



## CITY COUNCIL

### AGENDA

TUESDAY, JANUARY 10, 2023

VIRTUAL SPECIAL MEETING – 6:00 PM

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

#### **TELECONFERENCE INFORMATION:**

##### **ZOOM WEBINAR:**

\*\*\*ATTENTION: Zoom update requirements found at the bottom of the agenda\*\*\*

<https://us02web.zoom.us/j/82426487628>

Zoom dial in phone number:

1 669 900 6833

Meeting ID: 824 2648 7628

##### **CITY OF LIVERMORE YOUTUBE CHANNEL:**

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

John P Marchand, Mayor

Brittini Kiick, Vice Mayor

Ben Barrientos, Council Member

Evan Branning, Council Member

Robert W Carling, Council Member

**1. CALL TO ORDER**

**2. ROLL CALL**

Council Member Ben Barrientos  
Council Member Evan Branning  
Council Member Robert W. Carling  
Vice Mayor Brittni Kiick  
Mayor John Marchand

**3. SPECIAL MEETING ITEM**

AN OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL REGARDING THE SPECIAL MEETING ITEM WILL BE PROVIDED BY THE MAYOR.

**3.1 Ratification of Local Emergency**

**Recommendation:**

Staff recommends the City Council adopt a resolution ratifying the Director of Emergency Services' Proclamation of Local Emergency.

**Staff Report**

**Attachments:**

- 1. Resolution
- 2. Exhibit A - Emergency Proclamation 23-01

**4. ADJOURNMENT**

To a Regular City Council meeting on Monday, January 23, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

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

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

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

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

**Platforms to Participate in Virtual Meetings:**

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

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

**eComments** may be submitted by the public using the eComment link [here](#). Comments may be up to

1000 characters in length and will be accepted up until 4PM the day of the meeting. These items will NOT be read into the record and are viewable by the the City Council and the public upon submittal.

### **Submission of Comments During the Meeting:**

Speakers are limited to a maximum of 3 minutes per person. To submit a comment using Zoom, you may use the 'raise hand' feature. You should be aware that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Zoom Webinar: <https://us02web.zoom.us/j/82426487628>

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

The City Council Agenda and Agenda Reports are prepared by City staff and are available for public review on Tuesday evening, six days prior to the City Council meeting in the Civic Center Library, 1188 South Livermore Avenue, Livermore, and at the City Clerk's Office, 1052 South Livermore Avenue, Livermore. The Agenda is also available on the City's website, <http://livermoreca.gov/agenda>.

Under Government Code §54957.5, any supplemental material distributed to the members of the City Council after the posting of this agenda will be available for public review in the City Clerk's Office, 1052 South Livermore Avenue, Livermore, and included in the agenda packet available on the City's web site at <http://livermoreca.gov/agenda>.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CONTACT THE ADA COORDINATOR AT [ADACOORDINATOR@LIVERMORECA.GOV](mailto:ADACOORDINATOR@LIVERMORECA.GOV) OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.



## **CITY COUNCIL STAFF REPORT**

**ITEM NO. 3.1**

**DATE:** January 10, 2023  
**TO:** Honorable Mayor and City Council  
**FROM:** Christine Martin, Assistant City Manager  
**SUBJECT:** Ratification of Local Emergency

### **RECOMMENDED ACTION**

Staff recommends the City Council adopt a resolution ratifying the Director of Emergency Services' Proclamation of Local Emergency.

### **SUMMARY**

On January 4, 2023, the Acting Director of Emergency Services declared a Local Emergency. The declaration must be confirmed by the City Council within seven days.

### **DISCUSSION**

Conditions of extreme peril to the safety of persons and property have arisen within the City of Livermore caused by a series of severe rainstorms and high wind commencing in December 2022 and continuing through January 2023, which conditions are expected to continue for an additional period of time.

On December 31, 2022, the City of Livermore experienced its third atmospheric river since December 26th, which caused rapid rises in creeks and streams, downed trees, standing water, and roadway flooding.

On January 4, 2023, a particularly severe rainstorm began. The National Weather Service anticipated the storm would have widespread impact due to heavy rain and flooding that would be compounded by the saturated or near saturated soils from the prior storms.

As a result, rapid rises in creeks and streams are expected and anticipated to reach flood levels, and localized roadway and other flooding is forecast. In addition, strong winds with gusts up to 35-55 mph are expected to lead to downed trees and power outages. The Weather Service predicts the anticipated rain and wind present an imminent threat to life and property.

Also on January 4, 2023, California Governor Newsom proclaimed a state of emergency due to the

severe winter storms that began on December 27, 2022. Those storms included a series of atmospheric river systems that brought high winds, substantial precipitation, and river and urban flooding throughout California. The Governor issued his order since the series of atmospheric river systems have continuously impacted the State, forcing the closure and causing damage to highways and roads, and various other impacts, which local agencies have not had time to mitigate. The cascading impacts of the anticipate storm are expected to exacerbate those conditions. The Governor's proclamation directed the California Office of Emergency Services to provide assistance to local governments for the protection of public health and the environment, allowed for the mobilization of the California National Guard, allowed for state-owned properties to be made available for staging debris, and modifying the hours-of-service limits in the California Vehicle Code and California Code of Regulations for fuel transportation and relief efforts.

