional determination will be conducted within the mitigation site in accordance with the Army Corps San Francisco District criteria for the delineation of wetlands and other guidance related to jurisdictional determinations for "waters of the United States." Additionally, the wetland delineation will define features that fall under the RWQCB's 401 jurisdiction according to the State Water Resources Control Board's *State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State* as well as the boundary of CDFW stream and riparian areas under Section 1602.

The fieldwork will be conducted in conformance with the routine methods described in the latest Army Corps delineation guidelines, the Arid West Regional Supplement to the Corps of Engineers Wetland Delineation Manual, the Field Guide to the Identification of the Ordinary High Water in the Arid West Region of the Western United States, as well as the State Water Board's definitions and CDFW policies regarding stream and riparian areas.

Data collected in the field will be entered on standard Arid West delineation and ordinary high water mark data forms. The identified boundaries of the wetlands and ordinary high water mark will be mapped in the field using a GPS with one-meter resolution and will use this data to plot the boundaries on the selected base map.

The data collected will be reviewed to determine areas which meet the wetlands, waters, and riparian area criteria under Army Corps, Regional Water Quality Control Board, and CDFW guidelines. A report will be prepared in accordance with the format required by the San Francisco Army Corps District.

In order for the jurisdictional determination to be considered official, the Army Corps must conduct a site visit to examine the potentially jurisdictional features and request potential changes to the delineation. After the site visit, any edits requested by the Army Corps will be made prior to the Army Corps verifying the accuracy of the delineation. RES will be available for site visits with the RWQCB and CDFW if desired.

Rare Plant Surveys

There is a strong likelihood that rare plant surveys will need to be conducted on the mitigation site. During such surveys, any populations of special status plant species identified within the mitigation site will be noted and mapped using GPS. Survey methods will follow the CNPS Botanical Survey Guidelines, which includes visiting rare plant reference populations in the vicinity and/or herbarium specimens prior to each survey, creating a floristic list of every plant observed in each habitat type identified to the species level, and photographing or collecting a voucher specimen (in accordance with applicable state and federal permit requirements) of each observed rare plant species. A rare plant report will be prepared to discuss the results of the literature search and field reconnaissance.

Focused Wildlife Surveys

Focused wildlife surveys will be conducted for species potentially onsite or those with potentially suitable habitat onsite. This will be done to support City's mitigation requirements and permitting efforts needed to construct the mitigation site. The focused wildlife surveys within the mitigation site could include the following surveys depending upon input from CDFW and USFWS:

- California Tiger Salamander
- California Red Legged Frog
- Burrowing Owl

Standard survey protocols will be utilized. However, there may be instances where unique techniques, methods, or approaches such as environmental DNA (eDNA) sampling could be advantageous to the mitigation site. RES has experience complementing standard methodologies with innovative approaches such as eDNA.

Surface Water Hydrologic and Hydraulic Analysis

All local data sources for stream flow, precipitation, evapotranspiration, will be collected and analyzed. The analysis will be utilized for recognizing trends, preparing predictive assumptions regarding hydrology, and provide supporting information to develop hydrologic and hydraulic (H&H) models. The proposed models will be used to determine important design parameters necessary to construct the Estimated Aquatic Acres and provide background for predictive analysis regarding supporting hydrologic trends. Specific questions that will be addressed by the surface water hydrologic and hydraulic analysis are as follows:

- What are the local hydrologic trends in terms of average wet, average dry, and average year conditions?
- What are the local flow duration statistics for the upstream, downstream and at the proposed site and how does that support the existing riparian vegetation?
- What is the stream response to event conditions in terms of depth of water, max/average shear, and max/average velocity?
- How does the stream response information coincide with the existing riparian area determined in the data collection task? This will assist RES in making decisions about the proposed vegetation layout.

To answer the above questions RES proposes to calibrate the proposed predictive models to the extent the local data will allow and use the models to:

- Fill gaps in stream flow records
- Make predictive decisions about how the local hydrology will support the proposed riparian corridor.

Using industry standard techniques, base flow will be estimated for the mitigation site using the existing stream flow data first and synthetic data from the calibrated model in data gap years. A technical memorandum will be developed to summarize surface water hydrology.

Cultural Resources Survey

A complete cultural resources survey will be conducted to ensure that no sensitive archaeological or historical resources are present within the mitigation site where activities are planned. This investigation will meet all the federal and state requirements set by the Secretary of the Interior (SOI) and the State Historic Preservation Office (SHPO) necessary to obtain permits from the various agencies. The investigation is designed to meet or exceed the

requirements of the California Environmental Quality Act (CEQA). Investigation methods will include pre-field research and field reconnaissance.

PHASE 3 – PLAN DEVELOPMENT

Offsite Mitigation Compensatory Restoration Plan

An offsite mitigation compensatory restoration plan will be prepared to outline the steps for successful mitigation implementation, monitoring, and maintenance prior to achieving the mitigation site's performance standards. The details of the offsite mitigation compensatory restoration plan would include items such as a property description, description of onsite biological resources, vegetation map, identification of mitigation activities proposed to preserve, enhance, restore or establish habitats within the mitigation site, and identification of performance standards for proposed mitigation activities. This plan will identify all of the direct actions that will take place to generate the proposed mitigation as well as identify the necessary infrastructure to support the proposed mitigation. The content will be largely dependent on the designs included in the plan.

Detailed design plans will be included in the plan based upon the requirements in the Project. The detailed designs will include irrigation plans, planting plans, and illustrative cross-sections for restoration actions. The detailed designs will be used to accurately determine the amount of mitigation that will be generated within the mitigation site. These designs will be prepared to a level of detail sufficient to receive all permits from the USACE, CDFW, USFWS, and RWQCB.

Long-Term Management Plan

Once the mitigation site has met the performance standards identified in the offsite mitigation compensatory restoration plan then the operation of the mitigation site is governed by the long-term management plan. RES will develop a long-term management plan identifying any habitat or land management activities that will be needed along with the endowment necessary to carry out such management in perpetuity. The details of the long-term management plan will include items such as a property description, description of onsite biological resources, vegetation map, identification of activities allowed and prohibited on the mitigation site, identification of biological goals and objectives for the mitigation site, and management activities to occur within the mitigation site.

The contents of this plan will determine the up-front cost that must be contributed to a non-wasting endowment fund once the mitigation site is approved. The cost of funding an endowment can vary widely based on available capitalization rates and the management needs of a specific property as negotiated during the approval process. Long-term management costs will be estimated based on the long-term management plan and an endowment fund analysis and schedule document will be created which will outline the amount of the endowment required to fund long-term management of the mitigation site, describe the assumptions used in the analysis, and will outline the schedule for funding the endowment account.

The long-term management plan will also discuss the conservation easement and endowment holder.

Conservation Easement

RES will develop and negotiate the terms of the conservation easement using approved agency templates previously used on mitigation properties in the area. RES will select and coordinate with a conservation-oriented non-profit to hold the conservation easement. Once the terms of the conservation easement are finalized with the regulatory agencies and the non-profit, and the offsite mitigation compensatory restoration plan is approved by the regulatory agencies then RES will ensure that the conservation easement is recorded at the Alameda County recorders office.

PHASE 4 - PERMITTING

California Environmental Quality Act (CEQA) Approval

RES will assist the Alameda County Planning Department in certifying a CEQA document covering the restoration action to be conducted within the mitigation site. The Initial Study checklist will be prepared using information from the biological resources report, cultural resources report, Phase I Environmental Site Assessment, and restoration plans. RES will prepare responses to any comments received during the public comment period as well as attend meetings with the Alameda County Planning Department. If a CEQA exemption is not granted for the mitigation site, we anticipate that a mitigated negative declaration (MND) will be prepared for the project.

Alameda County Planning Department Coordination

There are a variety of local requirements that may need to be addressed. These may include but are not limited to, addressing local zoning regulations for consistency, obtaining a grading permit, approval of irrigation plan, etc. RES will ensure that any local permitting requirements associated with establishing the mitigation site are met.

Section 1602 Lake and Streambed Alteration Agreement

The construction of the mitigation habitat could impact watercourses subject to CDFW jurisdiction in the mitigation site. CDFW requires any person who may affect the bed or bank of a perennial, intermittent, and ephemeral river, stream or lake to request a Section 1602 Lake and Streambed Alteration Agreement. The CDFW Section 1602 application requires the applicant to complete a permit application form, a project environmental questionnaire and provide supplemental data regarding issues raised upon completion of the project environmental questionnaire. RES will provide the necessary information required to submit the permit application, project environmental questionnaire, and supplemental information to the CDFW and will coordinate with CDFW to obtain the Section 1602 Lake and Streambed Alteration Agreement.

Section 404 Nationwide Permit

Restoration actions within the mitigation site could result in impacts to existing aquatic features subject to Army Corps jurisdiction. As a result, a permit could be required to conduct the restoration activities. The permit application will describe the permanent and temporary impacts to existing wetland and waters habitat. More importantly, it will describe where the new wetland and water habitats are restored and illustrate the resulting increase in habitats subject to Army Corps jurisdiction. If an Army Corps nationwide permit is required, RES will prepare the permit application and conduct the necessary coordination in order to receive the permit.

Section 401 Water Quality Certification

The RWQCB must provide its approval of all permits issued by the Army Corps. Therefore, if an Army Corps nationwide permit is required for project approval, a Section 401 Water Quality Certification application will also be submitted to the RWQCB. RES will be responsible for preparing and obtaining this permit.

Section 7 Biological Assessment

Restoration actions within the mitigation site may have the potential to impact federal-listed wildlife species. As a result, the Army Corps must consult with USFWS during the processing of the potential Army Corps nationwide permit. As a part of this consultation, RES will prepare a Section 7 Biological Assessment Report so that the Army Corps can initiate consultation with USFWS. This report will summarize the status of federal-listed species within the mitigation site and analyze potential project-related impacts. Avoidance and mitigation measures will also be provided in this document.

CDFW California Endangered Species Act Coordination

Similarly, restoration actions within the mitigation site may have the potential to impact state-listed wildlife species. In the event that an Incidental Take Permit (ITP) for impacts to State-listed species is necessary, an application for a 2081 from CDFW will be compiled and submitted with the goal of obtaining a Memorandum of Understanding (MOU), to be followed by a signed ITP and Notice of Determination or a Consistency Determination of the USFWS Biological Opinion.

PHASE 5 – RESTORATION IMPLEMENTATION

Habitat Construction

As a facet of our comprehensive design-build project delivery approach, we pride ourselves on our distinctive ability to provide custom mitigation solutions tailored to each individual client's needs. In addition to our technical staff, our in-house resources include specialty ecological construction equipment, vehicles and safety management, plant nurseries, and project management tools. These means give RES the unique ability within the industry to tackle complex projects of varying sizes with the capability to problem solve and execute on the permitting, design, implementation, survey, revegetation, and maintenance & monitoring fronts. Our construction implementation team will include in-house RES construction oversight staff, design team representatives, and field crews.

RES will complete all of the tasks required to construct the mitigation habitats described in the approved offsite mitigation compensatory restoration plan including but not limited to:

- Mobilization
- Site preparation, including erosion & sediment control
- Construction stakeout,
- Native plant material acquisition
- Grading (if required)
- Non-native vegetation removal
- Irrigation installation
- Native plant installation
- Demobilization

As-Built Report

RES will be responsible for submitting as-built drawings of the mitigation site, with accurate maps of the established, enhanced, and/or restored mitigation habitat to the regulatory agencies following completion of construction. The as-built drawings shall consist of full-size construction plans, with as-built conditions clearly shown. The as-built drawings and any associated report must describe in detail any deviation from the approved offsite mitigation compensatory restoration plan. RES will also incorporate ground photos and aerial drone imagery into the as-built report to further assist the regulatory agencies in verifying that the habitat was constructed in accordance with the approved offsite mitigation compensatory restoration plan.

PHASE 6 – MAINTENANCE AND MONITORING

Mitigation Site Maintenance

The mitigation site will be managed in accordance with the offsite mitigation compensatory restoration plan until all performance standards are met and then governed by the long-term management plan after performance standards are met. RES will be responsible for maintaining the mitigation site under both plans. RES' responsibilities will include review of all available monitoring data, identifying appropriate adaptive management actions, and executing all pre-determined management tasks outlined in the plans. Our habitat management and maintenance crew will complete these tasks during required site visits following construction. Potential tasks could include invasive plant species control, repairing infrastructure such as fences and gates, monitoring for signs of trespass, and all other tasks required by the plans.

Annual Reporting

In accordance with regulatory agency requirements for mitigation properties, monitoring surveys will be conducted within the mitigation site to qualitatively and quantitatively assess the condition of the restored habitat. Monitoring tasks will be completed to ensure the terms of the offsite mitigation compensatory restoration plan are executed and that suitable data is collected to assess the mitigation site's progress towards meeting its performance standards. Examples of quantitative assessments include invasive plant cover surveys and native species plant cover, abundance, and diversity surveys within aquatic resource areas. Qualitative assessments will be conducted to assess the overall condition of the mitigation site and identify any additional threats to the preserved, enhanced, restored, or established resources and habitats not specifically mentioned in the offsite mitigation compensatory restoration plan. RES will be responsible for completing and submitting the annual reports to the regulatory agencies until all performance standards are met.

After the mitigation site's performance standards have been met, RES will be responsible for completing and submitting annual reports in line with the requirements outlined in the approved long-term management plan.

CONTRACT DELIVERABLES AND RES REPORTING

Below is a summary of the deliverables RES will provide to City include estimated timing and reporting requirements. A full project schedule is also included below.

