



CITY COUNCIL

AGENDA

MONDAY, JULY 10, 2023

REGULAR HYBRID MEETING – 7:00 PM

CLOSED SESSION - 6:30 PM

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

IN PERSON INFORMATION:

CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBERS
1016 S. LIVERMORE AVENUE

TELECONFERENCE INFORMATION:

ZOOM WEBINAR:

<https://us02web.zoom.us/j/84165513188>

Zoom dial in phone number:

1 669 900 6833

Meeting ID: 841 6551 3188

CITY OF LIVERMORE YOUTUBE CHANNEL:

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

TV29:

Comcast TV Channel 29

tv29live.org

John P Marchand, Mayor

Brittni Kiick, Vice Mayor

Ben Barrientos, Council Member

Evan Branning, Council Member

Robert W Carling, Council Member

1. CLOSED SESSION - 6:30 PM

- Roll Call
- Opportunity for the the Public to Address City Council Regarding Closed Session Items
- Adjourn to Closed Session

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

- 1.1 Conference with Real Property Negotiator. To meet with Steve Stewart Planning Manager and Andy Ross Economic Development Manager, the City's negotiators pursuant to Government Code section 54956.8, regarding the purchase, sale, exchange, or lease of real property at Assessor's Parcel No. 99B-5680-4 and 99B-5680-20. The City's negotiators may negotiate with Daniel Buffington, Realtor, on behalf of the Brooks Beverly J Trust & House, Doris E. The instructions will concern price and terms of payment.
- 1.2 Conference with Real Property Negotiator. To meet with Steve Stewart Planning Manager and Andy Ross Economic Development Manager, the City's negotiators pursuant to Government Code section 54956.8, regarding the purchase, sale, exchange, or lease of real property at Assessor's Parcel No. 99B-5685-12. The City's negotiators may negotiate with Daniel Buffington, Realtor, on behalf of Mike Fuller Motorsports Inc. The instructions will concern price and terms of payment.
- 1.3 Conference with Real Property Negotiator. To meet with Steve Stewart Planning Manager and Andy Ross Economic Development Manager, the City's negotiators pursuant to Government Code section 54956.8, regarding the purchase, sale, exchange, or lease of real property at Assessor's Parcel No. 905-3-12. The City's negotiators may negotiate with Sara Rieck and Michael Reeves, on behalf of the East Bay Regional Park District. The instructions will concern price and terms of payment.

2. CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1 Confirm Advisory Body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowligi to January 1, 2027.

Recommendation:

The City Council Subcommittee on Advisory Bodies recommends the City Council confirm the

advisory body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowlgi to an unexpired term ending January 1, 2027 to correct an error in a previous appointment.

Staff Report

Attachments:

3.1 Advisory Body Approval Presentation

- 3.2 Livermore Housing Authority Annual Update presented by Sarah Ramler, Executive Director, Livermore Housing Authority.

Recommendation:

Staff recommends City Council accept the Livermore Housing Authority annual update.

Staff Report

4. OPEN FORUM

- In conformance with the Brown Act, no City Council action can occur on items presented during Open Forum.
- To provide public comment in person, please submit a speaker card. When your name is called, walk to the lectern to address City Council.
- To provide public comment virtually, please log into Zoom and use the 'raise hand' feature.
- Comments are limited to a maximum of 3 minutes per person, per item. The Mayor may reduce the amount of time based on the number of persons wishing to speak.
- Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene before the meeting adjourns.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council with a single action. Members of the audience wishing to provide public input must submit a speaker card if in person or use the 'raise hand' feature if participating using Zoom. 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).

- 5.1 Approval of draft minutes - June 12, 2023 and June 26, 2023 Regular Meetings.

Recommendation:

Staff recommends the City Council approve the draft minutes.

Staff Report

Attachments:

1. 2023-06-12 DRAFT Minutes

2. 2023-06-26 DRAFT Minutes

- 5.2 Resolution authorizing execution of an agreement with Barry & Wynn Architects, Inc. to design and provide bidding and construction support services for the replacement, repairs, and improvements to the Administration Building at the City of Livermore Water Reclamation Plant as part of the WRP Occupied Building Repairs – Administration Project 2023-22 in an amount not-to-exceed \$393,400 and a term ending June 30, 2026.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an engineering services agreement with Barry & Wynn Architects, Inc., in an amount not-to-exceed \$393,400, and a term ending June 30, 2026, to provide design and construction support services for the WRP Occupied Building Repairs – Administration Project 2023-22.

Staff Report

Attachments:

1. [Site Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Engineering Services Agreement](#)

- 5.3 Resolution clarifying a previous City Council authorization to summarily vacate a portion of the existing storm drain easement in Veterans Way, recorded May 20, 1968, reel 2184, images 414-420, and authorizing the City Manager to quitclaim the storm drain easement to unencumber the Blacksmith Square Expansion and the L Street Garage Project.

Recommendation:

Staff recommends the City Council adopt a resolution to summarily vacate a portion of existing storm drain easement in Veterans Way, recorded May 20, 1968, reel 2184, images 414-420, and authorize the City Manager to quitclaim the storm drain easement to City of Livermore (City), a municipal corporation, and Blacksmith Square LLC.

Staff Report

Attachments:

1. [Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Storm Drain Easement Legal Description](#)
4. [Exhibit B - Quitclaim Deed, Blacksmith Square LLC](#)
5. [Exhibit C - Quitclaim Deed, City of Livermore](#)

6. **PUBLIC HEARINGS**

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

- 6.1 Hearing to receive and consider all objections and protests related to the non-payment of sewer service provided by the City of Livermore as of June 30, 2023, for collection on the County Assessor tax roll.

Recommendation:

Staff recommends the City Council consider protests, adopt a resolution overruling protests, and direct staff to forward a finalized copy of the assessment list to the County Tax Assessor.

Staff Report**Attachments:**

1. Resolution
2. Exhibit A - Sewer Assessment List

7. MATTERS FOR CONSIDERATION

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

- 7.1 Approval of the City Council 2024 Meeting Calendar.

Recommendation:

Staff recommends the City Council approve the 2024 Meeting Calendar. Staff is prepared to make adjustments if a Council Member identifies a scheduling or holiday conflict to ensure all members of the Council can participate in meetings.

Staff Report**Attachments:**

1. Proposed 2024 City Council Meeting Calendar

- 7.2 Designation of voting delegate and alternates for the 2023 League of California Cities Annual Business Meeting.

Recommendation:

Staff recommends the City Council appoint one voting delegate and up to two alternates to represent the City of Livermore at the 2023 League of California Cities Annual Business Meeting.

Staff Report**Attachments:**

1. 2023 LOCC Voting Delegate Packet

- 7.3 **Item continued from the June 26, 2023 City Council Meeting for further City Council deliberation. City Council Meeting Rule of Procedure 8.7.3.** Discussion and recommended approval of the Airport Leasing and Development Policy.

Recommendation:

The Airport Commission and staff recommend the City Council adopt a resolution approving the new Airport Leasing and Development Policy.

Staff Report**Attachments:**

1. Developable Land Map

- 2. [Stakeholder Comment Compilation and Response-LVK 2023-06-05](#)
- 3. [Public Comment Redacted](#)
- 4. [Resolution](#)
- 5. [Exhibit A - Leasing and Development Policy](#)

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

9. **ADJOURNMENT**

To a Special City Council meeting on Monday, July 17, 2023 and a Regular City Council meeting on Monday, July 24, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

10. **SUPPLEMENTAL MATERIALS**

- 10.1 Supplemental materials received prior to the meeting.

[Staff Report](#)

Attachments:

- 1. [Supplemental Materials](#)

- 10.2 [Revised Supplemental materials received prior to the meeting.](#)

[Staff Report](#)

Attachments:

- 2. [Revised Supplemental Materials](#)

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

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

Open Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of that item. To submit a comment using Zoom, you may use the 'raise hand' feature when the item begins. Please note that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by a presentation by the applicant, and questions from the City Council. The Mayor will then open the hearing to the public and offer an opportunity for public comments. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of the presentation of the item. To submit a comment using Zoom, you may use the 'raise hand' feature as soon as the item begins.

Other Agenda Items are also open for public input including Consent Calendar or Matters for Consideration items. These comments are also subject to the 3-minute limit.

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

Platforms to Participate in Meetings:

Submission of Comments Prior to the Meeting:

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

eComments may be submitted by the public using the eComment link [here](#). Comments may be up to 1000 characters in length and will be accepted up until 4:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the City Council and the public upon submittal.

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the City Clerk prior to the start of the item. To submit a comment using Zoom, you may use the 'raise hand' feature. Please note that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

The City will be using YouTube and TV29 as two tools to provide the public access to view City Council meetings. No public comment will be accepted via YouTube.

TV29: tv29live.org Comcast Cable 29

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

Zoom Webinar: <https://us02web.zoom.us/j/84165513188>

It is recommended residents use updated software to successfully join and participate in a meeting. Outdated versions may limit functionality and you may not be able to provide a public comment virtually. To download the most current version, visit zoom.us/download.

Zoom dial in phone number: 1 669 900 6833

Meeting ID: 841 6551 3188

If you would like to deliver written materials to the City Council as part of your public comments, and are commenting in person, please provide 10 copies to the City Clerk with

your speaker card. If you are commenting using Zoom, the speaker must identify that intent in his or her comment and immediately email the materials to the City Clerk at 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 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: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Confirm Advisory Body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowligi to January 1, 2027.

RECOMMENDED ACTION

The City Council Subcommittee on Advisory Bodies recommends the City Council confirm the advisory body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowligi to an unexpired term ending January 1, 2027 to correct an error in a previous appointment.

SUMMARY

On June 22, 2023, the City Council Subcommittee on Advisory Bodies interviewed applicants for vacancies on the Livermore Area Youth Advisory Commission and have submitted their recommendation for City Council consideration and appointment. In addition, the Subcommittee recommends extending the term of newly appointed Commission for the Arts member Rajagopal Kowligi to January 1, 2027, to correct a previous appointment error.

DISCUSSION

At the April 24, 2023 City Council meeting, three members of the Commission for the Arts were confirmed for appointment to unexpired terms ending, January 1, 2025. One member should have been appointed to an unexpired term ending January 1, 2027. The City Council Subcommittee on Advisory Bodies reviewed the three applications and recommends the City Council extend the term of Rajagopal Kowligi to January 1, 2027.

On June 22, 2023, the City Council Subcommittee on Advisory Bodies interviewed applicants for vacancies on the Livermore Area Youth Advisory Commission and recommends confirmation of the following appointments:

Livermore Area Youth Advisory Commission 5 youth and 1 adult vacancies

Reappointment to a regular term ending September 1, 2025*

- Greta Fick-Furlotte
- Sai Gayathri Penugonda
- William Pinkston-Mastishov
- Michael Zhang

Appointment to regular terms ending September 1, 2025

- Ashwin Gaur
- Jessica Seburn
- Ojasvi Sharma
- Isha Sahu
- Adelyne (Addie) McMichael

Upon the City Council's confirmation of the appointments by motion, the City Clerk will administer the oath of office to new appointees.

*Commissioners choosing to continue on the commission are not required to reapply, they are automatically recommended for reappointed.

FISCAL AND ADMINISTRATIVE IMPACTS

No material fiscal or administrative impacts result from confirmation of these appointments.

COMMUNITY PILLAR

1: A City That Works

GOAL

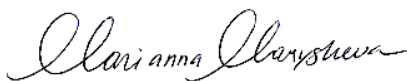
2: Engage effectively with the City's advisory bodies

ATTACHMENTS

[3.1 Advisory Body Approval Presentation](#)

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



Confirmation of Advisory Body Appointments

July 10, 2023

Presented by Debbie Elam, Acting Assistant City Clerk



1

Livermore Area Youth Advisory Commission

Reappointment to a regular term ending September 1, 2025*

- Greta Fick-Furlotte
- Sai Gayathri Penugonda
- William Pinkston-Mastishov
- Michael Zhang

Appointment to regular terms ending September 1, 2025

- Ashwin Gaur
- Jessica Seburn
- Ojasvi Sharma
- Isha Sahu
- Adelyne (Addie) McMichael

*Commissioners choosing to continue on the commission are not required to reapply, they are automatically recommended for reappointed.



2



CITY COUNCIL STAFF REPORT

ITEM NO. 3.2

DATE: July 10, 2023
TO: Honorable Mayor and City Council
FROM: Marianna Marysheva, City Manager
SUBJECT: Livermore Housing Authority Annual Update presented by Sarah Ramler, Executive Director, Livermore Housing Authority.

RECOMMENDED ACTION

Staff recommends City Council accept the Livermore Housing Authority annual update.

SUMMARY

DISCUSSION

ATTACHMENTS

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:

A handwritten signature in cursive script, reading "Marianna Marysheva".

Marianna Marysheva
City Manager

Fiscal Review by:

A handwritten signature in cursive script, reading "Tina Olson".

Tina Olson
Administrative Services Director



CITY COUNCIL STAFF REPORT

ITEM NO. 5.1

DATE: July 10, 2023
TO: Honorable Mayor and City Council
FROM: Marianna Marysheva, City Manager
SUBJECT: Approval of draft minutes - June 12, 2023 and June 26, 2023 Regular Meetings.

RECOMMENDED ACTION

Staff recommends the City Council approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. [2023-06-12 DRAFT Minutes](#)
2. [2023-06-26 DRAFT Minutes](#)

Prepared by: Marie Weber
Deputy City Manager/City Clerk

Approved by:

A handwritten signature in black ink, reading "Marianna Marysheva".

Marianna Marysheva
City Manager

Fiscal Review by:

A handwritten signature in black ink, reading "Tina Olson".

Tina Olson
Administrative Services Director

MINUTES



CITY COUNCIL
JUNE 12, 2023

CLOSED SESSION

CALL TO ORDER – The Closed Session of the City Council was called to order by Mayor John Marchand at 6:30 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL –

Present: Mayor John Marchand, and Council Members, Ben Barrientos, Evan Branning and Robert W. Carling.

Absent: Vice Mayor Brittni Kiick.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL REGARDING CLOSED SESSION ITEMS.

Mayor Marchand opened the public comment period.

There were no speakers, and the hearing was closed.

1. ADJOURN TO CLOSED SESSION

1.1 Conference with Labor Negotiator, Conference Joint Powers Agency Confidential Information. To meet with Administrative Services Director, Tina Olson, Human Resources Manager, Nancy Dias, Senior Human Resources Analyst Kristen Hilton, Human Resources Analyst II, Kaylin Larson, and Tim Davis, Attorney with Burke, Williams, Sorensen, the City's and the Livermore-Pleasanton Fire Department's negotiators, pursuant to Government Code sections 54957.6 and 54956.96, regarding the Livermore-Pleasanton Fire Department Joint Powers Authority's negotiations with The International Association of Firefighters, Local 1974, AFL- CIO-CLC for the Battalion Chief's unit.

REGULAR MEETING

2. CALL TO ORDER – The meeting of the City Council was called to order by Mayor John Marchand at 7:00 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL – Present: Mayor John Marchand, Vice Mayor Brittini Kiick and Council Members Ben Barrientos, Evan Branning and Robert W. Carling.

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney Jason Alcala said there was no reportable action.

3. PROCLAMATIONS AND PRESENTATIONS

3.1 Livermore Area Youth Advisory Commission Annual Update presented by Chair Zhang and Vice Chair Sidhu.

Recommendation: Staff recommended City Council accept the Livermore Area Youth Advisory Commission annual update.

Livermore Area Youth Advisory Chair Zhang and Vice Chair Sidhu presented the update.

3.2 Presentation of the 2023 High School Senior Arts Awards

Recommendation: Staff recommended the City Council receive the presentation.

Mayor Marchand presented the 2023 High School Senior Arts Awards to the students.

3.3 Proclamation declaring June 2023 as LGBTQ+ Pride Month presented to President of Livermore Pride, David Hurst.

Recommendation: Staff recommended City Council declare June 2023 as LGBTQ+ Pride Month.

Mayor Marchand presented the proclamation to President of Livermore Pride, David Hurst.

3.4 Informational presentation regarding the 2022 Eastern Alameda County Human Services Needs Assessment including an overview of the project scope and status being completed with the cities of Pleasanton and Dublin

Recommendation: Staff recommended the City Council receive a presentation from the consulting firm JSI on the status of the 2022 Eastern Alameda County Human Services Needs Assessment.

Human Services Program Manager Josh Thurman and Project Director Becky

Reno from JSI consulting firm presented the presentation.

4. OPEN FORUM

Mayor Marchand opened the public comment period.

Keith Rothenberg provided a comment.

John Stein provided a comment.

Alan Burnham provided a comment.

Donna Cabanne provided a comment.

Tashenia Pearson provided a comment.

There were no more speakers, and the public comment period was closed.

Mayor Marchand re-ordered the agenda and moved **Item 6.1** to be heard before the Consent Calendar.

6.1 Public hearing, landowner election, and actions related to formation of Community Facilities District No. 2023-1 for maintenance and public services within the Isabel Neighborhood Specific Plan area pursuant to the Mello- Roos Community Facilities Act of 1982.

Recommendation: Staff recommended the City Council take the following actions in connection with the proposed formation of Community Facilities District No. 2023-1 for maintenance and public services within the Isabel Neighborhood Specific Plan area (CFD) and a related Future Annexation Area pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Mello-Roos Act"):

1. Conduct the public hearing and consider written and oral protests;
2. Adopt the resolution of formation of a Community Facilities District and Future Annexation Area;
3. Adopt a resolution calling a special landowner election for a community facilities district, and direct the City Clerk to complete the landowner elections;
4. Adopt a resolution declaring the results of the special landowner election and, if the election is successful, direct recording of Notice of Special Tax Lien; and
5. Introduce an ordinance levying special taxes within the CFD (including any territory that annexes into the CFD from the Future Annexation Area).

Senior Civil Engineer Debbie Salgado presented the staff report.

Mayor Marchand opened the public hearing.

There were no speakers and the hearing was closed.

ON THE MOTION OF VICE MAYOR KIICK, SECONDED BY COUNCIL MEMBER CARLING AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTIONS:

Resolution 2023-092 A Resolution of Formation of a Community Facilities District and Future Annexation Area.

Resolution 2023-093 Calling Special Landowner Election for a Community Facilities District.

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY COUNCIL MEMBER CARLING AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTION AND INTRODUCED THE FOLLOWING ORDINANCE:

Resolution 2023-094 declaring results of a Special Landowner Election and directing the recording of Notice of Special Tax Lien.

Ordinance introduced levying a Special Tax within City of Livermore Community Facilities District No. 2023-1 (Isabel Neighborhood Specific Plan Services).

5. CONSENT CALENDAR

Mayor Marchand opened the public comment period.

Item 5.9 - Jean King provided a comment.

There were no more speakers, and the public comment period was closed.

ON THE MOTION OF VICE MAYOR KIICK SECONDED BY COUNCIL MEMBER BRANNING AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL APPROVED THE CONSENT CALENDAR.

5.1 Approval of draft minutes - May 8, 2023 Regular Meeting.

Recommendation: Staff recommended the City Council approve the draft minutes.

5.2 Resolution 2023-095 authorizing execution of an annual, interagency agreement with the Livermore- Pleasanton Fire Department Joint Powers Authority to provide fleet maintenance and repair services.

Recommendation: Staff recommended the City Council adopt a resolution authorizing execution of an annual, interagency agreement with the Livermore-

Pleasanton Fire Department Joint Powers Authority (Authority) for the City of Livermore to provide preventive maintenance and repair services for Authority fire apparatus fleet as defined in the maintenance agreement.

5.3 Resolution 2023-096 authorizing execution of an agreement with Barry & Wynn Architects, Inc. to provide on-call architectural services in an amount not-to-exceed \$300,000.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to execute an agreement with Barry & Wynn Architects, Inc., in an amount not-to-exceed \$300,000, for on-call architectural services.

5.4 Resolution 2023-097 authorizing execution of an agreement with Kier & Wright Civil Engineers and Surveyors, Inc. to provide on-call civil engineering services in an amount not-to-exceed \$300,000.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to execute an agreement with Kier & Wright Civil Engineers and Surveyors, Inc, in an amount not-to- exceed \$300,000, for on-call civil engineering services.

5.5 Resolution 2023-098 authorizing execution of an agreement with Schaaf & Wheeler, in an amount not- to-exceed \$400,000, to provide on-call engineering services for various City projects including design of repairs for sites damaged during the 2023 storm events, hydraulic modeling support, and master planning.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to execute an Engineering Services Agreement with Schaaf & Wheeler, in an amount not-to-exceed \$400,000, to provide on-call engineering services for various City projects including design of repairs for sites damaged during the 2023 storm events, hydraulic modeling support, and master planning.

5.6 Resolution 2023-099 authorizing execution of the third amendment to the engineering services agreement with Watry Buehler Collaborative, LLP increasing the not-to-exceed contract amount from \$1,624,000 to \$1,792,800 for additional construction engineering support services associated with the Livermore Village (L Street) Parking Garage Construction, Project 586003.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to execute the third amendment to the engineering services agreement with Watry Buehler Collaborative, LLP increasing the not-to-exceed contract amount from \$1,624,000 to \$1,792,800 for additional construction engineering support services associated with the Livermore Village (L Street) Parking Garage Construction Project 586003.

5.7 Resolution 2023-100 authorizing an agreement with Innovative Claims Solutions (ICS) in an amount not-to-exceed \$121,861 in FY 2023-24 and \$127,954 in FY 2024-25 for third-party administration services for the City's Self-Insured Workers' Compensation Program

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Attorney to execute a two-year agreement for Innovative Claims Solutions to provide third-party administration services for the City's self-administered workers' compensation program.

5.8 Resolution 2023-101 adopting a list of projects for FY 2023-24 funded by Senate Bill 1 and approving the use of Road Maintenance and Rehabilitation Account Funds.

Recommendation: Staff recommended the City Council adopt a resolution approving a list of projects funded by Senate Bill 1 in FY 2023-24 and approve the use of State Road Maintenance and Rehabilitation Account Funds.

5.9 Resolution 2023-102 authorizing execution of a low-income housing agreement with DeNova Homes, Inc. for a subdivision located at the intersection of North Canyons Parkway and Triad Drive (VTTM 8609).

Recommendation: Staff recommended the City Council adopt a resolution authorizing execution of a "Low Income For Sale Housing Agreement" with DeNova Homes, Inc. for a 112-unit subdivision located at the intersection of North Canyons Parkway and Triad Drive (VTTM 8609).

5.10 Resolution 2023-103 approving Final Tract Map 8609 and Subdivision Improvement Agreement for the Triad Condominium Development (CAVA) at the northwest corner of North Canyons Parkway and Triad Drive.

Recommendation: Staff recommended the City Council adopt a resolution:

1. Approving Final Tract Map 8609 for recording;
2. Approving and authorizing execution of the Subdivision Improvement Agreement which includes a 12-month extension (24 months in total) to complete the required improvements; and
3. Accepting, on behalf of the public, all real property offered for dedication within Final Tract Map 8609 in conformance with the terms of the offer except for the following, which the Council rejects at this time reserving the right to accept the offer at a future date: Public Utility Easement (P.U.E.), Sanitary Sewer Easement (S.S.E.), Emergency

Vehicle Access Easement (E.V.A.E.) and Public Sidewalk Easement (S.W.E.)

5.11 Resolution 2023-104 approving the Two-Year Budget for Fiscal Years 2023-24 and 2024-25.

Recommendation: Staff recommended that City Council adopt a resolution approving the Two-Year Budget for fiscal years 2023-24 and 2024-25.

5.12 Resolution 2023-105 establishing a Capital Reserve Policy.

Recommendation: Staff recommended City Council adopt a resolution establishing a Capital Reserve Policy.

5.13 Resolution 2023-106 establishing the Appropriations Limitation consistent with State law for FY 2023-24

Recommendation: Staff recommended the City Council adopt a resolution establishing the Appropriations Limit for FY 2023-24.

5.14 Resolution 2023-107 accepting the Single Audit Report related to federal grants for the Fiscal Year Ending June 30, 2022.

Recommendation: Staff recommended the City Council adopt a resolution accepting the Single Audit Report report for Fiscal Year 2021-22 as completed.

5.15 Resolution 2023-108 authorizing an interfund loan in the amount of \$500,000 between the Sewer Fund (Lender) and General Fund (Borrower) to fund replacement of Livermore's fire stations' alerting system.

Recommendation: Staff recommended the City Council adopt a resolution authorizing a \$500,000 interfund loan between the Sewer Fund (Lender) and General Fund (Borrower) to fund replacement of Livermore's fire stations' alerting system.

5.16 Resolution 2023-109 delegating authority to the Administrative Services Director to make retirement determinations for local safety member employees, and to submit employer-originated disability applications on behalf of all employees, and **Resolution 2023-110** establishing a procedure for disability retirement determinations for local safety officer employees who are part of the Public Employees' Retirement System.

Recommendation: Staff recommended City Council take two actions:

1. Adopt a resolution delegating authority to the Administrative Services Director to make retirement determinations for local safety member employees of the Public Employees Retirement System and to submit employer-originated disability applications on behalf of all employees; and,
2. Adopt a resolution establishing a procedure for disability retirement determinations for the City of Livermore's local safety officer employees who are members of the Public Employees' Retirement System.

5.17 Resolution 2023-111 of continued local emergency.

Recommendation: Staff recommended the City Council adopt a resolution of continued local emergency in response to impacts from a series of severe storm events.

6. PUBLIC HEARINGS

Item 6.1 was heard before the Consent Calendar.

Mayor Marchand reordered the agenda to hear Item 6.3 before Item 6.2.

6.3 Hearing to authorize negotiation of a Development Agreement to secure funding and timing of off-site public improvements in association with an industrial proposal known as the Greenville Community Charging Depot (Greenville CCD).

Recommendation: Staff recommended the City Council adopt a resolution authorizing staff to proceed with negotiating the terms of a Development Agreement with FM Greenville, LLC ("Forum"), to develop an industrial project known as the Greenville Community Charging Depot (Greenville CCD) to be considered by the City Council at a later date.

Management Analyst Theresa De La Vega presented the staff report.

Mayor Marchand opened the public hearing.

There were no speakers and the hearing was closed.

ON THE MOTION OF VICE MAYOR KIICK SECONDED BY COUNCIL MEMBER CARLING, AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTION:

Resolution 2023-112 authorizing staff to proceed with negotiating terms for a Development Agreement with developer FM Greenville, LLC ("Forum").

6.2 Hearing to consider Development Code Amendment (DCA) 22-004, which would amend temporary sign standards in the public right-of-way.

Recommendation: The Planning Commission and staff recommended the City Council:

1. Adopt a Resolution finding the project is exempt under the California Environmental Quality Act, in accordance with California Public Resources Code Section 21084 and CEQA Guidelines Section 15304(e), which exempts minor temporary use of land having negligible or no permanent effects on the environment; and
2. Introduce an Ordinance approving Development Code Amendment 22-

004, which would amend Livermore Development Code Section 4.06.140 to allow temporary commercial and non-commercial signs in the public right-of-way at intersections of city streets outside the Downtown area from Thursday to Monday.

Senior Planner Jake Potter presented the staff report.

Mayor Marchand opened the public hearing.

Michael Godfrey provided a comment.

Trish Munro provided a comment.

John Stein provided a comment.

David Stark provided a comment.

There were no more speakers and the hearing was closed.

THIS ITEM DIED FOR LACK OF MOTION BY THE CITY COUNCIL.

7. MATTERS FOR CONSIDERATION - NONE

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

THE MAYOR AND CITY COUNCIL MEMBERS PROVIDED A SUMMARY OF RECENTLY ATTENDED EVENTS AND MEETINGS IN ADDITION TO THE INFORMATION PROVIDED IN THE SUPPLEMENTAL PACKET. COUNCIL MEMBERS WHO DID NOT PROVIDE A SUMMARY IN THE SUPPLEMENTAL PACKET ARE INCLUDED BELOW.

Livermorium Day CM Branning and VM Kiick noted their attendance at the event on May 30, 2023.

Community Town Hall CM Branning noted his attendance at the event at Rincon Library on June 6, 2023.

Livermore Amador Valley Transit Authority CM Branning and VM Kiick noted their attendance at the meeting on June 5, 2023.

Livermore Rodeo and Parade CM Branning and CM Carling noted their attendance at the event on June 10, 2023.

State of the City CM Barrientos noted his attendance at the event on May 25, 2023.

Livermore Amador Valley Transit Authority VM Kiick noted her attendance at the finance committee meeting on

Livermore-Pleasanton Fire Department Joint Powers Authority VM Kiick noted her attendance at the meeting on June 7, 2023.

Election Information City Council directed staff to provide a memo regarding how candidates can communicate information to the public during an election.

9. ADJOURNMENT – at 9:01 pm to a Regular City Council Meeting on Monday, June 26, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

APPROVED:

JOHN P. MARCHAND, MAYOR

ATTEST:

MARIE WEBER, CITY CLERK

MINUTES



CITY COUNCIL
JUNE 26, 2023

CLOSED SESSION

CALL TO ORDER – The Closed Session of the City Council was called to order by Mayor John Marchand at 6:30 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL –

Present: Mayor John Marchand and Council Members, Ben Barrientos, Evan Branning and Robert W. Carling.

Absent: Vice Mayor Kiick

City Attorney Jason Alcala made the following announcement: The basis for this closed session is a letter dated June 2, 2023 from DLA Piper LLP to the City of Livermore that disputes Livermore's Notice of Incomplete Preliminary Application that was sent in response to the Isabel Portola Owner LLC's preliminary project application dated February 16, 2023. A copy of the letter is on file in the City Attorney's Office and available if requested.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL REGARDING CLOSED SESSION ITEMS.