On January 4, 2023, at 5:15 p.m., pursuant to authority and designation by the Director of Emergency Services, the Acting Director of Emergency Services declared a local proclamation of emergency for the City of Livermore (see attached Local Proclamation 23-01) in reliance upon the declaration of emergency by the State of California, and due to the existing damage and impacts from the prior rainstorms and the anticipation of additional impending rainstorms, these existing conditions are, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City of Livermore.

On January 6, 2023, the Director of Emergency Services for the County of Alameda proclaimed a state of emergency exists in the Alameda County Operational Area, which includes the region where the City of Livermore is situated.

Proclamation 23-01 is subject to ratification by the City Council within seven days. Once ratified, the City Council's continuing declaration of local emergency is subject to California Government Code section 8630(c).

### **FISCAL AND ADMINISTRATIVE IMPACTS**

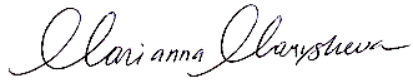
The ratification of the declaration of local emergency allows the City to access federal, state, and County resources, including potential financial reimbursements.

### **ATTACHMENTS**

1. Resolution
2. Exhibit A - Emergency Proclamation 23-01

Prepared by: Christine Martin  
Assistant City Manager

Approved by:



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Marianna Marysheva  
City Manager

Fiscal Review by:



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Tina Olson  
Administrative Services Director

**IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA**  
**A RESOLUTION RATIFYING PROCLAMATION 23-01 OF THE DIRECTOR OF**  
**EMERGENCY SERVICES CONCERNING THE EXISTENCE OF A LOCAL**  
**EMERGENCY, AND MAKING TELECONFERENCING DETERMINATIONS**  
**REQUIRED BY GOVERNMENT CODE SECTION 54953**  
**(Livermore's New Year's Storms 12/31/2022)**

Livermore Municipal Code section 2.56.050 designates the City Manager as the Director of Emergency Services for the City of Livermore and authorizes the Director to appoint and delegate emergency response authority to an Assistant Director of Emergency Services.

Livermore Municipal Code section 2.56.060 authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the event the City Council is not in session. Livermore Municipal Code section 2.56.020 defines emergency to mean the actual or threatened existence of conditions of extreme peril to the safety of persons and property within the City, which conditions are or are likely to be beyond the control of services, personnel, equipment and facilities of the City, requiring the combined forces of other political subdivisions to combat.

Conditions of extreme peril to the safety of persons and property have arisen within the City of Livermore caused by a series of severe rainstorms and high wind commencing in December 2022, and continuing through January 2023, which conditions are expected to continue for an additional period of time.

On December 31, 2022, the City of Livermore experienced its third atmospheric river since December 26, 2022, which caused rapid rises in creeks and streams, downed trees, standing water, and roadway flooding.

On January 4, 2023, a particularly severe rainstorm began. The National Weather Service anticipated that storm would have widespread impact due to heavy rain and flooding that would be compounded by the saturated or near saturated soils from the prior storms. As a result, rapid rises in creeks and streams were expected and anticipated to reach flood levels, and localized roadway and other flooding was forecast. In addition, strong winds with gusts up to 35-55 mph was expected to lead to downed trees and power outages. The Weather Service predicts the anticipated rain and wind present an imminent threat to life and property.

Also on January 4, 2023, California Governor Newsom proclaimed a state of emergency due to the severe winter storms that began on December 27, 2022. Those

storms included a series of atmospheric river systems that brought high winds, substantial precipitation, and river and urban flooding throughout California. The Governor issued his order since the series of atmospheric river systems have continuously impacted the State, forcing the closure and causing damage to highways and roads, and various other impacts, which local agencies have not had time to mitigate. The cascading impacts of the anticipate storm are expected to exacerbate those conditions. The Governor's proclamation directed the California Office of Emergency Services to provide assistance to local governments for the protection of public health and the environment, allowed for the mobilization of the California National Guard, allowed for state-owned properties to be made available for staging debris, and for modifying the hours-of-service limits in the California Vehicle Code and California Code of Regulations for fuel transportation and relief efforts.

On January 4, 2023, at 5:15 p.m., pursuant to authority and designation by the Director of Emergency Services, the Assistant Director of Emergency Services declared a local proclamation of emergency for the City of Livermore (Local Proclamation 23-01) in reliance upon the declaration of emergency by the State of California, and due to the existing damage and impacts from the prior rainstorms and the anticipation of additional impending rainstorms, these existing conditions are, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City of Livermore.

On January 6, 2023, the Director of Emergency Services for the County of Alameda proclaimed a state of emergency exists in the Alameda County Operational Area, which includes the region where the City of Livermore is situated.

Proclamation 23-01 is subject to ratification by the City Council within seven days. Once ratified, the City Council's continuing declaration of local emergency is subject to pursuant to California Government Code section 8630(c).