Contract Deliverable	Final Product Delivery	RES Reporting
Phase 1 - Property Due Diligence and Property Assessment and Warranty	Provide to City within 60 days of contract execution	This package will include all the real estate elements required by CDFW to verify that the property does not have legal or physical encumbrances preventing it from being a mitigation site.
Phase 2 – Baseline Studies	Sept-Oct 2023	RES is currently conducting many of these studies. These will continue through August 2023 to capture specific biological windows for potential sensitive species onsite. RES agrees to provide regular updates of the status of these surveys.
Phase 3 - Draft and Final Offsite Mitigation Compensatory Restoration Plan	Nov-Dec 2023	RES will share initial drafts of the mitigation plan with City as well as the final draft prior to submitting to CDFW and other regulatory agencies. Furthermore, the revised version after CDFW and other regulatory agency comments are received will be provided to City prior to submitting the final mitigation plan. City comments will be incorporated into the draft and final if provided.
Phase 4 – Permits Necessary to Implement Mitigation Plan	Jan-Feb 2024	RES will share drafts of the permit applications with City prior to submission and will update City on the status of permit preparation and acquisition.
Phase 5 – As-Built Report	Nov-Dec 2024	RES will provide City with construction updates during the implementation of the project and can host onsite inspections during the construction phase of the project.
Phase 6 – Annual Reporting and Maintenance	2025-2030 ⁴	If requested, RES can and will provide a draft of each annual report prior to submitting to the regulatory agencies. Comments received from City will be incorporated into each annual report prior to submission. If City does not wish to review each report prior to submission then RES will copy City when each report is submitted.

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⁴ It is expected that five years of monitoring will be required. However, if the regulatory agencies require longer monitoring than RES will take on that requirement with no increased price to Permittee.

Number	ST0216	DUBLIN BOULEVARD EXTENSION - FALLON ROAD TO NORTH CANYONS PARKWAY	Program	STREETS
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PROJECT DESCRIPTION

This project provides for the environmental review, preliminary engineering, design and construction of the 1.5 mile extension of Dublin Boulevard from Fallon Road to North Canyons Parkway in Livermore. The extension is planned to have four to six travel lanes, bike lanes, a Class 1 bike/multi-use path, sidewalk, curb and gutter, traffic signals, street lighting, landscaped medians, bus stops, and all city street utilities. The preliminary engineering and Environmental Impact Report (EIR) cost allocation between the City of Dublin and City of Livermore is governed by a Memorandum of Understanding approved by the City Council on April 19, 2016. On November 1, 2016, the City Council approved a contract for Preliminary Engineering and EIR. On April 27, 2017, Alameda County Transportation Commission (ACTC) approved \$8.233 million of Measure BB Grant funds for the design and environmental phases of the project starting with the Fiscal Year 2017-18 funding. The project EIR and precise roadway alignment was completed in 2020, after which ACTC took the lead in final design. The NEPA Environmental Assessment was completed in early 2021 with a Finding of No Significant Impact.

The preliminary engineering level cost estimate for this project is currently at \$180.5 million, which includes all project mitigation costs and indirect impacts mitigation and is anticipated to be divided among the City of Dublin and the City of Livermore based on street length in each jurisdiction. It is expected that the City of Dublin share will be approximately \$120.7 million, and the City of Livermore share will be \$59.8 million. The unincorporated Alameda County's costs will be shared between the City of Dublin and City of Livermore with the final cost allocation to each jurisdiction to be defined by a Cooperative Agreement.

The \$16.3 million identified as "Other" funding is from Tri-Valley Transportation Development Fee.

ANNUAL OPERATING IMPACT: TBD

MANAGING DEPARTMENT: Public Works

		2022-2027 CAPITAL IMPROVEMENT PROGRAM							
ESTIMATED COSTS		PRIOR YEARS	2021-2022 BUDGET	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	TOTALS
9100	Salaries & Benefits	\$55,615	\$239,895		\$99,944			\$200,000	\$595,454
9200	Contract Services	\$1,107,530	\$466,414					\$9,850,912	\$11,424,856
9300	Land/Right of Way				\$7,000,056			\$21,485,289	\$28,485,345
9400	Improvements							\$70,971,451	\$70,971,451
9500	Miscellaneous	\$3,950	\$23,515		\$9,200,000				\$9,227,465
TOTAL		\$1,167,095	\$729,824		\$16,300,000			\$102,507,652	\$120,704,571

FUNDING SOURCE		PRIOR YEARS	2021-2022 BUDGET	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	TOTALS
1001	General Fund		\$123,000						\$123,000
2217	Measure BB Grants	\$439,824	\$60,176						\$500,000
2220	Road Maint. & Rehab. Account (RMRA)	\$172,703	\$67,302						\$240,004

FUNDING SOURCE		PRIOR YEARS	2021-2022 BUDGET	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	FUTURE YEARS	TOTALS
4301	Eastern Dublin Transportation Impact Fee	\$554,568	\$479,347							\$1,033,915
9997	Other				\$16,300,000					\$16,300,000
9998	Unidentified								\$102,507,652	\$102,507,652
TOTAL		\$1,167,095	\$729,824		\$16,300,000				\$102,507,652	\$120,704,571
ANNUAL OPERATING IMPACT										

**CITY OF DUBLIN
FISCAL YEAR 2022-23
BUDGET CHANGE FORM**

Budget Change Reference #: _____

City Council's Approval Required

From Un-Appropriated Reserves _____ Budget Transfer Between Funds _____

From Designated Reserves X Other _____

DECREASE BUDGET AMOUNT

INCREASE BUDGET AMOUNT

Account	Amount	Account	Amount
EXP: Dublin Blvd Extension (ST0216)			
ST0216.9200.9201 (Contract Services)			\$15,480,144
ST0216.4302 (3600.9610.49999) - EDTIF Funding Surce/Transfers In			\$1,737,585
4302.9610.89101 - EDTIF Transfers Out			\$1,737,585
ST0216.1101 (3600.9610.49999) - GF Assigned Reserve Funding Source/Transfers In			\$13,742,559
1101.9610.89101 - General Fund Assigned Reserve Transfers Out			\$13,742,559

REASON FOR BUDGET CHANGE

Contract services agreement with RES Environmental Operating Company, LLC to provide environmental mitigation services for the Dublin Boulevard Extension - Fallon Road to North Canyons Parkway project.

As Presented at the City Council Meeting 2/7/2023

*******Finance Use Only*******

Posted By: _____

Date: _____



STAFF REPORT

CITY COUNCIL

Agenda Item 4.3

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases
Prepared by: John Bakker, City Attorney

EXECUTIVE SUMMARY:

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October 2021, the City returned to in-person meetings and the Brown Act was amended to allow for teleconferencing during a state of emergency. Under the new law, AB 361, the City can continue to conduct virtual meetings where the Governor has proclaimed a State of Emergency, or state or local health officials have imposed or recommended social distancing, if the City Council makes certain required findings. From January 11 – February 10, 2022, and since May 3, 2022, the City Council has operated under a resolution pursuant to AB 361 authorizing teleconferenced meetings for at least 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

FINANCIAL IMPACT:

None.

DESCRIPTION:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State address the broader spread of COVID-19.

On March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local state of emergency by the Director of Emergency Services due to COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

At that time and through September 2021, the City's legislative bodies met by teleconference. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to public meetings held in full compliance with the Brown Act. The City of Dublin began meeting in person beginning in October 2021.

Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within the Alameda County. Additionally, since then, the Omicron variants have emerged and been designed as a variant of concern by the United States, and the number of cases in the City have increased over the last month.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Council make specified findings. AB 361 took effect immediately.

AB 361 allows local legislative bodies to continue to meet remotely after the expiration of the clauses of Executive Order N-29-20. Under AB 361, the City and its legislative bodies may meet remotely when:

- The local agency holds a meeting during a declared state of emergency;
- State or local health officials have imposed or recommended measures to promote social distancing;
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees.

On January 11, 2022, the City Council adopted a resolution authorizing remote teleconferenced meetings for a period of 30 days pursuant to AB 361. That resolution expired on February 10, 2022.

At its April 19, 2022 meeting, the City Council directed Staff to bring a resolution to the May 3, 2022 meeting to allow the City Council and the City's legislative bodies to meet virtually, including hybrid meetings, pursuant to AB 361. At its May 3, May 17, June 7, June 21, July 19, August 16, September 6, 2022, October 18, 2022, November 1, 2022, November 15, 2022, December 6, 2022, December 20, 2022, and January 10, 2023 meetings, the City Council adopted Resolution Nos. 39-22, 48-22, 65-22, 84-22, 92-22, 101-22, 104-22, 120-22, 127-22, 130-22, 144-22, 148-22, and 05-23 respectively, that included the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to meet remotely or in a hybrid format for 30 days.

The City meets the requirements to hold meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency, and the City Council has ratified the proclamation of a local emergency by the Director of Emergency Services;
- The CDC recommends social distancing of at least six feet due to COVID-19;
- There continues to be COVID-19 cases within the state and throughout Alameda County;
- Meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.

The proposed resolution includes the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to meet remotely or in a hybrid format for the next 30 days. The City Council would need to adopt a subsequent resolution declaring the need to continue to meet remotely to allow for such meetings after that 30-day period.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

- 1) Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361

RESOLUTION NO. xx-23**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN**

FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF DUBLIN PURSUANT TO AB 361

WHEREAS, all meetings of the City of Dublin's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of the COVID-19 pandemic, and pursuant to Executive Order N-29-20 and its successors, the City Council met primarily virtually through September 2021; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to conduct meetings via teleconferencing under specified conditions and includes a requirement that the City Council make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, under AB 361 (2021), an agency meeting virtually requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has

declared a State of Emergency due to COVID-19; and

WHEREAS, since the issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State and Alameda County; and

WHEREAS, on November 30, 2021, the Omicron variant was designated as a variant of concern by the United States; and

WHEREAS, cases of the highly contagious Omicron variant, including a subvariant called BA.2, continue to occur in Alameda County and require quarantine periods for exposure; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the ongoing existence COVID-19 cases due in part to the highly contagious Omicron variants of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and meetings of the City’s other legislative bodies; and

WHEREAS, the City Council finds that the imminent risks of the City’s legislative bodies holding in person meetings to the health or safety of attendees exists due in part to the Omicron variants of COVID-19; and

WHEREAS, the City Council finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of all legislative bodies created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the legislative body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference (“hybrid meetings”). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dublin as follows:

1. The above recitals are true and correct, and incorporated into this Resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following findings:
 - a) The City Council has considered the circumstances of the state of emergency; and
 - b) The state of emergency, as declared by the Governor and City Council, and as specifically related to cases apparently resulting from the Omicron variant, directly

impacts the ability of the City Council and the City's legislative bodies, as well as staff and members of the public, to meet safely in person; and

- c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. City staff is directed to facilitate any teleconference meetings, including hybrid meetings, of the City Council and City's legislative bodies in compliance with AB 361, in order to better ensure the health and safety of the public for a period of thirty days following the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk



STAFF REPORT CITY COUNCIL

Agenda Item 4.4

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: City Council Participation in the 2023 St. Patrick's Day Parade
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will consider participating in the 2023 St. Patrick's Day Parade by riding as a group on a decorated float.

STAFF RECOMMENDATION:

Approve the securing and decorating of a float to be used by the City Council during the Parade, or provide other direction.

FINANCIAL IMPACT:

Costs associated with the float are covered in the current operating budget.

DESCRIPTION:

Each year the City Council participates in the Annual St. Patrick's Day Parade. Historically, the City Council has walked along the Parade route with the City's Historic Model A Truck or ridden on a fire truck or rented cable car. These options had limitations on the Councilmembers' ability to interact with Parade watchers, keep pace with the rest of the Parade, or be visible to the public. Last year, the City Council participated on a float, which Staff believes is the most effective option.

The float option will keep Councilmembers together along the parade route while allowing for equal visibility to spectators. If this option is selected, Staff will likely utilize the same single flatbed trailer from last year, newly decorated with the St. Patrick's Day theme. As usual, the safety of the Councilmembers will be the most important factor in the selection of the flatbed and vehicle to be used.

To move forward with preparations for the parade, Staff is seeking City Council approval of this concept.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.



STAFF REPORT

CITY COUNCIL

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project
Prepared by: Laurie Sugang, City Engineer and Shannan Young, Environmental and Sustainability Manager

EXECUTIVE SUMMARY:

The City Council will consider approving an agreement with Alameda County Transportation Commission (Alameda CTC) to allow for the City's Green Stormwater Infrastructure project to be modified to accommodate the Caltrans' SR84 Expressway Widening and SR84/I-680 Interchange Improvements project, for which Alameda CTC is the lead implementing agency. The agreement provides for the responsibility of each party, as well as the cost split.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving the Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project.

FINANCIAL IMPACT:

As approved in the 2022-2027 Capital Improvement Program (CIP), the total budget for the Green Stormwater Infrastructure Project, CIP No. ST0121, is \$2,153,375. The estimated consultant cost for the preliminary engineering, environmental clearance and permitting, and final design for the Green Stormwater Infrastructure – Iron Horse Trail, South of Amador Valley Boulevard portion of the project is \$314,250. Alameda County Transportation Commission will fund and reimburse the City 75% of this amount. A subsequent agreement covering the costs and funding for the construction phase and long-term operation and maintenance will be brought to the City Council for consideration at a future date.

DESCRIPTION:

The 2022-2027 Capital Improvement Program (CIP) includes the Green Stormwater Infrastructure Project (CIP No. ST0121, Attachment 3), which provides for planning, design, and

construction of various citywide projects that will improve water quality and provide other environmental benefits in accordance with the Green Stormwater Infrastructure Plan, which was approved by the City Council on June 18, 2019. One of the projects included in this CIP is the Green Stormwater Infrastructure – Iron Horse Trail, South of Amador Valley Boulevard project (GSI Project) to treat stormwater runoff from the adjacent neighborhoods prior to discharge into South San Ramon Creek and Alamo Creek. The preliminary engineering for the GSI Project began in September 2022.