Mayor Marchand opened the public comment period.

There were no speakers and the hearing was closed.

1. ADJOURN TO CLOSED SESSION

1.1 Conference with Legal Counsel - Anticipated Litigation. To meet with legal counsel pursuant to Government Code sections 54956.9(d)(2) and (e)(2) because there is significant exposure to litigation against the City based on existing facts and circumstances. (One Case.)

Facts and circumstances related to an accident, disaster, incident, or transactional occurrence that might result in litigation against the City and that are known to a potential plaintiff or plaintiffs.

REGULAR MEETING

2. CALL TO ORDER – The meeting of the City Council was called to order by Mayor John Marchand at 7:00 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL –

Present: Mayor John Marchand, and Council Members Ben Barrientos, Evan Branning and Robert W. Carling.

Absent: Vice Mayor Kiick

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney Jason Alcala said there was no reportable action.

3. PROCLAMATIONS AND PRESENTATIONS – NONE

MAYOR MARCHAND MOVED ITEM 4. OPEN FORUM AFTER ITEM 7.2.

5. CONSENT CALENDAR

Mayor Marchand opened the public comment period.

Item 5.7 **Van Rainey** commented on the item.

Item 5.1 & 5.11 **Constance Kopps** commented on the item.

Item 5.2 **David McGuigan** commented on the item.

There were no more speakers and the public comment period was closed.

ON THE MOTION OF CM BRANNING, SECONDED BY CM CARLING, AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPROVED THE CONSENT CALENDAR.

5.1 Approval of draft minutes - May 15, 2023 Special Meeting and May 22, 2023 Regular Meeting.

5.2 Adoption of Ordinance 2147 to levy special taxes within Community Facilities District 2023-1 (Isabel Neighborhood Specific Plan Services), including any territory that annexes into the district from the Future Annexation Area.

5.3 Resolution 2023-113 awarding and authorizing execution of an agreement with Cazadoro Construction Inc. for a one-year term for the furnishing and installation of storm drain trash capture devices and "No Dumping" markers to be placed across the City, in an amount not-to-exceed \$214,500 for the Storm Drain Trash Capture Devices, Project 2021-12.

5.4 Resolution 2023-114 authorizing execution of an agreement with Jacobs Engineering Group Inc., for the Water Resources Division's Supervisory Control and Data Acquisition (SCADA) Network Upgrade Project, for a two-year term, in an amount not-to-exceed \$296,954 and authorizing the City Manager to approve equipment procurement in an amount not-to-exceed \$120,000.

5.5 Resolution 2023-115 authorizing execution of an agreement with Construction Testing Services, Inc. to provide on-call geotechnical engineering and material testing consulting services for a three-year term, in an amount not-to-exceed \$60.

5.6 Resolution 2023-116 authorizing execution of an agreement with BSK Associates to provide on-call geotechnical engineering and material testing consulting services for a three-year term, in an amount not-to-exceed \$600,000.

5.7 Resolution 2023-117 authorizing execution of an agreement with Terracare Associates for landscape maintenance services for five years with an option for one five-year extension, in an amount not-to-exceed \$1,150,000.

5.8 Resolution 2023-118 authorizing execution of an agreement with DC Electric Group, Inc. for on call streetlight and traffic signal maintenance services, for three years with an option for one two-year extension, in an amount not-to-exceed \$700,000.

5.9 Resolution 2023-119 authorizing execution of an agreement with Old Brit Consulting for general IT consulting services over a three-year term, in an amount not-to-exceed \$750,000.

5.10 Resolution 2023-120 authorizing a purchase order to Baker & Taylor Books for purchases of library books and related materials in Fiscal Year 2023-24, in an amount not-to-exceed \$230,000.

5.11 Resolution 2023-121 to summarily vacate a portion of an existing sewer easement located within the Livermore Hotel Corporation property adjacent to Chick-fil-A and accepting Parcel Map 10720 (Chick-fil-A) public improvements for permanent maintenance and **Resolution 2023-122** accepting Chick Fil-A Parcel Map 10720 public improvements for permanent maintenance and release of security.

5.12 Resolution 2023-123 approving the update to the City of Livermore Standard Details, which are used to construct improvements to the City's infrastructure, dated May 23, 2023, and delegating discretionary authority to the City Engineer to approve future revisions to the City Standard Details and Specifications, in accordance with Government Code section 830.6 and with the Livermore Municipal Code section 2.68.600.

5.13 Resolution 2023-124 approving modifications to the City of Livermore

Salary Plan to reflect previously approved labor agreements in accordance with California Code of Regulations, Title 2, Section 570.5.

5.14 Resolution 2023-125 approving the Memorandum of Understanding (Labor Agreement) between the Livermore-Pleasanton Fire Department Joint Powers Authority and the International Association of Fire Fighters, Local 1974, Battalion Chiefs Unit, for the term of September 1, 2022, through June 30, 2025.

5.15 Resolution 2023-126 approving the updated Investment Policy and the annual delegation of investment authority to the City Treasurer.

6. PUBLIC HEARINGS

6.1 Hearing for the confirmation of the levy of assessments for the City's Landscape Maintenance Districts for Fiscal Year 2023-24.

Recommendation: Staff recommended the City Council conduct a public hearing for the confirmation of the annual levy of assessments for the City's Landscape Maintenance Districts for Fiscal Year 2023-24. Upon closure of the public hearing, staff recommends the City Council adopt a resolution confirming the annual levy of assessments for the City's Landscape Maintenance Districts and directing actions with respect thereto for Fiscal Year 2023-24.

Management Analyst II Marisa Gan presented the staff report.

Mayor Marchand opened the public hearing.

There were no speakers and the hearing was closed.

ON THE MOTION OF CM BARRIENTOS, SECONDED BY CM BRANNING AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTION:

Resolution 2023-127 confirming the annual levy of assessments for landscape maintenance districts for fiscal year 2023-2024 and directing actions with respect thereto.

6.2 Hearing to receive and consider all evidence and reports regarding the adoption of a Master Fee Schedule. The Master Fee Schedule Resolution establishes fees for City services. The fee resolution and accompanying justification includes new, increased, and decreased fees into one document.

Recommendation: Staff recommended the City Council adopt a resolution adopting the City's Master Fee Schedule, incorporating certain fee changes and superseding resolution 2022-115.

Administrative Services Director Tina Olson presented the staff report.

Mayor Marchand opened the public hearing.

There were no speakers and the hearing was closed.

ON THE MOTION OF CM CARLING, SECONDED BY CM BRANNING AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTION:

Resolution 2023-128 adopting the master fee schedule incorporating certain fee changes for services provided and superseding resolution 2022-115.

7. MATTERS FOR CONSIDERATION

7.1 Discussion and recommended approval of the Airport Leasing and Development Policy.

Recommendation: The Airport Commission and staff recommended the City Council adopt a resolution approving the new Airport Leasing and Development Policy.

Airport Manager Michael Muska presented the staff report.

Mayor Marchand opened the public comment period.

Felicia Ziomek provided a comment.

Shirley Lewandowski provided a comment.

Gia Keiper provided a comment.

Taris Keiper provided a comment.

John Youngblood provided a comment.

Jean King provided a comment.

David Fiala provided a comment.

Donna Cabanne provided a comment.

Van Rainey provided a comment.

James McSharry provided a comment.

Jonathan Krueger provided a comment.

Carol Silva provided a comment.

Sandra Philippe provided a comment.

Constance Kopps provided a comment.

Pete Sandhu provided a comment.

Doug Mann provided a comment.

Bob Tucknott provided a comment.

Robin Teslich provided a comment.

Ron Baskett provided a comment.

Michael Ferucci provided a comment.

Sunil Hariani provided a comment.

Purnam Sheth provided a comment.

There were no more speakers and the public comment period was closed.

ON THE MOTION OF CM CARLING, SECONDED BY CM BARRIENTOS AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL CONTINUED THE ITEM TO THE NEXT REGULAR CITY COUNCIL MEETING AND INSTRUCTED STAFF TO INCORPORATE THE PROVIDED DIRECTION:

1. 1.2 Goals: Add a 6th criterion (compatibility section) to the policy stating that the Policy will discourage development inconsistent with the airport's development priorities as stated herein and in the 2010 resolution.
2. 1.2 Economic: Add language to the policy stating that the policy will support local economy and ensure economic vitality and remove wording about air cargo planes.
3. 1.2 Function: Add wording stating that projects will be evaluated by the Airport Advisory Commission.

7.2 Appointment of Council Members to the City Council Subcommittee on Advisory Bodies for the period of July 1 - December 31, 2023.

Recommendation: Staff recommended the Mayor appoint two Council Members to serve on the City Council Subcommittee on Advisory Bodies for the period of July 1 - December 31, 2023, with the City Council's approval.

There were no speakers and the public comment period was closed.

THE MAYOR APPOINTED CM BARRIENTOS AND CM CARLING TO THE CITY COUNCIL SUBCOMMITTEE ON ADVISORY BODIES FOR THE PERIOD OF JULY 1 – DECEMBER 31, 2023.

MAYOR MARCHAND MOVED ITEM 4. OPEN FORUM AFTER ITEM 7.2.

4. OPEN FORUM

Mayor Marchand opened the public comment period.

Michael Godfrey provided a comment.

Lori Marra-Christner provided a comment.

Jennifer Branchini provided a comment.

Robin Young provided a comment.

Kevin McCallum provided a comment.

Geraldine Ramirez provided a comment.

Tony Arsondi provided a comment.

Devon Corkery provided a comment.

Mary Anne Rozsa provided a comment.

Tammy Barstow provided a comment.

Don Faught provided a comment.

Ricky Walters provided a comment.

Jean King provided a comment.

Mony Nop provided a comment.

Sean Leggat provided a comment.

Sophie Mao provided a comment.

Francis Rodgers provided a comment.

Carol Silva provided a comment.

Constance Kopps provided a comment.

Glen Riggs provided a comment.

Doug Mann provided a comment.

Jeff Kaskey provided a comment.

Alyssa Erickson provided a comment.

David Stark provided a comment.

Dorothy Broderson provided a comment.

There were no more speakers and the public comment period was closed.

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

THE MAYOR AND CITY COUNCIL MEMBERS PROVIDED A SUMMARY OF RECENTLY ATTENDED EVENTS AND MEETINGS IN ADDITION TO THE INFORMATION PROVIDED IN THE SUPPLEMENTAL PACKET. COUNCIL MEMBERS WHO DID NOT PROVIDE A SUMMARY IN THE SUPPLEMENTAL PACKET ARE INCLUDED BELOW.

Quest Science Center CM Carling noted his attendance at the activity on June 17, 2023.

Juneteenth Celebration CM Carling noted his attendance at the celebration on June 17, 2023.

Heritage Guild Celebration CM Carling noted his attendance at the event on June 17, 2023.

Advisory Body Interviews CM Carling noted his participation in the interviews on June 22, 2023.

Boy Scout Troop 939 CM Carling noted his attendance at the 100 year celebration on June 24, 2023.

Goodness Village CM Carling noted his attendance at the fundraiser on June 24, 2023.

9. ADJOURNMENT – at 10:32 pm 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.

APPROVED:

JOHN P. MARCHAND, MAYOR

ATTEST:

MARIE WEBER, CITY CLERK



CITY COUNCIL STAFF REPORT

ITEM NO. 5.2

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing execution of an agreement with Barry & Wynn Architects, Inc. to design and provide bidding and construction support services for the replacement, repairs, and improvements to the Administration Building at the City of Livermore Water Reclamation Plant as part of the WRP Occupied Building Repairs – Administration Project 2023-22 in an amount not-to-exceed \$393,400 and a term ending June 30, 2026.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute an engineering services agreement with Barry & Wynn Architects, Inc., in an amount not-to-exceed \$393,400, and a term ending June 30, 2026, to provide design and construction support services for the WRP Occupied Building Repairs – Administration Project 2023-22.

SUMMARY

This agreement with Barry & Wynn Architects, Inc. is for designing replacement, repairs, and improvements to the Administration Building at the City of Livermore Water Reclamation Plant. The site location is shown in Attachment 1. Barry & Wynn Architects, Inc. will provide design, bidding support, and engineering services during construction. Improvements to the Administration Building will address safety, accessibility, and energy management, and provide better functionality for the current use.

DISCUSSION

The City of Livermore (City) Water Reclamation Plant (WRP) includes a campus of occupied and industrial process buildings that vary in age and condition. Occupied buildings include the Reverse Osmosis Building, Administration Building, Maintenance Building, and Tertiary Building. Long-term remodeling and/or expansion at each of the occupied buildings is planned to improve safety and provide improved operations for current use.

Condition assessments of the following occupied buildings were conducted in 2017:

- Campus-Wide Energy Management System (EMS)

- Laboratory Building
- Reverse Osmosis Building
- Administration Building
- Maintenance Building
- Tertiary Building

Recommended improvements are primarily related to heating, ventilation, and air conditioning (HVAC); roofing system replacement and repairs; as well as multiple deferred maintenance, accessibility upgrades, and other facility improvements. In particular, the HVAC systems are at the end of their service lives, are not energy efficient, and do not provide sufficient heating and cooling.

To mitigate impacts to ongoing WRP operations and maximize limited workforce resources, improvements to the occupied buildings are following a phased approach:

- Phase 1 consists of improvements to the Reverse Osmosis Building, Laboratory Building, and the EMS. Phase 1 was completed in 2022. The renovated Reverse Osmosis Building will be used to accommodate WRP staff relocated during implementation of improvements at other occupied buildings during the following phases.
- Phase 2 consists of improvements to the Administration Building.
- The remaining phases will address the Maintenance Building and Tertiary Building.

The City issued a prior agreement with Barry & Wynn Architects, Inc. in 2019 to perform the design and construction services for Phase 1 improvements (Reverse Osmosis Building) and preliminary design for Phase 2 (Administration Building). Phase 1 services were completed in 2022. During design development for Phase 2, WRP staff reviews, and the results of a campus-wide Certified Accessibility Specialist (CASP) inspection, the following additional building improvements were identified for Phase 2:

- CASP design peer review, and post-construction inspection and report.
- Associated accessibility improvements to the exterior areas of the building.
- Coordination and allocation for future electric vehicle charging stations.
- Technology/low voltage integration.
- Building feature upgrades related to lighting, quiet room, and plumbing fixtures.
- Related services for project management, bidding support, commissioning, and support services during construction.

The previous agreement with Barry & Wynn Architects, Inc. subsequently expired during evaluation of these additional improvements. Given the extent of additional improvements and time required to incorporate into the design, a new agreement with Barry & Wynn Architects, Inc. is recommended to incorporate the additional improvements and complete the design and construction support services for Phase 2.

Barry & Wynn Architects, Inc. has been assisting the City with a number of building projects over the last 10 years. These projects include the Real Time Awareness Center at the Police Building, Multi-Service Center Renovations, COVID Hardening of City Facilities, and the renovation of the Reverse Osmosis Building at WRP. They have proven to be knowledgeable, reasonably priced, and responsive. One of their strengths is finding design solutions that take into account project budgets and their client's needs. Their cost estimates have been very accurate. They have been helpful during construction responding to requests, reviewing submittals, and providing specialty inspections.

This agreement will include the preparation of contract documents, permitting assistance, and engineering support during the bidding and construction periods. The total engineering fee of \$393,000 is approximately 12% percent of the Phase 2 estimated construction cost of \$3,346,000, which is consistent with typical design and construction management support fees for projects of this magnitude.

FISCAL AND ADMINISTRATIVE IMPACTS

The budget for the WRP Occupied Building Repairs – Administration Project 2023-22 in the FY 2023-2028 Capital Improvement Plan covers the cost of this agreement and no additional funding is needed. The specific funding sources for this project are summarized in the table below.

WRP Occupied Building Repairs - Administration Project 2023-22

Fund Number	Fund Name	FY 2023-24	FY 2024-25	Total
239	Sewer Replacement	\$1,696,000	\$2,464,000	\$4,160,000

COMMUNITY PILLAR

5: A City That Works

GOAL

14: Develop, operate, and maintain the City's infrastructure

GUIDING DOCUMENT

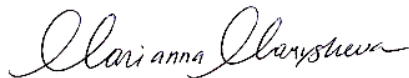
2023-2028 Capital Improvement Plan

ATTACHMENTS

1. [Site Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Engineering Services Agreement](#)

Prepared by: Rick Teczon
Senior Civil Engineer

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

SITE LOCATION MAP



Administration
Building

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARRY & WYNN ARCHITECTS, INC., IN AN AMOUNT NOT-TO-EXCEED \$393,400 TO PROVIDE DESIGN AND CONSTRUCTION SUPPORT SERVICES

(WRP Occupied Building Repairs – Administration Project 2023-22)

This Engineering Services Agreement is needed to design and provide bidding and construction support for the replacement, repairs, and improvements to the Administration Building at the City of Livermore Water Reclamation Plant. Barry & Wynn Architects, Inc. has been assisting the City of Livermore with several building projects over the last ten years and has proven to be very knowledgeable, creative, responsive, and reasonably priced. This Agreement covers design and construction support services involving heating, ventilation, and air condition replacement and repairs; addition of a centralized energy management system; and building remodeling, including accessibility and safety upgrades, in conjunction with the WRP Occupied Buildings Repairs – Administration Project 2023-22.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the City Manager is hereby authorized to execute an Engineering Services Agreement with Barry & Wynn Architects, Inc., attached hereto as Exhibit A, in an amount not-to-exceed \$393,400, to provide design and construction support services for the WRP Occupied Buildings Repairs – Administration Project 2023-22.

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

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

ATTEST:

APPROVED AS TO FORM:

Marie Weber
City Clerk

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Engineering Services Agreement

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, ("Effective Date") by and between the City of Livermore, a municipal corporation ("City"), and Barry & Wynn Architects, Inc., a California corporation ("Consultant").

RECITALS

City requires engineering services to design and provide bidding and construction support for the replacement, repairs, and improvements to the Administration Building at the City Water Reclamation Plant.

Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges City has relied upon these warranties to retain Consultant.

AGREEMENT

NOW, THEREFORE, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. **Retention as Consultant.** City hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.
2. **Relationship of Parties – Independent Contractors.** The relationship of the parties shall be that of independent contractors. Consultant and its employees are not City officers or employees. Consultant is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.
3. **Description of Services.** Consultant shall provide engineering services to support HVAC replacement and repairs; addition of a centralized energy management system; and building remodeling, including accessibility and safety upgrades, in conjunction with the WRP Occupied Buildings Repairs - Administration Project No. 2023-22 ("Project"), as more particularly set forth in Exhibit "A" (collectively "the Services").
4. **Consultant Responsibilities.** Consultant shall:
 - (a) Consultant shall investigate and verify all existing site conditions for the Project and take them into account when preparing the Project's design even when "As Built" or "Record Drawings" are used by Consultant.
 - (b) Consultant shall review and respond to construction submittals and shop drawings within fourteen (14) calendar days following their receipt by Consultant;

requests for information with comments noted thereon shall be reviewed and responded to within seven (7) working days following their receipt by the Consultant.

(c) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(d) Provide the resources necessary to complete the Services in a timely manner;

(e) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(f) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Consultant to practice its profession and to provide the Services;

(g) Comply with all laws in effect that are related to Consultant and the Services;

(h) Coordinate the Services with Rick Teczon ("Project Manager"), or such other person designated as the Project Manager by City;

(i) Be available to the Project Manager, and other parties referred to Consultant by the Project Manager, to answer questions or inquiries related to the Services;

(j) Only invoice City for the Services rendered. Consultant's invoice shall be in writing and describe the Services performed for the payment requested. Consultant shall not submit an invoice to City more frequently than once a month;

(k) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Consultant and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Consultant shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Consultant shall give City 30 calendar-days' written notice prior to destroying the invoices and records, and allow City an opportunity to take possession. If City wants them, Consultant and City shall coordinate their delivery to City in the most efficient manner possible;

(l) Prepare and submit a written report to the Project Manager, with each invoice and when requested in writing by the Project Manager, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services; and,

(m) Consultant shall correct, at its own expense, all errors in the Services. Should Consultant fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Consultant.

(n) Consultant's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

5. Probable Construction Cost Estimate. The design developed, prepared, and delivered by Consultant in accordance with this Agreement is for the development and construction of the Project, the construction of which shall be awarded through competitive bidding. City shall be entitled to rely upon Contractor's work prepared, and delivered in accordance with this Agreement in order to solicit such bids. Consultant, therefore, shall prepare an engineer's opinion of probable construction cost estimate. If the lowest of three or more bids received by City for the Project varies from the engineer's opinion of probable construction cost estimate by more than 15% and is due to Consultant's failure to comply with this Agreement, including Exhibit "A", or its negligent failure to perform pursuant to industry standards for the design work involved, Consultant, if directed by City, shall redesign the project at no additional cost to City to meet the original engineer's cost estimate.

6. Compensation and Payment.

(a) The total compensation payable by City to Consultant for the Services **SHALL NOT EXCEED** the sum of \$393,400 ("not-to-exceed amount"). City shall compensate Consultant for the Services rendered at the hourly rates or task amounts set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates or task amounts are intended to be Consultant's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, travel expenses, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Consultant, its agents, and employees to provide the Services.

(b) City shall pay Consultant no later than 30 days after City receives a written invoice from Consultant and verifies the Services were performed for the payment requested.

7. Term. The term of this Agreement commences on the Effective Date and terminates upon the depletion of funds or June 30, 2026, whichever occurs first.

8. Delay Damages. Time is of the essence for this Agreement. Upon receipt of a written notice to proceed from City, Consultant shall immediately commence work to perform the Services in accordance with the schedule in Exhibit A.

(a) For each day that schematic design, design development, and/or construction documents, collectively, the "Design Phase Services," is not completed by the deadline set forth in Exhibit A or the termination date of this Agreement, whichever is earlier, damage will be sustained by City.

(b) For each day the Design Phase Services are delayed due to circumstances within Consultant's reasonable control, City may reduce Consultant fees owed pursuant to this Agreement in an amount equal to 1% of the not-to-exceed amount set at Section 6 ("Delay Damages").

(c) City may reduce any and all payments due Consultant under this Agreement by an amount equal to the Delay Damages and Consultant shall be required to reimburse City for any assessed Delay Damages not recovered by withholdings against payments due Consultant.

(d) The City Engineer is authorized to assess Delay Damages pursuant to this Agreement on behalf of the City.

(e) Notwithstanding the foregoing, Consultant shall not be responsible for delays due to causes beyond its reasonable control so long as it advises City at the earliest opportunity to allow City an opportunity to respond to the delay.

9. Termination by City. City may terminate any portion or all of the Services by giving Consultant at least 30 calendar-days written notice. Upon receipt of a termination notice, Consultant shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Consultant in accordance with Section 6.

10. Ownership of Documents. All drawings, designs, data, photographs, reports and any and every other types of items prepared or obtained by Consultant in the performance of the Services under this Agreement shall be the property of the City and Consultant shall deliver them to City upon demand. The Consultant shall assume no responsibility for the unintended use by others of any such documents, information, or materials on project(s) which are not related to the scope of the Services described under this Agreement.

11. Copyright and Right of Use. All items created by Consultant for City under this Agreement are works made for hire, and Consultant shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Consultant agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Consultant to City and Consultant obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

12. Confidentiality. Consultant shall not disclose any confidential or proprietary information received from City to anyone except Consultant's employees who require access to the information to perform the Services. This obligation shall survive

termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

13. Indemnity and Defense.

(a) Definitions. When used in this “Indemnity and Defense” section, these terms have the following meaning:

(1) “City,” means the City, its elected officials, officers, directors, employees, agents, or designated volunteers.

(2) “Design Professional,” means licensed architects, licensed landscape architects, registered professional engineers, professional land surveyors and the business entities which offer such services in accordance with the provisions of the California Business and Professions Code listed at California Civil Code, section 2782.8, upon which Consultant relies to meet the obligations of, or perform work pursuant to, this Agreement.

(3) “Non-Design Professional,” means any person or entity upon which Consultant relies to meet the obligations of, or perform work pursuant to, this Agreement who or which is not a Design Professional.

(4) “Loss,” or “Losses,” mean all claim for or actual loss, liability, damage, cost, and expense including but not limited to reasonable attorney, consultant and expert fees, and court costs arising out of or in connection with Consultant’s obligation or work to perform this Agreement including the City’s active or passive negligence, except for such Loss arising from the sole negligence or willful misconduct of the City.

(b) Non-Design Professional Services. Consultant shall defend, indemnify, and hold harmless the City from and against any alleged Loss arising out of, pertaining to, or relating to, the services of any Non-Design Professional.

(c) Design Professional Services. For an alleged Loss that solely arises out of, pertains to, or relates to, the services of a Design Professional, Consultant shall defend and indemnify the City solely for such Losses due to the negligence, recklessness, or willful misconduct of the Design Professional(s) as allowed by application of California law, including California Civil Code, section 2782.8, as written on the effective date of this Agreement and according to applicable judicial interpretations.

(d) Mixed Services. If an alleged Loss arises out of, pertains to, or relates to both the services of a Design Professional and a Non-Design Professional, Consultant shall defend City against the claimed Loss and shall indemnify and hold harmless City from all Losses alleged against the Non-Design Professional combined with any Losses allegedly due to the negligence, recklessness, or willful misconduct of any Design Professional.

14. Insurance. Consultant shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Consultant shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

15. Acceptance of Final Payment. Consultant's acceptance of final payment will release City from any-and-all claims and liabilities for compensation under this Agreement.

16. Acceptance of Work. City's acceptance of, or payment to Consultant for, the Services does not release Consultant from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Consultant's responsibility or liability by City for any defect or error in the Services.

17. Conflict of Interest. Consultant represents that no City employee or official has a financial interest in Consultant. Consultant shall not offer, encourage, or accept any financial interest in any part of Consultant's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Consultant represents that it has not performed any work for that private party during the 12 month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

18. Economic Disclosure. Consultant shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Consultants' financial interest. While it is Consultant's sole responsibility to evaluate its conflicts of interest, the Consultant nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

19. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other consultants to provide, services that are the same or similar to the Services described in this Agreement.

20. No Assignment. Consultant shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Consultant constitutes an assignment.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Consultant must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

23. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

24. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: City Engineer
 CC: Project Manager
 City Administration Building
 City of Livermore
 1052 S. Livermore Avenue
 Livermore, California 94550

TO CONSULTANT: Attention: Steve Wynn, AIA, LEED AP
 Barry & Wynn Architects, Inc.
 379 Hartz Avenue
 Danville, CA 94526

25. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

26. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

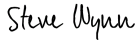
27. Counterparts. This Agreement may be executed in counterpart by delivering a facsimile or secure electronic copy of the signed agreement to the other party, followed by delivery of the original documents bearing the original signatures. However, failure to deliver the original documents does not affect the enforceability of this Agreement.

28. Governing Law. This Agreement is governed by California law. Consultant consents to the exclusive jurisdiction and venue of the state and federal courts of Alameda County, California.

Signatures and Attachment List on the Next Page

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONSULTANT:

DocuSigned by:

13BF7A94D5440A
By: Steve Wynn
Title: Principal

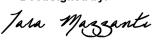
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6/7/2023 | 10:35 AM PDT

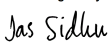
CITY OF LIVERMORE:

Marianna Marysheva
City Manager

Dated:**APPROVED AS TO FORM:**

DocuSigned by:

245EBB35F34C457
Assistant/City Attorney

APPROVED AS TO FORM:

DocuSigned by:

492B39AA373F4CA
Risk Manager/Analyst

Attachments:

- Exhibit A – Scope of Work
- Exhibit B – Insurance Requirements

EXHIBIT “A”
(Scope of Work)

Consultant shall assist the City with the WRP Occupied Building Repairs – Administration project (CIP 2023-22) by providing design and construction support services for building improvements related to the following:

- Phase 2: Improvements to the Administration Building.

During design development, plant staff reviews, and the results of a campus-wide Certified Accessibility Specialist (CAsp) inspection, the following design services were identified:

- CAsp inspection, report, and peer Review.
- Associated accessibility improvements to the exterior areas of the building.
- Coordination and allocation for future electric vehicle charging stations.
- Technology/low voltage integration.
- Building feature upgrades related to lighting, quiet room, and plumbing fixtures.
- Related services for project management, bidding support, commissioning, and support services during construction.
- Bid support and engineering support during construction.

A detailed description of the Scope of Work, Compensation, and Schedule follows.

SCOPE OF WORK:

Consultant shall provide all necessary labor, materials, equipment, and supplies to perform the Scope of Work. In general, the work involves performing the following:

- Perform one site visit for existing conditions assessment, code analysis, and aid in designing construction details.
- Conduct two (2) meetings with City for each phase:
 - 60% Design review meeting.
 - 90% Design review meeting.
- Provide construction drawings showing demolition, new construction, and all other drawings and details as needed for building permits and construction.
- Provide technical specifications.
- Provide construction documents at 60%, 90%, and Final Set with revised cost estimate.
- Provide commissioning services through the selected consultant team.
- Provide bidding support.
- Provide construction services and contract administration support during construction.
- Incorporate accessibility and fire/life/safety requirements into the building design as required.

- Prepare a Parksmart scorecard. Design should attempt to meet LEED Silver certification qualification if it is feasible per the project's CIP budget, and include all CAL Green mandatory requirements adopted by the City.