The City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Livermore that the proclamation of the existence of a local emergency issued by the Director of Emergency Services on January 4, 2023, at 5:15 p.m., which is Proclamation 23-01, attached hereto as Exhibit A, is hereby ratified, and the City Council finds that the ongoing weather conditions warrant the continued maintenance of the proclamation.

**BE IT FURTHER RESOLVED** by the City Council of the City of Livermore that:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by reference;

2. Until the local emergency ratified by this resolution is terminated, the powers, functions, and duties of the City Manager/Director of Emergency Services and the emergency organization of the City of Livermore shall be those prescribed by State law and the ordinances, resolutions, and approved emergency services plans of the City of Livermore; and,

3. The City Council's continuing declaration of local emergency shall continue until the earlier of March 11, 2023, or such time as the City Council makes subsequent findings in accordance with California Government Code section 8630(c) to either sunset or continue the local emergency in the City of Livermore.

**BE IT FURTHER RESOLVED** by the City Council of the City of Livermore that the Governor's proclamation for statewide emergency due to COVID-19 remains in full force and effect, and which authorizes the City Council for the City of Livermore to meet virtually pursuant to the Brown Act, and that:

1. The City Council has reconsidered the circumstances of that state of emergency and the one ratified by this resolution, and has determined that the state of emergency continues to impact the ability of the City's legislative bodies to meet safely in person. In person meetings of the City's legislative bodies would present imminent risks to the health or safety of attendees;
2. The staff and legislative bodies of the City of Livermore are hereby reauthorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
3. This determination shall be effective until the earlier of February 9, 2023, or such time the City Council makes subsequent findings in accordance with California Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Livermore may continue to teleconference without compliance with Government Code section 54953(b)(3).

**BE IT FURTHER RESOLVED** by the City Council of the City of Livermore that this resolution shall take effect immediately upon its adoption.

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing resolution was passed and adopted on January 10, 2023, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVED AS TO FORM:

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Marie Weber  
City Clerk

/s/ Jason Alcala  
Jason R. Alcala  
City Attorney

Exhibit A – Emergency Proclamation 23-01

**PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES  
FINDING THE EXISTENCE OF A LOCAL EMERGENCY  
IN THE CITY OF LIVERMORE**

Livermore Municipal Code Section 2.56.050 designates the City Manager as the Director of Emergency Services for the City of Livermore.

In the event the City Council is not in session, the California Government Code Section 8630 and Livermore Municipal Code Chapter 2.56.060 authorize and empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity, subject to confirmation by the City Council within seven days.

Conditions of extreme peril to the safety of persons and property have arisen within the City of Livermore caused by a series of severe rainstorms and high wind commencing in December 2022 and continuing through January 2023, which conditions are expected to continue for an additional period of time.

On December 31, 2022, the City of Livermore experienced its third atmospheric river since December 26<sup>th</sup>, which caused rapid rises in creeks and streams, downed trees, standing water, and roadway flooding.

On *January 4, 2023*, a particularly severe rainstorm began. The National Weather Service anticipated the storm would have widespread impact due to heavy rain and flooding that would be compounded by the saturated or near saturated soils from the prior storms. As a result, rapid rises in creeks and streams are expected and anticipated to reach flood levels, and localized roadway and other flooding is forecast. In addition, strong winds with gusts up to 35-55 mph are expected to lead to downed trees and power outages. The Weather Service predicts the anticipated rain and wind present an imminent threat to life and property.

Also on January 4, 2023, California Governor Newsom proclaimed a state of emergency due to the severe winter storms that began on December 27, 2022. Those storms included a series of atmospheric river systems that brought high winds, substantial precipitation, and river an urban flooding throughout California. The Governor issued his order since the series of atmospheric river systems have continuously impacted the State, forcing the closure and causing damage to highways and roads, and various other impacts, which local agencies have not had time to mitigate. The cascading impacts of the anticipate storm are expected to exacerbate those conditions. The Governor's proclamation directed the California Office of Emergency Services to provide assistance to local governments for the protection of public health and the environment, allowed for the mobilization of the California National Guard, allowed for state-owned properties to be made available for staging debris, and modifying the hours-of-service limits in the California Vehicle Code and California Code of Regulations for fuel transportation and relief efforts.

Given the declaration of emergency by the State of California, and the existing damage and impacts from the prior rainstorms and the anticipation of additional impending rainstorms, these existing conditions are, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City of Livermore.

The City Council of the City of Livermore is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS PROCLAIMED that a local emergency now exists throughout the City of Livermore, and conditions of extreme peril to the safety of persons and property have arisen within the City of Livermore caused by the series of storms, including atmospheric rivers and strong winds.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of such local emergency, the powers, functions and duties of the emergency organization of the City of Livermore shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the City of Livermore.

BE IT FURTHER PROCLAIMED AND ORDERED that this emergency proclamation shall expire seven days after issuance unless confirmed and ratified by the City Council of the City of Livermore.

Dated: 1/4/23

Paul Spurr  
Acting Director of Emergency Services

at: 5:15 a.m./p.m.

This proclamation is subject to ratification by the City Council within seven days and is subject to reaffirmation every 60 days thereafter until such local emergency is terminated. California Government Code § 8630(c).