Alameda County Transportation Commission (Alameda CTC) is the lead agency implementing the Project Approval and Environmental Document, Plans, Specifications & Estimate, and Right-of-Way phases of the SR84 Expressway Widening and SR84/I-680 Interchange Improvements project (Alameda CTC Project), including the improvements to meet stormwater treatment and flow control requirements specified in the San Francisco Bay Regional Water Quality Control Board (RWQCB). Caltrans and the RWQCB have approved off-site stormwater treatment and flow control for the Alameda CTC Project.

The City's GSI Project can accommodate the requirements of the Alameda CTC Project by incorporating modifications to increase the tributary area of impervious surface and incorporate flow control, so long as Alameda CTC reimburses the City for the additional costs.

The proposed Cooperative Agreement covers the preliminary engineering, environmental clearance and permitting, and final design phase of the combined project. Consultant costs for this phase of the project are estimated at \$314,250. The Cooperative Agreement establishes that Alameda CTC funds 75% of these costs, participates in project review, and agrees to future agreements for project construction and long-term project maintenance. Staff will return to the City Council with subsequent agreements or amendments for the construction phase and long-term operation and maintenance for the City Council's consideration.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

A copy of this report was provided to Alameda County Transportation Commission. The City Council Agenda was posted.

ATTACHMENTS:

- 1) Resolution Approving the Cooperative Agreement with Alameda County Transportation Commission for the Green Stormwater Infrastructure Project
- 2) Exhibit A to the Resolution - Cooperative Agreement Between Alameda County Transportation Commission and City of Dublin, Alameda CTC Agreement No. A23-0012
- 3) CIP No. ST0121

RESOLUTION NO. XX – 23**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN****APPROVING THE COOPERATIVE AGREEMENT WITH ALAMEDA COUNTY
TRANSPORTATION COMMISSION FOR THE GREEN STORMWATER INFRASTRUCTURE
PROJECT**

WHEREAS, the City is performing preliminary engineering, environmental clearance and permitting, and final design phase for the Green Stormwater Infrastructure – Iron Horse Trail, South of Amador Valley Boulevard project, CIP No. ST0121, (City Project) to treat stormwater runoff from the adjacent neighborhoods prior to discharge into South San Ramon Creek and Alamo Creek; and

WHEREAS, Alameda County Transportation Commission (Alameda CTC) is the lead agency implementing the Project Approval and Environmental Document, Plans, Specifications & Estimate and Right of Way phases of the SR84 Expressway Widening and SR84/I-680 Interchange Improvements project (Alameda CTC Project), including the improvements to meet stormwater treatment and flow control requirements specified in the San Francisco Bay Regional Water Quality Control Board (RWQCB) Clean Water Act Permit 401 Certification No. WDID#2CW435077; and

WHEREAS, the California Department of Transportation (Caltrans) and the RWQCB have approved off-site stormwater treatment and flow control for the Alameda CTC Project; and

WHEREAS, the City Project can accommodate the above-referenced requirements of the Alameda CTC Project, if the City Project incorporates certain modifications to increase the tributary area of impervious surface and incorporate flow control; and

WHEREAS, the City is willing to modify the City Project to assist Alameda CTC in meeting these requirements, so long as Alameda CTC reimburses the City for the additional costs, further described in the Cooperative Agreement, Alameda CTC Agreement No. A23-0012, attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin hereby approves the Cooperative Agreement with Alameda CTC, attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the agreement and make any necessary, non-substantive changes to carry out the intent of this Resolution.

{Signatures on the following page}

PASSED, APPROVED AND ADOPTED this 7th day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

Alameda CTC Agreement No. A23-0012

COOPERATIVE AGREEMENT**BETWEEN****ALAMEDA COUNTY TRANSPORTATION COMMISSION****AND****CITY OF DUBLIN**

Caltrans Project: SR84 Expressway Widening and SR84/I-680 Interchange Improvements
Dublin Project: Green Stormwater Infrastructure – Iron Horse Trail, South of Amador Valley Boulevard

This COOPERATIVE AGREEMENT (“**Agreement**”), dated for reference purposes only as of January __, 2023, is entered into by and between the City of Dublin (“**City**”), a municipal corporation, and Alameda County Transportation Commission (“**Alameda CTC**”), a joint powers agency. This Agreement shall become effective on the date the same is fully-executed by both parties (“**Effective Date**”).

RECITALS

- A. City is performing preliminary engineering, environmental clearance and permitting, and final design phase for the Green Stormwater Infrastructure – Iron Horse Trail, South of Amador Valley Boulevard project (“**City Project**”) to treat stormwater runoff from the adjacent neighborhoods prior to discharge into South San Ramon Creek and Alamo Creek.
- B. Alameda CTC is the lead agency implementing for Project Approval and Environmental Document (PA&ED), Plans, Specifications & Estimate (PS&E) and Right of Way phases of the SR84 Expressway Widening and SR84/I-680 Interchange Improvements project (“**Alameda CTC Project**”), including the improvements to meet stormwater treatment and flow control requirements specified in the San Francisco Bay Regional Water Quality Control Board (“**RWQCB**”) Clean Water Act Permit 401 Certification No. WDID#2CW435077.
- C. The California Department of Transportation (“**Caltrans**”) and the RWQCB have approved off-site stormwater treatment and flow control for the Alameda CTC Project.
- D. City Project can accommodate the above-referenced requirements of the Alameda CTC Project, if the City Project incorporates certain modifications to increase the tributary area of impervious surface and incorporate flow control.
- E. City is willing to modify the City Project to assist Alameda CTC in meeting these requirements, so long as Alameda CTC reimburses City for the additional costs.
- F. The total estimated cost for the preliminary engineering, environmental clearance and

permitting, and final design phases for the City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control, is \$314,250.

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

SECTION I

ALAMEDA CTC AGREES:

- A. To fund 75% of \$314,250 for the preliminary engineering, environmental clearance and permitting, and final design phase costs for the City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control.
- B. To remit payment to City within thirty (30) days of receipt of an invoice from City for reimbursement of City's consultant costs incurred in performing the preliminary engineering, environmental clearance and permitting, and final design work for the City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control.
- C. To review and provide comments on draft documents produced during the preliminary engineering, environmental clearance and permitting, and final design phases to ensure consistency with the mitigation requirements, and provide comments thereon to City within thirty (30) days after receipt thereof
- D. To assist in obtaining the review and approval from Caltrans and RWQCB, as necessary, for any documents produced during the preliminary engineering, environmental clearance and permitting, and final design phases that may require review and/or approval from such agencies.
- E. To enter into an agreement with City for the construction and construction management phases of City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control.
- F. To enter into an agreement with the City for the long-term maintenance and establish Alameda ATC funding for the City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control. The long-term maintenance agreement shall include various compliance requirements of the 401 Certification issued by the RWQCB.

SECTION II

CITY AGREES:

- A. To oversee and complete preliminary engineering, environmental clearance and permitting, and final design phase for City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control.
- B. To inform Alameda CTC of progress and key findings as they are developed and seek input during preliminary engineering, environmental clearance and permitting, and final design.
- C. To invoice Alameda CTC for reimbursement of City's consultant costs incurred in performing the preliminary engineering, environmental clearance and permitting, and final design.
- D. To enter into an agreement with Alameda CTC for the construction and construction management phases of City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control.
- E. To respond to comments provided by Alameda CTC, RWQCB, and Caltrans on draft documents.
- G. To enter into a long-term maintenance agreement with Alameda CTC to establish Alameda CTC funding for the City Project, as modified to accommodate the requirements of the Alameda CTC Project related to stormwater treatment and flow control. The long-term maintenance agreement shall include various compliance requirements of the 401 Certification issued by the RWQCB.
- F. City shall require the professional consultant(s) and subconsultants performing the work required hereunder to name Alameda CTC, its governing body, officers, employees and consultants as additional insureds on the same terms as City is so named on all insurance required by City for the City Project.

SECTION III

IT IS MUTUALLY AGREED:

- A. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and any oral discussions or written or oral agreements with respect thereto preceding the effective date of this Agreement are superseded hereby. No amendment, alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
- B. Alameda CTC and the City each render their services under this Agreement as independent agencies. None of the agents or employees of either shall be deemed agents or employees of the other.
- C. Any notice given under this Agreement shall be in writing and shall be deemed given if

delivered personally or mailed by registered or certified mail or commercial overnight courier, return receipt or confirmation of delivery requested, or by facsimile transmission with voice confirmation of receipt, the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

If to City:

Linda Smith, City Manager
City of Dublin
100 Civic Plaza
Dublin, CA 94568
linda.smith@dublin.ca.gov

If to Alameda CTC:

Tess Lengyel, Executive Director
Alameda County Transportation Commission
1111 Broadway, Suite 800
Oakland, CA 94607
tlengyel@alamedactc.org

[signatures on following page]

In witness whereof, the parties hereto have executed this Agreement by their duly authorized officers.

CITY OF DUBLIN

ALAMEDA COUNTY
TRANSPORTATION COMMISSION

By: _____
Linda Smith
City Manager

By: _____
Tess Lengyel
Executive Director

Approved as to form:

Recommended for Approval:

By _____
John Bakker
City Attorney

By: _____
Gary Huisinigh
Deputy Executive Director of Projects

Reviewed as to Budget/Financial Controls:

By: _____
Patricia Reavey
Deputy Executive Director of Finance and
Administration

Approved as to form and procedure:

By: _____
Fennemore Wendel
Legal Counsel for Alameda CTC

5248119.1

Number	ST0121	GREEN STORMWATER INFRASTRUCTURE	Program	STREETS
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PROJECT DESCRIPTION

This project provides for the planning, design, and construction of various citywide projects that will improve water quality and provide other environmental benefits in accordance with the Green Stormwater Infrastructure (GSI) Plan, which was approved by City Council on June 18, 2019. The GSI Plan and associated implementing projects, as well as trash load reduction requirements, are mandated by the Municipal Regional Stormwater Permit (MRP). Projects include: stormwater full trash capture device installation throughout the City, and construction of GSI associated with phase one of the Iron Horse Nature Park and Open Space Project. GSI planning and planning for the installation of trash capture devices began in FY2021-22.

This project is funded by a General Fund Reserve set aside for this purpose.

ANNUAL OPERATING IMPACT: To be determined. On-going operations and maintenance (O&M) expenditures for installed facilities are required, but may be equal to current maintenance expenditures, particularly for retrofit and replacement projects. For completely new projects, O&M costs are estimated at 1.3% of construction cost for parcel based GSI or regional stormwater controls, and 3.6% of construction costs for green street projects.

2022-2027 CAPITAL IMPROVEMENT PROGRAM									
ESTIMATED COSTS		PRIOR YEARS	2021-2022 BUDGET	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	TOTALS
9100	Salaries & Benefits		\$48,500	\$47,840					\$96,340
9200	Contract Services		\$325,070	\$286,295					\$611,365
9400	Improvements			\$1,433,670					\$1,433,670
9500	Miscellaneous		\$9,000	\$3,000					\$12,000
TOTAL			\$382,570	\$1,770,805					\$2,153,375

FUNDING SOURCE		PRIOR YEARS	2021-2022 BUDGET	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	TOTALS
1001	General Fund		\$382,570	\$1,770,805					\$2,153,375
TOTAL			\$382,570	\$1,770,805					\$2,153,375

ANNUAL OPERATING IMPACT									
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STAFF REPORT CITY COUNCIL

Agenda Item 4.6

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Appointment of City of Dublin Poet Laureate
Prepared by: Shaun Chilkotowsky, Heritage & Cultural Arts Manager

EXECUTIVE SUMMARY:

The City Council will consider the appointment of a City of Dublin Poet Laureate for a term beginning February 8, 2023 and ending December 31, 2024.

STAFF RECOMMENDATION:

Confirm the Mayor's appointment of James Morehead to serve as City of Dublin Poet Laureate from February 8, 2023 to December 31, 2024.

FINANCIAL IMPACT:

None.

DESCRIPTION:

In 2007, the City Council approved the creation of the honorary volunteer position of Poet Laureate, with the first volunteer appointed to the position in 2008. At its November 3, 2020 meeting, the City Council approved updated guidelines (Attachment 1) governing the position of Poet Laureate.

Using the guidelines, Staff recruited for the position beginning October 14, 2022. The recruitment closed on November 14, 2022 with two qualifying applications received.

On January 12, 2023, the Heritage and Cultural Arts Commission (HCAC) reviewed the applications and invited each applicant to read an original poem. Following deliberation, the HCAC voted to recommend to the Mayor that James Morehead be appointed for a second consecutive term as the City of Dublin Poet Laureate. The Mayor has concurred with this recommendation. James Morehead's application is included as Attachment 2.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted, and a copy of this Staff Report was provided to those that applied for the Poet Laureate position.

ATTACHMENTS:

- 1) Program Guidelines for the City of Dublin Poet Laureate
- 2) James Morehead Poet Laureate Application Redacted

City of Dublin
Guidelines for the Poet Laureate & City Historian

Approved November 3, 2020

Poet Laureate

Overview

The Poet Laureate serves as a public advocate for the appreciation and advancement of literary arts in the City of Dublin.

Duties

- Create and read poetry for civic events, public ceremonies, and dedications, as coordinated through City Staff.
- Serve as a resource to Staff, the City Council, and the Commission; may act as a liaison between the City and local schools, literary organizations, and bookstores.
- Assist with the development of classes and workshops devoted to poetry; potentially coordinate and participate in staged poetry readings.
- On an annual basis, have at least one original poem displayed in a City facility.