Following are additional details regarding the Scope of Work:

Phase 2 – Admin Building – Design Services

- **Architectural**

Design the following proposed improvements:

- Lobby Security Improvements – Includes new “storefront” glass and wall partition within the existing lobby, separating public from employee space. Service counter (assume laminate) with windows. Include two (2) benches. Partition walls to 8 feet, open above. Replace entry exterior storefront doors and adjacent windows. No change to the flooring or open ceiling.
- Secure Access – Electronic latches at entry doors (indicated on plans per recent coordination with the WRP representatives). Remotely actuated at lobby entry, and new entry bollard intercom with security card reader.
- Reception – All new workstations, counter/partition, and file storage. Allow for three (3) workstations. Existing hard lid ceiling and flooring to remain.
- Replace T-bar ceilings – Replace all existing T-bar ceilings with new ACT system, as indicated on the reflected ceiling plan. Existing gypsum board and wood ceilings to remain.
- Remodel break room kitchen – Assume all new counter, cabinets, and appliances to comply with ADA. Currently, no part of the break room kitchen meets accessibility requirements.
- Replace partition divider at multiuse break room – New sound-insulated folding panel system to replace the existing unit between rooms #111 and #117 and include new accessible door at the panel divider.
- Replace high-use storefronts – Replace exterior storefront doors as indicated on plans and elevations, and adjacent windows where indicated.
- Remove all wallpaper and paint all interior walls – Smooth wall finish.
- Replace vinyl tile flooring – At toilet rooms, upstairs operations control room and closet, lunchroom and conference room, lunchroom closet, kitchen and adjacent hall. Replace with soft tile, retail-style vinyl floor (LVT).
- Repair roof/balcony leak into the mechanical room from landing above – Currently, water leaks into the mechanical room due to the landing above separating from the adjacent wall. Refer to WRP Staff for a detailed plan to implement the repairs.
- Replace pipe handrails at exterior stairs – Existing pipe handrails do not comply with accessibility requirements due to their location relative to the CMU block wall on which they are mounted. Assume powder coat pipe handrails to match existing, mounted to the side of CMU block wall (not top) to comply with accessibility requirements. There are two (2) stairs with a total of four (4) handrails.
- ADA Accessibility Improvements per CASp Report - Architect / Design Team will coordinate with CASp Consultant for Project Requirements; Inspection(s); and Peer Review. Revise, modify, or add accessibility details and dimensions as required in

coordination with CASp consultant. Barrier removal alterations at restrooms, locker room shower, kitchen, exterior walkways, accessible parking stalls, and door assist system. Coordinate with City to determine which items listed in the original CASp report are not required to be replaced based on occupancy classification and code exceptions.

- Commissioning (Cx) – The Architect/Design Team will coordinate Project Requirements with City and Commissioning Agent, including integrating commissioning requirements into the overall bid package, and into the project Specifications.
- Low Voltage and Technology Data Improvements – Data and A/V improvements. CAT6 cable replacement (main and upper levels). The Architect will coordinate Project Requirements with City and Technology Consultant, including integrating low-voltage drawings into the overall bid package, and into the project Specifications.
- Interior Finishes / Casework - Provide casework scope at the Large Conference Room 117, to provide storage and accommodate audiovisual equipment. Include interior design; finishes; and specifications. Provide a new conference table in Room #117.
- Portion of Existing terrazzo flooring to be replaced - Repair portions of the existing terrazzo floor located along the main hallway corner adjacent to the individual offices.
- Future EV Charging Station at Staff Parking - Coordination and design to define a location for future EV charging stations and associated electrical improvements.
- New 'Quiet Room' – Design and coordinate with City for a preferred location to have a new 'quiet room' including electrical, mechanical, and finish upgrades.
- Replacement of all plumbing and light fixtures – All fixtures beyond accessibility fixture replacements are to be also included in the scope (interior & exterior).

- **Mechanical/Plumbing**

Design the following proposed improvements:

- Remove the existing chiller, boiler, pumps, and all associated hydronic piping, accessories, and controls. Also, remove existing fan coil units and variable air volume boxes, to be replaced by Variable Refrigerant Flow (VRF) fan coil units powered by new, exterior 28-ton VRF system heat pumps. Replace all ductwork with the new system.
- Provide a new domestic hot water heater with a circulating pump for the kitchen.
- Plumbing fixture alterations and improvements at restrooms and locker room shower located on the upper level.
- Coordination with the City and design team to provide updated specifications, plans, and T24 documents under the 2022 building codes.

- **Electrical**

Design the following proposed improvements:

- Replace all interior and exterior lights with LED.
- Add power for hot water recirculating pumps.
- Add power for new door assists.
- Add receptacles for ceiling-mounted projector, motorized screen, in-floor for the new conference table, and at new cabinets in room #117. New power distribution may require a new panelboard.
- Replace existing trellis strip lights with new LED downlights at the existing trellis.

- Replace existing EM egress light fixtures and Exit light fixtures with new LED units.
- Replace lights with LED fixtures at restrooms (downstairs and upstairs).
- Replace/upgrade power receptacles located at lower and upper restrooms as a result of replacing all restroom counters per ADA requirements.
- Replace lights with LED fixtures in the mechanical room (first floor).
- Modification / add lights to the new 'quiet room' on the first level - next to the kitchen. It will require additional receptacles and coordination for new low-voltage and data systems.
- New wall receptacles and coordination for new data ports along the walls of Rooms 111 and 117.
- Modify/upgrade the computer networking and SCADA systems in the mechanical room (first level), and the second-floor operation Room 20. Provide/modify power services in these two spaces (existing panels, UPS, etc.).
- Add receptacles and lighting at the corner cabinet desk station between the office hallway and main lobby (floor area between grid D3 and D4).
- Add footcandle level calculations for the balance of the rooms inside the building and the areas immediately outside the building exiting doors and under the trellises.

Design assumptions include:

- Obtain power from existing panel sources within the building to serve the new mechanical equipment. The existing electrical service and distribution system are believed to be adequate to accommodate the electrical loads imposed. Replace all lighting and controls.
- Assumed electrical scope is based on the understanding that the building electrical distribution system, electrical service/feeder to the building, panelboards and related feeders are adequate to accommodate the existing and new loads involved. The City will provide either: twelve (12) months PG & E statements showing building-specific power consumption with peak load information, or a thirty (30) day power load monitoring data.

- **Civil**

Design the following proposed improvements:

- Provide Design Level Topographic Survey.
- Provide office and fieldwork services in order to prepare a Design Level Topographic Survey of a portion of the City of Livermore WRP Site.
 - It will include areas as indicated by the Architect during internal coordination.
 - This is an ADA design-level survey.
 - Elevations will be taken about every 5 feet in the areas outlined by the Architect.
 - Orientation and Elevations will be on the same datum as the CAD background file(s) shared by the Architect.
- Provide Grading Design.
 - Grading and Drainage Plan, Erosion Control Plan, Best Management Practices Plan, and calculation for City C.3 Storm Drain requirements for Building Plan Submittal.
 - Grading Plan will be based on the Topographic Survey, Site Plan, and Building Floor Plan.

- **Structural**

Design the following proposed improvements:

- Provide additional structural input – including structural details if necessary – relating to the installation of a hanging partition between rooms 111 & 117.
- Provide structural input, if necessary, on the lobby security improvements.
- Provide structural input on the HVAC system upgrade including support/bracing of several ceiling-mounted HVAC units, anchorage of one exterior HVAC unit (no ductwork), and new exterior concrete pad.
- Provide a typical detail(s) for the repair/replacement of the exterior wood trellises.
- Provide a typical detail(s) for the mitigation of water infiltration at the exterior operations room balcony.
- Perform a site visit to the existing Administration Building (if needed).
- Attend up to three (3) additional meetings including one with the Project Team, and two review meetings with the City after review of the 60% and 90% submittals.
- Prepare Construction Documents including typical details and notes in accordance with the 2022 CBC. Structural Specifications for Division 3 and 6.
- Prepare Structural Calculations for the project prepared in accordance with 2022 CBC for submittal at the 90% completion level.
- Respond to comments from the City Building Department as required to resolve questions regarding the structural design aspects of the project.

- **Actions, Deliverables, and Milestones**

- 60% Construction Documents (coordination set)
 - Project survey and verify existing conditions including base building architectural, electrical, mechanical, plumbing, and structural.
 - Coordinate design with systems by project team design consultants.
 - Coordination design with manufacturer representative(s), if required.
 - Construction specifications table of contents, identifying CSI sections to be included.
 - Preliminary 60% CD Set meeting review with City.
 - 60% Cost Estimate.
- 90% Construction Documents (Final Review Set)
 - Complete coordination of design by team design consultants.
 - Provide construction drawings including details.
 - Provide calculations as needed.
 - Provide complete technical specification manual with CSI format.
 - Coordination with Cost Estimator on Final Set.
 - Design Review 90% CD Set Meeting with City.
 - Submit 90% Cost Estimate Report to the City.
- 100% Construction Documents (Permit Set)
 - All items included with the 90% C Set above, plus the final cost estimate report.
 - Prepare submittal to permit authorities.
 - Revise as required based on plan check comments by the City.
 - Attend back-check meetings as required to obtain necessary governmental approvals.
 - Upon approval, issue a construction document for permit and construction.

- Provide required Title 24 documentation.
- Develop a listing of potential submittals, specialty inspections, testing requirements, contractor warranties other than the standard one-year, special contractor qualifications, required spare parts, items requiring O&M manuals, and potential training requirements. This listing will be a reference to be utilized during the Construction Phase.

Phase 2 – Admin Building – CASp Peer Review, Survey, & Report

Provide Peer Review of project drawings and documents for compliance with accessibility requirements. For RO Building only, at completion of Construction Phase, provide CASp inspection survey for compliance with accessibility requirements. Coordinate with City and Architect for deficiencies that require barrier removal.

- Provide Peer Review of the project drawings and documents for compliance with accessibility requirements, including all building and site improvements adjacent to the Administration Building.
- Provide CASp accessibility inspection review and certification services.
- On-site accessibility inspections with reports.
- Other ADA and accessibility project-related services as requested by the Architect.

Phase 2 – Admin Building – Low Voltage Technology Integration

The scope of work includes Technology Low Voltage systems design services for IT/Data, Security and Audiovisual systems on designated areas of level and two. Scope and project assumptions are based on the architectural drawings, PDF markup drawings from the IT department, and related project information shared via email in July 2020 and September 2022.

Design the following proposed improvements:

- Provide design and engineering for electronic security access control up to 5 doors, to tie into the existing AC system.
- Provide audio-visual design solution for Room 117 and adjacent space to include a new conference room table infrastructure and TV connections in Room 117. Provide design and specifications for AV surface-mounted busway cable connection to the conference table in Room 117. As part of the audiovisual design, include:
 - Add a motorized drop screen in Room 117.
 - Add a ceiling-mounted projector in Room 117.
 - Add four ceiling-mounted speakers to serve both rooms 117 and 111.
 - Provide (3) new data outlets in the room #117 where new wall power/data/HDMI ports will be provided for flexibility and expansion from the new conference room.
- Add new data ports and security cameras at the reception / secured area and outside the main entry.
- Add new wireless access points for full first-floor coverage.

- Provide product cutsheets and CSI Division 27 and 28 specifications to match the project scope of work.
- Include (5) five MS Teams videoconferencing meetings with the project IT stakeholders to review project progress at 25%, 50% and 90% completion.
- Provide data wall ports on the east side of the multi-purpose room.
- Replace network cabling at the Administration Building from CAT5 to CAT6. CAT6 improvements include first-floor, and second-floor operation center.
- Provide new data outlets and access to Wi-Fi in the 'Quiet Room'.
- Provide SCADA network upgrades at the second-floor operation Room 201 to include data outlets/connections.
- Provide data outlets at corner cabinet desk station between office hallway and main lobby.
- Provide at the front main entrance a pedestal with a card reader and intercom to match the RO Building.
- Provide Wi-Fi coverage at rooms 108 through 116, and the main lobby.
- Provide glass break sensors to all exterior windows on the ground level.
- Provide CCTV surveillance cameras and access control system.

Design assumptions and exclusions include:

- No low-voltage design or coordination requirements on the second floor.
- Shop level drawings, line voltage calculations, and conduit schedule for permitting to be provided by the selected paging integrator/vendor/manufacture. Consultant will not provide overhead paging shop-level drawings, calculations, or conduit schedules.
- Active equipment design and coordination are excluded.
- The project includes a single bid package. Multiple bid package documentation such as Foundation/Underground Package, Pre-purchase Specifications, early structural or steel packages, or separate permit packages are not included.
- Work resulting from significant changes in project requirements after acceptance of the preliminary design is not included.
- The City will retain the services of an acoustic consultant if specific noise levels or acoustic criteria need to be achieved.
- Observation of the construction is limited to that defined in the construction administration services described above.
- Preparation of extensive additive or deductive alternate designs for comparative bidding purposes not included.
- A linear approach to the design is assumed. Redesign required due to a construction cost guarantee by the prime design professional or for other reasons that are not the fault of the Consultant is not included.
- Services are limited to those items noted above. Consultation on special problems, feasibility studies, reports and appraisals are not included.

- Collection and compilation of data pertaining to utilities required for equipment furnished by the City or others will be provided to Consultant indicating MEP/LV criteria keyed to floor plans.
- Services are based upon the anticipated construction schedule noted previously. Prolonged support services for construction if initial construction time schedule is exceeded by more than twenty-five percent (25%) through no fault of the Consultant would result in a request of additional funding.
- Low-voltage design does not include design and specification of active network equipment or RF-heatmaps design for wireless access point layout for Wi-Fi (this is to be provided by the City or wireless integrator). Low-Voltage design does not include DAS for cellular or ERRS DAS (emergency responders radio system) Distributed Antenna System.

Phase 2 – Admin Building – Commissioning Services

Consultants commissioning agent, Glumac, will act as the Commissioning Authority (CxA) and will oversee and participate in the commissioning process to assist in ensuring that the building's commissioned systems are complete, fully functional, and perform in accordance with the project requirements and design intent. The commissioning approach will be based on the LEED v4 Reference Guide, the California Energy Code, the California Green Building Code, the Federal General Services Administration Model Commissioning Plan and Guide Specification (Version 2.05) and the ASHRAE document, The HVAC Commissioning Process, ASHRAE Guideline 0-2005, as well as Glumac Commissioning Best Practices.

• Building Commissioning and Verification

Glumac will coordinate, lead, review, and oversee the completion of the following commissioning process activities:

- Owner's Project Requirements Documentation – The Owner's Project Requirements (OPR) documents the functional requirements of a project and expectations of the building use and operation as it relates to systems being commissioned. The City of Livermore is the "Owner." The document describes the physical and functional building characteristics desired by the Owner and establishes performance and acceptance criteria. The OPR is most effective when developed during pre-design and used to develop the Basis of Design during the design process. The level of detail and complexity of the OPR will vary according to building use, type and systems. The Owner will document their OPR and both the Owner and the design team will make updates to these documents during design and construction. There is no required format for the OPR but the document should include the following sections:
 - Project program
 - Environmental and sustainability goals
 - Energy efficiency goals
 - Indoor environmental quality requirements
 - Equipment and system expectations
 - Exterior enclosure requirements

To facilitate the OPR development, Glumac will provide support to the Owner by providing a template or a sample OPR and ensure that the OPR satisfies LEED requirements.

- Basis of Design Documentation – The Basis of Design (BOD) describes the building systems to be commissioned and outlines design assumptions not indicated in the design documents. The design team develops the BOD to describe how the building systems design meets the OPR and why the systems were selected. As the CxA, Glumac shall review the BOD for clarity and completeness and ensure that the BOD satisfies the OPR and meets the LEED requirements. The BOD is most effective when developed early in the project design and updated as necessary throughout the design process. At a minimum, the BOD shall include the following sections:
 - HVAC systems and controls
 - Indoor lighting system
 - Water heating system
 - Exterior Enclosure Systems
 - Renewable energy systems (if any)
 - Landscape irrigation systems
 - Water reuse systems (if any)
 - Building occupant and Operation and Maintenance (O&M) personnel expectations
 - Governing Codes and Standards

As the CxA, Glumac shall review the BOD for clarity and completeness and verify that the BOD satisfies the OPR and meets the Title 24 requirements.

- Commissioning Review of Construction Documents and Back-Check – Glumac will provide a focused “commissioning review” of the design construction documents. A commissioning review is intended to provide a detailed review of design drawings and specifications with a focus on the coordination of the commissioned systems and adequacy of the design for achieving the OPR and BOD requirements. Glumac will also back-check the review comments in the subsequent design submission.
- Commissioning Measures / Specifications – Commissioning measures that are to be included in the construction documents, plans and specifications requires the outline of commissioning requirements, documentation, and responsibilities. Glumac will develop and incorporate commissioning specification requirements into the construction documents specifications.
- The Commissioning Plan – The Commissioning Plan (Cx Plan) establishes the commissioning process guidelines for the project and commissioning team’s level of effort by identifying the required commissioning activities to verify that the OPR and BOD are met. The Cx Plan also includes a commissioning schedule from design to occupancy. Glumac will develop and utilize a Cx Plan that will be updated and used throughout the commissioning process. The Cx Plan shall include at a minimum:
 - General project information
 - Commissioning goals
 - Systems to be commissioned
 - Commissioning team information
 - Commissioning process activities, schedules, and responsibilities
- Review of Contractor Submittal – Glumac will review the contractor submittals relative to the systems being commissioned for compliance with the OPR and BOD documents. This review needs to occur in parallel with the design team review process to ensure that our comments are considered prior to approval.
- Commissioning Process Administration – To ensure that the equipment and systems are installed and operating correctly and satisfy the OPR and BOD, Glumac will:

- Conduct a Commissioning Kickoff Meeting early on with the Design Team where Glumac will review the Commissioning Process and the roles and responsibilities of the team members. An additional Commissioning Kickoff meeting will be conducted at the start of the construction phase of the project to review the Commissioning Process with the Construction Team.
- Review the contractor submittals relative to the systems being commissioned to become familiar with the equipment and systems on the project.
- Develop and utilize a Commissioning Issues and Benefits Log to be used throughout the commissioning process.
- Glumac will collaborate with the construction team to develop Pre-functional Checklists for the equipment outlined in the Cx Plan. The checklists will be used to verify that the equipment is onsite, properly installed and ready for startup.
- Conduct Commissioning Meetings with the Design and Construction Teams as necessary throughout the duration of the project to review progress to date, any commissioning issues, documentation, and reporting. Based on the current schedule, up to (10) meetings via teleconference and (6) meetings in person are included.
- Conduct Commissioning Site Observations at key phases of the project as deemed necessary by the CxA. Construction progress and installation will be reviewed, and a Site Observation Report submitted after each visit. Based on the current schedule, up to (4) site observations are anticipated to be scheduled in conjunction with onsite meetings.
- Functional Testing – Functional Performance Tests (FPT) demonstrate the correct installation and operation of each component, system and system to system interface.
 - Glumac will develop the FPT Procedures for the equipment and systems to be commissioned as outlined in the Cx Plan. These test procedures will provide direction and clear order to the testing process as well as define system pass/fail criteria.
 - The FPT's will be carried out by the installing contractors with Glumac and the City witnessing and Glumac documenting the results.
 - Glumac will evaluate the Functional Test Results to ensure that the commissioned systems are functioning in accordance with the OPR and BOD.
- Commissioning Report – The Commissioning Report (Cx Report) documents the commissioning process and test results. At a minimum, the Cx Report will include:
 - An Executive Summary with results of the Commissioning Process including observations, conclusions and any outstanding items.
 - A Commissioning Issue Log identifying deficiencies discovered during the commissioning process, how they were resolved, and any seasonal testing scheduled for a later date.
 - System performance test results including the Pre-Functional Checklists and Functional Test Results.
 - Commissioning Process Documents
 - The Final Cx Plan
 - Owner's Project Requirements
 - Basis of Design
 - Commissioning Specifications
- Verification of Training – Systems Operations Training verifies that a training program is developed and provided to the appropriate maintenance staff(s) for the equipment and systems commissioned on the project. The training requirements are specified in the

project specifications. Glumac will administer the training program by performing the following activities:

- Review the goals and objectives of each training session
- Review training agendas, topics and length of instruction
- Review instructor information and qualifications
- Review the training location
- Review attendance forms
- Review training materials
- Review how training will be archived for future use

- **Equipment and Systems to be Commissioned**

The following is the preliminary list of equipment and systems that are proposed to be commissioned under this project:

- Heating, ventilation, and air conditioning (HVAC) systems
 - Rooftop Heat Pump Systems
 - Split System Heat Pump Systems
 - General Exhaust Fans
- Associated HVAC controls / automation systems
- Lighting and daylight harvesting controls
 - Occupancy Sensors
 - Daylight Harvesting Sensors
 - Photocells
 - Switch Controls
 - Programmable Controllers
 - Controlled Receptacles
- Domestic hot water systems
- Electrical Distribution Systems
 - Panelboards
 - Dry Type Transformers
 - Grounding Systems

- **Assumptions**

- There is time available in the Pre-Construction schedule to allow for incorporation of the Commissioning Specification into the Construction Specification.
- The Owner/Architect will provide the Owners Project Requirements (OPR) and Basis of Design (BOD) documents.
- The Owner/Architect will provide the design documents (drawings and specifications).
- The Owner/Architects will provide the contractors' submittal documents, test and balancing data, and other required documents.
- Digital photography will be used in documentation and will require notification if this practice is not acceptable.
- Work will be performed during normal business hours between 7:00 AM and 6:00 PM. Alternate schedules may require an additional fee.
- Glumac agrees to put forth its professional efforts to perform its services in a manner consistent with the agreed upon schedule. However, the Client understands that Glumac's performance must be governed by sound engineering practices. Additionally,

Glumac is not responsible for delays in Client planning or construction schedules, failure of Client to furnish timely information or documents, or to approve or disapprove Glumac work promptly by reason of delay or faulty performance by Client, other contractors, or governmental agencies, or any other causes beyond Glumac's reasonable control.

- Glumac will not provide the "Acceptance Testing Forms" (Envelope, Mechanical, Plumbing, Process and Electrical). The installing contractor shall provide (complete and sign) all required "Acceptance Testing Forms" per 2016 California Title-24 Energy Code.
- One (1) retest per system is allocated for failure. Additional may result in additional time onsite and associated fees per Glumac's standard hourly rates.
- Sampling, where there are multiple pieces (25 or more) of equipment of the same type such as VAV Terminal Units, Fan Coils, Exhaust Fans, etc. 10% sample testing may be performed. Of the 10% sample, for every failed test, another will be added.
- Seasonal testing and performance evaluation of systems operations may be required due to time of year project completion.
- The equipment and systems commissioned under this scope of work is limited to those mentioned above. If additional equipment and systems are to be commissioned, additional service fees will apply.
- One Commissioning Review of the equipment Submittals is included. If multiple submittals are submitted and additional reviews are needed that result in additional review time, there may be associated fees incurred per Glumac's standard hourly rates.

Phase 2 – Admin Building – Meetings

Attend meetings identified in prior and subsequent tasks.

Phase 2 – Admin Building – Bidding Support

- Attend one (1) pre-bidding walk-through meeting, if required.
- Respond to requests for clarification and issue addenda as necessary.
- Provide analysis of bids compared to the design team's estimate.

Phase 2 – Admin Building – Support Services During Construction

- Provide support services during construction of the architectural, mechanical/plumbing, electrical, civil, structural, and low voltage technology systems.
- Issue verbal field reports on an as-needed basis to inform the City on the progress and quality of the work.
- Review and render appropriate action to contractor's submittals, such as shop drawings, product data and samples.
- Interpret the requirements of the contract documents and issue clarifications/Requests for Information (RFI's) and modifications to the Contract Documents/Bulletins.
- Upon substantial completion, inspect the premises and amend the contractor's list of items pending completion (punch list).
- Attend on-site project construction meetings during construction.
- Provide site visits at intervals appropriate to the stages of construction to make sure the progress of the project is in general accordance with the Contract Documents. These site

visits can potentially be coupled with construction meetings. Provide site visit reports accordingly.

- Assist in the review of specialty work, and/or other tasks as needed.
- Assist in establishing procedures for testing and inspections.
- Review substitution requests and provide revision acceptance recommendations.
- Provide record drawings in PDF and AutoCAD formats and specifications in PDF and Word formats using Contractor's red marks and notes as reference.

Phase 2 – Admin Building – Miscellaneous Items

- Consultant shall finalize Phase 1 closing documents for the Buildings B, C, and D.
- Consultant shall provide as-directed services to the City. Anticipated services are anticipated to include design adjustments in response to CASp design review, subsequent City design reviews, design clarifications during construction, and as-needed site visits to resolve design and construction questions. A budget allowance of \$30,000 is included. Use of this as-directed services budget allowance shall require written authorization from the City that includes scope of as-directed services and an agreed upon not-to-exceed limit.

The following subconsultants will be utilized to deliver the Scope of Work:

- **Structural Engineer**

Jeffrey A. Finn, Principal Engineer
Peoples Associates Structural Engineers
6111 Johnson Drive, Suite 100
Pleasanton, CA 94588
925-737-1600 (office)
Email: jfinn@finndesigngroup.com

- **Mechanical Engineer**

John Thompson, M.E.
Turley & Associates Mechanical Engineering Group, Inc.
2431 Capitol Avenue
Sacramento, CA 95816
916-325-1065 (office)
Email: jthompson@turleymech.com

- **Electrical Engineer**

Doug Blessing
Int-Elect Engineering, Inc.
1487 Finch Lane
Gilroy, CA 95020
408-846-7171 (office)
Email: doug@int-elect.com

- **Estimator**

Jeff Saylor

Leland Saylor Associates
101 Montgomery Street, #800
San Francisco, CA 94104
415-291-3200 (office)
Email: jsaylor@saylorconsulting.com

- **Specifications Consultant**

Jennifer Joy, CSI
Jerome Orland, CSI
Orland Consulting
23679 Calabasas Road #383
Calabasas, CA 91302
858.876.2145 (office)
Email: jenniferjoy.specs@gmail.com

- **Commissioning Agent**

Chris Miller, LEED AP Building Design + Construction
GLUMAC, Inc.
900 Lafayette Street, Suite 610
Santa Clara, CA 95050
408-387-5789
Email: cmiller@glumac.com

- **Electrician**

Mauricio Mora, License #994924
M&M Electric
P.O. Box 18932
San Jose, CA 95158
408-757-2507
Email: mauricio@mm-electricinc.com

- **Low Voltage/Technology Consultant**

Louis Osuna, RCDD, Director of Technology
GLUMAC, Inc.
225 Broadway, Suite 1425
San Diego, CA 92101
619-577-4616 (office)
Email: losuna@glumac.com

- **Disability Access Consultants (DAC)**

Tim Mahoney | General Manager
800.743.7067 (office)
847.917.3958 (cell)
Email: tmahoney@dac-corp.com

- **Civil Engineer**

Alexander & Associates, Inc.
 Darryl Alexander
 147 Old Bernal Avenue
 Pleasanton, CA 94566
 925.462.2255 (office)
 Email: surveyor@trivalley.com

COMPENSATION:

City shall compensate Consultant for the services described in the Scope of Work on a time and materials basis with a not to exceed amount of **\$393,400**. A detailed breakdown of the estimated cost is included in the following table. Rate sheets are provided at the end of this exhibit.

Phase 2 – Admin Building – Design Services	
Architectural Fees	\$ 60,000
Mechanical/Plumbing Engineering Fees	\$ 24,600
Electrical Engineering Fees	\$ 28,000
Civil Engineering Fees	\$ 9,500
Structural Engineering Fees	\$ 16,000
Technical Specifications Fees	\$ 9,600
Cost Estimator Fees	\$ 19,700
Electrician Fees (30-day load recordings)	\$ 6,000
Subtotal	\$ 173,400
Phase 2 – Admin Building – CASp Peer Review, Survey, & Report	
Architectural Fees	\$ 4,600
CASp Consultant Fees	
Peer Review, On-Site Inspection (not-to-exceed)	\$ 7,200
As-Directed Consultations (not-to-exceed)	\$ 2,000
Subtotal	\$ 13,800
Phase 2 – Admin Building – Low Voltage/Technology Integration	
Architectural Fees (included added Casework)	\$ 4,600
Technology Consultant Design Fees	\$ 31,000
Subtotal	\$ 35,600
Phase 2 – Admin Building – Commissioning Services	
Architectural Fees	\$ 8,500
Mechanical Engineering Fees	\$ 7,200
Electrical Engineering Fees	\$ 2,500
Commissioning Agent Fees	\$ 27,600
Subtotal	\$ 45,800

Phase 2 – Admin Building – Meetings	
Architectural Fees	\$ 3,000
Structural Engineering Fees	\$ 2,000
Mechanical Engineering Fees	\$ 2,400
Electrical Engineering Fees	\$ 4,400
Cost Estimator Fees	\$ 2,100
Subtotal	\$ 13,900
Phase 2 – Admin Building – Bidding Support	
Architectural Fees	\$ 10,500
Structural Engineering Fees	\$ 2,500
Mechanical/Plumbing Engineering Fees	\$ 2,500
Electrical Engineering Fees	\$ 3,000
Technology Low Voltage Fees	\$ 1,500
Civil Engineering Fees	\$ 1,000
Subtotal	\$ 21,000
Phase 2 – Admin Building – Support Services during Construction	
Architectural Fees	\$ 25,400
Structural Engineering Fees	\$ 6,000
Mechanical/Plumbing Engineering Fees	\$ 9,000
Electrical Engineering Fees	\$ 6,500
Technology Low Voltage Fees	\$ 4,000
Subtotal	\$ 50,900
Phase 2 – Admin Building – Miscellaneous Items	
Closing Documents (RO, Lab, Water)	\$ 6,500
Allowance for Reimbursable Expenses	\$ 2,500
Allowance for As-Directed Services	\$ 30,000
Subtotal	\$ 39,000
Grand Total Phase 2 – Administration Building – Scope of Work	\$ 393,400

SCHEDULE:

Consultant shall commence with the Scope of Work upon execution of the agreement and will provide the services described in the Scope of Work for the duration of the project or June 30, 2026, whichever occurs first.