Qualifications

- Be a Dublin resident; at least 18 years old.
- Be the author of published poetry or be willing to publish poetry during the term if selected.
- Be ready to serve a two-year term with no compensation.
- Affiliation with literary organizations is preferred but not necessary for appointment to the position.

Service Term

The selected Poet Laureate will serve a term of two years, beginning with City Council appointment at a public meeting. A term may be renewed upon submittal of a new application, unless or until a new Poet Laureate applies and is appointed. A Poet Laureate shall be limited to four two-year terms.

Application Process

Between October and December of the year prior to the formal appointment by the City Council, applicants will be required to submit the following:

- An application.
- A letter of interest, including what the applicant would like to accomplish if selected as Dublin's Poet Laureate.
- Two original poems.
- A resume including a list of published poetry or other evidence of a body of original work (published or unpublished).
- Attend a scheduled Commission meeting to read one original poem to commission.

Selection Process

If more than two applications are received, a Selection Committee coordinated by the Heritage and Cultural Arts Manager will review all applications and submit the top two choices to the Heritage and Cultural Arts Commission for final recommendation. The Selection Committee could include:

- Heritage and Cultural Arts Commissioner
- Las Positas English Department Representative

- Dublin High School English Department Representative
- Local creative writing professional or instructor
- City Staff person appointed by the City Manager's Office (e.g., Heritage and Cultural Arts Manager or Parks and Community Services Director)

The Heritage and Cultural Arts Commission will present their preferred Poet Laureate to the Mayor for recommendation to the City Council. Following City Council approval, the Poet Laureate will formally begin the two-year term in January of each appointment year.

City Historian

Overview

The City Historian will assist researchers, students, librarians, and members of the public and press in accessing resources for historical information.

Duties

- Maintain, add to, and facilitate access to City historical records.
- Respond to inquiries regarding the City's past.
- Serve as a resource to Staff, the City Council, and the Heritage and Cultural Arts Commission; may act as a liaison between the Commission and local schools, genealogical groups, and members of the media and the public.

Qualifications

- A demonstrated interest in the history of the City of Dublin, including participation in City Commissions, Committees, and other activities.
- A demonstrated ability to maintain records.
- Skilled in public speaking.

Service Term

The selected City Historian will serve a term of four years, beginning with City Council appointment at a public meeting. A term may be renewed, upon submittal of a new application, unless or until a new City Historian applies and is appointed.

Application Process

Between October and December of the year prior to the formal appointment by the City Council, applicants will submit the following to the Heritage and Cultural Arts Commission:

- An application.
- A letter of interest, including what the applicant would like to accomplish if selected as Dublin's City Historian.
- A resume of positions held and/or activities related to the position of City Historian.

Selection Process

Review of applications and selection of the City Historian will be recommended by the Heritage and Cultural Arts Commission, who will put forward a maximum of two applicants to the Mayor. The Mayor will recommend final appointment for approval by the City Council, with the City Historian formally beginning the four-year term in January of each appointment year.

Print

City of Dublin Poet Laureate - Submission #5347

Date Submitted: 10/15/2022

City Poet Laureate Overview

The City Poet Laureate serves as a public advocate for the appreciation and advancement of literary arts in the City of Dublin.

Duties

- Create and read poetry for civic events, public ceremonies, and dedications, as coordinated through City Staff.
- Serve as a resource to Staff, the City Council, and the Commission; may act as a liaison between the City and local schools, literary organizations, and bookstores.
- Assist with the development of classes and workshops devoted to poetry; potentially coordinate and participate in staged poetry readings.
- On an annual basis, have at least one original poem displayed in a City facility.

Qualifications

- Be a Dublin resident; at least 18 years old.
- Be the author of published poetry or be willing to publish poetry during the term, if selected.
- Be ready to serve a two year term with no compensation.
- A affiliation with literary organizations is preferred but not necessary for appointment to the position.

Service Term

The selected Poet Laureate will serve a term of two years following City Council appointment at a public meeting, beginning in January 2023, ending in December 2024. A term may be renewed upon submittal of a new application, unless or until a new Poet Laureate applies and is appointed. A Poet Laureate shall be limited to four two year terms.

Selection Process

If more than two applications are received, a Selection Committee coordinated by the Heritage and Cultural Arts Manager will review all applications and submit the top two choices to the Heritage and Cultural Arts Commission for final recommendation. The Heritage and Cultural Arts Commission will present their preferred Poet Laureate to the Mayor for recommendation to the City Council..

First Name*

James

Last Name*

Morehead

Address1*

[REDACTED]

Address2

City

Dub n

State

Ca for n a

Zip

94568

Phone Number*

E-mail Address:*

Attachment 2

How long have you lived in Dublin?*

Please upload a Letter of Interest. (Please include what you would like to accomplish.)*

James Morehead City of Dublin Poet Laureate Letter of Interest.docx

Please upload a Resume of Positions Held or Activities Conducted Related to the Position.*

James Morehead Resume of Positions Held.docx

Please upload two original poems:

Poem #1:

At the crossroads (Dublin 40th anniversary poem).docx

Poem #2:

A Saturday Painted in Dublin Green.docx

Oct 15, 2022

James Morehead

[REDACTED]

Dublin, CA 94568

[REDACTED]

To whom it may concern,

Please accept this application for City of Dublin Poet Laureate. I have written poetry for over 40 years and have published two books ("canvas" and "portraits of red and gray"). I have a third book that will be published in 2023 and a fourth book in development. Two of my poems have been transformed into short films and several poems have been set to music. I've also had poems published into numerous journals.

If given the opportunity to serve as City of Dublin Poet Laureate for a second term I would build on my deep ties to the community to encourage a love and appreciation of poetry. For over 10 years I founded and led OneDublin.org (City of Dublin's 2011 Organization of the Year) and was recognized in 2015 with the Mayor's Award for my service to the community. I've had leadership roles on both Fallon Middle School and Dublin High School School Site Councils, and the Dublin High School Engineering and Design Academy Advisory Council. In a second term I would focus on launching programs at the middle and high school level (COVID recovery in local schools made that impractical during my current term).

In addition to authoring and performing original poetry at City of Dublin events, I plan to continue hosting opens mics (such as the successful Poetry & Pizza Open Mic held at Patxi's Pizza in Dublin), coordinate poetry performances (e.g., at Splatter), and work with the Dublin Unified School District to help make poetry more accessible to students. I would also continue to coordinate an annual City of Dublin Poetry Walk during Poetry Month (April), building on the success of the first event held in April 2022.

My love of poetry is thanks to a single teacher in high school; I want to continue giving back to the community as City of Dublin Poet Laureate.

Thank you for your consideration and for recognizing the importance of poetry.

James Morehead

James Morehead Resume of Relevant Positions

City of Dublin Poet Laureate Application

To whom it may concern,

My poetry resume is available here: <http://jamesmorehead.com/> (and my work resume here: <https://www.linkedin.com/in/morehead/>) Below are positions relevant to this application:

- Experience as a poet
 - I'm currently serving as Dublin's Poet Laureate (July 2021-present)
 - I've written and published poetry (to the web) for over forty years. I've published two books: "canvas" (2021) and "portraits of red and gray" (2022), and have been published in numerous journals.
 - I host the Viewless Wings Poetry Podcast which interviews poets and provides a platform for emerging poets to be published.
 - I host the Poetry & Pizza Open Mic at Patxi's Pizza (Dublin) which takes place (roughly) monthly
 - Two of my poems ("tethered" and "Twilight in the Sculpture Forest") have been transformed into short films, and several of my poems have been set to music.
- City of Dublin community service
 - 2021 - Present: City of Dublin Poet Laureate
 - 2010 - 2022: Dublin High School Engineering Academy Advisory Council Member
 - 2020 - 2021: Dublin High School Engineering Academy Mentor
 - 2009 - 2019: OneDublin.org - Founder, Editor and Author
 - 2010 - 2013: Dublin High School Site Council Co-President
 - 2008 Fallon Middle School School Site Council
 - Participant in multiple City of Dublin Pride Week events
- Awards and recognition
 - City of Dublin 2015 Mayor's Award
 - ACSA 2014 Partners in Education Award (for OneDublin.org)
 - City of Dublin 2011 Organization of the Year (for OneDublin.org)
 - Dublin High School Sue Hahn Spirit Award

If you have any questions please contact me at [REDACTED] or [REDACTED]

At the crossroads

by [James Morehead](#), Poet Laureate - Dublin, California

Two decades ago
we drove over the Sunol Grade,
our move out west a blur.

A colleague suggested *Dublin*,
no more familiar than the collage of cities
between Oakland and San Jose.

We made our new home here
on a parcel carved from rich clay soil,
surrounded by immigrants

like us, a diverse chorus of voices,
languages and cultures.
In time neighbors became friends.

We learned about the Muwekma Ohlone
surveying hills and valleys
for ten thousand years,

and of Missions and prospectors,
their names embossed on school signs
from Murray to Fallon to Kolb.

We've felt Dublin winds soar
over Schaefer Ranch, Pacific fog in tow,
basked in midsummer's endless blue

and awoken to mountains
draped in white
by a fierce winter storm.

We've argued at Board meetings
as families do,
passionate and proud

then reconciled
in churches and playgrounds
in backyards and bleachers

and shoulder to shoulder
cheering Irish dancers and marching Gaels
in an emerald parade.

We've held hands in prayer
as loved ones passed
or drifted away

Yet—we'll always be here
gathering at the crossroads,
for the promise of tomorrow.

(for the 40th Anniversary of the City of Dublin)

A Saturday Painted in Dublin Green

For the grand opening of Don Biddle Community Park, Dublin, California (Sept. 24, 2022)

At dawn, shadows scatter,
chased by California sun over Altamont Pass
waking trees and trails and a red ribbon waiting.

There are speeches and thank-yous
while children tug their parents' hands.
With a snip and flourish the ribbon falls.

Squealing siblings race to slides,
a jogger with earbuds bouncing
passes two lovers strolling hand in hand.

Rackets are strung tight for serve and volley,
basketball gripped for three on three,
a group of friends meet for morning Tai Chi.

More arrive in numbered jerseys,
with a catcher's mitt or cricket bat,
soccer cleats or t-ball stand.

Families in lawn chairs sink into grass
cheering their favorite team
while a pair of corgis wrestle nearby.

This canvas dipped in Dublin green
is ready to be painted with fresh memories
of laughter, of play, of community.

Then shadows creep, opening day retreats
beyond the San Francisco Bay.
Silence settles, all retire, resting until tomorrow.

copyright 2022 James Morehead

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Declaration of Weeds and Combustible Debris Abatement
Prepared by: Bonnie Terra, Division Chief

EXECUTIVE SUMMARY:

The City Council will consider declaring that there is a public nuisance created by weeds and combustible debris growing and accumulating upon the streets, sidewalks, and property within the City of Dublin.

STAFF RECOMMENDATION:

Adopt the **Resolution** Declaring Weeds and Combustible Refuse a Public Nuisance and Ordering the Abatement Thereof; direct Staff to notify the public of the adoption of this Resolution; and schedule a public hearing for the April 4, 2023 City Council meeting at which time the City Council will hear and consider objections to this abatement order.

FINANCIAL IMPACT:

None.

DESCRIPTION:

In accordance with Dublin Municipal Code section 5.7.030, the City Council may declare that there is a public nuisance created by weeds and combustible debris growing or accumulating upon the streets, sidewalks and property within the City of Dublin. With this declaration, the Fire Chief or his designee is required to notify property owners of the nuisance conditions and demand that the conditions be abated without delay. If the abatement is not completed, the City of Dublin shall, at the expense of the owner, have the weeds and refuse removed.

The proposed public hearing date will be April 4, 2023 with the intention on allowing for the abatement process to be completed prior to June 23, 2023. Starting the process at this time will allow for Staff to complete the process within the time frame while still abiding by the City's applicable ordinances.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

- 1) Resolution Declaring Weeds and Combustible Refuse a Public Nuisance and Ordering the Abatement Thereof

RESOLUTION NO. xx-23

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**DECLARING WEEDS AND COMBUSTIBLE REFUSE A PUBLIC NUISANCE AND
ORDERING THE ABATEMENT THEREOF**

WHEREAS, Government Code Section 39502 et. seq. authorizes the legislative body of a city to adopt an Ordinance to provide for the abatement of weeds and combustible refuse; and

WHEREAS, the Alameda County Fire Department is under contract to provide services and exercise the powers common to the City of Dublin; and

WHEREAS, the City of Dublin did adopt Ordinance No. 13-97, adding Chapter 5.70 of the Dublin Municipal Code [Weeds and Refuse] providing for the abatement of weeds and refuse.

NOW, THEREFORE BE IT RESOLVED that:

1. Pursuant to section 5.70.030 of the Dublin Municipal Code, the Alameda County Fire Department and the City of Dublin hereby declare as public nuisances all weeds and refuse growing or accumulating upon the streets, sidewalks, and property as defined in section 5.70.030, in the City of Dublin.

2. The Fire Chief, or his designee, shall cause notice to be given to the public in the form and manner provided in sections 5.70.030 and 5.70.040 of the Dublin Municipal Code, notifying said public of the passage of this Resolution and further that on April 4, 2023, at 7:00 p.m., the City Council of the City of Dublin will conduct a public hearing to hear and consider objections to this abatement order.

PASSED, APPROVED AND ADOPTED this 7th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

STAFF REPORT CITY COUNCIL

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: 2023 Draft City of Dublin Legislative Platform
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will receive a report on the draft 2023 Legislative Platform, which guides the City's response to potential and pending legislation, policies, programs, ballot measures, mandates, and budgets at all levels of government, and provide direction to Staff.

STAFF RECOMMENDATION:

Receive the report and provide direction.

FINANCIAL IMPACT:

None.

DESCRIPTION:

Each year the City Council approves a Legislative Platform that includes the goals, strategies, and priorities for organizing the City's legislative advocacy efforts. The draft 2023 Platform (Attachment 1) is provided with this Staff Report to initiate the discussion with the City Council on the fundamental legislative issues important to the City over the next year. This attachment includes tracked changes to identify proposed revisions to the Platform.

The draft 2023 Platform is substantially similar to the 2022 Platform aside from modifications to account for changes in state law, anticipated issues for the current legislative session, and non-substantive grammatical and wording changes.

The guiding principles for the City's legislative advocacy efforts continue to include the following:

- Preserving and/or increasing local government discretion
- Promoting or enhancing revenue sources
- Advancing existing City Mission, Vision, Values, and policies

The Draft Legislative Platform identifies specific Public Policy Priorities for the following categories:

1. General Administration
2. Fiscal Sustainability
3. Community and Economic Development
4. Transportation and Public Works
5. Public Safety
6. Parks and Community Services
7. Climate and Environment
8. Technology and Cyber Security

These priorities will further guide the positions and advocacy efforts the City will take regarding all relevant legislation, policies, programs, ballot measures, mandates, and budgets. The draft 2023 Platform removes the reference to “Grant Funding Opportunities” which was included in the 2022 Platform, because those are specific funding sources pursued at the City staff level.

The draft Platform removes the following 2022 Public Policy Priorities supporting legislation that:

- Addresses the functional impracticalities of AB 361 while providing a permanent teleconference option available for Brown Act legislative bodies to hold public meetings.
 - This priority will be recrafted as 2023 Priority 1.4 to account for any proposed AB 2449 cleanup legislation or a permanent codification of AB 361 (without the 30-day renewal requirement).
- Grants the City additional flexibility in the use of America Rescue Plan Act Funding
 - The Consolidated Appropriations Act, 2023 included provisions that expanded the use of ARPA funds, up to 30% or \$10M of total allocations, on transportation projects, natural disaster emergency relief, and CDBG eligible expenditures.
- Requires cities to use district-based elections.
 - The City completed the transition to district-based elections in 2022, therefore this priority is no longer relevant.
- Supports Intelligent Transportation Systems (ITS), Connected, and Automated Vehicles.
 - This priority was consolidated with 2023 Priority 3.5.

The draft Platform adds the following 2023 Public Policy Priorities supporting legislation that:

- Provides the ability to conduct public meetings using a hybrid approach that allow for equitable access and participation of elected officials and the public while considering privacy, health, and safety of all stakeholders.
- Provides alternative methods of meeting public noticing requirements through cost-effective, innovative, and technological methods of communication, and changes the definition of “newspaper of general circulation” due to realities of consolidated newspaper publications and the increase in on-line publications.
- Lowers the necessary voter threshold from a two-thirds supermajority to 55-percent to approved local general obligation bonds and special taxes for affordable housing and public infrastructure projects.
 - ACA 1 (Aguiar-Curry) proposes submit this to voters to consider this change.
- Provides incentives or new funding mechanisms for affordable housing and transit-

oriented development.

- Priority 6.4 includes the added language of “or new funding mechanisms” to address SB 20 (Caballero) would allow for cities to form a Housing Finance Trust Joint-Powers Authority to jointly fund affordable housing.
- Provides funding for the rehabilitation, development, and capital improvements for park improvements in order to enhance the active and passive recreational infrastructure.
- Reduces or eliminates the City’s ability to levy park impact fees.
- Imposes regulations that create cost prohibitive administrative burdens which likely result in the reduction of parks programming.
- Streamlines development of an provide funding for electric vehicle (EV) charging and hydrogen fueling infrastructure locally and regionally.

It should be noted that the list of Public Policy Priorities is not exhaustive. In those instances where potential legislation, policies, programs, ballot measures, mandates, and budgets do not fit with the specific Public Policy Priorities, the General Legislative Principles will guide City action.

The draft 2023 Legislative Platform also includes language around Regional Collaboration, specifically the Tri-Valley Cities, whose 2023 Legislative Framework will be attached as an addendum to the Legislative Platform for reference.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

- 1) Draft 2023 City of Dublin Legislative Platform (Redlined)



2023 LEGISLATIVE PLATFORM

FEDERAL AND STATE POLICY PRIORITIES

FEBRUARY 2023

Introduction

Many public policies intersect with City priorities, programs, and services. This 2023 Legislative Platform (Platform) outlines the City of Dublin's legislative priorities and positions on these policies to inform residents, representatives, and policymakers. These priorities are applicable to all relevant legislation, policies, programs, grant funding opportunities, ballot measures, mandates, and budgets.

The Mission of the City of Dublin is to promote and support a high quality of life, ensure a safe and secure environment, foster new opportunities, provide equity across all programs, and champion a culture of diversity and inclusion. This Mission shall guide the City's Legislative Platform.

This Platform provides Staff with direction and authorizes them, on the City Council's behalf, to quickly respond in support of or opposition to bills and other legislative or gubernatorial actions in time-sensitive situations. Additionally, the Platform enables staff to communicate Dublin-specific issues and impacts with state legislators. Staff may draft letters, direct our legislative advocates, or speak on behalf of the City regarding the legislative priorities this document outlines.

Any correspondence signifying the City's support or opposition of a given bill must be signed by the Mayor and/or City Manager with notification to the City Council.

Any questions regarding this Legislative Platform can be directed to John Stefanski, Assistant to the City Manager at John.Stefanski@dublin.ca.gov.

Platform Overview and Coordination

This Legislative Platform serves as the foundation for City legislative advocacy at all levels of government. It informs the City's legislative representatives of the key issues and legislation that could have a potential impact on the City and the process in which the City will participate in the legislative process. The City will employ several strategies to advocate or advance the City's public policy interests, which include:

- **Position Development**
 - Reviewing analyses and positions by the CalCities, legislative advocates, and other local government / professional associations in formulating the City's position.
 - Working with City departments, legislative advocate(s) to develop this platform and identify positions on proposed legislative measures.
- **Status Tracking**
 - Tracking key bills through the legislative process.
- **Communication and Advocacy**
 - Communicating the City's position, in accordance with this Platform, through correspondence, testimony, and meetings.
 - Working cooperatively with other cities (including the Tri-Valley Cities), associations, and CalCities on advocating the City's legislative position.
 - Meeting with legislators and their representatives, as well as other federal, state and county government officials on a regular basis, to discuss local government issues, proposed legislation, requests for funding assistance, and City programs and services.

The City Manager's Office will exercise day-to-day oversight of legislative matters. In addition to coordinating formal action through the City Council, the City Manager and their designee will manage the City's Legislative Platform.

Staff will follow the process below when responding to all proposed and relevant legislation, policies, programs, ~~grant funding opportunities~~, ballot measures, mandates, and budgets.

1. Review and determine whether a proposal will impact the City.
2. Prepare a letter outlining the City's position for the Mayor's or City Manager's signature.
3. Distribute the letter to the legislation's author(s), the City Council, and other relevant parties.

In scenarios where a proposal or regulation arises that may impact the City and is not covered by this Legislative Platform, Staff will prepare a draft position letter for the City Council to review prior to distribution.

General Legislative Principles

The guiding principles for the City's legislative advocacy efforts include:

Advancing Existing City Mission, Vision, Values, and Policies
Preserving and/or Increasing Local Government Discretion
Promoting or Enhancing Revenue Sources

Public Policy Priorities

This legislative platform identifies specific public policy priorities by topic area. Informed by the General Legislative Principles, these priorities will guide the positions the City will take on all relevant legislation, policies, programs, grant funding opportunities, ballot measures, mandates, and budgets.

The public policy priorities are categorized as follows:

1. General Administration
2. Fiscal Sustainability
3. Community and Economic Development
4. Transportation and Public Works
5. Public Safety
6. Parks and Community Services
7. Climate and Environment
8. Technology and Cybersecurity

I. General Administration

Staff recommends that the City Council **support** legislation that:

1. Enhances or streamlines local control and allows cities to address the needs of local constituents within a framework of regional cooperation.
2. Streamlines the process to apply for, to receive approval of, and to receive state or federal funding.

- ~~3. Assures every person the right to equal treatment in and access to all government-sponsored benefits or funded programs.~~
- ~~4. Provides the ability to conduct public meetings using a hybrid approach that allow for equitable access and participation of elected officials and the public while considering privacy, health, and safety of all stakeholders.~~
- ~~3.5. Supports Provides alternative methods of meeting public noticing requirements thoroughthrough cost-effective, innovativeinnovative, and technological methods of communication, and changes the definition of “newspaper of general circulation” due to realities of consolidated newspaper publications and the increase in on-line publications.~~
- ~~4. Addresses the functional impracticalities of AB361 while providing a permanent teleconference option available for Brown Act legislative bodies to hold public meetings.~~
- ~~5. Grants the City additional flexibility in the use of American Rescue Plan Act funding.~~

Staff recommends that the City Council **oppose** legislation that:

6. Attempts to restrict local authority or decision-making whether by state or federal legislation or ballot propositions.
7. Diminishes or eliminates local governments’ ability to contract out for the provision of services.
- ~~8. Requires cities to use district-based elections.~~

2. Fiscal Sustainability

Staff recommends that the City Council **support** legislation that:

1. Maintains or enhances ongoing revenues to the City.
2. Updates the tax structure to enhance local government revenues that have declined due to the expansion of e-commerce, increased consumption of services rather than durable goods, and innovations in technology.
3. Ensures timely distribution of mandated reimbursements owed to the City.
4. Removes unnecessary state-imposed mandates.
5. Provides for the use of incentives for local government action rather than mandates (funded or unfunded).
6. Establishes new and innovative revenue options and resources to finance public infrastructure construction and maintenance.
7. Streamlines the establishment and utilization of infrastructure financing districts or other funding mechanisms for infrastructure improvements.
8. Changes the Communications Act of 1934 that removes the distinction between “capital” and “operating” funds to provide more local control for community television stations in the use of their public, educational, and government (PEG) channel fees.
9. Supports measures to increase transparency of all public employee salaries and benefits.
- ~~10. Supports measures to provide sustainable public pensions and other post-retirement benefits.~~
- ~~10.11. Lowers the necessary voter threshold from a two-thirds supermajority to 55-percent to approved local general obligation bonds and special taxes for affordable housing and public infrastructure projects.~~

Staff recommends that the City Council **oppose** legislation that:

- ~~11.12.~~ Undermines and preempts local authority over local taxes and fees.
- ~~12.13.~~ Shifts funds from local governments to the state or federal government.
- ~~13.14.~~ Imposes unfunded or inadequately funded federal and state mandates on local governments.
- ~~14.15.~~ Eliminates development fees or limits the ability of cities to levy such fees to provide for infrastructure or services.
- ~~15.16.~~ Requires or expands state involvement in City financial audits, fiscal monitoring, general oversight, or assistance by the State Treasurer, State Controller, or other state agencies.
- ~~16.17.~~ Defers reimbursements for state mandated programs.

3. Public Works and Transportation

Staff recommends that the City Council **support** legislation that:

- 1. Ensures the City receive its fair share of transportation funding and that keeps the funding decisions at the local level.
- 2. Provides for more stable and equitable long-term funding sources for transportation.
- 3. Leverages local funds to the maximum extent possible to implement transportation improvements through grants and partnerships with regional, state, and federal agencies.
- ~~4. Supports a constitutional amendment to lower the two-thirds approval threshold for sales and use tax measures for transportation purposes.~~
- ~~5.4.~~ ~~Supports reducing~~ Reduces Vehicle Miles Traveled (VMT) and ~~supports encourages~~ developing and implementing Transportation Demand Management (TDM) plans and strategies.
- ~~6.5.~~ ~~Supports expanded~~ Expands opportunities and funding for connected and shared autonomous vehicles, high occupancy vehicles (~~HOV~~), managed lane policies, improved enforcement, new technology deployment, and reducing traffic congestion and delay along freeways.
- ~~7.6.~~ ~~Supports Improves~~ multimodal freight movement between the San Francisco Bay Area and the Central Valley and projects that reduce freight traffic on I-580.
- ~~8.7.~~ ~~Encourages~~ Supports active transportation, enhances the safety of all modes of transportation, particularly bicycles and pedestrians, and reduces vehicle speeds and traffic congestion.
- ~~9. Supports Intelligent Transportation Systems (ITS), Connected, and Automated Vehicles.~~
- ~~10.8.~~ Increases and funds ~~Supports~~ local control and local regulation of shared mobility, transportation network companies (TNCs), and other emerging industries that use city infrastructure to offer private services.
- ~~11.9.~~ Enables the sale of traffic data to recover the cost of data collection.
- ~~12.10.~~ ~~Supports Enables~~ innovative rail connectivity projects which aim to address the jobs/housing/transit imbalance (i.e., Valley Link).

Staff recommends that the City Council **oppose** legislation that:

- ~~13.11.~~ Infringes upon the ability of local governments to effectively administer and modify state and local construction provisions and standards.
- ~~14.12.~~ Takes away local control of managing and operating local streets.

~~15.13.~~ Reduces the City's condemnation authority regarding acquisition of properties required for public projects.