HOURLY RATES, COST, AND BILLING POLICY

1. Hourly Rates and Costs

Compensation of B & W shall be based upon the current hourly rates and expenses in effect when the services are performed. The current hourly rates and expenses are subject to revision on January 1, 2024, and annually thereafter. They are currently as follows:

A. Professional Personnel

Principal – Blair Barry	\$ 260 per hour
Principal – Steve Wynn	\$ 260 per hour
Senior Project Manager	\$ 185 per hour
Job Captain	\$ 150 per hour
CAD Designer & Drafter	\$ 140 per hour
Rendering & Graphic Arts	\$ 125 per hour
CAD Technician	\$ 100 per hour
Administrative	\$ 100 per hour

B. Reimbursable Expenses

Outside Consultants	At cost
Other necessary project related expenses	Cost plus 15%
Prints (In-house)	\$1.00 per sf
Prints (Outside service)	Cost plus 15%
Travel and Mileage	\$0.58 per mile



STANDARD RATE SCHEDULE

Engineering Services

Principal.....	\$ 250.00	per hour
Associate	\$ 220.00	per hour
Senior Project Manager	\$ 210.00	per hour
Senior Structural Engineer	\$ 210.00	per hour
Project Manager 3	\$ 200.00	per hour
Project Manager 2	\$ 190.00	per hour
Project Manager 1	\$ 180.00	per hour
Senior Project Engineer 3.....	\$ 200.00	per hour
Senior Project Engineer 2.....	\$ 190.00	per hour
Senior Project Engineer 1.....	\$ 180.00	per hour
Project Engineer 3	\$ 170.00	per hour
Project Engineer 2	\$ 160.00	per hour
Project Engineer 1	\$ 150.00	per hour
Assistant Engineer 3.....	\$ 145.00	per hour
Assistant Engineer 2.....	\$ 140.00	per hour
Assistant Engineer 1.....	\$ 135.00	per hour
Engineering Technician.....	\$ 110.00	per hour

BIM Technical Services (Revit + CAD)

Senior BIM Technical Manager	\$ 190.00	per hour
BIM Technical Manager.....	\$ 180.00	per hour
Senior Quality Technician.....	\$ 175.00	per hour
Senior BIM Technician 2	\$ 165.00	per hour
Senior BIM Technician 1	\$ 155.00	per hour
BIM Technician 3.....	\$ 140.00	per hour
BIM Technician 2.....	\$ 130.00	per hour
BIM Technician 1.....	\$ 120.00	per hour

Other Services

Sub-Consultants, Special Equipment, Reproductions, Materials, and Other Outside Charges	AT COST + 15%	
Court Appearances/Depositions (4 hours minimum)	\$ 350.00	per hour
Vehicle Transportation.....	\$ 0.62	per mile

Our standard limit for professional liability insurance is \$3 million. Clients requiring a \$5 million limit will be assessed a fee equal to 5% of our total for design services.

Unless specified by separate contract, a late payment charge (computed at the annual rate of 5% above the Federal Discount Rate) will be charged to any invoice balance commencing 30 days after the date of issue.

Effective January 1, 2023

Subject To Revision



John C. Turley, M.E.
 Founder
 Brian J. Provencal, M.E.
 President
 Nirav Shah, M.E.
 Vice President
 John W. Thompson, M.E.
 Principal
 Tim Flagg, M.E.
 Associate

E. Compensation:

1. Basic Services: Compensation for basic services outlined above shall be a flat fee as described below.

	Original Fee	Original Add Services Fee	Final Revised Fee
Construction Document Phase			
Phase 2 – Administration Building	\$16,700.00		\$20,400.00
Meetings – Phase 2	\$2,400.00		\$2,400.00
Bidding – Phase 2	\$2,000.00		\$2,000.00
Construction Support – Phase 2	\$7,700.00		\$8,900.00
Add Services – 2022 Codes*		\$1,600.00	\$1,600.00
Add Services – Plumbing Amendment**		\$2,600.00	\$2,600.00
	\$28,800.00	\$4,200.00	\$37,900.00

* Fee Proposal dated October 25, 2022

** Fee Proposal dated October 18, 2022

2. Extra Services: Compensation for authorized extra services as defined in Paragraph C shall be hourly at the rates listed below.

Principal	\$220.00
Senior Engineer	\$195.00
Senior Project Manager	\$165.00
Project Engineer	\$145.00
Designer	\$120.00
Revit Technician	\$110.00
CAD Operator	\$85.00
Clerical	\$75.00

2431 Capitol Avenue
 Sacramento, CA 95816
 916.325.1065
 916.325.1075 fax
 office@turleymech.com
 www.turleymech.com

Int•Elect Engineering Incorporated

Effective 01-01-2023

HOURLY RATE SCHEDULE - 2023

<u>STAFF CATEGORY :</u>	<u>BILLING RATES :</u>
Principal Engineer	\$232.00 per hour (\$58.00 per 15 minute interval)
Project Manager	\$200.00 per hour (\$50.00 per 15 minute interval)
Project Engineer	\$172.00 per hour (\$43.00 per 15 minute interval)
Senior CAD Technician	\$120.00 per hour (\$30.00 per 15 minute interval)
CAD Technician	\$108.00 per hour (\$27.00 per 15 minute interval)
Clerical	\$64.00 per hour (\$16.00 per 15 minute interval)

The rates and charges shown on this page are effective January 1, 2023, and are subject to occasional adjustments. Time is charged by the hour and quarter hour units are the smallest billing units.

Reimbursable Expenses shall be charged at our cost X 115%. Reimbursable Expenses are:

Outside Printing / Reproduction / Shipping Charges / Courier & Delivery Charges.
 Attorney's Fees / Special Fees / Permits / Additional Insurance, etc.
 Long Distance Telephone Calls / Telegrams.
 Travel Costs: Air fare, auto rental, lodging, meals, mileage, etc. beyond 100 miles from I•E offices.
 Note; auto travel mileage (when applicable) will be billed at the rate of 60 cents per mile without additional mark-up.

In-House Printing / Plotting / Reproduction Charges for work performed by I•E :

Original plot (up to 24" x 36") = \$5.00 each.
 Large format copies (up to 24" x 36") = \$5.00 each sheet.
 Deliveries made by our staff on behalf of the project within a 50 mile radius from San Jose: \$100.00 each.

In the absence of specific written arrangements to the contrary, periodic bills will be submitted for work done. Bills are due upon receipt. Accounts not paid within 30 (thirty) days after the original invoice date, will be charged 1.5% per month late payment service charge.

1487 Finch Lane
 Gilroy, California 95020
 Ph (408)846-7171
 Fax (408) 846-7174

City of Livermore Water Reclamation Division Phase II – Admin. Bldg –

STANDARD HOURLY BILLING RATES

CLASSIFICATION	RATE/HR	CLASSIFICATION	RATE/HR
ENGINEERING DESIGN		SUSTAINABILITY CONSULTING	
Vice President	\$250 - \$350	Energy & Sustainability	\$150 - \$235
Project Manager	\$215 - \$275	CFD Modeling	\$150 - \$250
Project Engineer	\$205 - \$250	Lighting Design	\$150 - \$235
Designer	\$150 - \$200	Technology Integration Design	\$175 - \$235
BIM	\$135 - \$200	Commissioning	\$150 - \$235
CAD	\$115 - \$150		
Construction Manager	\$175 - \$225	PROJECT ADMINISTRATION	
		Project Coordinator	\$175
		Project Administrator	\$150
		Project Assistant	\$100

Effective October 2022

**DAC Hourly Rate Sheet**

Title		Off -Site Hourly Rate	On-Site Hourly Rate
Project Manager	Barb Thorpe	170	190
Senior Director of Accessibility Services & CASp	Mike Boga	170	190
General Manager	Tim Mahoney	120	140
Director of Administrative Services	Jennie Grover	110	130
Director of Accessibility Services	Candice Pursch	100	120
Accessibility Specialists	Various		110
Information Technology Specialist, if requested	Sri Talasila	110	N/A

Expenses: Project expenses may include but not limited to; Local per diem cost for lodging and meals. Airfare, mileage (IRS rate), car rental, ride-share, and travel time.

EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products, and completed operations, as applicable:
\$3,000,000 per occurrence/**\$6,000,000** aggregate for bodily injury, personal injury, and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
\$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
Statutory limits as required by the State of California including **\$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability".
4. Professional Liability/Errors and Omissions:
\$2,000,000 per claim. Consultant/Contractor warrants that any retroactive date under this policy shall precede the effective date of this contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised for a period of two years beginning at the time work under this contract is completed.

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated volunteers are to be covered as additional insureds as respects: liability

- arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.
2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.
 3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
 4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
 6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
 7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.



CITY COUNCIL STAFF REPORT

ITEM NO. 5.3

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution clarifying a previous City Council authorization to summarily vacate a portion of the existing storm drain easement in Veterans Way, recorded May 20, 1968, reel 2184, images 414-420, and authorizing the City Manager to quitclaim the storm drain easement to unencumber the Blacksmith Square Expansion and the L Street Garage Project.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution to summarily vacate a portion of existing storm drain easement in Veterans Way, recorded May 20, 1968, reel 2184, images 414-420, and authorize the City Manager to quitclaim the storm drain easement to City of Livermore (City), a municipal corporation, and Blacksmith Square LLC.

SUMMARY

Staff proposes to vacate a storm drain easement (Easement), located on a portion of Parcel C, Parcel Map 11239, which was sold to Blacksmith Square LLC, December 22, 2022, and portions of City owned land consisting of Veterans Way (Public Right-of-Way), Parcel D of Parcel Map 11239, and Parcel 7 of Tract 8574 which are designated for the L Street Garage as depicted in Attachment 1 and described in Exhibit A to the resolution. The vacation of the Easement is necessary to implement development of the Blacksmith Square Expansion project as well as the City's L Street Garage Project. This Easement is no longer needed because the storm drain system was upgraded and relocated within Veterans Way in 2016.

On March 27, 2023, the City Council previously adopted Resolution 2023-044 which authorized the summary vacation of a portion of the storm drain easement as depicted in Exhibit A attached to the previous resolution. That resolution also directed the City Clerk to record a certified copy of the resolution and authorized the City Manager to sign on behalf of the City of Livermore the quitclaim deeds as depicted in Exhibits B and C attached to that resolution.

However, after the City Council adopted the resolution, staff attempted to record the certified copy of the

resolution and Quitclaim deeds. The County Recorder's Office rejected their own storm drain easement document that was recorded on May 20, 1968, reel 2184, images 414-420 deeming it illegible.

As a result of the rejection of the storm drain easement document by the County Recorder's Office, staff has clarified the storm drain easement document as depicted in Exhibit A, and the quitclaim deeds depicted in Exhibits B and C. Upon adoption of the clarifying resolution, staff will submit the new depiction of the storm drain easement for recordation. The clarifying resolution will not supersede resolution 2023-044. It will instead clarify that because of the rejection of the storm drain depiction by the County Recorder's Office, the Council will authorize an attempt to record the new exhibit that has been prepared which depicts the location of the storm drain easement.

Therefore, the City can summarily vacate the Storm Drain Easement and authorize execution of the quitclaim deeds releasing the Easement to the property owners, the City of Livermore, and Blacksmith Square LLC, as depicted in the exhibits to the resolution.

DISCUSSION

On April 22, 1968, Southern Pacific Company granted the City of Livermore the Easement within the original Livermore Village Shopping Center which no longer exists. The Easement stretches in an east-west direction from South L Street to South Livermore Avenue along the present-day northern boundary of the city-owned L Street Garage property, within the Veterans Way roadway right-of-way, and along the southern boundary of the privately-owned Blacksmith Square property.

The storm drain system in this area was upgraded and relocated within Veterans Way in 2016. Thus, the Easement is no longer necessary as there is no active storm drain infrastructure within the Easement. The California Streets and Highways Code Section 8333(a) allows the legislative body of a local agency to summarily vacate a public service (storm drain) easement that is not needed for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. With the storm drain line now located within the public right-of-way of Veterans Way, the City no longer requires the Easement at this location.

On November 9, 2020, the City Council adopted Ordinance No. 2106 approving a Development Agreement with Red Bear Property Management, Inc. for the Downtown Commercial Project. This agreement secured Red Bear's right to develop and use the property in accordance with the City's General Plan, Downtown Specific Plan, and Livermore Development Code for a term of 30 years. On October 24, 2022, the City Council adopted Resolution 2022-177 authorizing an amended and restated Disposition and Development Agreement (DDA) with Red Bear Property Management, Inc. for development of downtown commercial uses. Under the amended DDA, Red Bear Property Management, Inc. will develop approximately 12,835 square feet of new commercial retail space consistent with the City Council's approved Downtown Plan.

The Easement encumbers both the Blacksmith Square expansion property and the L Street Garage Parcel. The release of the Easement will enable the Blacksmith Square Expansion project to develop consistent with the Downtown Concept Plan and construction of the L Street Garage by unencumbering the properties owned by Blacksmith Square LLC and the City.

On March 27, 2023, the City Council adopted Resolution 2023-044 which authorized the summary vacation of a portion of the storm drain easement as depicted in Exhibit A attached to the previous

resolution. This resolution also directed the City Clerk to record a certified copy of the resolution. As a result of the rejection of the storm drain easement document by the County Recorder's Office, staff has clarified the easement document as depicted in Exhibit A, and the quitclaim deeds as depicted in Exhibits B and C attached to this resolution.

Upon adoption of the clarifying resolution, staff will work with the County to have the new depiction of the storm drain easement document recorded. The clarifying resolution will not supersede resolution 2023-044. It will instead clarify that because of the rejection of the storm drain depiction by the County Recorder's Office, the Council's approval of the resolution will authorize staff to record the new exhibit that has been prepared which depicts the location of the storm drain easement.

Government Code Section 65402(a) requires that if a General Plan has been adopted, no real property or easements used for public purposes shall be acquired or disposed of until the location, purpose, and extent of such acquisition or disposition has been reported upon by the planning agency (e.g. Planning Commission) as to conformity with its adopted General Plan. This includes vacation of storm drain easements needed for public purposes in whole or in part. On January 17, 2023, the Planning Commission adopted a resolution approving Consistency Determination 22-004 (CD 22-004), finding the City's vacation of a portion of existing Easement recorded May 20, 1968, consistent with Livermore's 2003-2025 General Plan.

FISCAL AND ADMINISTRATIVE IMPACTS

There is a minimal cost to the City to vacate and quitclaim the Easement. All costs related to the vacation are included in the Engineering Division Operating Budget.

COMMUNITY PILLAR

4: Inclusive and Inviting Spaces and Places

GOAL CATEGORY

3: Continue to implement the Downtown Core Plan

GUIDING DOCUMENT

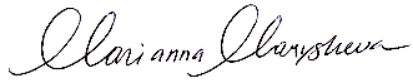
Downtown Specific Plan

ATTACHMENTS

1. Location Map
2. Resolution
3. Exhibit A - Storm Drain Easement Legal Description
4. Exhibit B - Quitclaim Deed, Blacksmith Square LLC
5. Exhibit C - Quitclaim Deed, City of Livermore

Prepared by: Mike Pato
Management Analyst II

Approved by:

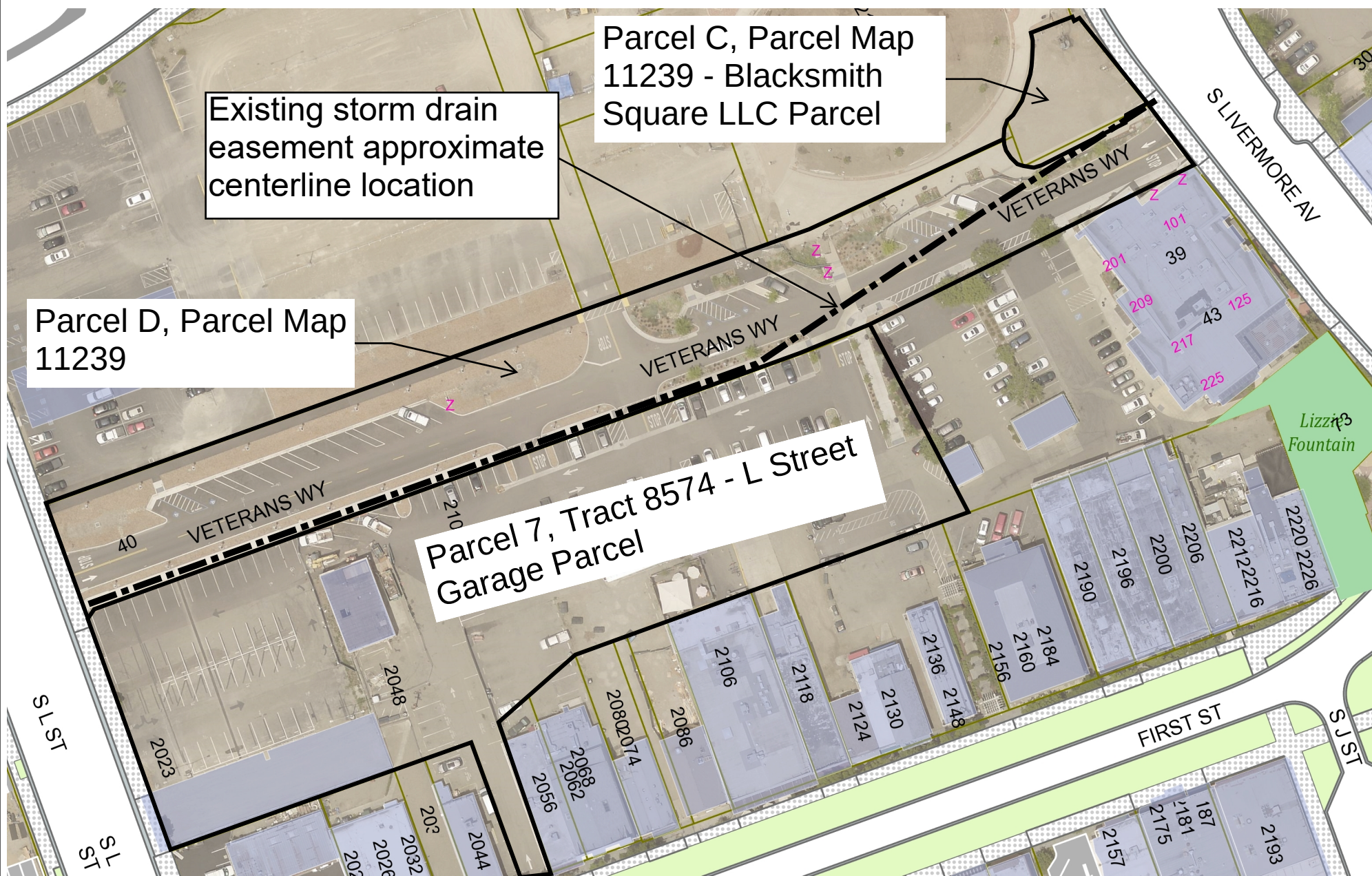


Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



166.7 0 83.33 166.7 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
Livermore IT, GIS Services

1: 1,000

This map is based on City of Livermore GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors or omissions.

Notes

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
TO:

CITY CLERK
CITY OF LIVERMORE
1052 S. LIVERMORE AVENUE
LIVERMORE, CA 94550

EXEMPT FROM FILING FEES
PURSUANT TO GOV.
CODE § 27383

Space Above This Line for Recorder's
Use Only

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION CLARIFYING PREVIOUS CITY COUNCIL AUTHORIZATION TO
SUMMARILY VACATE A PORTION OF STORM DRAIN EASEMENT RECORDED
MAY 20, 1968, REEL 2184 IMAGES 414-420 AND AUTHORIZING EXECUTION OF
QUIT CLAIM DEEDS**

The storm drain easement originally dedicated on April 22, 1968, by Southern Pacific Company, to the City of Livermore (City), granted the City the right to construct, reconstruct, maintain, and operate, a storm drain system through a portion of the Livermore Village shopping center which no longer exists and stretches in an east-west direction along present-day Veteran's Way, the northern boundary of City owned L Street Garage Property, and the southern boundary of the Blacksmith Square LLC Property, from South L Street to South Livermore Avenue. The storm drain system was upgraded and relocated within Veterans Way as part of the Brighton residential development in 2016.

With the storm drain line now located within the public right-of-way of Veterans Way, the City no longer requires the portions of the easement at this location. Vacating portions of the storm drain easement will enable the Blacksmith Square Expansion project to develop consistent with the Downtown Concept Plan and construction of the L Street Garage by unencumbering the properties owned by Blacksmith Square LLC and the City.

California Streets and Highways Code Section 8333(a) allows the legislative body of a local agency to summarily vacate a public service easement that has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

Staff recommended and the Planning Commission made a General Plan consistency finding on January 17, 2023, affirming that vacation of portions of the easement would be consistent with the General Plan Circulation Element.

On March 27, 2023, the City Council adopted Resolution 2023-044 which authorized the summary vacation of a portion of the storm drain easement as depicted in

Exhibit A, attached to the previous resolution. This resolution also directed the City Clerk to record a certified copy of the resolution and authorized the City Manager to sign on behalf of the City of Livermore, the quitclaim deeds as depicted in Exhibits B and C attached to that resolution.

After the City Council adopted the resolution, staff attempted to record the certified copy of the resolution and Quitclaim deeds. The County Recorder's Office rejected their own storm drain easement document recorded on May 20, 1968, reel 2184, images 414-420 deeming it illegible.

As a result of the rejection of the storm drain easement document by the County Recorder's Office, staff has clarified the easement document as depicted in Exhibit A, and the quitclaim deeds as depicted in Exhibits B and C attached to this resolution.

Upon adoption of this clarifying resolution, staff will attempt to have the new depiction of the storm drain easement document recorded.

This clarifying resolution will not supersede resolution 2023-044. The purpose of this resolution is to clarify that because of the rejection of the storm drain depiction by the County Recorder's Office, the City Council's approval of this resolution will authorize staff to record the new exhibit that has been prepared which depicts the location of the storm drain easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that to the extent the quitclaim of the easement to be vacated constitutes a project pursuant to the California Environmental Quality Act ("CEQA"), this action is exempt from CEQA pursuant to 14 California Code of Regulations, section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the area to be vacated is being substituted for in a manner that adequately maintains the function of the easement and consistency with City Standards.

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

1. The City Council vacates a portion of the Storm Drain Easement, as described in the legal description, attached hereto as Exhibit A, as set forth below:

County Recorder's #	Original Grantor	Description	Full or Partial Vacation	Exhibit Number
Storm Drain Easement recorded May 20, 1968, reel 2184 images 414-420	Southern Pacific Company, a corporation of the State of Delaware	Storm Drain Easement	Partial	1

A portion of the Storm Drain Easement is no longer needed at its current location because the City's storm drain system was upgraded and relocated within Veterans Way as part of the Brighton residential development in 2016 and the easement has not been used for the purpose for which it was acquired to be used for five consecutive years. (Streets

and Highways Code section 8333(a)).

2. The City Clerk is directed to file a certified copy of this resolution of vacation with associated legal description with the Alameda County Recorder's Office.

3. From and after the date this resolution is recorded, a portion of the Storm Drain Easement is vacated and no longer constitutes a Storm Drain Easement.

4. The City Manager is authorized to sign on behalf of the City of Livermore, the Quitclaim Deed, attached hereto as Exhibit B, to convey to Blacksmith Square LLC and the Quitclaim Deed, attached hereto as Exhibit C, to convey to City of Livermore, a municipal corporation, all remaining Storm Drain Easement rights are reserved with the Storm Drain Easement.

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

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

ATTEST:

APPROVED AS TO FORM:

Marie Weber
Deputy City Manager/City Clerk

/s/ Jason Alcala
Jason Alcala
City Attorney

Exhibit A – Storm Drain Easement Legal Description
Exhibit B – Quitclaim Deed, Blacksmith Square LLC
Exhibit C – Quitclaim Deed, City of Livermore

EXHIBIT A - LEGAL DESCRIPTION

VACATION OF A PORTION OF STORM DRAIN EASEMENT RECORDED MAY 20,
1968, REEL 2184 IMAGES 414-420

REAL PROPERTY SITUATED IN THE CITY OF LIVERMORE, COUNTY OF
ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

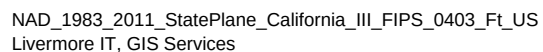
BEING ALL OF THAT PORTION OF STORM DRAIN EASEMENT RECORDED MAY
20, 1968, REEL 2184, IMAGES 414-420, OFFICIAL RECORDS THAT LIES UPON,
UNDER AND OVER A PORTION OF PARCELS C AND D OF PARCEL MAP 11239
FILED FOR RECORD MAY 24, 2022, IN BOOK 354 OF MAPS AT PAGES 95-97
UNDER RECORD SERIES 2022099411, AND PARCEL 7 OF TRACT MAP 8574
FILED FOR RECORD DECEMBER 23, 2020, IN BOOK 365 OF MAPS AT PAGES 15-
19 UNDER RECORD SERIES 2020361571.

AS FURTHER DEPICTED ON EXHIBIT B ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF.



**PORTION OF
EASEMENT TO BE
VACATED**

VETERANS W



1: 4,000

This map is based on City of Livermore GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors or omissions.

Notes

RECORDING REQUESTED BY:
AND
WHEN RECORDED MAIL TO:

City Clerk
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

The Undersigned grantor(s) declare(s):
CITY TRANSFER TAX \$0.00
DOCUMENTARY TRANSFER TAX \$ Release of easement
SURVEY MONUMENT FEE \$0.00
R&T Code 11911 Value or consideration is less than \$100
Computed on the consideration or value or property conveyed; OR computed on the consideration or value less liens or encumbrances remaining at time of sale.

SAME AS ABOVE

APN's
098-0289-25 (portion)
098-0289-27

Exempt from filing fees per Government Code Section §§ 27383 & 6103

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF LIVERMORE, a Municipal Corporation, "Grantor,"

hereby remises, releases and quitclaims to Blacksmith Square LLC, a California Limited Liability Company, ("Grantee") all right, title, and interest in and to those certain portions of a non-exclusive storm drain easement located in the City of Livermore (City), County of Alameda, State of California on the real property held by Blacksmith Square LLC and more particularly identified in Exhibit A (Legal Description). The location of the Quitclaimed Easement and the configuration of the Servient Tenement are shown on Exhibit B. This Quitclaim Deed is executed, delivered and accepted for the purpose of terminating the Quitclaimed Easement.

By recording this Quitclaim Deed, Grantee agrees to release and indemnify the Grantor from any and all liability associated with or arising out of the past, current, or future use of the Quitclaimed Easement, except to the extent caused by the sole negligence or willful misconduct of the City, its agents, or its employees.

SEE EXHIBITS "A" and "B" ATTACHED HERETO AND MADE A PART HEREOF

GRANTOR:

City of Livermore, a municipal corporation

Signature:
By: Marianna Marysheva
Its: City Manager

Date: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ____)
County of ____)

On _____ before me,
_____, Notary Public (here insert name and title of the officer),
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

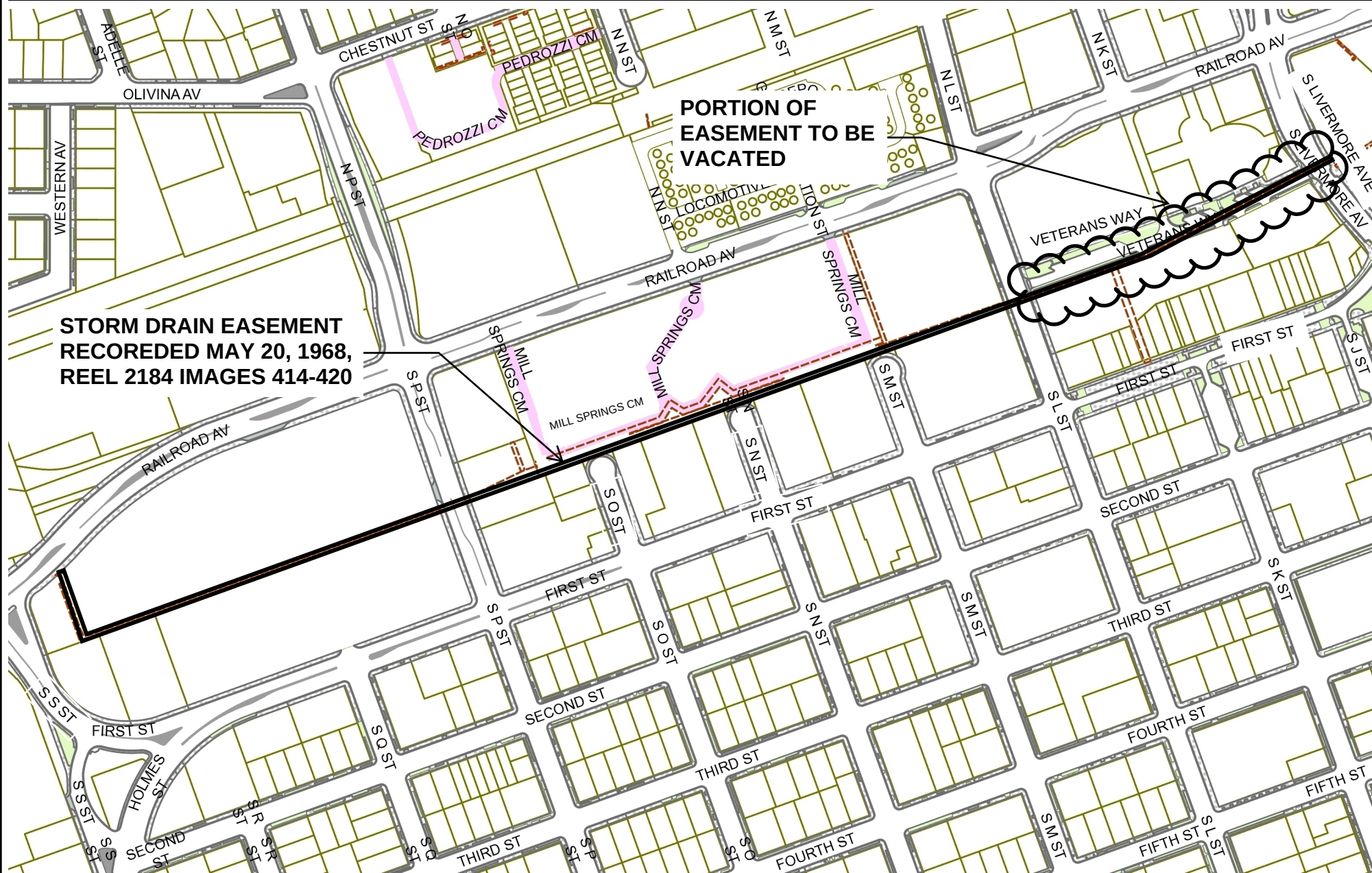
Exhibit A – Legal Description

VACATION OF A PORTION OF STORM DRAIN EASEMENT RECORDED MAY 20,
1968, REEL 2184 IMAGES 414-420

REAL PROPERTY SITUATED IN THE CITY OF LIVERMORE, COUNTY OF
ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF THAT PORTION OF STORM DRAIN EASEMENT RECORDED MAY
20, 1968, REEL 2184, IMAGES 414-420, OFFICIAL RECORDS THAT LIES UPON,
UNDER AND OVER A PORTION OF PARCEL C OF PARCEL MAP 11239 FILED FOR
RECORD MAY 24, 2022, IN BOOK 354 OF MAPS AT PAGES 95-97 UNDER RECORD
SERIES 2022099411.