4. Community and Economic Development

Staff recommends that the City Council **support** legislation that:

1. Maintains the City's authority over land use decisions.
2. Strengthens local regulatory authority and control over the siting of medical or recreational marijuana dispensaries.
3. Creates a more equitable Regional Housing Needs Allocation (RHNA) process.
4. Creates more flexibility for local jurisdictions to work together to provide housing that counts toward RHNA requirements.
5. Eliminates redundant, costly, and cumbersome mandates and restrictions required by CEQA (California Environmental Quality Act).
6. Provides incentives or new funding mechanisms for affordable housing and transit-oriented development.
7. Increases financial assistance to provide affordable, transitional, special needs and emergency housing to the homeless, seniors, veterans, and people with special needs.
8. Encourages the expansion of STEM (Science, Technology, Engineering and Mathematics) programs in K-12, higher education, and libraries.
9. Enhances the City's efforts to retain existing businesses and attract new businesses.
10. Provides tangible and productive tools and incentives to support job creation, business attraction, and business retention.
11. Advances or encourages innovation, entrepreneurship, start-ups, small business opportunities, and/or workforce development.

Staff recommends that the City Council **oppose** legislation that:

12. Interferes with or reduces local land use control and decision making.
13. Diminishes or eliminates the authority of cities to zone and plan for the development of telecommunications infrastructure, including the siting of cellular communications towers or transmission sites.
14. Diminishes or eliminates cities' authority to regulate condominium conversions.
15. Interferes with the ability to provide productive incentives to support job creation, business attraction, and business retention.

5. Public Safety

Staff recommends that the City Council **support** legislation that:

1. Increase funding for local law enforcement, fire suppression and prevention, hazardous materials mitigation, and emergency medical services.
2. Provides funding to local agencies for training, disaster preparedness, crime prevention, public outreach, and emergency planning.
3. Ensures cities have control of regulating local medical marijuana facilities instead of the state, protects public safety with standardized security requirements, protects public

health with uniform health and safety standards, and ensures patient safety with a quality assurance protocol.

4. Improves data and information dissemination, preparedness funding, and first-responder training for oil-by-rail shipments.
5. Maintains or increases grant funding for the Community Oriented Police Services (COPS) program.
6. Provides a greater share of asset forfeiture funds for cities and increases latitude for spending local funds.
7. Supports funding to prepare, mitigate, adapt, and respond to extreme weather or emergency events.
8. Supports alternative crisis response programs for mental health, substance abuse, or homelessness related calls for emergency service.

6. Parks and Community Services

Staff recommends that the City Council **support** legislation that:

1. Creates new funding opportunities for parks and community facilities.
2. Provides funding for ADA (Americans with Disabilities Act) facility and park upgrades.
3. Increases available financial assistance to local non-profit and community-based organizations who provide social services and mental health services to residents in need.
4. SupportBolster efforts to provide funding for the rehabilitation, development, and capital improvements for park improvements in order to enhance the active and passive recreational infrastructure.

Staff recommends that the City Council **oppose** legislation that:

5. Reduces or eliminates the City's ability to levy park impact fees.
6. Imposes regulations that create cost prohibitive administrative burdens which likely result in the reduction of parks programming.

7. Climate and Environment

Staff recommends that the City Council **support** legislation that:

1. Assists local governments in meeting or exceeding local or state goals to reduce global warming pollution levels, to develop alternate energy resources and fuel efficiency programs, and to reduce fossil fuel dependence.
2. Streamlines development of and provides funding for electric vehicle (EV) charging and hydrogen fueling infrastructure locally and regionally.
- 2-3. Supports current waste diversion goals, local compliance efforts, and associated measurement and reporting requirements.
- 3-4. Assist Assists the City in meeting or exceeding established goals of reducing water consumption and increasing water supply without preempting local planning decisions.
- 4-5. Requires manufacturers be responsible for the end of useful life cost of collecting, processing, recycling, and disposing of products they manufacture.

- ~~5.6.~~ Protects the interest of California's Community Choice clean electricity providers and their customers.
- ~~6.7.~~ ~~Supports-Incentivizes~~ regional and local government efforts to develop and implement programs to reduce air pollution.
- ~~7.8.~~ ~~Supports the funding~~ ~~Provides funding for~~ compliance; and full life cycle costs of current and new mandatory storm water quality permit requirements.
- ~~8.9.~~ Addresses litter control and abatement problems in California.
- ~~9.10.~~ Reduces the financial impact of state and federal funded and unfunded mandates related to compliance with environmental programs and regulations.

Staff recommends that the City Council **oppose** legislation that:

- ~~10.11.~~ Preempts local planning decisions regarding solid waste facility sites.
- ~~11.12.~~ Preempts local solid waste and AB 939 fee setting authority or imposes taxes or fees on local solid waste programs to fund state programs not directly related to solid waste management.

8. Technology and Cybersecurity

Staff recommends that the City Council **support** legislation that:

1. Promotes the use of data and technologies to create efficiencies, promote economic development, enhance public safety, improve transportation and mobility, improve sustainability, increase transparency to public information, enhance municipal quality of life factors and help solve other civic challenges.
2. Maintains local control over municipal assets in the deployment of next generation technological infrastructure.
3. Increases the City's capacity to protect against cyber security attacks.
4. Provides funding for programs that seek to expand digital access for residents and businesses.

Staff recommends that the City Council **oppose** legislation that:

5. Limits or removes local review and permitting of emerging telecommunications technologies, such as Small Cell technology.

Regional Collaboration

The City of Dublin is a member of the Tri-Valley Cities (TVC), a coalition of the five Tri-Valley municipalities who work together to advocate for issues and funding at the regional, state, and federal levels. The TVC is governed by the five Mayors of each municipality who develop and adopt a TVC Legislative Framework which guides the advocacy efforts of the TVC. A copy of the 2023 Framework, once adopted, will be attached to as Addendum A to this Legislative Platform.

Addendum A: 2023 Tri-Valley Cities Legislative Framework



TRI-VALLEY CITIES

Legislative Framework



2023

TRI-VALLEY CITIES VALUES STATEMENT

The Tri-Valley Cities of Dublin, Livermore, Pleasanton, San Ramon, and the Town of Danville value regional leadership, innovation, collaboration, and problem solving to maintain and improve the quality of life for Tri-Valley residents, provide a vibrant climate for businesses, and enable continued opportunities for public and private investment within the region.

Each City and Town provides a unique perspective on how to meet the needs of their residents and businesses. The Cities and Town agree to respect the individuality of each community and are committed to open and honest communication with a goal of building consensus and a united approach to advocacy for solutions that will serve the residents and businesses of the Tri-Valley.

TRI-VALLEY CITIES LEGISLATIVE FRAMEWORK

The Tri-Valley Cities Legislative Framework seeks to inform all levels of governmental interaction (e.g., federal, state, regional, local) regarding legislation, policies, and programs that have a direct impact on the region. The TVC has defined Legislative Focus Areas which have an overarching objective to retain and promote local control and decision-making as it relates to the implementation of laws and regulations and to have the ability to integrate them in a manner that meets the unique needs of each community. The TVC will advocate together to achieve outcomes benefiting the region in each of these Focus Areas.

Transportation and Infrastructure

Residents of the Tri-Valley region are subject to some of the heaviest commutes in the Bay Area and are impacted by the heavy flow of traffic along the region's freeways, which often spills over onto the local surface streets as commuters pursue alternatives to their commute through the Tri-Valley. A key objective of the region is to reduce congestion on the region's freeways, and to increase mobility of goods and people through the Tri-Valley with continued financial investment in transportation infrastructure: developing alternative modes of transportation, modernization of transportation corridors, and creation, modernization, and expansion of rail systems. The TVC also seeks to partner on other significant non-transportation infrastructure projects, especially those with regional and multi-regional benefits.

Climate, Environment, Health, and Safety

The TVC seeks to work collaboratively with federal, state, and regional partners to address the new landscape of year-round wildfires, air quality, public safety power shutoffs, water quality (including PFAS/PFOS contaminants) and supply issues, as well as waste and recycling mandates. The TVC will advocate for increasing financial and technical support in these areas, as well as for investment in key infrastructure at all levels of government.



Economic Development

The Tri-Valley region is an innovation hub that spurs job growth, sustains a healthy economy, and provides a high quality of life for residents and business. Key objectives are developing a healthy workforce; and supporting innovation, capacity building, economic stimulus, and growth in the region.

Affordable Housing and Homelessness

The TVC supports balanced solutions which consider housing, jobs, and transportation together and seeks to support, promote, protect, and increase affordability in the region's housing stock. Key objectives are to work with federal, state, and regional partners to provide funding for affordable housing through a variety of programs and options and to work to address barriers to building housing at Very Low, Low, and Moderate income levels. TVC also remains committed to mitigating and eliminating homelessness, including working with partners at all levels of government to address the root causes of housing insecurity and homelessness.

Mental Health

The TVC recognizes that social services are vital to supporting residents and providing crucial safety net services in our region. While the TVC cities do not provide direct delivery of social services, the Cities seek to work together to support local non-profits and organizations that do provide these services, and advocate together for these vital resources and services from all levels of government. Mental health support is a growing need in our region, and the TVC seeks to advocate for the resources to meet the needs of all our residents.

Fiscal Sustainability

Fiscal Sustainability is an important role for all levels of government. The TVC seeks to advocate against the imposition of unfunded mandates and the removal of funding streams from local governments.



DUBLIN
CALIFORNIA

Draft 2023 Legislative Platform

February 7, 2023

Background

- Each year the City Council adopts a Legislative Platform to guide legislative advocacy efforts for the upcoming year.
- Structured in two tiers:
 - **Guiding Principles**, which set the broad goals for advocacy efforts.
 - **Public Policy Priorities**, which provide more specific positions in certain policy areas.
 - Not an exhaustive list.

Background, 2

- The draft 2023 Platform is substantially similar to the 2022 Platform.
- The 2023 Platform makes modifications to account for:
 - Changes in state law
 - Anticipated issues for the upcoming legislative session
 - Non-substantive grammatical and wording changes

2022 Public Policy Priority Removals

- The 2023 Platform removes 2022 priorities that are no longer relevant:
 - ARPA funding flexibility
 - District-based election requirements
- The platform also recrafts or consolidates 2022 priorities:
 - Reference to AB 361 and hybrid public meetings
 - Reference to Intelligent Transportation Systems

Public Policy Updates, I

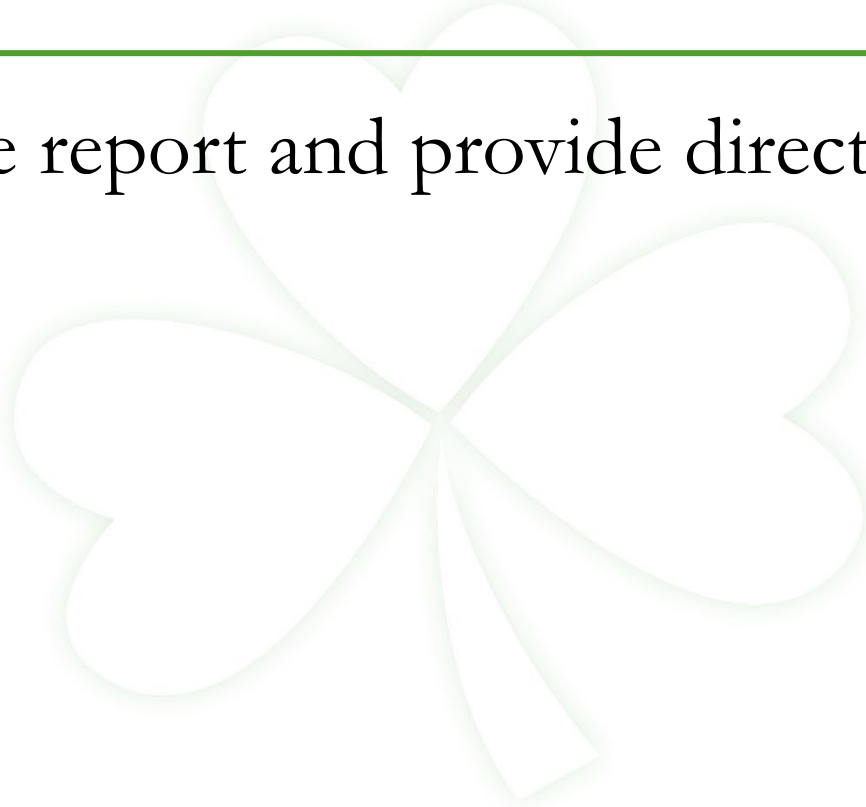
- New additions to the Platform include **supporting** legislation that:
 - Cleans up AB 2449 or permanently codifies AB 361
 - Provides alternative methods of meeting public noticing requirements
 - Lowers the approval threshold to 55-percent for affordable housing and public infrastructure bonds.
 - ACA 1 (Aguiar-Curry) proposes submit this to voters to consider this change.
 - Provides incentives or new funding mechanisms for affordable housing and transit-oriented development.
 - SB 20 (Caballero) would allow cities to form Housing Finance Trust Joint Powers Authorities to fund affordable housing.

Public Policy Updates, 2

- New additions to the Platform include **supporting** legislation that:
 - Provides funding for the rehabilitation, development, and capital improvements for park improvements.
 - Streamlines development of and provides funding for electric vehicle (EV) charging and hydrogen fueling infrastructure locally and regionally.
- New additions to the Platform include **opposing** legislation that:
 - Reduces or eliminates the City's ability to levy park impact fees.
 - Imposes regulations that create cost prohibitive administrative burdens which likely result in the reduction of parks programming.

Staff Recommendation

- Receive the report and provide direction.





DUBLIN
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Questions?

John Stefanski
Assistant to the City Manager

February 7, 2023

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the February 7, 2023, Regular City Council meeting agenda packet.

Item 8.1



CITY MANAGER’S DEPARTMENT MEMORANDUM

DATE: February 7, 2023
TO: Honorable Mayor and City Councilmembers
CC: Marsha Moore, City Clerk
FROM: Linda Smith, City Manager
SUBJECT: Item 8.1—2023 Draft City of Dublin Legislative Program Staff Report Correction

The Staff Report for Item 8.1 incorrectly characterizes two new changes to the draft 2023 Legislative Program.

Under the Draft Legislative Program, the City will **oppose** legislation that (1) reduces or eliminates the City’s ability to levy park impact fees and (2) imposes regulations that create cost prohibitive administrative burdens which likely result in the reduction of parks programming.



STAFF REPORT CITY COUNCIL

Agenda Item 8.2

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Informational Report on Adult Day Services Programs
Prepared by: Jordan Foss, Management Analyst II, Judy Miller, Management Analyst II, Jennifer Mendez, Management Analyst I, Rhonda Franklin, Management Analyst II

EXECUTIVE SUMMARY:

The City Council will receive an informational report on Adult Day Services programs, including an overview of their structures, regulations, and local program examples.

STAFF RECOMMENDATION:

Receive the report and provide direction, as necessary.

FINANCIAL IMPACT:

None.

DESCRIPTION:

This item is in response to an April 5, 2022, Item 9 request for information regarding establishing an adult day-care/senior day-care program and using ARPA funding on the program.

Background

According to the California Department of Aging, Adult Day Services programs offer an alternative to nursing home care for those who do not need 24-hour skilled nursing. The programs are designed to help adults and seniors stay mentally and physically active while reducing their isolation and improving their overall health, both mentally and physically.

Adult Day Services are provided in two types of licensed settings, Adult Day Programs (ADP) and Community-Based Adult Services (CBAS).¹ Both services offer out-of-home care for elderly and

¹ Community Based Adult Services if formerly known as Adult Day Health Care

younger adults in community-based centers. Participants in either ADP or CBAS programs attend centers in their communities based on individual need, which can be between two to five times a week, for up to eight hours a day. While centers operate as day programs, some centers offer extended hours to accommodate working caregivers. All programs either provide or assist with transportation arrangements.

ADP offer day-time programs for adults through a non-medical model of care and are licensed by the California Department of Social Services (DSS) Community Care Licensing Division. Trained aides provide structured activities, meals, monitoring services, and protective supervision for individuals who require additional care than typically provided at a senior or community center. In addition, these ADP often provide caregiver support groups and training. These programs are funded through private payments, Veteran's Administration benefits, Area Agencies on Aging, and Regional Centers (if the participant has a developmental disability).

CBAS offer Adult Day Health Care programs in a medical model to Medi-Cal beneficiaries and must meet strict eligibility requirements as set by the California Department of Public Health and Department of Aging. CBAS programs serve older and younger adults with chronic disabling medical, cognitive, or mental conditions that put them at risk of being institutionalized. Coordinated teams of licensed professionals provide organized day programs focusing on health, therapeutic, and social services. CBAS programs utilize teams of nurses, social workers, and physical, speech, and occupational therapists to focus on preventive, social, and medical care to benefit clients who are deemed high cost/high risk patients. CBAS programs are funded through Medicaid and the State General Fund. Centers also accept Medi-Cal, Managed Health Plans, Veteran's Association, or Long-Term Care insurances.

State Regulation Considerations

DSS mandates staffing ratios and position requirements for all Adult Day Services programs. In general, the staffing ratio is either one direct care staff person to four adults, or one direct care staff person to eight adults, depending on the participants' need for assistance with activities of daily living. Staffing requirements would also be based on the type of services provided, including administration, nutrition, nursing, activities and social services, and operations (housekeeping, cooking, maintenance, transportation, etc.) as well as the size of the program space. Staff are subject to training requirements which include orientations, initial training, and continuing education requirements. The facility would also be subject to monitoring and annual inspections by the licensing agency, with stipulations for unannounced visits.

Establishing an ADP requires applicants to complete a three-component process that consists of an attendance at a pre-application orientation, application submission and review by DSS, and category-specific training in areas not often understood by new licensees. Generally, the application requires basic contact information as well as more detailed financial and operating plans including the maximum number of persons to be served by the program, the categories of persons to be served including persons with developmental disabilities, mental disorders, or physical handicaps, and its hours or periods of operation.

Similarly, the State Department of Public Health regulates CBAS programs and requires each provider receives a Medi-Cal certification. The State Department of Agency must also conduct a

financial review as well as onsite medical and management reviews, pursuant to Health and Safety Code 14573, prior to receiving the Medi-Cal certification.

CBAS Standards of participation require facilities to have space sufficient to accommodate both indoor and outdoor activities, a multi-purpose room large enough for all participants to get together for large group activities and for meals, and a secluded area that is set aside for participants who require bed rest and for privacy during medical treatments or social service interventions. Furthermore, CBAS must staff a registered nurse for every 40 participants and who must be present in the center during program hours. Program aides/nursing assistants shall be staffed at one per 16 participants.

Local Program Examples

In preparation of this item, Staff conducted a cursory review of ADPs and CBAS throughout the Bay Area to better understand any anticipated start-up capital and operating costs, as well as staffing and usage levels. While most entities were unwilling to provide this information, the section below summarizes information available to staff.

Bay Area Community Services (Oakland)

Prior to the COVID-19 pandemic, the City of Oakland partnered with Bay Area Community Services (BACS) to offer Adult Day Care programs to seniors with Alzheimer's and dementia at the North Oakland Senior Center. Under this arrangement, the City provided a facility equipped with a kitchen, restrooms, and program space. BACS managed the program, including licensing, staffing, enrollments, social services, and administrative and legal requirements. Funding for this program primarily came from reduced participant program fees, the City did not provide funding as part of the arrangement. BACS ended the program during the early onset of the pandemic as BACS' organizational priorities shifted away from providing these services and maintaining state licensing became too onerous.

Choice in Aging (Pleasant Hill; Brentwood)

The Choice in Aging (CiA) program centers administer Adult Day Programs and Community Based Adult Services, serving participants from Contra Costa, Solano and Napa Counties. CiA is planning to build a new \$52M Aging in Place Campus in Pleasant Hill. The campus will include a senior affordable housing component, space for an adult day health care program (including memory case), and a Montessori preschool with intergenerational programming for children and seniors. The City of Pleasant Hill is contributing \$2.7M to the project from their Housing Asset Fund, which is estimated to be completed in 2024.

Silicon Valley Adult Day Health Care Center (Milpitas)

The Silicon Valley Adult Day Health Care Center provides services to about 80 clients per day. They have daily activities that include a variety of physical exercise and mental stimulation programs such as dancing and Mahjong. They are licensed to provide developmentally disabled services to assist in acquiring and maintaining life skills for independent living. The Center provides round-trip transportation to and from clients' homes. A staff of approximately 25 (both full- and part-time) includes at least one registered nurse and a social worker. Programs and operations are funded from Medi-Cal and state support.

Grace Adult Day Health Care Center (Santa Clara)

Grace Adult Day Health Care Center location in Santa Clara provides a full range of elderly health care, rehabilitative, social services, balanced meals, and transportation to approximately 70 daily clients. The center operates with a range of 17 – 45 full-time staff with an estimated monthly cost of \$200,000 - \$280,000 based on varying participant enrollments and program activity. Medi-Cal may cover the entire program cost to eligible participants.

Golden Castle Adult Day Health Center (Palo Alto)

Golden Castle Adult Day Health Center in Palo Alto is a licensed community-based day health program that provides services to older persons and adults with chronic medical, cognitive, or mental health conditions and/or disabilities in a coordinated program of professional and compassionate services in a community-based group setting. Services are designed to provide social and health services to adults who need supervised care in a safe place outside the home during the day. They also afford caregivers respite from the demanding responsibilities of caregiving. The Program stresses partnership with the participant, the family and/or caregiver, the primary care physician, and the community in working toward maintaining personal independence. Services may be paid for in full by Medi-Cal managed care plans and private long-term care insurance, for qualifying individuals. Individuals may also pay "out-of-pocket" as a cost-effective alternative to in-home care or other long term care services.

Conclusions

While several CBAS programs exist in the broader Bay Area, there are a limited number within Alameda and Contra Costa Counties. ADP are more prevalent but generally provide services for adults (18+) with developmental/intellectual disabilities, behavioral challenges, and other neurodevelopmental disabilities, and not solely for seniors.

Establishing an Adult Day Program (ADP) or Community Based Adult Services (CBAS) is a complex and multifaceted process that can take up to two years to complete. Such programs are subject to stringent licensing and certification regulations which require numerous specialized and technical staff. Furthermore, from Staff's research, organizations that provide these services are private companies, most for-profit; none were managed, maintained, or operated by a City. While ARPA funding would generally be acceptable for seed funding for the creation of an ADP or CBAS, such funds would need to be encumbered by December 31, 2024, and fully liquidated by December 31, 2026, in accordance with ARPA guidelines. Additionally, the City Council approved the budget for the remaining \$2.5M ARPA funds through Fiscal Year 2023-24.

However, opportunities for a City to support these programs could include either financial support to organizations that provide these services or subsidies to low-income seniors to cover individual costs. If directed, Staff can reach out to these companies to understand what interest there may be in establishing and operating a program in the Tri-Valley and specifically Dublin. Further, if there is interest, Staff can discuss with them the possible space and facility requirements necessary to offer such a program. With that information, Staff could evaluate options in the community or with future development projects.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.



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Item 8.2

Review of Adult Day Services Programs

February 7, 2023

Background

- Adult Day Services provided in two types of licensed settings:
 - Adult Day Programs (ADP)
 - Non-medical model of care for adults
 - Trained aides provide structured activities, meals, monitoring services, and protective supervision
 - Community-Based Adult Services (CBAS)
 - CBAS programs offer Adult Day Health Care programs in a medical model to Medi-Cal beneficiaries
 - Licensed professionals provide organized day programs focusing on health, therapeutic, and social services

State Regulation Considerations

- Adult Day Programs (ADP)
 - Licensed by the Department of Social Services Community Care Licensing Division.
 - Three-Component application process:
 - Orientation
 - Application submission
 - Category Specific Training
 - Monitoring and annual inspections by licensing agency.

State Regulation Considerations

- Community-Based Adult Services (CBAS)
 - Licensed by the CA Department of Public Health and CA Department of Agency
 - Required Medi-Cal certification
 - Initial financial review
 - Onsite medical and management reviews
 - Facility and staffing requirements
 - Annual inspections and monitoring

Local Program Examples

Program Name	Location	Programs Offered
Bay Area Community Services (BACS)	Oakland, Alameda County	Adult Day Care for seniors with Alzheimer's/Dementia
Choice in Aging	Pleasant Hill, Brentwood	ADPs, CBAS, Intergenerational programming
Silicon Valley Adult Day Health Care Center	Milpitas	ADPs, CBAS
Grace Adult Day Health Care Center	Santa Clara	ADPs, CBAS
Golden Castle Adult Day Health Center	Palo Alto	CBAS

Conclusions & Opportunities

- Limited number of programs in Alameda and Contra Costa Counties.
- Establishing these programs are complex, with stringent licensing and certification regulations.
- No examples of city operated, maintained, or funded programs.
- ARPA funding generally acceptable
 - Must be encumbered by December 31, 2024
 - Must be fully expended by December 31, 2026

Conclusions & Opportunities

- Opportunities:
 - Financial support for services or subsidies to low-income seniors.
 - Identify interested companies operating these programs and discuss possible facility support within the community or with future development projects.



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Questions?



STAFF REPORT CITY COUNCIL

Agenda Item 8.3

DATE: February 7, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Future Events at Don Biddle Community Park
Prepared by: Shaun Chilkotowsky, Heritage & Cultural Arts Manager

EXECUTIVE SUMMARY:

The City Council will receive a report on the possible relocation and addition of City events and festivals, including Splatter, to Don Biddle Community Park.

STAFF RECOMMENDATION:

Receive the report and provide feedback.

FINANCIAL IMPACT:

Fiscal impacts will vary based on the specific event location change and subsequent format changes. The fiscal impact could range from negligible to \$20,000 for larger events such as Splatter.

DESCRIPTION:

Background

Don Biddle Community Park (DBCP), a 30+ acre park located just east of Dougherty Road and immediately north of Dublin Boulevard, opened to the public on September 24, 2022. Located centrally within the City, the park features a great lawn, public art, multiple play areas, sports courts, and other amenities. DBCP was designed as a future civic gathering space while providing active and passive community opportunities.

Currently, the City's Parks and Community Services Department coordinates special events and festivals at various parks and facilities throughout town. These events include the City's signature St. Patrick's Day Festival at Civic Center, Farmers' Markets and Summer Concerts at Emerald Glen Park (EGP), holiday events, the Splatter festival, and others. With the completion of DBCP, Staff is exploring the feasibility of and interest in utilizing the site as an event location, in particular for the Splatter event.

Splatter Background

Splatter, the end of summer festival, began in 2012 at EGP and was branded as *“Not your ordinary food, art and wine festival.”* Over the years, the event has evolved to meet the community’s interest, meet best practices related to alcohol sales, and ensure a sustainable fiscal impact on the City’s general fund. In recent years, the festival footprint has been scaled back, and tasting pavilions have been transformed to open air dining tents with food and beverage provided in a format like the St. Patrick’s Day Festival. There are three stages of entertainment, a carnival, art activities, shopping, and the 2021 and 2022 festivals featured an art gallery held inside The Wave as well as a drone light show.

While feedback on the event has been positive in recent years, the festival has outgrown its current footprint, and adjustments such as moving the carnival off the grass and into a parking lot have been considered. Alternately, the City Council may consider moving the entire event to DBCP and incorporating format changes which are outlined below.

Splatter at Don Biddle Community Park

Staff has explored the feasibility of moving Splatter to DBCP and has identified factors that could influence the decision to move the event. The bullet points below highlight major logistic and programmatic elements to be considered.