AS FURTHER DEPICTED ON EXHIBIT B ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF.



666.7 0 333.33 666.7 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
Livermore IT, GIS Services

1: 4,000

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AND
WHEN RECORDED MAIL TO:

City Clerk
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

The Undersigned grantor(s) declare(s):
CITY TRANSFER TAX \$0.00
DOCUMENTARY TRANSFER TAX \$ Release of easement
SURVEY MONUMENT FEE \$0.00
R&T Code 11922 Government agency acquiring title
Computed on the consideration or value or property conveyed; OR computed on the consideration or value less liens or encumbrances remaining at time of sale.

SAME AS ABOVE

APN's
098-0289-28

Exempt from filing fees per Government Code Section §§ 27383 & 6103

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF LIVERMORE, a Municipal Corporation, "Grantor,"

hereby remises, releases and quitclaims to City of Livermore, ("Grantee") all right, title, and interest in and to those certain portions of a non-exclusive storm drain easement located in the City of Livermore (City), County of Alameda, State of California on the real property held by City of Livermore and more particularly identified in Exhibit A (Legal Description). The location of the Quitclaimed Easement and the configuration of the Servient Tenement are shown on Exhibit B. This Quitclaim Deed is executed, delivered and accepted for the purpose of terminating the Quitclaimed Easement.

By recording this Quitclaim Deed, Grantee agrees to release and indemnify the Grantor from any and all liability associated with or arising out of the past, current, or future use of the Quitclaimed Easement, except to the extent caused by the sole negligence or willful misconduct of the City, its agents, or its employees.

SEE EXHIBITS "A" and "B" ATTACHED HERETO AND MADE A PART HEREOF

GRANTOR:

City of Livermore, a municipal corporation

Signature:
By: Marianna Marysheva
Its: City Manager

Date: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____)
County of _____)

On _____ before me,
_____, Notary Public (here insert name and title of the officer),
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Exhibit A – Legal Description

VACATION OF A PORTION OF STORM DRAIN EASEMENT RECORDED MAY 20,
1968, REEL 2184 IMAGES 414-420

REAL PROPERTY SITUATED IN THE CITY OF LIVERMORE, COUNTY OF
ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF THAT PORTION OF STORM DRAIN EASEMENT RECORDED MAY
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UNDER AND OVER A PORTION OF PARCEL D OF PARCEL MAP 11239 FILED FOR
RECORD MAY 24, 2022, IN BOOK 354 OF MAPS AT PAGES 95-97 UNDER RECORD
SERIES 2022099411, AND PARCEL 7 OF TRACT MAP 8574 FILED FOR RECORD
DECEMBER 23, 2020, IN BOOK 365 OF MAPS AT PAGES 15-19 UNDER RECORD
SERIES 2020361571.

AS FURTHER DEPICTED ON EXHIBIT B ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF.



**PORTION OF
EASEMENT TO BE
VACATED**

VETERANS WA

VETERAN



Notes



CITY COUNCIL STAFF REPORT

ITEM NO. 6.1

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Hearing to receive and consider all objections and protests related to the non-payment of sewer service provided by the City of Livermore as of June 30, 2023, for collection on the County Assessor tax roll.

RECOMMENDED ACTION

Staff recommends the City Council consider protests, adopt a resolution overruling protests, and direct staff to forward a finalized copy of the assessment list to the County Tax Assessor.

SUMMARY

The City of Livermore has approximately 1,100 sewer accounts, primarily commercial, that are billed monthly. Of these accounts, 16 are severely delinquent. As provided in Livermore Municipal Code section 13.36.210, any and all delinquent sewer service and use charges may be placed on the tax roll and collected with property taxes.

DISCUSSION

Sewer revenues are generated for the collection, treatment, and disposal of wastewater. The City of Livermore Sewer Enterprise serves all residential and business customers within the city limits. All service charges are based on the strength and quantity of sewage generated by the customer. Commercial accounts are billed monthly based on the amount of water used and their industrial classification. Residential customers are billed annually via the Alameda County property tax roll.

According to Livermore Municipal Code 13.36.190, sewer service and use charges are delinquent if not paid on or before the sixtieth day immediately following the date upon which such charges become due and payable. Commercial and some residential multi-family sewer accounts are billed monthly. In addition, residential customers for new development are billed monthly until they move to the property tax roll in July and begin to be billed annually. For all sewer accounts billed monthly, customers receive a statement that lists the previous balance and current charges separately so delinquent charges are clearly identifiable. As a courtesy, City of Livermore utility billing staff also contacts customers with delinquent balances by letter, email and/or phone call to alert them to the balance due. Despite these

efforts, the accounts on the property tax assessment list remain severely delinquent.

Per Livermore Municipal Code 13.36.210, in the event of the failure of any owner to pay when due any sewer services charges applicable to premises owned by them, the City may enforce payments of such delinquent charges by placing on the tax roll and collecting with property taxes. In addition to City of Livermore's collection efforts, letters were sent to affected property owners advising of intent to assess their property and the scheduled Public Hearing on July 10, 2023.

Of the accounts on the property tax assessment list, all but five are commercial accounts. The largest account comprises 47% of the assessment list total and has a lengthy history of non-payment that predates the COVID-19 pandemic. In FY 2021-22, Finance and Water Resources Division staff worked together to apply for American Rescue Plan Act funding on behalf of delinquent sewer customers for a total of \$16K and this account was a beneficiary of this funding relief. The amounts for the residential accounts represent final balances not paid before the property rolled to the assessor tax roll.

Upon confirmation by the City Council, City staff will send the final assessment list to a consultant to verify addresses and then send the information to the Assessor's Office to be placed on the Alameda County tax roll.

The number of accounts and balances on the assessment list may decrease after publication of this report since account holders and property owners may settle their account up until the July 10, 2023 Public Hearing. This payment cutoff date is necessary in order for the assessments to be included in the 2023-24 County Tax Assessor's billing.

Staff recommends the City Council consider protests, adopt a resolution overruling protests and direct staff to forward a finalized copy of the assessment list to the County Tax Assessor.

FISCAL AND ADMINISTRATIVE IMPACTS

The assessment list total is approximately \$21,000. Collection of these delinquent balances would avoid bad debt expense in this amount to be charged to the sewer enterprise fund. Consultant expense of \$500 would be incurred to place the delinquent sewer lien charges on the County's property tax roll.

COMMUNITY PILLAR

5: A City That Works

GOAL

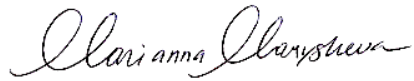
17: Ensure effective use of public resources

ATTACHMENTS

1. [Resolution](#)
2. [Exhibit A - Sewer Assessment List](#)

Prepared by: Ann Furtado
Accounting Supervisor

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION OVERRULING PROTESTS AND ORDERING
PLACEMENT OF DELINQUENT SEWER ACCOUNTS ON THE PROPERTY
TAX ROLL

The City of Livermore ("City") initiated collection procedures for delinquent payments and penalties for sewer service and use charges as authorized by Livermore Municipal Code section 13.36.210 and Health and Safety Code Division 5, Part 3, Chapter 6.4.5473a. Collection procedures included mailing letters giving notice to the property owners not less than 10 days before the public hearing.

On July 10, 2023, the City Council held a public hearing to hear all objections or protests by property owners liable to be assessed for delinquent amounts, identified in Exhibit A, attached hereto, for unpaid account balances.

The City Clerk of the City of Livermore has, within the time required by law, posted the assessment list in the same locations as the agenda for the City Council's meeting on July 10, 2023, with the time shown when said list has been submitted to the City Council for confirmation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that any and all objections and protests to the assessment of delinquencies and penalties listed in Exhibit A, attached hereto, are overruled.

BE IT FURTHER RESOLVED by the City Council of the City of Livermore that the outstanding amounts of overdue sewer service and use charges with the City of Livermore, as listed in Exhibit A, attached hereto, shall become an assessment on the property for unpaid account balances and placed on the County tax roll.

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

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

ATTEST:

APPROVED AS TO FORM:

Marie Weber
City Clerk

/s/ Katherine Mirassou
Katherine Mirassou
Deputy City Attorney

Exhibit A – Lien Assessments

RESOLUTION NO. _____

**CITY OF LIVERMORE
SEWER ASSESSMENT LIST
PROPERTY TAX ROLL FY23-24**

Service Address	APN	Assessment Amount
631 Pelican Ct	098-0400-125	\$ 549.96
2575 Kellogg Loop	099A-2929-007	\$ 501.58
2509 Kellogg Loop	099A-2929-012	\$ 223.32
3833 East Ave	098A-0413-009-06	\$ 9,930.52
1845 First St	097-0011-004	\$ 1,240.40
1947 Second St	097-0020-007-04	\$ 395.14
1116 E Stanley Blvd	098-0290-022	\$ 3,920.32
2455 Railroad Ave	098-0407-001	\$ 2,148.24
6641 Brisa St	099B-5751-023	\$ 494.98
665 Sandawood Dr #4	903-0017-201	\$ 6.06
5594 Brisa St	099-1326-022	\$ 690.56
186 So K St	097-0014-006-01	\$ 228.40
297 Rickenbacker Circle	099-1316-024	\$ 435.98
1920 Altair Ave	099-1329-029	\$ 325.22
160 S K St	097-0014-006-01	\$ 42.00
7800 Patterson Pass Rd	099A-2942-002	\$ 41.16
TOTAL		<u><u>\$21,173.84</u></u>



CITY COUNCIL STAFF REPORT

ITEM NO. 7.1

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Approval of the City Council 2024 Meeting Calendar.

RECOMMENDED ACTION

Staff recommends the City Council approve the 2024 Meeting Calendar. Staff is prepared to make adjustments if a Council Member identifies a scheduling or holiday conflict to ensure all members of the Council can participate in meetings.

SUMMARY

Each year the City Council approves a calendar of regular meetings and workshops for the coming year. The 2024 Meeting Calendar is presented here for approval.

DISCUSSION

In accordance with the City Council Rules of Procedures, each July the City Council approves an annual calendar for regular meetings and workshops in the coming year. Regular meetings are generally scheduled on the second and fourth Monday of each month. Workshop meetings are scheduled on the third Monday of each month and are only used when needed. Meetings are not scheduled on legal holidays. In keeping with past practice, only one meeting is scheduled during the months of August and December. The August meeting is traditionally cancelled due to lack of pressing business.

Special meetings and workshops may be called by the Mayor or by a majority of Council Members as needed. The City Council may also amend the regular meeting schedule throughout the year when necessary.

Livermore City Council 2023 Meeting Calendar

Date	Type	Date	Type
01/08/2024	Regular Meeting	07/08/2024	Regular Meeting
01/22/2024	Regular Meeting	07/15/2024	Special Meeting

02/12/2024	Regular Meeting	07/22/2024	Regular Meeting
02/26/2024	Regular Meeting	08/12/2024	Regular Meeting
03/11/2024	Regular Meeting	09/09/2024	Regular Meeting
03/18/2024	Special Meeting	09/16/2024	Special Meeting
03/25/2024	Regular Meeting	09/23/2024	Regular Meeting
04/08/2024	Regular Meeting	10/14/2024	Regular Meeting
04/15/2024	Special Meeting	10/21/2024	Special Meeting
04/22/2024	Regular Meeting	10/28/2024	Regular Meeting
05/13/2024	Regular Meeting	11/18/2024	Special Meeting
05/20/2024	Special Meeting	11/25/2024	Regular Meeting
06/10/2024	Regular Meeting	12/09/2024	Regular Meeting
06/17/2024	Special Meeting	12/16/2024	Special Meeting
06/24/2024	Regular Meeting	12/23/2024	Regular Meeting

FISCAL AND ADMINISTRATIVE IMPACTS

While City Council meetings require considerable staff resources to prepare for and facilitate, administrative impacts from adopting the proposed meeting calendar are incorporated into each department's work plan. Other fiscal impacts associated with City Council meetings include broadcast and recording services, technical support, and incidental costs such as renting special meeting locations and providing translation services upon request. Approximately \$850,000 is budgeted for staff time to attend Council meetings and these other costs in FY 2023-24.

COMMUNITY PILLAR

5: A City That Works

GOAL

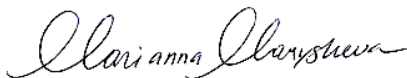
1: Engage effectively with the Mayor and City Council

ATTACHMENTS

1. Proposed 2024 City Council Meeting Calendar

Prepared by: Marie Weber
Deputy City Manager/City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

2024 CITY COUNCIL MEETING CALENDAR

Date	Type	Date	Type
01/8/2024	Regular Meeting	07/08/2024	Regular Meeting
01/22/2024	Regular Meeting	07/15/2024	Special Meeting
02/12/2024	Regular Meeting	07/22/2024	Regular Meeting
02/26/2024	Regular Meeting	08/12/2024	Regular Meeting
03/11/2024	Regular Meeting	09/09/2024	Regular Meeting
03/18/2024	Special Meeting	09/16/2024	Special Meeting
03/25/2024	Regular Meeting	09/23/2024	Regular Meeting
04/8/2024	Regular Meeting	10/14/2024	Regular Meeting
04/15/2024	Special Meeting	10/21/2024	Special Meeting
04/22/2024	Regular Meeting	10/28/2024	Regular Meeting
05/13/2024	Regular Meeting	11/18/2024	Special Meeting
05/20/2024	Special Meeting	11/25/2024	Regular Meeting
06/10/2024	Regular Meeting	12/09/2024	Regular Meeting
06/17/2024	Special Meeting	12/16/2024	Special Meeting
06/24/2024	Regular Meeting	12/23/2024	Regular Meeting



CITY COUNCIL STAFF REPORT

ITEM NO. 7.2

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Designation of voting delegate and alternates for the 2023 League of California Cities Annual Business Meeting.

RECOMMENDED ACTION

Staff recommends the City Council appoint one voting delegate and up to two alternates to represent the City of Livermore at the 2023 League of California Cities Annual Business Meeting.

SUMMARY

Each year the League of California Cities ("League") holds an Annual Business Meeting where League membership considers and takes action on resolutions that establish League policy. In order to vote during the business meeting, the City Council must designate a voting delegate and up to two alternates.

DISCUSSION

The League of California Cities is an association of California city officials who work together to shape policies affecting local government. The League's Annual Conference is scheduled for September 20-22, 2023, at the Sacramento Convention Center, including an Annual Business Meeting on September 22, 2023. At the business meeting, cities will vote on resolutions that establish League policy. In order to vote on behalf of the City of Livermore during the business meeting, the City Council must designate a voting delegate and up to two alternates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. This action must be taken by the City Council and cannot be accomplished by individual action of the mayor or city manager.

The voting delegate and alternates must be registered to attend the League's Annual Conference (either the entire conference or September 9th only). To cast the City's vote, the delegate or alternate must have in their possession the City's voting card and be registered with the League's Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates.

After the delegate and alternates have been designated by the City Council, staff will return the Voting Delegate Form to the League by the deadline of August 28, 2023.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no fiscal and administrative impacts associated with the designation of a voting delegate and alternates.

COMMUNITY PILLAR

5: A City That Works

GOAL

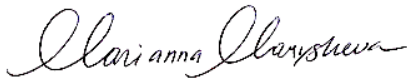
3: Federal and State Advocacy

ATTACHMENTS

[1. 2023 LOCC Voting Delegate Packet](#)

Prepared by: Marie Weber
Deputy City Manager/City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

Council Action Advised by August 28, 2023

DATE: Wednesday, June 21, 2023

TO: Mayors, Council Members, City Clerks, and City Managers

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023,
Sacramento SAFE Credit Union Convention Center**

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.

New this year, we will host a pre-conference information session for voting delegates to explain their role. Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](https://calcities.org) website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.



CITY: _____

**2023 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

1. VOTING DELEGATE

Name: _____

Email: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk: _____ Date: _____ Phone: _____
(circle one) (signature)

Please complete and email this form to votingdelegates@calcities.org by Monday, August 28, 2023.

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

What's new in 2023?



- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).



CITY COUNCIL STAFF REPORT

ITEM NO. 7.3

DATE: July 10, 2023

TO: Honorable Mayor and City Council

FROM: Scott Lanphier, Public Works Director

SUBJECT: Item continued from the June 26, 2023 City Council Meeting for further City Council deliberation. City Council Meeting Rule of Procedure 8.7.3. Discussion and recommended approval of the Airport Leasing and Development Policy.

RECOMMENDED ACTION

The Airport Commission and staff recommend the City Council adopt a resolution approving the new Airport Leasing and Development Policy.

SUMMARY

This item is a continuance of City Council Item 7.1 from June 26, 2023. The continuance was requested by City Council to provide additional time for public review of changes in the Airport Leasing and Development Policy (Policy) as presented on June 26. Policy changes requested by Council on June 26 are highlighted in Section 1.2 Goals, Objectives, and Development Priorities. The requested changes are: including project evaluation by Airport Advisory Commission; removal of support for small parcel air cargo services; and adding verbiage to discourage development that is inconsistent with both airport development priorities and Resolution 2010-058.

In early 2021, the City Manager directed Airport staff to prepare a new development policy for Livermore Airport (Airport). The prior policy lacked adequate guidance for City staff to review and process proposed projects at the Airport. Since then, staff have engaged a consultant (AMCG) to prepare a new Leasing and Development Policy. This new policy provides enhanced guidance, consistent with best industry practices, for City staff to receive and review any proposed projects at the Airport.

On March 6, 2023, staff presented the draft Leasing and Development Policy to the Airport Commission for comment and review. The draft Leasing and Development Policy was then released to the public for a 45-day comment period, during which the Policy was presented to the Cities of Pleasanton and Dublin in liaison meetings. Hundreds of comments were received, documented and responded to with necessary revisions made to the draft policy; details are available on the Airport website.

The Policy returned to the Livermore Airport Commission June 5, 2023 at which time it was recommended the City Council consider and approve the Policy. Subsequently on June 6, 2023, at the request of Pleasanton, Livermore City staff attended a Pleasanton City Council meeting to receive feedback similar to previously received comments.

DISCUSSION

Development at Livermore Airport is guided by the Airport Layout Plan (ALP) which outlines the types, density and location of any development proposed at the Airport. Attached is a developable area map (Attachment 1), indicating the land available for development at the airport. Historically, the development process has been regulated by an unofficial and ineffective development policy which did not include sufficient information or a well-defined process to allow proper review and approval of proposed development at the Airport. To address this, in early 2021 the City Manager directed staff to prepare a revised, more comprehensive development policy.

In early 2022 airport staff selected a consultant to assist in developing a comprehensive Leasing and Development Policy (Policy) to replace the previous informal Airport policy. The selected consultant, AMCG, produced a draft Policy which was reviewed by staff across the organization. At the March 6, 2023 Airport Commission meeting, the Policy was made available to the public on the Airport website for a 45-day review period, concluding April 24, 2023. During this time, the draft Policy was also presented in public forums to the Cities of Pleasanton (March 30, 2023) and Dublin (April 10, 2023).

The Policy received over 120 comments from approximately 30 community members from throughout the Tri-Valley. Comments identified several key concerns including aircraft noise, Livermore City Council Resolution 2010-058, increased public participation and transparency, and restricting growth at the airport.

The updated and revised policy was brought back to the Airport Commission on June 5, 2023. The Airport Commission recommended the policy be brought before the Livermore City Council, on June 26, 2023 for approval.

At the June 5th Airport Commission meeting, several members of the public spoke regarding their concerns. The general sense of the comments was that the revised Policy did not adequately respond to comments submitted by the public. A summary of comments received, and responses to each comment, has been prepared and posted to the Livermore Airport's website, and is attached to this staff report (Attachment 2).

In addition, Commissioners requested that a member of the Airport Commission be appointed to the Interdepartmental Review Team (IDRT). The IDRT is comprised of various city staff and is described in the Policy. The IDRT provides a formal review team to assess project proposals as the project follows the application process, Staff recommends the IDRT remain comprised of city staff members only, as the Airport Commission will have an independent opportunity to review projects as they are proposed and brought before the Commission. This approach is consistent with the City's entitlement process for other development projects.

In response to the many comments received, the draft Policy was updated by city staff. The following provides a summary of key concerns submitted by the public and the way the update to the draft Policy addresses these comments:

- 1) Noise – The Policy was updated to specifically indicate noise as a measure used to determine the potential impact a proposed project may have. Noise is specifically called out in Section 1.2 and 1.7.
- 2) Resolution 2010-058 – The Policy references Resolution 2010-058 in Sections 1.2, Section 1.4, Section 2.1, Section 2.2, Section 7.5, and includes the resolution in its entirety in Section 7: Appendix – Airport Development Priorities.
- 3) Environmental Review – The Policy requires the evaluation of any proposed project to be subject to CEQA and/or NEPA review, which is referenced in Section 1.8. CEQA/NEPA review would thoroughly evaluate such items as lead fuel, noise impacts, visual impacts, circulation and parking, among others, and would also include opportunities for the public to review and comment on the analysis conducted for the project.
- 4) Public Input – The Policy requires any proposed project that would noticeably increase aircraft activity, vehicle traffic, noise to surrounding neighbors, and/or significantly intensify existing land use(s) to develop a Comprehensive Public Engagement Plan (PEP), which is designed to inform the public about the scale and scope of the project. The PEP is described in Section 1.7.
- 5) Airport Growth – The ALP is the governing document used by the Policy to comply with previously approved land uses and is referenced in Section 1.1, Section 1.6, and Section 1.8.

Changes requested by Council at the June 26, 2023 City Council Meeting are highlighted in Section 1.2 Goals, Objectives, and Development Priorities, including project evaluation by Airport Advisory Commission, removal of support for small parcel air cargo services, and adding verbiage to discourage development that is inconsistent with both airport development priorities and Resolution 2010-058.

The revised Policy includes a much more defined process to thoroughly assess any proposed project, involves review by multiple City departments, and is consistent with other City policies.

At a City of Pleasanton City Council meeting on June 6th, Pleasanton city staff gave a brief presentation on the Policy to their city council. Several members of the public spoke against the Policy, expressing that it still did not adequately address the comments submitted. It should be noted that Pleasanton City staff indicated the revised Policy adequately addressed Pleasanton staff's concerns. The City Council also asked if Pleasanton could be represented on the Livermore Airport Commission.

Staff is recommending the City Council approve and adopt the new Leasing and Development Policy for the Livermore Airport.

FISCAL AND ADMINISTRATIVE IMPACTS

Adoption of an Airport Leasing and Development Policy is not anticipated to result in any significant effect on City revenues and expenses.

COMMUNITY PILLAR

5: A City that Works

GOAL

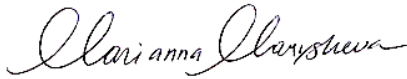
14: Develop, operate, and maintain the City's infrastructure

ATTACHMENTS

1. Developable Land Map
2. Stakeholder Comment Compilation and Response-LVK 2023-06-05
3. Public Comment Redacted
4. Resolution
5. Exhibit A - Leasing and Development Policy

Prepared by: Michael Musca
Airport Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:

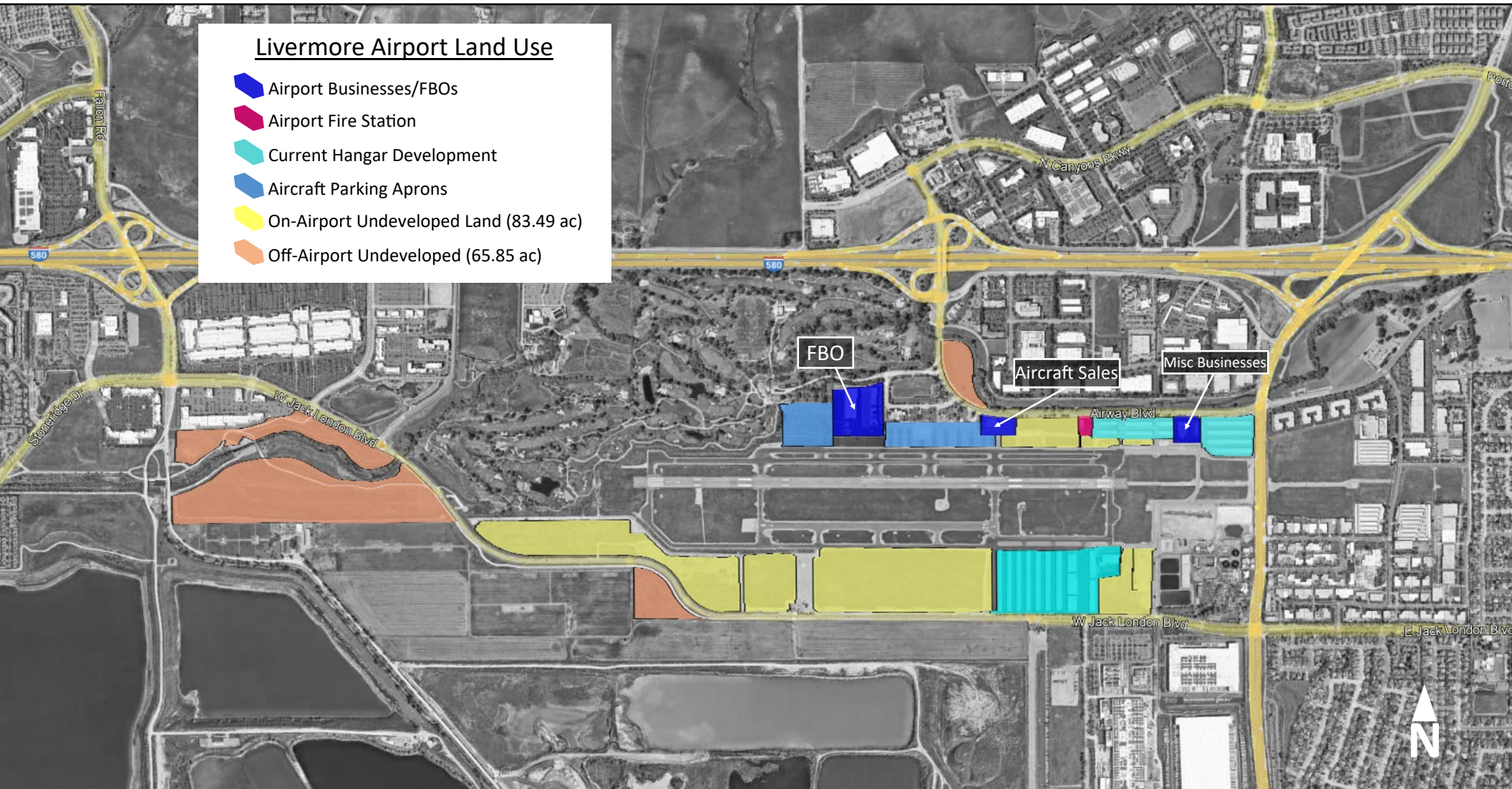


Tina Olson
Administrative Services Director



Livermore Airport Land Use

-  Airport Businesses/FBOs
-  Airport Fire Station
-  Current Hangar Development
-  Aircraft Parking Aprons
-  On-Airport Undeveloped Land (83.49 ac)
-  Off-Airport Undeveloped (65.85 ac)





City of Livermore
680 Terminal Circle
Livermore, California 94551
(925) 960-8220

Comment Compilation and Response

City of Livermore

Livermore Municipal Airport

Leasing and Development Policy

This report conveys public/stakeholder comments and the corresponding Airport staff response regarding the draft Leasing and Development Policy (Policy) for Livermore Municipal (Airport). The City of Livermore (City) believes that the proposed Policy sets forth thoughtful and deliberate processes and procedures to evaluate, approve, or reject proposals related to the leasing and/or development (including construction, modification, and/or renovation) of aeronautical and non-aeronautical land and/or Improvements within the legal boundaries of the current Airport Layout Plan for the Airport. The proposed Policy establishes leasing protocols and requirements for attractive, high-quality, consistent, compatible, and sustainable development that protects persons and property with an over-arching goal of improving the Airport for the betterment of the City, Airport Tenants, Airport users, and the community.

It is the goal of the City to ensure Airport property is leased and developed in a high-quality manner consistent with sound fiscal management and best practices while ensuring the provision of essential infrastructure, Improvements, and amenities. Additionally, the proposed Policy reflects Airport Development Priorities established by the Livermore City Council in 2010 through resolution number 2010-058. Resolution 2010-058, will be used as criteria for evaluating all proposals.

The proposed Policy is consistent with established City policies, compliant with Federal Aviation Administration (FAA) Airport Sponsor Assurances, and effectively guides the management of proposals related to the leasing and/or development of aeronautical and non-aeronautical land and/or Improvements at the Airport.

By way of background, when an airport sponsor (in this case, the City of Livermore) obtains a grant for airport improvements under the Airport Improvement Program, the airport sponsor is required to give certain assurances to the FAA known as the Airport Sponsor Assurances (currently comprised of thirty-three assurances). Airport Sponsor Assurance #22, *Economic Nondiscrimination*, states “The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.”

Federal obligations under Grant Assurance 23, *Exclusive Rights*, prohibits the City from granting an exclusive right for the use of the airport, including granting an exclusive right to any person or entity providing or intending to provide commercial aeronautical services to the public. In particular, the City may not grant a special privilege or a monopoly to an entity currently providing aeronautical services based at the Airport. The intent of this restriction is to promote aeronautical activity and protect fair competition.

Beyond being consistent with FAA policies and directives, the City believes that this Policy is consistent with best management practices. It is not the desire or the intent of the City to create an undue burden on existing or future operators/tenants, but to provide a comprehensive and deliberative process that is fair and not unjustly discriminatory.

Several documents provided the foundation for the development of this Policy including FAA Airport Sponsor Assurances, AC 150-5190-6 Exclusive Rights at Federally Obligated Airports, and Order 5190.6B Airport Compliance Manual. Interested parties are encouraged to thoroughly review and carefully consider these documents.

The draft Leasing and Development Policy was made available to the public for review and comment over a 49-day period beginning Monday, March 6, 2023 through Monday, April 24, 2023. The City requested that those participating in the review and comment provide specific reasons and alternative language and/or deletions for any proposed changes to the document.

Attached is a compilation of the comments submitted from thirty-seven (37) respondents. All comments have been reviewed and addressed in this document. Each comment is represented by a “C” and the response to the comment is represented by an “R”. The numbering is utilized only as a method to identify and organize comments and responses.

Also, if a respondent has requested to delete language from the draft document, that language has been identified using ~~strikethrough~~ and when a respondent has requested to add language, that language has been identified using **red** highlight. Any language identified in *italics* is taken verbatim from the draft documents. It is important to note that editorial comments were accepted and made part of this report, however because of lack of specificity as to what the respondent wanted changed, they did not necessarily result in modification(s) to the document.

The City wishes to thank all stakeholders and members of the public who took the time to review the draft document and especially the individuals who provided detailed comments for consideration.

COMMENT COMPILATION AND RESPONSE

	Commenter #1
C1	General Comment: Please note my letter was sent directly to the following people via e-mail: Livermore City Council; Pleasanton City Council; Scott Lanphier Director of Public Works; Michael Musca, City of Livermore Airport Manager as I was not able to download it into this document. Thank you.
R1	Comment noted. No specific alternative language or deletions provided.
C2	April 17, 2023 To: Livermore City Council Livermore Airport Commission Scott Lanphier, Director of City Public Works Michael Musca, Airport Manager Re: Proposed changes to City of Livermore Airport Development Policy We are writing you because we have questions and concerns about the proposed new City of Livermore's Airport Development Policy (February 17,2023) We moved to east Pleasanton in 1992 and at the time of purchasing our house our realtor notified us about the City of Livermore's Airport. It was noted that the airport was created in 1965 as a small recreational airport for small airplanes and was not designated for any other purpose. There was little airplane traffic over our east Pleasanton neighborhood for several years. In early 2000, landing and take-off pattern changes were made at the airport which directly impacted east Pleasanton including homes and schools. At the time, we voiced our concerns without success. Today, we regularly have small jets flying over our neighborhood in both take- off and landing maneuvers. We regularly report those planes operating outside approved business hours. Our concern is for the safety of our neighborhood, including the impacts of noise, air pollution and possible accidents. After the public outcry of possibly expanding the airport with a Kaiser Air contract, we appreciated your desire to re-evaluate and update the airport's policies and procedures. However, as we read the proposed new, City of Livermore Leasing and Development Policy for the airport, we are disappointed in the recommendations.
R2	Comment noted. No specific alternative language or deletions provided.
C3	• The proposed policy includes an objective on Social factors -"To maintain and enhance a compatible relationship between the airport and the surrounding community". There are no clear action steps/definitions on what this means... what level of noise is agreed upon, hours of operations, definition of air pollution standards, definition of community, opportunity for community input.
R3	See R4 and R5.
C4	• There is no reference in this document about public input and review of the proposed changes. After the outcry about Kaiser Air expansion, we are shocked that there was no interest to include public participation in the development of the proposed policy and on-going changes at the airport.
R4	To address the question regarding public involvement a new section has been added to the document as follows: Section 1.7 Public Engagement Requirements An entity proposing to develop a project that would significantly increase aircraft activity, vehicle traffic, and/or significantly intensify existing land use(s), will be required to develop a comprehensive public engagement plan (PEP) designed to inform the public as to the scope and scale of the proposed project. The PEP is subject to review and approval by the City. The requirement to develop a PEP is at the sole discretion of the City.

COMMENT COMPILATION AND RESPONSE

C5	• Noise policies are ignored in the document, although new policies and guidelines are detailed on things like size of buildings, landscaping, flag poles, lighting, setbacks, vehicle parking, hangar assignments, etc. Why weren't noise policies created/included?
R5	Airport noise management policies are described and conveyed to aircraft operators through the Airport's website under the heading <i>Noise Reduction Efforts through Pilot Education and Cooperation</i> . The <i>Livermore Pilot Information Guide</i> provides detailed recommended noise reduction procedures to mitigate impacts on the surrounding community. Airport staff also conducts aggressive outreach efforts to aircraft operators, based tenants, and commercial aeronautical service providers on the principles of the Airport's noise abatement program with the overarching goal of reducing overall noise impacts. The federal government has established a regulatory framework that preempts local governments from unilaterally establishing mandatory aircraft noise abatement procedures and maximum allowable noise limits. Congress enacted the Airport Noise and Capacity Act (ANCA; P.L. 101-508) in 1990 during a time when community noise concerns led to uncoordinated and inconsistent restrictions on aviation that impeded the nation's airport system. ANCA called for the establishment of a national aviation noise policy. The law increased FAA's authority over noise matters and authorized ANCA and its resulting regulations (14 C.F.R. Part 161) and imposed stringent requirements on airports seeking to implement certain types of noise rules or restrictions, including night curfews, caps on maximum noise levels, numbers of aircraft operations, and noise-based fees. 14 C.F.R. Part 161 is a long and expensive process usually costing millions of dollars with a limited probability of success of being successfully completed and approved by the FAA. Since ANCA's inception, only a handful of airports have successfully completed implementation of noise-based restrictions developed under 14 C.F.R Part 161. Therefore, the City is preempted by federal law from unilaterally establishing restrictions on existing or proposed commercial/non-commercial aeronautical operators based upon existing or potential noise impacts from aircraft operations unless it successfully completes a 14 C.F.R. Part 161 process.
C6	• City of Livermore is part of the Tri-Valley and this document makes no mention of trying to communicate and/or work with the Cities of Dublin and Pleasanton officials to maintain a healthy and prosperous valley. Will this occur?
R6	Comment noted. No specific alternative language or deletions provided.
C7	• The City of Livermore in past policy (Resolution NO. 2010-058), states the existing demand to increase/change at the airport must have tangible evidence. The new policy states that changes can be made any time by anybody and in fact the proposed contractor can create the demand (Unsolicited Interest) is the term used in the proposal.
R7	Section 1.2. references resolution 2010-058 and is attached to the document as Appendix 7.3. The salient language is as follows: <i>...resolution 2010-058, will be used as criteria for evaluating proposals for Airport land lease /development...</i> To further empathize the importance of resolution 2010-058, the following language has been inserted into <i>Section 1.4. Compliance</i> as follows: <i>Entities who desire to lease, construct, modify, and/or renovate aeronautical or non-aeronautical land and/or Improvements at the Airport shall comply with this Policy, Resolution 2010-058, and...</i>
C8	We are so disappointed in this proposed leasing and development policy and hope that additional time can be included to truly look at and include clear definition and standards for social and community needs so that everyone can be satisfied and keep the Tri-Valley a very desirable place to live. Sincerely,
R8	Comment noted. No specific alternative language or deletions provided.
	Commenter #2
C9	It seems all the complaints about the noise have been totally ignored. Pilots do not follow suggested flight paths. Any additional airport activity will not be neighborhood friendly and legally opposed..
R9	Comment noted. No specific alternative language or deletions provided.
C10	more open hearings about public opinion is needed
R10	Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #3
C11	1) I am concerned and feel that All information must be provided publicly without NDN confidential at all stages except for any financial information
R11	The Airport will engage in a transparent development process and will conduct outreach with the public throughout various phases of a particular project. The Airport Manager may recommend that the City enter into NDA agreements from time to time, in coordination with the City Manager's Office and other City departments. This decision will depend on the particular facts of a proposed project, which will vary with each project submittal to the Airport pursuant to the Development Policy.
C12	2) Public notification/comment and airing if any proposals must happen Immediately.
R12	See R4.
	Commenter #4
C13	General Comment: What are the noise limits for aircrafts operating within this airport and how would these noise limits be monitored and enforced?
R13	See R5 Comment noted. No specific alternative language or deletions provided.
	Commenter #5
C14	Honestly, I do not have the time to read and understand this draft I just want to go on record to say that I STRONGLY OPPOSE and expansion of the Livermore airport or any development not supporting it's current configuration, use, or capacity. LVK Is a small airport and should not be turned in to a larger, high volume airport. The current small planes are great, larger planes should not be allowed. Please consider the Livermore residents and do not negatively impact our quality of life. I do like the idea of offering an airplane mechanic course and partnering with las Positas College. Excellent idea,
R14	Comment noted. No specific alternative language or deletions provided.
	Commenter #6
C15	Section #2.9 Page # 7 Comment: Section 2.1 says that the City has the right to reject, without cause, any submittal. Fantastic! I loudly applaud this. However, Section 2.9 goes on to list the possible reasons for rejection. I suggest adding a preamble to 2.9 repeating that the City may reject without cause, but that the section contains a partial list of possible reasons. This disparity certainly requires clarification in Section 2.9 restating that the list need not be all-inclusive because the City can reject without cause.
R15	Grant Assurance 22, <i>Economic Nondiscrimination</i> , requires the City to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and without unjust discrimination. This federal obligation involves several distinct requirements. First, the City must make the airport and its facilities available for public use. Next, the City must ensure that the terms imposed on aeronautical users of the Airport, including rates and charges, are reasonable for the facilities and services provided. Finally the terms must be applied without unjust discrimination. The prohibition on unjust discrimination extends to types, kinds and classes of aeronautical activities, as well as individual members of a class of operator. Within the forgoing context, the City will add the following language to Section 2.9.: <i>The City at its sole discretion may reject any proposal or application in conformance with Legal Requirements including, but not limited to, for any one or more of the following reasons...</i>

COMMENT COMPILATION AND RESPONSE

C16	Section # All Page #All Comment: I do not see limitations on the size of operations or the possible combining of leases/developments that could turn small accepted projects into ones that wouldn't have been accepted in total. This seems to be a huge loophole that could be used to the detriment of LVK, Livermore and its residents
R16	Grant Assurance 22, Economic Nondiscrimination, requires the City to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and without unjust discrimination. This federal obligation involves several distinct requirements. First, the City must make the airport and its facilities available for public use. Next, the City must ensure that the terms imposed on aeronautical users of the Airport, including rates and charges, are reasonable for the facilities and services provided. Finally the terms must be applied without unjust discrimination. The prohibition on unjust discrimination extends to types, kinds and classes of aeronautical activities, as well as individual members of a class of operator. Comment noted. No specific alternative language or deletions provided.
	Commenter #7
C17	No development. Let's have plenty of people filing lawsuits to bury anymore rubbish about expansion of traffic at the Livermore Airport.
R17	Comment noted. No specific alternative language or deletions provided.
	Commenter #8
C18	There are some major concerns - No mention of noise mitigation plans. Airport is not living up to promises made for past 3 years. Airport liaison meetings has no public involvement and doesn't not happen as frequently as it's supposed to Planes continue to fly over noise sensitive areas at low altitude Curfew violations continue to occur While all these are going on this document is contradictory to the 2010 resolution of no more expansion and now the city is taking over decisions. When Kaiser project was going on the mayor claimed he had no control. Now it seems opposite. Public is not being involved in any decisions. A proper way is to make this in a true democratic fashion. Put it to vote and let people decide what they want. People should also be involved from the start, not at the very end with limited time. A handful of people are having a huge impact on not just citizens of Livermore but also Pleasanton. The overall process is not transparent. With so many airports nearby there is no need to further develop the airport here Development and this vague policy will open the doors for future FBOs and possible Amazon cargo flights because of the new warehouse. Please save trivalley and work with your citizens to make it livable for all.
R18	See R16 Comment noted. No specific alternative language or deletions provided.
	Commenter #9
C19	Section # 2.1 Page #3-4 Comment: Fails to provide an open and transparent process for RFP/RFI/RFQ. Fails to require ANY public involvement. How will the public be notified and informed about proposals? Where? When? How will the public provide feedback? This Policy says nothing about this. In fact this Policy would be fine with a new development that the public never even got told about. Think about it: a major development that impacts the public every day: this Policy would let that get approved with zero public input, without even letting the public know. This Policy has no problem with that. This is unacceptable. The public should be notified at every stage of the process (Interest, MOU, Concept Plan, etc.). The Public should be able to provide feedback. An acceptable policy would specify that.
R19	See R4.

COMMENT COMPILATION AND RESPONSE

C20	Section # 2.1 Page #3-4 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "Future development at the airport shall ONLY occur in response to EXISTING AVIATION DEMAND. Whether demand exists shall be evaluated by the airport advisory commission and shall be based on TANGIBLE EVIDENCE." The Policy overrides the City resolution, erases it, rewrites it. This is completely unacceptable.
R20	See R7 Comment noted. No specific alternative language or deletions provided.
C21	Section # 2.1 Page #3-4 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "Redevelopment at the airport shall ONLY occur if the Airport Advisory Commission determines that the existing facilities are in NEED of SIGNIFICANT rehabilitation, improvement, or replacement." (emphasis mine) This Policy ignores the City resolution. There is not one word about this in this Policy. This is unacceptable.
R21	See R7 Comment noted. No specific alternative language or deletions provided.
C22	Section # 2.9 Page #7 Comment: Fails to specify noise impacts. Noise impacts get zero consideration in this Policy. This is unacceptable. In fact this is shocking. This Policy spells out 15 different grounds for rejecting an application or proposal. 15 different grounds, yet NOT ONE of them concerns noise impacts.
R22	See R5 Comment noted. No specific alternative language or deletions provided.
C23	Section # 3.2 Page #9 Comment: Fails to even mention a major environmental quality issue: noise. This Policy does not specify a single means or requirement or standard about this impact. Nothing. This is unacceptable.
R23	See R5 Comment noted. No specific alternative language or deletions provided.
C24	Section # 3.3 Page #9 Comment: Fails to specify ANY policy regarding noise. This section features much discussion of not "overburdening the land" and providing the "highest and best use". Yet not one word on noise impacts. Think about it: is ramping up the noise that hundreds of thousands of residents experience every day, the "highest and best use"? Yet this section does not even mention noise impacts. There's nothing on total noise, nothing on trends, nothing on single noise events, nothing on adhering to the night time curfew. This is unacceptable.
R24	See R5 Comment noted. No specific alternative language or deletions provided.
C25	Section # 1.1 through 6.9 Page #1 through 23 Comment: Fails to say a thing about noise impacts. Nothing on increased air traffic, larger or noisier planes. Nothing on more planes at lower altitudes, or more takeoffs and landings. Nothing on flight paths over residential areas. Nothing whatsoever. But airport development could affect any and all of these. For instance: a development that adds 150 flights a day of screaming loud luxury jets flying low over neighborhoods, this Policy doesn't have one word to say about that. This Policy literally has more to say about garbage can lids (they must be securely fastened) than about an issue that impacts quality of life of over 100,000 people every day. This is unacceptable. This is shocking.
R25	See R5 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C26	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to provide any requirement for tenants or users to mitigate noise. For instance: mandatory yearly noise and flight path training for all FBOs, their leases, and occupants For instance: signing of a "pledge" to comply with flight path guidelines There is nothing on this. This is unacceptable. Sections 1.1 through 6.10
R26	See R5 Comment noted. No specific alternative language or deletions provided.
C27	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "Shall take NO action to SOLICIT OR ENCOURAGE DEVELOPMENT of a large scale, stand-alone air cargo operator at the Livermore Airport." (emphasis mine) Not one word on this in the entire Policy. This is unacceptable.
R27	See R7 Comment noted. No specific alternative language or deletions provided.
C28	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "The City does not intend to extend the existing runways." There is nothing in the Airport Development Policy about this. Never even mentioned. This is unacceptable.
R28	See R7 Comment noted. No specific alternative language or deletions provided.
C29	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "The city will AGGRESSIVELY FOSTER the REDUCTION of aircraft NOISE" (emphasis mine) There is nothing in the Airport Development Policy about this. Nothing. How will review of development proposals evaluate noise impacts? What are the standards, the requirements, the goals? The Airport Development Policy doesn't have a single word about this. Not. One. Word. A new development could ramp up noise WITHOUT LIMIT, according to this Policy. This is unacceptable. This is complete and utter disregard for the City and the public.
R29	See R5 Comment noted. No specific alternative language or deletions provided.
	Commenter #10
C30	General comment: It is my opinion and many others that the city of Livermore, the airport management and several of the pilots housing their aircraft at Livermore airport LVK I've been nothing short of negligent in allowing excessive noise by particular pilots and aircraft over the course of more than 23 years. They always shirk their responsibilities of being good neighbors and considerate aircraft enthusiasts by continuously circling over the homes in the Somerset and surrounding neighborhoods at excessive throttle levels. I have contacted the tower, the airport manager, the airport assistant manager, and the pilots directly as well as the city manager's office, and spoke to the city council about dealing with just a few unruly and thrill seeking pilots that have found a safe haven at LVK. Since the justified complaints have gone unmitigated, it is my opinion that the city should not have the option of expanding the airport until they do a much improved job of modifying these particular pilots and their planes flying habits. It is unacceptable for the city and airport management to ignore such a ongoing problem. If you can't control just a handful of errant pilots. Then you are not qualified to do improvements at the airport without disrupting even more people's lives. You should know without being better stewards of the airport noise problem, you will face a tidal wave of resistance of which I will be one. You all should be ashamed of yourselves. The reason is simple. Mitigating this problem is not complicated. All one would have to do is have the airport manager go and talk to these pilots and it's easy to find them, as currently they are the ones that are flying the Pitts Special Biplanes. This casual encounter might include suggesting that they use the shorter runway which they are ideally suited for since they only need a short distance for takeoff and landing. This would force them to circle out over the gravel pitch rather than over our homes. Why is that so hard? It's not!
R30	See R5 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #11
C31	Section # 1 through 7 Page #1 through 35 Comment: Nowhere in the document is the word "noise" mentioned. There should be mention of noise and noise abatement/enforcement in the application, leasing, design, development and compliance areas.
R31	See R5 Comment noted. No specific alternative language or deletions provided.
C32	Section # 2 Page #3 Comment: The City Initiative: (where the city can put out an RFI/RFP/RFQ) is worded whenever there is "land/improvement available" – this is in direct contradiction to the 2010 City resolution that explicitly indicates only when "existing demand" with "tangible evidence." (The City cannot create demand! It should be noted that it is the Airport Advisory Commission that creates the demand. How does this impact the 2010 resolution? i.e., large planes such as Amazon cargo? or a Jet port for Fixed Based Operators? City Initiative MUST adhere to and enforce the review/notification by the City manager, Airport commission, City staff, etc. Public must continue to be kept in the loop; i.e., informed: of when/IF public notification/comment will happen, that is no potential for agreements being signed in secret or not made public until late in the process. Public should be notified at every stage of the process (Interest, MOU, Concept Plan, etc.) and be able to provide feedback. All information must be provided publicly without NDA/confidential agreements at all stages. Financial information could be non-disclosed.
R32	See R4 and R7. Comment noted. No specific alternative language or deletions provided.
C33	Section # 2.1 Page #3 Comment: Attributing the City with powers of "sole discretion" concern me. Sounds like secret meetings, etc.
R33	Comment noted. No specific alternative language or deletions provided.
	Commenter #12
C34	Section # 2.1 Page #3-4 Comment: Fails to provide an open and transparent process for RFP/RFI/RFQ. Fails to require ANY public involvement. How will the public be notified and informed about proposals? Where? When? How will the public provide feedback? This Policy says nothing about this. In fact this Policy would be fine with a new development that the public never even got told about. Think about it: a major development that impacts the public every day: this Policy would let that get approved with zero public input, without even letting the public know. This Policy has no problem with that. This is unacceptable. The public should be notified at every stage of the process (Interest, MOU, Concept Plan, etc.). The Public should be able to provide feedback. An acceptable policy would specify that.
R34	See R4 Comment noted. No specific alternative language or deletions provided.
C35	Section # 2.1 Page #3-4 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "Future development at the airport shall ONLY occur in response to EXISTING AVIATION DEMAND. Whether demand exists shall be evaluated by the airport advisory commission and shall be based on TANGIBLE EVIDENCE. The Policy overrides the City resolution, erases it, rewrites it. This is completely unacceptable.
R35	See R7 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C36	Section # 2.1 Page #3-4 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 Redevelopment at the airport shall ONLY occur if the Airport Advisory Commission determines that the existing facilities are in NEED of SIGNIFICANT rehabilitation, improvement, or replacement." (emphasis mine) This Policy ignores the City resolution. There is not one word about this in this Policy. This is unacceptable.
R36	See R7 Comment noted. No specific alternative language or deletions provided.
C37	Section # 2.9 Page #7 Comment: Fails to specify noise impacts. Noise impacts get zero consideration in this Policy. This is unacceptable. In fact this is shocking. This Policy spells out 15 different grounds for rejecting an application or proposal. 15 different grounds, yet NOT ONE of them concerns noise impacts.
R37	See R5 Comment noted. No specific alternative language or deletions provided.
C38	Section # 3.2 Page #9 Comment: Fails to even mention a major environmental quality issue: noise. This Policy does not specify a single means or requirement or standard about this impact. Nothing. This is unacceptable.
R38	See R5 Comment noted. No specific alternative language or deletions provided.
C39	Section # 3.3 Page #9 Comment: Fails to specify ANY policy regarding noise. This section features much discussion of not "overburdening the land" and providing the "highest and best use". Yet not one word on noise impacts. Think about it: is ramping up the noise that hundreds of thousands of residents experience every day, the "highest and best use"? Yet this section does not even mention noise impacts. There's nothing on total noise, nothing on trends, nothing on single noise events, nothing on adhering to the night time curfew. This is unacceptable.
R39	R5 Comment noted. No specific alternative language or deletions provided.
C40	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to say a thing about noise impacts. Nothing on increased air traffic, larger or noisier planes. Nothing on more planes at lower altitudes, or more takeoffs and landings. Nothing on flight paths over residential areas. Nothing whatsoever. But airport development could affect any and all of these. For instance: a development that adds 150 flights a day of screaming loud luxury jets flying low over neighborhoods, this Policy doesn't have one word to say about that. This Policy literally has more to say about garbage can lids (they must be securely fastened) than about an issue that impacts quality of life of over 100,000 people every day. This is unacceptable. This is shocking.
R40	See R5 Comment noted. No specific alternative language or deletions provided.
C41	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to provide any requirement for tenants or users to mitigate noise For instance: mandatory yearly noise and flight path training for all FBOs, their leases, and occupants For instance: signing of a "pledge" to comply with flight path guidelines There is nothing on this. This is unacceptable.

COMMENT COMPILATION AND RESPONSE

R41	See R5 Comment noted. No specific alternative language or deletions provided.
C42	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "Shall take NO action to SOLICIT OR ENCOURAGE DEVELOPMENT of a large scale, stand-alone air cargo operator at the Livermore Airport." Not one word on this in the entire Policy. This is unacceptable.
R42	See R7 Comment noted. No specific alternative language or deletions provided.
C43	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "The City does not intend to extend the existing runways." There is nothing in the Airport Development Policy about this. Never even mentioned. This is unacceptable.
R43	See R7 Comment noted. No specific alternative language or deletions provided.
C44	Section # 1.1 through 6.10 Page #1 through 23 Comment: Fails to implement the Livermore City Council Resolution of March 23, 2010 "The city will AGGRESSIVELY FOSTER the REDUCTION of aircraft NOISE" (emphasis mine) There is nothing in the Airport Development Policy about this. Nothing. How will review of development proposals evaluate noise impacts? What are the standards, the requirements, the goals? The Airport Development Policy doesn't have a single word about this. Not. One. Word. A new development could ramp up noise WITHOUT LIMIT, according to this Policy. This is unacceptable. This is complete and utter disregard for the City and the public.
R44	See R7 Comment noted. No specific alternative language or deletions provided.
Commenter #13	
C45	Section # 2.1 Comment: Unsolicited Interest • Issue: Must not be under NDA as that removes all transparency. • Information Secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information
R45	See R11

COMMENT COMPILATION AND RESPONSE

C46	City Initiative • This is most worrisome - the city can decide that it wants to put out an RFP/RFI/RFQ without consent from the Airport commission, City council, or any public hearings for anything i.e. pretty much anything that Livermore Airport Staff want to do. I talks about making arrangements without having the airport staff, airport commission, other city officials -- this is absolutely should not be allowed! • For example, agreements MOU that could be agreed to with just council and omitting many of the other participants could be" • Cargo base for companies like Amazon • FBO with major jet operations (i.e., 737 maintenance, or major jet port hangers and FBO Is this correct? • The City Initiative process should clearly state and reference the 2010 Livermore Resolution which indicates the terms for the initiative: • "Future development at the airport shall only occur in response to existing aviation demand. Whether demand exists shall be evaluated by the airport advisory commission and shall be based on tangible evidence...." • "Redevelopment at the airport shall only occur if the Airport Advisory Commission determines that the existing facilities are in need of significant rehabilitation, improvement, or replacement" • A City Initiative should NOT be (as in the draft document) - "if Airport land/ improvements exist or become available"
R46	See R7 Comment noted. No specific alternative language or deletions provided.
C47	• Information secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information
R47	See R11
C48	ALL Sections: Overall Public Notification and Feedback on any proposal (applies to all sections) ISSUE: Lack of any Public notification and feedback at any stage is not explicitly indicated in the document • For example, during and after the interest or MOU has been negotiated and signed by the City and Applicant • There is no public notification/comment of this happening • After the MOU is signed, the Concept Plan is sent to the City – there is no public notification or comment period on this concept plan • The public should be notified and have provision for review/feedback at every step: • Upon unsolicited interest • Prior to MOU approval • Prior to Concept Plan approval • At application submission time • Prior to application approval time • The onus of notification should fall on the applicant (mailers to airport surrounding community). Putting the draft on airports website cannot be considered as public notification as one can't expect people to go and keep checking airports website each week.
R48	See R4 Comment noted. No specific alternative language or deletions provided.
C49	Section 3.2 Environmental Quality • ISSUE: There is no mention of Noise which is the major environmental quality issue facing the valley with the airport • Noise is a major environmental factor and the fact that this is not here? Very concerns that the airport is not taking this seriously -- this is a serious omission
R49	See R5 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C50	Section 3.3 Provision of Necessary Airport Land and/or improvements • This section introduces a number of NEW policies regarding land and improvements • ISSUE: Does not have any policy regarding noise (including single noise events), adhering to the nighttime curfew, etc. • If NEW policies are being added (which they are in this section), then new policies can be added regarding noise, curfew violations, etc. For example: Mandatory yearly noise/flight pattern training for all companies and their leases Written pledges from all leases to abide on the noise, traffic pattern, voluntary curfews Policy after 2 infractions, that FBO and leases will have a personal meeting with the Mayor and discuss how they will be better citizens. Yes, this is extreme -- so far the airport doesn't seem to have taken any steps for repeat offenders?
R50	See R5 Comment noted. No specific alternative language or deletions provided.
Commenter #14	
C51	Following are comments I wish to have submitted on the airport development draft. Most of the issues I have could be addressed by clarification of or addition to the 2010 policy because any detailed planning has to flow from the policy. These are my major concerns:
R51	Comment noted. No specific alternative language or deletions provided.
C52	—the policy should rule out dealing with single interested developers who approach the airport. If the Airport Planning Commission recommends development, it should not be in response to a single company like Kaiser. Rather, it should stem from the Commission's assessment of needs; an RFP should be called for; and a number of proposals should be considered. Overall, I get the impression that Kaiser bought the politicians. True or not, that's what some people think.
R52	See R15
C53	—the policy on noise needs significant beefing up and specificity. I understand that the overall cost of noise reduction in Learjets is significantly higher than paying fines indefinitely. This is unacceptable. Also, one way of dealing with annoying noise in the community is to require 24/7 airport staffing: put the cost in the rents and landing fees and give the citizens a credible outlet for night flight complaints—which are many.
R53	See R5 Comment noted. No specific alternative language or deletions provided.
C54	—the policy on noise needs significant beefing up and specificity. I understand that the overall cost of noise reduction in Learjets is significantly higher than paying fines indefinitely. This is unacceptable. Also, one way of dealing with annoying noise in the community is to require 24/7 airport staffing: put the cost in the rents and landing fees and give the citizens a credible outlet for night flight complaints—which are many.
R54	See R5
C55	—the “appropriate use” of the airport is too broadly defined. I bet quite a few of the past developments benefited other areas beyond the Tri-Valley area. What happens when Tracy industries come wanting to use the airport? The desires of the community’s resident in the Tri-Valley should weigh in strongly here, as these are the people who will have to live with whatever the airport does.
R55	Comment noted. No specific alternative language or deletions provided.
C56	Overall, the past actions at the airport indicate that there is little agreement on what the airport is for. I doubt residents have a problem with Tri-Valley residents flying and parking their small planes. But the past couple of decades have required frequent large-scale resistance to one or another of the airport’s/City Council’s ideas. I am tired of it; others are too. We spend more time on airport issues than anything else the local politicians do. There is something wrong here, and blaming FAA rules just won’t do. When, in 2010, the City of Livermore adopted a policy statement that the City does not intend to extend the runways (to accommodate larger planes), many of us read that as weasel-wording rather than a firm statement that residents can rely on. The new airport management has a massive job to do in rebuilding confidence with the locals. Too much secrecy leads to accusations of greed. Much more transparency is required, or we will stay in the place we have been for a long time.
R56	See R7