- *Footprint and Festival Layout*
 - The festival would focus on the use of the Great Lawn. This will provide a more cohesive event and allow all other amenities of the park to remain open, with the exception of the sports courts.
 - The Great Lawn provides a larger event space. The usable area of the Great Lawn provides approximately 40% more space than is currently used at Emerald Glen (220,000 square feet vs. 150,000 square feet). The additional space allows the carnival to remain close to the entertainment stages.
 - Larger pavilion tents would be utilized to create shaded seating areas. The 40’x40’ tents used at EGP would be increased to 40’x80’ at DBCP.
 - The marketplace and art activities would be set along the promenade loop, integrating them into the event space. This will naturally drive foot traffic, sales, and participation.
 - Increased costs would come with the larger tenting and subsequent use of water barrels to anchor the tents as opposed to stakes. This is estimated at \$12,000.
- *Stages/Entertainment*
 - Splatter has historically featured three stages of entertainment: the Main Stage, Amphitheatre Stage, and the Culinary or Side Yard Stage. With the move to DBCP, the number of stages would be reduced to two. The Main Stage would feature headlining bands, while the Second Stage would feature community-group-type performances typically held on the Amphitheatre and Side Yard stages at EGP.
 - The two stages would be set on either side of the Great Lawn facing each other. During the daytime, performances could be rotated on both stages as the afternoon

moved along, with only the Main Stage running into the evening. An alternative would be to have stages back-to-back in the middle of the Great Lawn. This creates a unique feel but logistically splits the Great Lawn in half, creating underutilized space when both stages are not in use.

- An increased expense of approximately \$4,000 would be necessary for the second stage on the Great Lawn. Rental of additional electrical equipment would also be required, as DBCP is not equipped with electrical infrastructure to meet the needs of a performance stage.
- *Parking*
 - Parking is always a challenge with events this size. EGP has approximately 304 onsite parking spaces dedicated to the general public and accessible. At DBCP, there would be approximately 136 onsite parking spaces dedicated to the general public and accessible. Accessible parking is similar at each location, with general public parking being the significant difference between EGP and DBCP.
 - Staff anticipates the Iron Horse Trail Bridge being complete and intends to work with Bart to make this a “*BARTable*” event. This would include utilizing public transportation and the BART parking structure.
 - As with past years, festival shuttles would run from locations such as Zeiss, Civic Center, and others located close to Dublin Blvd, allowing convenient access for the general public.
 - At EGP, there is street parking along Central Parkway and Gleason Drive, and patrons overflow into residential areas for the one-day festival. Street parking along Horizon and Columbus could accommodate another 110 cars, plus use of the future school site can accommodate several hundred vehicles.
 - EGP does allow for dedicated, onsite Staff and Vendor parking. At DBCP, this would transition to offsite parking only, and Staff would coordinate equipment drop-off and shuttles.
- *Tasting Pavilion*
 - Staff is researching the possibility of reintroducing the Tasting Pavilion, which was last held in 2015. This “event within an event” would take place for 3-4 hours in the late afternoon/evening and require the purchase of tickets.
 - To implement this, Staff has identified three options:
 - Work with a private event company to source local restaurants, breweries, and wineries, allowing an elevated tasting experience.
 - Partner with an organization such as the Livermore Wine Growers Association or Visit Tri-Valley and focus on the participation of prominent local restaurants, breweries, and wineries.
 - Hold a pairing event with one chef/restaurant where a menu of food, wine, and beer pairings are curated for guests to enjoy.
 - The Tasting Pavilion would be in the enclosed tennis court area at DBCP. Staff would utilize equipment such as market umbrellas and cocktail tables to create an outdoor patio lounge experience. This could also be enclosed with a large tent should there be interest.

- Staff anticipates the Tasting Pavilion would cost between \$10,000-\$20,000, with the option of utilizing an event company on the higher end and a pairing event on the lower end. Approximately \$5,000-\$10,000 in revenue might be generated in ticket sales (100-200 tickets at \$50 each).
- *Art Gallery*
 - In 2021 and 2022, an art gallery and existing arts activities were incorporated into the event. This was located inside The Wave. In 2022, the art gallery was coordinated by the Dublin Arts Collective. Because DBCP does not have an indoor space to host a gallery, the Dublin Arts Collective is not interested in continuing this component. The art gallery could either be omitted from the event, or Staff could look to coordinate a community gallery, like what was done in 2021, although it would be outdoors.
- *Drone Show*
 - Staff is planning on the return of the drone show at either location. While implementation details would need to be further refined at DBCP, Staff is confident that this new location is suitable.

Other Events at Don Biddle Community Park

While the main focus of Staff research has been on a change of location for Splatter, Staff has also adjusted the locations for Picnic Flix movie nights which were historically all held at EGP. For Summer 2023, the Picnic Flix movie night events will now be held at Heritage Park, DBCP, and EGP. Additional events for consideration could include Dublin Pride Week Volunteer Day, Holiday Tree Lighting, Farmers' Market, and others. While the move of these events would require Staff to revisit program, logistic, and operational elements, none of these are of the same magnitude as Splatter.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

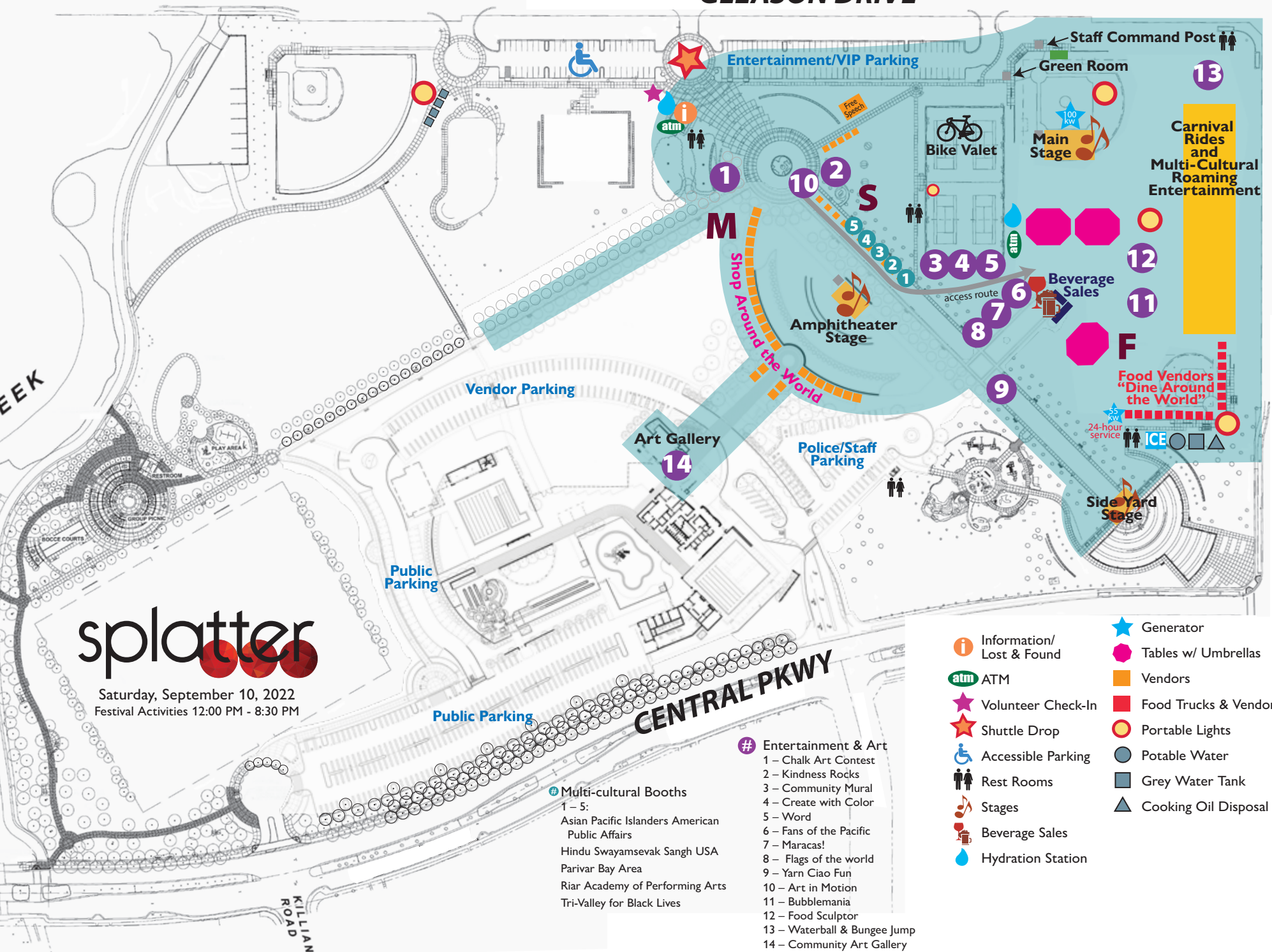
- 1) Draft Splatter Footprint for Don Biddle Community Park
- 2) 2022 Splatter Footprint at Emerald Glen Park



SPLATTER

SEPTEMBER 9, 2023

DON BIDDLE COMMUNITY PARK DRAFT FOOTPRINT





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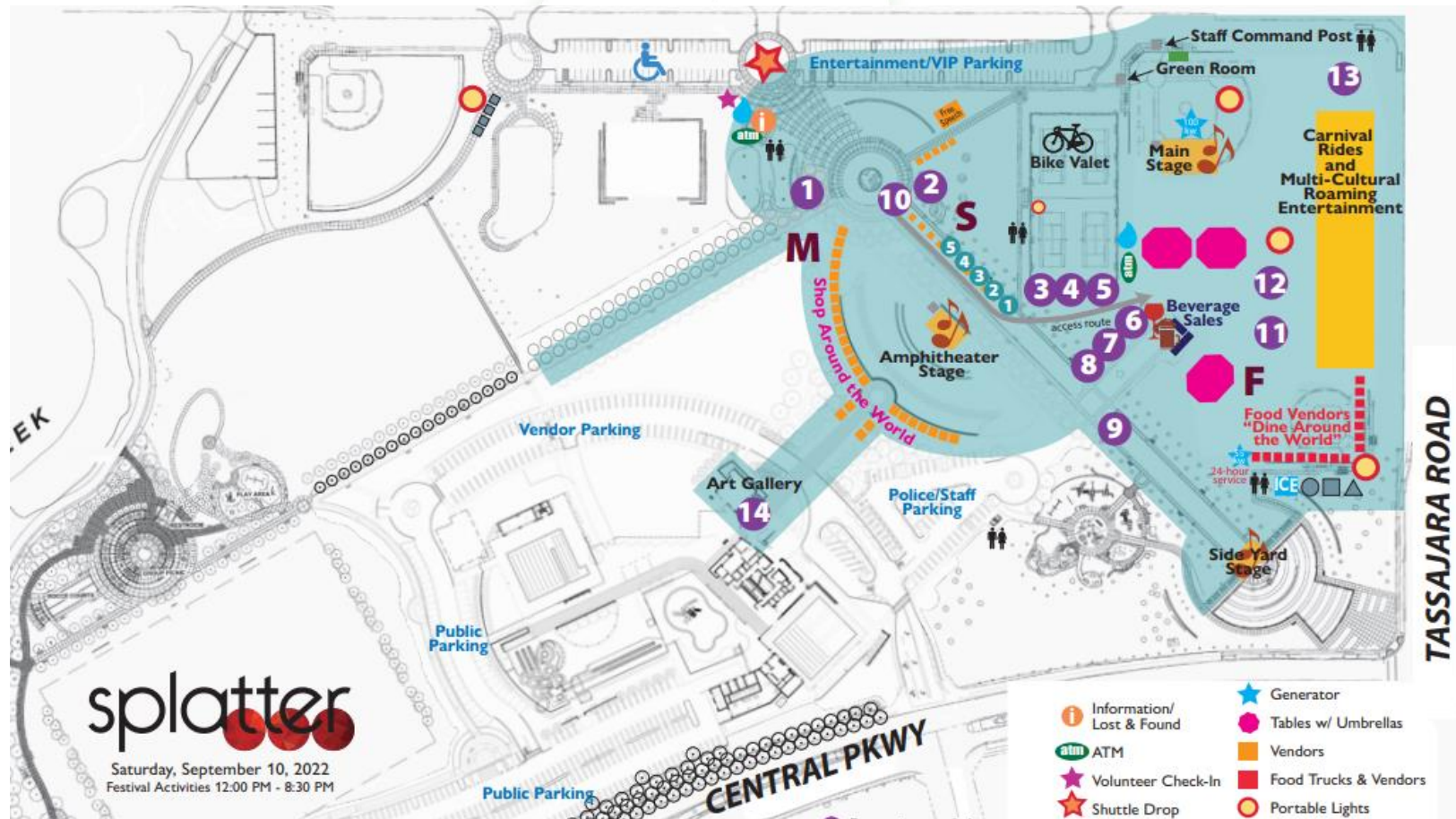
Future Events at Don Biddle Community Park

February 7, 2023
City Council Meeting – Item 8.3

Background

- Splatter Launch – 2012
 - *“Not your Ordinary Food, Wine and Art Festival”*
- Evolved Over the Years
 - Fireworks, Lasers, Drones!
 - Programmatic and Layout Changes
- Don Biddle Community Park
 - Opened September 2022

Splatter 2022



Splatter 2022



Splatter Proposed



Logistics for Discussion

- Festival Footprint & Layout
 - Great Lawn & Promenade Loop
- Stages/Entertainment
 - Two Stages and Open-Air Dining/Viewing Tents
- Parking
- Tasting Pavilion
- Art Gallery

Splatter Proposed



Other Events?

- Planned:
 - Picnic Flix Movie Nights – Three in 2023
 - Family Campout – One in 2024
- Future:
 - Farmers Markets
 - Tree Lighting
 - Dublin Pride Week
 - New/Others?



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Thank You