COMMENT COMPILATION AND RESPONSE

	Commenter #15
C57	Section #2.1 Page # 3-4 Comment: OMISSION Does not include requirements for Public Participation to ensure open and transparent processes and procedures. E.g.: public notice, public meetings, requests for public comments, with reasonable timelines, additional public review cycles. ADD Requirements for an open and transparent process for RFP/RFI/RFQ. Requirements for public participation. Requirements for public notification Requirements for public comment and feedback. Requirements for additional public review cycles.
R57	See R4 Comment noted. No specific alternative language or deletions provided.
C58	Section #2.1 Page # 3-4 Comment: OMISSION Does not include a clear statement of the airport development guidelines as defined in the Livermore City Council Resolution 2010-058. The global reference to Appx B and Resolution 2010-058 is inadequate and creates ambiguity. ADD Call out the Specific Requirements as per Resolution 2010-058: Future airport development only in response to existing demand. Future airport development only in cases where existing facilities are in need. Do not extend runways. Do not solicit or encourage development of large scale, stand-alone cargo operations at Livermore airport.
R58	See R7 Comment noted. No specific alternative language or deletions provided.
C59	Section #2.4 Page # 5-7 Comment: OMISSION Does not include requirements for Public Participation to ensure open and transparent processes and procedures. E.g.: public notice, public meetings, requests for public comments, with reasonable timelines. ADD Requirements for an open and transparent process for RFP/RFI/RFQ. Requirements for public participation. Requirements for public notification Requirements for public comment and feedback. Requirements for additional public review cycles.
R59	See R7
C60	Section # 2.9 Page # 7 Comment: OMISSION Fails to explicitly state a basis of rejection includes the project will increase the noise impacts to surrounding communities, in compliance with Livermore City Council Resolution 2010-058. Project cannot be the cause of increased aircraft noise impacts to surrounding communities (Tri-Valley Cities). ADD Call out the Specific Requirements as per Resolution 2010-058: The City will aggressively foster the reduction of aircraft noise efforts, including during night hours (but not limited to). City will participate in federal lobbying efforts to legislate phase-out of noise-producing jets.
R60	See R5, R7 Comment noted. No specific alternative language or deletions provided.
C61	Section # 2.9 Page # 7 Comment: OMISSION Fails to explicitly state a basis of rejection includes the project will increase the noise impacts to surrounding communities, in compliance with Livermore City Council Resolution 2010-058. Project cannot be the cause of increased aircraft noise impacts to surrounding communities (Tri-Valley Cities). ADD Call out the Specific Requirements as per Resolution 2010-058: The City will aggressively foster the reduction of aircraft noise efforts, including during night hours (but not limited to). City will participate in federal lobbying efforts to legislate phase-out of noise-producing jets.
R61	See R5 and R7 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C62	Section # 3.2 Page # 9 Comment: OMISSION Fails to specify City shall not permit development or land use that will increase the noise impacts to surrounding communities, in compliance with Livermore City Council Resolution 2010-058. Project cannot be the cause of increased aircraft noise impacts to surrounding communities (Tri-Valley Cities) ADD Explicit statement to include: City shall not permit development or land use that increases noise impacts to surrounding communities (Tri-Valley Cities).
R62	See R5 and R7
C63	Section # 3.3 Page # 9 Comment: OMISSION Statement that projects resulting in the increased noise impacts to surrounding communities is not permitted (Tri-Valley Cities) MISSING Explicit statement to include: City encourages development that does not result in increased noise impacts to surrounding communities (Tri-Valley Cities).
R63	See R5 and R7
C64	Section # 5.1 Page # 19 Comment: OMISSION Expected noise impacts to surrounding communities (Tri-Valley Cities). MISSING Explicit statement to include: Concept Plan shall include information about the expected noise impacts to surrounding communities (Tri-Valley Cities) and the plans to mitigate noise impacts.
R64	See R5 and R7
C65	Section # 5.2 Page # 19 Comment: OMISSION Plans to ensure that the project does not increase noise impacts to surrounding communities (Tri-Valley Cities). ADD Explicit statement to include: Development Plan shall identify complete set of plans to ensure project does not cause increased noise impacts to surrounding communities (Tri-Valley Cities) and the plans to mitigate noise impacts.
R65	See R5 and R7
C66	Section # 7.4 Page # 30-33 Comment: OMISSION Does not include requirements for Public Participation to ensure open and transparent processes and procedures. E.g.: public notice, public meetings, requests for public comments, with reasonable timelines, additional public review cycles. ADD Incorporate Public Participation milestones into flowcharts (Unsolicited Interest, City Initiative, MOU/Agreement Process): Requirements for public participation. Requirements for public notification Requirements for public comment and feedback. Requirements for additional public review cycles.
R66	See R4
Commenter #16	
C67	Comment: Noise in California Ranch community we live very close. Since 2000 with mayor James we have request to place reduce noise at the Airport. Also stop flying in at 9pm period.
R67	See R5 Comment noted. No specific alternative language or deletions provided.
C68	Comment: If an accident occurred with airplane or biplane who land in Isabel Av. What solution the city has to avoid tragedies. Also make sure do not land in our home
R68	Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #17
C69	Appendix # 7.4 Page # 30 Comment: A FLAW OF THE RECENT KAISER APPLICATION STRONGLY OPPOSED BY RESIDENTS IS REPEATED IN THIS POLICY DOCUMENT. Until the application is far down the flowchart and presented to the airport commission, there is no requirement for review or input from persons required to be LIVERMORE RESIDENTS.
R69	Appendix 7.4 has been expanded to include Airport Commission participation following submission of an Application (under the Unsolicited Interest process) as well as prior to issuing an RFQ/RFP (under the City Initiative process).
C70	Appendix # 7.4 Page # 30 Comment: ADD an additional task Process between the "Start" bubble and "Interested party initial meeting with IDSRT" as follows: "While in compliance with Brown Act, Interested party meets individually with Airport Commission members, willing to sign NDA if needed, for the purpose of informal presentation and to receive feedback regarding the proposed application prior to IDSRT submittal"
R70	See R69.
C71	THIS WEBSITE FORM Comment This website requires at least the input of City and County - Yet there is no input fields for that. There is only an input for "Country"
R71	Comment noted. No specific alternative language or deletions provided.
C72	THIS WEBSITE FORM Comment Once you hit "Review" there is no visible "Edit", or "Go Back" button to make the changes it requires
R72	Comment noted. No specific alternative language or deletions provided.
	Commenter #18
C73	Section # 1.2 Page # 1 Comment: I have concerns regarding the Livermore Airport New Development Plan Proposal. Please advise where these issues are addressed in your Airport New Development Plan Proposal. The big issues:
R73	Comment noted. No specific alternative language or deletions provided.
C74	(a) Noise impacts are ignored in the documents; why aren't noise policies mentioned?
R74	See R5 Comment noted. No specific alternative language or deletions provided.
C75	(b) It appears the City can issue an RFI/RFP/RFQ whenever there is "land/improvement available" even without existing demand with tangible evidence (in contradiction to the 2010 City resolution).
R75	See R7 Comment noted. No specific alternative language or deletions provided.
C76	(c) I don't see it mentioned when/if public notification/comment will happen (when developments are proposed). The public needs to be made aware of proposals that impact them and their daily lives.
R76	See R4 Comment noted. No specific alternative language or deletions provided.
C77	(d) It appears there's an ability for city council to bypass city manager, airport commission, airport management and sign a deal for expansion (looking at current proposed wording). Full disclosure and transparency are important.
R77	See R69

COMMENT COMPILATION AND RESPONSE

	Commenter #19
C78	Section # 2.1 Page # Comment: Unsolicited Interest Issue: Must not be under NDA as that removes all transparency. Information Secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information City Initiative This is most worrisome - the city can decide that it wants to put out an RFP/RFI/RFQ without consent from the Airport commission, City council, or any public hearings for anything i.e. pretty much anything that Livermore Airport Staff want to do) For example: Cargo base for companies like Amazon FBO with major jet operations (i.e., 737 maintenance, or major jet port hangers and FBO) Expand runways The City Initiative process should clearly state and reference the 2010 Livermore Resolution which indicates the terms for the initiative: “Future development at the airport shall only occur in response to existing aviation demand. Whether demand exists shall be evaluated by the airport advisory commission and shall be based on tangible evidence....” “Redevelopment at the airport shall only occur if the Airport Advisory Commission determines that the existing facilities are in need of significant rehabilitation, improvement, or replacement” A City Initiative should NOT be (as in the draft document) - “if Airport land/ improvements exist or become available” Information secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information
R78	See R11
C79	Section # 3.2 Page # Comment: ISSUE: There is no mention of Noise which is the major environmental quality issue facing the valley with the airport
R79	See R5 Comment noted. No specific alternative language or deletions provided.
C80	Section # 3.3 Page # Comment: This section introduces a number of NEW policies regarding land and improvements ISSUE: Does not have any policy regarding noise (including single noise events), adhering to the night time curfew, etc. Since new policies are possible (as indicated in this section), recommend the following policies: Mandatory yearly noise and flight path training for all FBOs, their leases, and occupants Signing of a “pledge” towards these noise / flight path guidelines
R80	See R5 Comment noted. No specific alternative language or deletions provided.
	Commenter #20
C81	Section # 2.1 Page # Comment: Unsolicited Interest Issue: Must not be under NDA as that removes all transparency. Information Secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information City Initiative This is most worrisome - the city can decide that it wants to put out an RFP/RFI/RFQ without consent from the Airport commission, City council, or any public hearings for anything i.e. pretty much anything that Livermore Airport Staff want to do) For example: Cargo base for companies like Amazon FBO with major jet operations (i.e., 737 maintenance, or major jet port hangers and FBO) Expand runways
R81	See R11
C82	Section # 2.1 Page # Comment: The City Initiative process should clearly state and reference the 2010 Livermore Resolution which indicates the terms for the initiative: “Future development at the airport shall only occur in response to existing aviation demand. Whether demand exists shall be evaluated by the airport advisory commission and shall be based on tangible evidence....” “Redevelopment at the airport shall only occur if the Airport Advisory Commission determines that the existing facilities are in need of significant rehabilitation, improvement, or replacement” A City Initiative should NOT be (as in the draft document) - “if Airport land/ improvements exist or become available” Information secrecy: All information must be provided publicly without NDA/confidential at all stages except for any financial information

COMMENT COMPILATION AND RESPONSE

R82	See R7 Comment noted. No specific alternative language or deletions provided.
C83	Section # 3.2 Page # Comment: ISSUE: There is no mention of Noise which is the major environmental quality issue facing the valley with the airport
R83	See R5 Comment noted. No specific alternative language or deletions provided.
C84	Section # 3.3 Page # Comment: This section introduces a number of NEW policies regarding land and improvements ISSUE: Does not have any policy regarding noise (including single noise events), adhering to the night time curfew, etc. Since new policies are possible (as indicated in this section), recommend the following policies: Mandatory yearly noise and flight path training for all FBOs, their leases, and occupants Signing of a “pledge” towards these noise / flight path guidelines
R84	See R5 Comment noted. No specific alternative language or deletions provided.
Commenter #21	
C85	Section # 1.2 Page #4 Comment: No mention of when/IF public notification/comment will happen. Public should be notified at every stage of the process (Interest, MOU, Concept Plan, etc.) and be able to provide feedback. All information must be provided publicly without NDA/Confidential at all stages of the process.
R85	See R4
C86	Appendix City Initiatives: Leasing and Development Policy Page #25 Comment: Livermore letter: Point 5 - Noise impacts - ignored in this document and should be asked/addressed by any applicant. There should be new noise policies put in place.
R86	See R5 Comment noted. No specific alternative language or deletions provided.
C87	Appendix Leasing and Development Policy Page #38- Section 7.7 Advertising Guidelines Comment: The City Initiative for RFI/RFP/RFPQ is worded whenever there is "land/improvement available". This is in direct contradiction to the 2010 City resolution that explicitly indicates only when "existing demand" with "tangible evidence" (they cannot create demand), the city does not make this determination - it is the Airport Advisory Commission that does.
R87	See R7 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #22
C88	Comment: Noise impacts- the document does not address how planning and development will take into account noise impact on the surrounding community and Livermore in general. I suggest detailing noise monitoring procedures and requiring a report on potential noise impact of any new development that should be part of the proposal process. There should also be a regular (multiple times a year) way to communicate impacts to the community. Any legal means of supporting noise reduction including adding fines to lease agreements for violations or assessing take off and landing flight paths for the least impact (near freeways when possible instead of homes) should be prioritized.
R88	See R5 Comment noted. No specific alternative language or deletions provided.
C89	Comment: Any proposals that have a direct benefit to the city of Livermore residents should be prioritized. For example, development proposals that include amenities that the community can enjoy (a restaurant or museum).
R89	Comment noted. No specific alternative language or deletions provided.
C90	Comment: Any proposal for development should be automatically linked to a public announcement. The steps for the approval process should be detailed in the plan and publicized at each stage. Extra opportunity for public input should be built into each stage of the process including the proposal stage
R90	See R4
	Commenter #23
C91	Section # 1.2 Page # 1 Comment: I am writing to express my concerns regarding the recent changes made to the Livermore Airport Development Policy. While the new policies and guidelines provided in the document cover many areas, I noticed that noise impacts had been ignored. This is a significant issue that needs to be addressed, especially given the high noise level during small plane takeovers in areas east of Jordan Ranch/Dublin(Opp Fallon Sports Park) and over the Cottonwood Creek School. Furthermore, I am concerned about the City Initiative clause in the Livermore Airport Development Policy. As per the 2010 City resolution, an RFI/RFP/RFQ can only be put out when there is "existing demand" with "tangible evidence." However, it appears that the Airport Advisory Commission, rather than the city, makes the determination. This raises questions about whether the airport staff is trying to bypass the 2010 resolution to allow for expansion, such as a cargo base for companies like Amazon, FBO with major jet operations (i.e., 737 maintenance or major jet port hangers and FBO), expand runways and impacts a large set of tri-valley communities (Dublin/ Pleasanton /Livermore), and new development projects at the east side of Dublin.
R91	See R5, R7
C92	Section # 2.6 Page # 7 Comment: Lack of transparency and public notification opportunities. There is no mention of when/if the public will be notified or allowed to provide feedback. This could result in agreements being signed in secret and not made public until it is too late in the process. The public should be notified at every stage of the process, from Interest to MOU to Concept Plan, to provide feedback.
R92	See R4 Comment noted. No specific alternative language or deletions provided.
C93	Section # 3.2 Page # 9 Comment: This significant issue needs to be addressed, especially given the high noise level during small plane takeovers in areas east of Jordan Ranch/Dublin(Opp Fallon Sports Park) and over the Cottonwood Creek School.
R93	See R5 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #24
C94	Section # 1.2 Page # 1 Comment: Environmental: any further expansion of the airport will have severe, destructive, environmental impacts on the surrounding neighborhoods, significantly increasing noise and air pollution, negatively affecting the health of residents ...this policy does not adequately address the increased environmental and health damage which will be caused by expansion and extension of services at the airport
R94	Comment noted. No specific alternative language or deletions provided.
C95	Section # 1.2 Page # 1 Comment: further expansion of the airport will negatively impact the relationship between the airport and the surrounding communities since expansion will result increased pollution and noise, both of which are continuing issues objected to by the surrounding communities.
R95	Comment noted. No specific alternative language or deletions provided.
C96	Section # 1.2 Page # 1 Comment: Economic issues are not properly addressed...while the airport will undoubtedly benefit financially from airport expansion, local homeowners will definitely not, as noise and pollution will decrease property values
R96	Comment noted. No specific alternative language or deletions provided.
C97	Appendix B-1 Page # 1 Comment: the resolution states in #4 that the city does not intend to extend the existing runways.....this offers no real assurance and does not even offer assurance that public input will be solicited, with enough notice to be effective, if such plans come up in future
R97	Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.
C98	Appendix B-1 Page # 1 Comment: #5 states the city will aggressively foster the reduction of airport noise...this section is disingenuous at best, since any noise complaints submitted are met with the standard reference to FAA regulations, which prevent cities or local jurisdictions from enacting any regulation of which aircraft that can use the airport if the facility is adequate...that is why the noise reduction efforts are all voluntary, and why the city will not be aggressively reducing airport noise...expansion of the airport and aircraft services will increase noise and pollution and the only way the city can aggressively work to reduce such is by not increasing traffic through the airport
R98	Comment noted. No specific alternative language or deletions provided.
C99	Comment: In support of airport expansion, the ever increasing demand for increased hangar space and services is often cited; the inclusion in the document that expansion shall not be solicited and will only be approved if the demand already exists, also specious...as far as i can see, the policy plan does not specify when public notice shall be given of proposals and when/if public comments will be solicited regarding such proposals. This should be included in the proposal in a clear way and be required before any advancing of any proposal that will increase airport traffic, and the city needs to be more upfront regarding its lack of power over the real results of expansion, and of how only by not encouraging more airport traffic can the city help protect residents from the health, economic, social and functional goals
R99	Comment noted. No specific alternative language or deletions provided.
	Commenter #25
C100	Section # 1 Page # 1 Comment: Keeping a "compatible relationship" with the community should include reducing the noise problem. I do not see "noise" discussed. Just because people may have given up complaining about the noise, it does not mean that the problems are solved.
R100	See R5 Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C101	Section # 2 Page # 7 Comment: Increase the communication with and input from the public during the RFQ/RFP process without a public records request.
R101	See R4 Comment noted. No specific alternative language or deletions provided.
C102	Section # 3 Page # 7 Comment: Increase the communication with and input from the public during the RFQ/RFP process without a public records request.
R102	See R4 Comment noted. No specific alternative language or deletions provided.
C103	Section # 3 Page # 10 Comment: Leaded gasoline is harmful to the people, animal and the environment. Regulate, reduce and eliminate lead fuel.
R103	Comment noted. No specific alternative language or deletions provided.
C104	Section # 3 Page # 12 Comment: Appreciate emphasis on protecting water resources. Who will be responsible for the protections?
R104	The City's Planning Department will ensure compliance with Legal Requirements related to water quality. Comment noted. No specific alternative language or deletions provided.
Commenter #26	
C105	Section # 2.6; 3.2; 7.5 Page # 7, 9, 34 Comment: My concerns are in agreement with the Livermore Airport Citizen's Group.
R105	Comment noted. No specific alternative language or deletions provided.
Commenter #27	
C106	Comment: As a resident that would be impacted by any changes proposed to the operation of the airport, why was I not contacted proactively to solicit my input? You should have a robust public information/outreach campaign. What are the noise impacts that are reasonably foreseeable from this new policy? Why are you not conforming to previous Resolutions adopted by the City regarding airport developments? Local government should be about openly serving the needs of its residents, not hiding major impacts to them until it is too late to do anything about it. Whose need are your really serving?:
R106	See R7 Comment noted. No specific alternative language or deletions provided.
Commenter #28	
C107	Section # 2, 6 Page # Comment: Why is there no mention of when the public can comment on applications except at a City Council meeting at the very end of the process? The public must be notified and allowed to comment at every step of the process: interest, MOU, Concept Plan, etc. All information should be provided publicly and in a timely manner for all stages excluding financial information. The public should be able to receive feedback concerning comments. The 2.6 Public Disclosure section needs to be re-written to include the above conditions. Giving the public the chance to review documents after making a request under the California Public Records Act is insufficient and denies adequate access to critical information.
R107	See R4 Comment noted. No specific alternative language or deletions provided.
C108	Section # The City Initiative Page # Comment: The City Initiative, (where the city can send out an RFI/RFP/RFO) whenever land is available should be changed to include the 2010 Airport Operational and Development Policies Resolution that explicitly states the city should only send out RFI/RFP/RFOs when there is demand and tangible evidence to document a need.

COMMENT COMPILATION AND RESPONSE

R108	See R7 Comment noted. No specific alternative language or deletions provided.
C109	Section # The City Initiative Page # Comment: The proposed plan should include point #3 of the 2010 Airport Resolution, " The City Manager, Public Works Director, and Airport manager shall take no action to solicit or encourage development of a large scale, stand-alone air cargo operator at the Livermore Airport."
R109	See R7 Comment noted. No specific alternative language or deletions provided.
C110	Section # Development policies Page # Comment: The proposed plan should include point #4 of the 2010 Airport Resolution, " The City does not intend to extend the runways"
R110	See R7 Comment noted. No specific alternative language or deletions provided.
C111	Section # Noise Impacts Page # Comment: The proposed plan should include and strengthen #6 of the 2010 Airport Resolution, " In cooperation with other Tri-Valley Cities, the City of Livermore will conduct periodic noise monitoring activities and report those activities to local elected Boards at least once a year.
R111	Proposed changes to Resolution 2010-058 are outside the scope of this proposed Leasing and Development Policy. Comment noted. No specific alternative language or deletions provided.
C112	Section # Goals, Objectives, and Development Priorities (Sub heading --Environmental) and Section 3.4 Manmade and Natural Hazards Page # Comment: The proposed plan does not include any steps to reduce and/or prohibit the use of leaded aviation fuel. Why?? Leaded aviation fuel causes unacceptable levels of lead in the blood of children attending schools and/or using parks nearby. (Refer to the five year studies by the Santa Clara County Supervisors, the City of San Jose and Kaiser Permanente.) Santa Clara County prohibits planes of any size who use leaded aviation fuel to land/take off and refuel at San Jose Reed Hillview Airport and San Martin Airport in San Jose. There are several schools and parks adjacent to the Livermore Airport. Allowing the continued use of leaded aviation fuel at the Livermore Airport poses a health risk to children and families nearby. The continued use of leaded aviation fuel directly conflicts and is inconsistent with section 1.2 Goals, Objectives, and Development Priorities that which states that the plan must include " features to minimize adverse impacts to the environment".
R112	Section 1.4 states as follows: <i>"Entities who desire to lease, construct, modify, and/or renovate aeronautical or non-aeronautical land and/or Improvements at the Airport shall comply with this Policy, Resolution 2010-058, and any federal, State of California (State), Alameda County, or City laws, codes, ordinances, and other applicable Legal Requirements."</i> If a governmental agency creates a regulation related to the use of leaded aviation fuel, then an entity proposing to develop land or improvements under this policy would be subject to such regulation. Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C113	Section # Noise Impacts/Limits Page # Comment: No noise limits were listed in the proposed development plan. Future applicants and operators should be made aware of the current noise limits. The plan should list the general plan limits for the cities of Livermore, Pleasanton, Dublin and Alameda County's General Plan. (Depending on weather conditions, planes may land/take off directly over county residences and parcels.)
R113	See R5 Comment noted. No specific alternative language or deletions provided.
C114	Section # 3.4 Page # Comment: The plan does not address the issue of PFAS. The plan does not prohibit lease owners from using materials, chemicals, substances, or practices that may increase PFAS levels at the airport and in neighboring areas.
R114	Section 1.4 states as follows: "Entities who desire to lease, construct, modify, and/or renovate aeronautical or non-aeronautical land and/or Improvements at the Airport shall comply with this Policy, Resolution 2010-058, and any federal, State of California (State), Alameda County, or City laws, codes, ordinances, and other applicable Legal Requirements." This includes compliance with any legal requirement related to PFAS. Comment noted. No specific alternative language or deletions provided.
C115	Section # 3.4 Page # Comment: The proposed plan needs to address in further detail who will be responsible for drainage and flooding during heavy rain years such as the 2022-23 winter.
R115	Comment noted. No specific alternative language or deletions provided.
C116	Section # 1.4 Page # 10 Comment: The words " County laws, codes and ordinances" should be added in addition to federal, state and city laws.
R116	Section 1.4 has been changed as follows: <i>State of California (State), Alameda County, or City laws...</i>

COMMENT COMPILATION AND RESPONSE

	Commenter #29
C117	Comment: Honorable Livermore City Council members: We are both Seniors and love our home on Amberwood Way. In many ways Livermore is a very nice city, we enjoy our neighborhood, we have a great downtown, etc. We have been homeowners in Livermore for more than 30 years. I am writing-in regards to the proposed Airport Development Policy. I am hoping that somewhere in the proposal, noise impacts is mentioned. I did not fully read this draft proposal but wanted to let our elected officials know how we feel. We are against any expansion and any more facilities being built that will increase the number of aircraft using our Airport. Our Airport is very busy and popular and we have so many planes flying over our neighborhood. It seems to me that some city officials and some on our Airport Commission want to encourage more aircraft to use our Airport by building more facilities. Many of the aircraft using our airport are single engine Cessna type planes and I assume that they are from Flight Schools. Many are flying low and some are loud and disturbing. Seems like our Airport is much busier than Palo Alto, Hayward, Concord, Tracy, Stockton and other nearby cities. Seems like there are more flight schools using our Airport and I know flight Schools from other cities use it every day. I have an app on my phone (FlightRadar24) and I can see the airplane traffic at Livermore and other airports. I also know that this app is not 100 % accurate. The City Council (I believe it was back around 2005) approved an expansion. I believe back in 2007 our City Council approved a Fixed Base Operator (FBO) which as you know is Five Rivers Aviation. When we bought our home in 1992 it was rare to see a jet using our Airport. Even though many of use residents protested against this expansion and around 1000 residents of Livermore and Pleasanton attended the meeting at Granada High in 2005 to protest this proposed expansion. Sadly our City Council approved the proposal and now we have many large corporate jets flying over our neighborhoods every day. I know there are people that want our Airport to continue to expand and that is disappointing. Our Airport negatively impacts many neighborhood including ours. Our home is about 3 ½ miles to the east of our Airport and is slightly north of the flight path. Our Airport can negatively impact the property values of many neighborhoods. It affects the quality of life for many neighborhoods. Thru the years the increase in air traffic has become an on going conversation between our neighbors and us. And from what I have read, many residents in Pleasanton do not like our Airport and the noise these aircraft generate. Please take into consideration before allowing any more expansion, building of facilities, etc. on Airport property. Please reply to let me know you have received this info and please feel free to comment. Thank you very much
R118	Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

	Commenter #30
C119	April 17, 2023 To: Livermore City Council Livermore Airport Commission Scott Lanphier, Director of City Public Works Michael Musca, Airport Manager Re: Proposed changes to City of Livermore Airport Development Policy We are writing you because we have questions and concerns about the proposed new City of Livermore's Airport Development Policy (February 17,2023) We moved to east Pleasanton in 1992 and at the time of purchasing our house our realtor notified us about the City of Livermore's Airport. It was noted that the airport was created in 1965 as a small recreational airport for small airplanes and was not designated for any other purpose. There was little airplane traffic over our east Pleasanton neighborhood for several years. In early 2000, landing and take-off pattern changes were made at the airport which directly impacted east Pleasanton including homes and schools. At the time, we voiced our concerns without success. Today, we regularly have small jets flying over our neighborhood in both take-off and landing maneuvers. We regularly report those planes operating outside approved business hours. Our concern is for the safety of our neighborhood, including the impacts of noise, air pollution and possible accidents. After the public outcry of possibly expanding the airport with a Kaiser Air contract, we appreciated your desire to re-evaluate and update the airport's policies and procedures. However, as we read the proposed new City of Livermore Leasing and Development Policy for the airport, we are disappointed in the recommendations. ☐ The proposed policy includes an objective on Social factors –“To maintain and enhance a compatible relationship between the airport and the surrounding community”. There are no clear action steps/definitions on what this means... what level of noise is agreed upon, hours of operations, definition of air pollution standards, definition of community, opportunity for community input. ☐ There is no reference in this document about public input and review of the proposed changes. After the outcry about Kaiser Air expansion, we are shocked that there was no interest to include public participation in the development of the proposed policy and on-going changes at the airport. ☐ Noise policies are ignored in the document, although new policies and guidelines are detailed on things like size of buildings, landscaping, flag poles, lighting, setbacks, vehicle parking, hangar assignments, etc. Why weren't noise policies created/included? ☐ City of Livermore is part of the Tri-Valley and this document makes no mention of trying to communicate and/or work with the Cities of Dublin and Pleasanton officials to maintain a healthy and prosperous valley. Will this occur? ☐ The City of Livermore in past policy (Resolution NO. 2010-058), states the existing demand to increase/change at the airport must have tangible evidence. The new policy states that changes can be made any time by anybody and in fact the proposed contractor can create the demand (Unsolicited Interest) is the term used in the proposal. We are so disappointed in this proposed leasing and development policy and hope that additional time can be included to truly look at and include clear definition and standards for social and community needs so that everyone can be satisfied and keep the Tri-Valley a very desirable place to live. Sincerely,
C119	See R1 through R12

COMMENT COMPILATION AND RESPONSE

	Commenter #31
C120	April 7, 2023 Ms. Marianna Marysheva City Manager City of Livermore 1052 S. Livermore Avenue Livermore, CA 94550-1052 Via email RE: City of Pleasanton Comments on the Airport Development Policy and Hanger Waitlist Policy Dear Marianna - Thank you for the opportunity to review and comment on the City of Livermore's (Livermore) Draft Airport Development Policy and Hanger Waitlist Policy. Please find below the City of Pleasanton's comments regarding the draft policies. As you are aware, Pleasanton and public concerns are most focused on expansion of airport activity and noise etc. associated with flight activity that may occur with such expansions. As such, it is important that Livermore's policies continue to adhere to the limitations established in Resolution 2010-058, and that there is transparency and appropriate analysis of any project with the potential to increase flight activity. While we appreciate the more detailed and comprehensive planning and approval approach reflected in the policies, the City of Pleasanton (Pleasanton) is concerned that the policies do not adequately utilize or reflect the 2010 Livermore City Council Resolution as it relates to expansion of airport activities and associated impacts, nor thoroughly articulate how the public and interested parties will be provided notification of major improvements or other planned expansion. Pleasanton's specific comments of the Draft Policies are as follows:
R120	See R7 Comment noted. No specific alternative language or deletions provided.
C121	Comment: 1. The Draft Policy does not adequately tie the basis or rationale for approval of improvements to the specific parameters outlined in Resolution 2010-058. As you are aware, the Resolution generally seeks to limit the expansion of airport operations and additional flight activity, base any expansion solely on the basis of existing demand and "tangible evidence" thereto; to control noise, and more specifically, to limit certain expansions such as the extension of runways or development of large air-cargo operations.
R122	See R7 Comment noted. No specific alternative language or deletions provided.
C123	Comment: 2. In Section 1.2, the bullet list of objectives used to evaluate proposals is deemed to "reflect the Airport Development Priorities" in Reso 2010-058. It further notes they will be "used as criteria for evaluating proposals for Airport land lease/development, as further explained in this document." However, the relationship between the (somewhat generic) objectives, and the very specific guidance of the Resolution is unclear, and the Policy does not in fact provide any further explanation or reference to the Resolution, other than attaching the Resolution as an appendix. For example, the policy does not actually directly cite or use any of the criteria stated in the Resolution (e.g. determination/findings that improvement necessary to support existing demand, versus supporting expansion/increase in capacity or size of aircraft that can be accommodated). Explicit compliance with the Resolution is not called out in Section 1.4 (Compliance), nor in the review procedures in Section 2.2 with respect to new leases, or Section 3.3 with respect to provision of improvements.
R123	Comment noted. No specific alternative language or deletions provided.

COMMENT COMPILATION AND RESPONSE

C124	Comment: 3. The Airport Development Policy does not address requirements for CEQA / NEPA environmental review. As noted in the preface, whether based on an individual proposal or a more comprehensive plan (as Pleasanton suggests may be appropriate), CEQA and/or NEPA review will be required for many projects, and will help provide disclosure of potential impacts through evaluation of noise, air quality, hazards and other impacts if there is a change in operations associated with a lease or improvements).
R124	A new Section 1.8 Environmental Review has been added to the document.
C125	Comment: 4. The Policies are unclear about what notification is to be provided to the public or other interested parties (such as the City of Pleasanton), and at what stages in the process. As written, no public notification for any lease or improvement, beyond that required for a standard City Council or planning application (if required) is noted. While we do not think it will be necessary or appropriate to require a public notice for minor changes (e.g. repair of an existing building), certain actions or approvals, particularly those that would constitute an expansion or intensification of use, may warrant additional notification or referral.
R125	See R4 Comment noted. No specific alternative language or deletions provided.
C126	Thank you for the opportunity to provide comment. Please let me know if you have any questions or would like to discuss in more detail. Sincerely,
R126	Comment noted. No specific alternative language or deletions provided.

From: [LA CG](#)
To: [Debbie Elam](#)
Cc: [Marie Weber](#)
Subject: Comments to be included in the City Agenda Packet - Livermore Airport
Date: Tuesday, June 20, 2023 1:11:39 PM

Debbie,

Please find below the comment to be included in the packet. Thanks for all your help.

regards, LACG

The latest document released on the previous Friday by the Livermore Airport **ignores** many of the public comments on the earlier draft, and appears not to be done in good faith (a CEQA violation from my understanding?).

The airport is the one city Asset that impacts the lives of probably 200,000 people. Not like a new apartment, or a new street, or a shopping mall. It requires special and more serious scrutiny (and checks and balances) on what gets developed at the airport.

1. Noise

We do understand the the noise guidelines/standards are set by the FAA , and note they were primarily established for large urban (i.e. SFO) airports, not that of small regional airports. We hope you will agree that the noise is a large issue with the community.

The question is what can the Airport do to lower the noise, including what can be put into the Airport Development Policy -- **the current proposal does nothing -- and hence inconsistent with 2010 "aggressively reducing the noise" mandate.** Several suggestions that have been given now and in the past include:

- Much more aggressive and training/education of the tenants -- For example, the Airport Development Policy could state:

- All tenants and their leases,etc will attend a yearly training on noise mitigation flight paths etc (when safe)

- All tenants will in writing acknowledge the voluntary curfew and suggested flight paths (when safe)

- All tenants will be required to sign a "pledge" to the above. (there may be no legal recourse if they "break" the pledge -- but it sends a clear signal that noise is taken very seriously by Livermore and be part of our community.

- If a tenant violates the voluntary night curfew more than X times, they will have an additional training. 3rd time around a meeting with the airport manager/director etc. 5th time the Mayor.

- All tenants must have a 16 x 20 clearly visible in each building/hanger with the noise mitigation recommendations by the Airport Management (i.e. curfew hours, best practices, recommend flight paths (when safe))

- There is much more that can be done with creativity -- you are the professionals. Why wasn't this done and included after receiving strong feedback on this?

Most of the 2010 resolution provides direction and guidance -- the Airport Development Policy (and other documents) is where the IMPLEMENTATION should be specified. That is what is lacking and ignored.

2. Public notification / comment and transparency.

The process stated below is not transparent, and does not provide the public visibility at the early stages to provide feedback concerns:

- Almost all documents/communications get marked "NDA/confidential", and then the city does not provide them. Hence the explicit request that all documents/communications (except) financial will be available to the public-- put in the Airport Development Policy -- which was ignored.

- An example of this was with Kaiser -- no documents/communications (between Kaiser/City) were allowed to be made public during the process, since they were conveniently under NDA.

- By the time an MOU is signed, it is basically a "Done Deal". The city council, city manager, airport manager are completely incented to complete the deal as fast as possible with little change. The current document, the Public Engagement Plan -- nothing about comments and actions. And no criteria, and it is AFTER agreement has been made (all incentives are to go through the motions and not have any changes).

- By the time it gets to City Council nothing much changes -- City Council are incredibly busy, and typically it is rub stamped (watched this over 20 years) --- in all likelihood City Council will rubber stamp the new Airport Development Plan (I hope not, but that has happened in the past)

Hence the request for additional notification AND comment through each phase (interest, MOU, Concept Plan) -- but those comments were ignored.

(another example was less than 1 business day between the release of the Airport Development Plan after the comments -- and the Airport Commission Meeting --- do you believe this is fair or an attempt to push it through quickly with little review (this is what the public perceives).

Yes, the public has more opportunity in the June 26th council meeting to give feedback -- but shouldn't these have been addressed with Staff before it even gets to the City Council -- or is it City Council's job to address all the comments that the Airport Staff ignored?

3. CEQA / NEPA

It is clear, given the 65 DB CNL (average cumulative noise) set by the FAA, that all CEQA's and comment periods are just paperwork. SNEL is the critical issue which the Airport doesn't address. In fact, the last noise study -- was SNEL in it?

4. Livemore voluntary curfew and "Good Neighbor Policy" -- how can the Livermore Airport do better?

- The Livermore Airport does not "aggressively" address the issues -- have to disagree there.
- No training for operators/leases -- just a link to see the website
- Complaints get logged and no actions are done for specific complaints -- "we can't do anything" -- which is not true.
- Voluntary curfew violators get a relatively weak letter. No consequences (even a phone

call from the Airport Management on how it (impacts the peoples live)

- Pilots who do touch and go after 10 pm (or endless circle around residential areas) -- the airport knows who it is -- why aren't they talking to them and ask them to do it at other times -
- or another airport (can't legally deny them). The FAA does not restrict the Livermore airport from asking them to refrain/prefer (optionally) from doing it at LVK.

4. Can the airport do more? Yes...and some of this can be codified in the Airport Development plan.

In short: there's a lot airports can do, they're not limited to FAA regs, they can do more.

Congressional Research Service, Federal Airport Noise Regulations and Programs, R46920, September 27, 2021, by Rachel Yang

<https://crsreports.congress.gov/product/pdf/R/R46920>

Also available here, higher quality PDF

<https://sgp.fas.org/crs/misc/R46920.pdf>

-- CRS is a high quality source: "CRS reports are considered in-depth, accurate, objective, and timely, and topped the list of the "10 Most-Wanted Government Documents" survey by the Center for Democracy and Technology"

In short: there's a lot airports can do, they're not limited to FAA regs, they can do more.

-- The CRS report explodes the myth that the FAA ties the airport's hands:

"airports may implement noise-related restrictions on aircraft operations"

"Airports also may implement voluntary noise abatement procedures, like "fly friendly" programs under which aircraft operators fine-tune flight procedures and routes to minimize noise impact in certain communities or neighborhoods"

"airports may make their own decisions whether or not to address noise complaints when the measured noise level is below the DNL 65 dB threshold,"

"Airports may use their own operating revenues from commercial leases, parking charges, and other sources to fund noise projects as well"

"airports may choose to work directly with multiple stakeholders without relying on a federal regulatory process and establish voluntary noise abatement or mitigation programs outside of the Part 150 process."

"other major stakeholders have important responsibilities as well in addressing aviation noise:

state, county, and municipal governments own and operate airports while also exercising authority over local land use planning and development, zoning, and housing regulations;

airport owners are primarily responsible for airport planning and operations, including airport location and design, land acquisition, and ground procedures that may affect the noise level

beyond the airport perimeter;

aircraft manufacturers and aircraft engine manufacturers must comply with noise criteria in order to obtain the FAA certification required to put aircraft into service; and

aircraft operators are responsible for managing their fleets and for scheduling and flying in a way that minimizes ground-level noise impact."

5. The City Initiative

"The City Initiative: (where the city can put out an RFI/RFP/RFQ) is worded whenever there is "land/improvement available" – **this is in direct contradiction to the 2010 City resolution** that explicitly indicates only when "existing demand" with "tangible evidence" - and the city does not make this determination – it is the Airport Advisory Commission that does. Likewise "Encourage imaginative and innovative development of land" (section 1.2) is hardly consistent with meet existing demand. And yet they claim in that same section "The above objectives reflect the Airport Development Priorities established by the Livermore City Council in 2010 through Resolution number 2010-058"; no, they do not. "

These comments were given, and ignored. Surprised that Staff would continue to propose policy that is in direct contradiction to the 2010 Resolution.

6. Most of the comments were responded to in this manner: "Comment noted. No specific alternative language or deletions provided."

I have attached the comment document -- you will lose count >70% of the staff responses were this.

Example:

C123 Comment:

2. In Section 1.2, the bullet list of objectives used to evaluate proposals is deemed to "reflect the Airport

Development Priorities" in Reso 2010-058. It further notes they will be "used as criteria for evaluating

proposals for Airport land lease/development, as further explained in this document."

However, the

relationship between the (somewhat generic) objectives, and the very specific guidance of the Resolution

is unclear, and the Policy does not in fact provide any further explanation or reference to the Resolution,

other than attaching the Resolution as an appendix. For example, the policy does not actually directly cite

or use any of the criteria stated in the Resolution (e.g. determination/findings that improvement necessary

to support existing demand, versus supporting expansion/increase in capacity or size of aircraft that can

be accommodated). Explicit compliance with the Resolution is not called out in Section 1.4 (Compliance),

nor in the review procedures in Section 2.2 with respect to new leases, or Section 3 .3 with respect to provision of improvements.

R123 Comment noted. No specific alternative language or deletions provided.

(is this a reasonable response ?)

From: [Chel Kel](#)
To: [Livermore City Council](#); [Scott Lanphier](#); [Michael Musca](#); [City Clerk](#); citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov; [Pleasanton Weekly Editor](#); [The Independent](#); lacg@livermoreairportnoise.org; [Angela Hescher](#); letters@independentnews.com
Cc: [REDACTED]
Subject: Livermore Airport
Date: Monday, June 19, 2023 11:03:37 AM

We were very unhappy to see that the new Livermore Airport Development and Leasing Policy does not substantively address the problems of noise and pollution that are causing my family to seriously consider selling our home on [REDACTED].

We urge the Livermore City Council to reject this policy as written. We don't want to leave our home, but for the health and comfort of our family, we will be forced to sell if there is no effort to improve the current levels of noise and pollution.

Sincerely,
Michele Keller
Brian Sullivan

From: [BRYAN ZLOTY](#)
To: [City Clerk](#)
Subject: Regarding the Livermore Airport and expansion plans
Date: Monday, June 19, 2023 11:30:13 AM

To whom it may concern,
Regarding the Livermore Airport and expansion plans
Our home located, at [REDACTED], and is in the ***direct approach flight path*** to the Livermore Airport. My wife and I regularly experience noise due to late-night flight arrivals (past 10:00pm), and during normal hours of operation noise from incoming jets is often excessive; not to mention that on more than one occasion, I've found unexplained 'debris' I've found on our property.
Obviously, we have concerns about plans to expand the airport.
If we had been aware of this, we would have seriously reconsidered our decision to purchase this home on December 2020...
If my work schedule will allow, I plan to attend the next city council meeting to express my concerns in person, as it seems that noise complaints go largely ignored...
Respectfully,
Bryan Zloty

Michael Musca

From: City of Livermore govAccess CMS Site <info@LivermoreCA.gov>
Sent: Tuesday, June 13, 2023 12:55 PM
To: LVKairport
Subject: Airpost Noise

Exercise Caution: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Message submitted from the <Livermore, CA> website.

Site Visitor Name: Doug Blasco

Site Visitor Email: [REDACTED]

Good Afternoon,

Lately I have heard a very vocal minority within the Livermore Community who are complaining about Airport Noise. I just want to go on record that my wife and I have lived within the approach/departure corridor at the east end of the airport since 95'.

During that time, we have never had any complaints with the level of noise we experience.

What can I say, we Love Airport Noise.

Sincerely,

Doug and Robyn Blasco

Michael Musca

From: City of Livermore govAccess CMS Site <info@LivermoreCA.gov>
Sent: Thursday, June 15, 2023 5:30 PM
To: Michael Musca
Subject: [REDACTED]

Exercise Caution: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Message submitted from the <Livermore, CA> website.

Site Visitor Name: Ricardo

Site Visitor Email: [REDACTED]

Stop the endless line of planes from your airport from flying over vintage hills in Pleasanton. It's too much! Send them in a manner around to Dublin, San Ramon, Pleasanton and Livermore. SPREAD THE PAIN.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION TO APPROVE THE AIRPORT LEASING AND
DEVELOPMENT POLICY**

The purpose of the City of Livermore (City) Airport Leasing and Development Policy (Policy) is to set forth processes and procedures to evaluate and approve, or reject proposals related to the leasing and/or development including construction, modification, and/or renovation of aeronautical and nonaeronautical land and/or improvements within the legal boundaries of the current Airport Layout Plan (ALP) for the Livermore Municipal Airport (Airport).

This Policy establishes leasing protocols and requirements for compatible and sustainable development that protects persons and property.

It is the goal of the City to ensure Airport property is leased and developed in a high-quality manner consistent with sound fiscal management and best operational practices while ensuring the provision of essential infrastructure, improvements, and amenities that support the overall operation of the Airport.

This Policy reflects the Airport development priorities established by the Livermore City Council in 2010 through Resolution number 2010-058.

Airport staff selected AMCG as the consultant of record for assistance in drafting the Policy which was reviewed by City staff at all levels.

Airport staff presented the draft Policy to the Airport Commission for review and comment on March 6, 2023, and subsequently released the draft Policy for public review for a 45-day comment period, whereby it was transmitted to the Cities of Pleasanton and Dublin in liaison meetings.

City (Airport Staff) received over 120 comments from approximately 30 community members from throughout the Tri-Valley area, which identified several key concerns including aircraft noise; the Livermore City Council Resolution 2010-058; increased public participation; increased transparency; and restricting growth at the airport.

In response to comments received, the Policy was revised by City staff in the following key areas:

1. Noise – The Policy was updated to specifically indicate noise as a measure used to determine the potential impact a proposed project may have. This is specifically addressed in Sections 1.2 and 1.7 of the Policy.

2. Resolution 2010-058 – The Policy references Resolution 2010-058 in Sections 1.2, 1.4, 2.1, 2.2, 7.5 and includes the Resolution in its entirety in Section 7: Appendix of the Policy – Airport Development Priorities.
3. Environmental Review – The Policy requires the evaluation of any proposed project to be subject to CEQA and/or NEPA review, which is referenced in Section 1.8 of the Policy. CEQA/NEPA review would thoroughly evaluate such items as lead fuel, noise impacts, visual impacts, circulation and parking, among others, and would also include opportunities for the public to review and comment on the analysis conducted for the proposed project. Approval of this Policy does not directly authorize development or construction of individual projects. Therefore, this approval will not have a direct effect on the environment to require environmental review under the California Environmental Quality Act (CEQA, 21000, et seq. of the California Public Resources Code).
4. Public Input – The Policy requires any proposed project that would noticeably increase aircraft activity, vehicle traffic, noise to surrounding neighbors, and/or significantly intensify existing land use(s) to develop a Comprehensive Public Engagement Plan (PEP), which is designed to inform the public about the scale and scope of the project. The PEP is described in Section 1.7 of the Policy.
5. Airport Growth – The ALP is the governing document used pursuant to the Policy to comply with previously approved land uses and is referenced in Section 1.1, 1.6, and 1.8.

On June 5, 2023, after incorporating comments received as outlined above, the revised Policy was brought back to the Airport Commission. The Airport Commission unanimously passed the draft Policy with the recommendation that the City Council approve the new Policy with additional language in the first paragraph of section 2.1, to specify that the IDSRT (Inter-departmental Staff Review Team) also include a member of the Airport Advisory Commission.

This item was considered by the City Council on June 26, 2023, and continued to July 10, 2023. The continuance was requested by City Council to provide additional time for public review of changes in the Airport Leasing and Development Policy (Policy) as presented on June 26.

Policy changes requested by City Council on June 26 are highlighted in Section 1.2 Goals, Objectives, and Development Priorities in the Policy. The requested changes are: including project evaluation by Airport Advisory Commission; removal of support for small parcel air cargo services; and adding verbiage to discourage development that is inconsistent with both airport development priorities and Resolution 2010-058.

The revised Policy includes a more defined process to thoroughly assess any proposed project it addresses requested changes made by the Airport Commission and involves review by multiple City departments. The Policy has been provided to the

public on several occasions for an opportunity to review and provide feedback, and the Policy is consistent with other City policies.

BE IT RESOLVED by the City Council of the City of Livermore, that it hereby:

1. Approves the Airport Development Policy, attached hereto as Exhibit A, and which is incorporated by this reference.
2. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

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

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

ATTEST:

APPROVED AS TO FORM:

Marie Weber
City Clerk

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A - Leasing and Development Policy 2023-07-10

.



City of Livermore
680 Terminal Circle
Livermore, California 94551
(925) 960-8220

Leasing and Development Policy

City of Livermore

Livermore Municipal Airport (LVK)

July 2023

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1. INTRODUCTION

1.1. Purpose

The purpose of the City of Livermore (City) Leasing and Development Policy (Policy) is to set forth processes and procedures to evaluate and approve or reject proposals related to the leasing and/or development (including construction, modification, and/or renovation) of aeronautical and non-aeronautical land and/or Improvements within the legal boundaries of the current Airport Layout Plan (ALP) for the Livermore Municipal Airport (Airport). This Policy establishes leasing protocols and requirements for compatible and sustainable development that protects persons and Property.

1.2. Goal, Objectives, and Development Priorities

It is the goal of the City to ensure Airport property is leased and developed in a high-quality manner consistent with sound fiscal management and best operational practices while ensuring the provision of essential infrastructure, Improvements, and amenities that support the overall operation of the Airport. The City has established the following objectives to help achieve this goal.

- **Environmental** –Employ sustainable development practices to conserve natural resources and minimize adverse impacts such as noise, air, and water pollution, on the environment. Actions to reduce impact of noise pollution should be employed such as fostering the reduction of aircraft noise through the voluntary noise reduction efforts, especially during night hours. Action to reduce air pollution should be taken by supporting the transition from leaded to unleaded fuel as it becomes feasible. Action to prevent PFAS or other contamination into the water system should be undertaken such as monitoring the use of fire foam or other chemicals containing PFAS and report such usage to the Airport Advisory Commission.
- **Social** – Maintain and enhance a compatible relationship between the Airport and the surrounding community through public engagement efforts that will include information regarding the scope and scale of proposed projects and provide opportunities for public input and inquiry. Public engagement should address potential impacts to residents and surrounding communities such as increased aircraft activity, vehicle traffic, and noise, including how these impacts may be mitigated.
- **Function** – Encourage development of Airport land and Improvements is to occur in response to existing aviation demand, such as the existence of a hangar waiting list, letters of interest or proposals to provide essential aeronautical services to avoid the need for based aircraft flying to other airports to receive those services, or services determined to be supportive of the local community, such as law enforcement or emergency medical transport. All development and redevelopment must meet the needs of the Airport and be consistent with the Airport’s Minimum Standards for Commercial Aeronautical Activities (Minimum Standards) and the existing development of the Airport. **Projects will be evaluated by the Airport Advisory Commission.**
- **Visual** – Establish high-quality standards for architectural and landscape design and construction.
- **Economic** – Support the local economy and ensure economic vitality. **through supporting small parcel air cargo services that serve only businesses and residences in the Tri Valley region.** Preserve property values, enhance investments, and ensure the Airport is as self- sustaining as possible consistent with the Federal Aviation Administration (FAA) Airport Sponsor Assurances.
- **Compatibility** – This Policy will encourage development that is consistent with Airport

Development priorities as stated herein in this Policy and in Resolution 2010-058, a copy of which is attached in Appendix 7.1.

The above objectives reflect the Airport Development Priorities established by the Livermore City Council in 2010 through Resolution number 2010-058, a copy of which is attached in Appendix 7.1. The above Goal, and Objectives, and Development Priorities established in Resolution 2010-058, will be used as criteria for evaluating proposals for Airport land lease /development, as further explained in this document.

1.3. Definitions and Acronyms

The terms defined in Appendix 7.2 or acronyms outlined in Appendix 7.3 and identified by use of a capital letter, whenever used in this Policy, shall be construed as defined therein unless (from the context) a different meaning is intended or unless a different meaning is specifically defined. Words or phrases that are not defined shall be construed consistent with common meaning or as generally understood.

1.4. Compliance

Entities who desire to lease, construct, modify, and/or renovate aeronautical or non-aeronautical land and/or Improvements at the Airport shall comply with this Policy, Resolution 2010-058, and any federal, State of California (State), Alameda County, or City laws, codes, ordinances, and other applicable Legal Requirements.

1.5. Applicability

This Policy sets forth requirements which shall be met by any entity who desires to lease, construct, modify, and/or renovate aeronautical or non-aeronautical land and/or Improvements at the Airport.

- No entity may deviate from this Policy unless a written exemption or waiver has been granted in advance by the City, subject to approval of a Waiver Request Letter specified in Section 5.2.
- Existing Lessees may be subject to this Policy upon modification of any existing Agreement.

If this Policy is amended after an entity has entered into an Agreement, the entity may not be required to comply with the amended Policy, except as provided for in such Agreement, or until such time as:

- the existing Agreement has been amended;
- the City approves an assignment to another entity; or
- the entity enters into a new Agreement.

1.6. General Requirements

All development, improvement, renovation, or landscaping shall comply with the Airport Layout Plan, Minimum Standards, 14 Code of Federal Regulations (CFR) Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and/or other Legal Requirements. Notwithstanding any other provisions of this Policy, land and/or Improvements shall not be developed or used in such a manner as to:

- interfere with aircraft communication or navigation equipment,
- adversely impact the visibility of airport lighting and/or signage,
- impair the visibility of aircraft crew members or Air Traffic Control (ATC) personnel; or
- otherwise endanger or adversely impact the arrival, departure, or maneuvering of aircraft.

1.7. Public Engagement Requirement

An applicant proposing to develop a project that would noticeably increase aircraft activity, vehicle traffic, noise to surrounding neighbors, and/or significantly intensify existing land use(s), will be required to develop a comprehensive public engagement plan (PEP) designed to inform the public as to the scope and

scale of the proposed project. The PEP shall be prepared by an independent third-party consultant paid for by the applicant and contracted by the City and is subject to review and approval by the City. PEP scope will be required to include details on how community engagement will occur and provide opportunities for public input and questions.

1.8. Environmental Review

All proposed projects will be initially evaluated to determine impacts to the existing Airport Layout Plan (ALP) or if an environmental review is necessary. Additionally, all proposed projects must undergo a formal FAA determination whether FAA approval is required under Section 163.

Any project proposing new development or a change in land use may be subject to environmental review. This review will be conducted in coordination with the Community Development Department at the time of project entitlement. Developer is required to cover the cost of environmental processing.

In general, the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) process can be initiated concurrently but may be finalized separately, and at different points in time. This process will be handled using the same procedure that all proposed projects submitted to the City for environmental review and clearance proceed under, and as required by the applicable Legal Requirements. Additionally, the FAA must determine for all projects whether, under Section 163, that agency's approval will be required, and, if so, what level of NEPA review is needed. NEPA review is not required if there is no FAA approval required. Entities who desire to lease, construct, modify, and/or renovate aeronautical and non-aeronautical land and/or Improvement at the Airport shall cover the consultant costs to prepare all completed environmental clearance documents pursuant to NEPA and CEQA, consistent with the City's requirements. The environmental review process must be completed before a project commences, and it must also receive all required approvals from the City's Community Development Department.

CEQA – The California Environmental Quality Act (CEQA, 21000, et seq. of the California Public Resources Code) requires the potential impacts of projects having a physical impact on the environment to be analyzed prior to initiating construction. State CEQA Guidelines sections 15061(b)(3) and 15378 exempts projects that have no potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

City Council's action involving approving this Policy does not directly authorize the construction of any future individual projects. Subsequently, future City Council action, if taken, to approve consideration of a development proposal, will be the triggering event necessitating CEQA review.

If not exempt, beginning with an initial study under CEQA, each project will be reviewed by Airport management and the City's planning staff. The initial study will determine the appropriate level of CEQA documentation/coordination necessary and advise on additional actions, documentation, and public involvement required to conclude the process. In all efforts associated to the proposed project and CEQA, the Airport will be the lead agency and the project proponent will be the City.

FAA Section 163 Determination – Section 163 of the FAA Reauthorization Act of 2018 and FAA's implementing policies require a determination as to whether any Airport project requires FAA approval. The project proponent shall provide sufficient information for the City to make a formal request to the FAA for a determination of the applicability of Section 163. FAA approval is required if the project meets one of three criteria: (a) the project would have a material impact on the safe and efficient operation of aircraft; (b) the project would have an adverse effect to the safety of people or property on the ground; or (c) the project

would have a significant adverse effect on the value of prior federal investments in the Airport. Project proponents are urged to consult the latest FAA guidance on compliance with Section 163 to determine whether FAA approval is likely to be required but must recognize that the FAA is the final arbiter of the applicability of this law. If any of these criteria is met, the project will require FAA approval of an amendment or revision to the Airport Layout Plan.

If FAA determines that its approval is required, the agency will inform the City what level of environmental review will be required pursuant to NEPA. The project proponent will be required to fund and coordinate the environmental review process as provided in this section.

NEPA – The National Environmental Policy Act (NEPA, 42 U.S.C. §4321 et seq., 1969) establishes the broad national framework for protecting the environment. NEPA's basic policy is to assure that all branches of government consider the environment prior to undertaking any major federal action that significantly affects the environment.

NEPA requirements are invoked whenever FAA approval of a project is required. The FAA determines whether its approvals would trigger a Categorical Exclusion, an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

1.9. Airport Land Use Commission Review

The Airport Land Use Commission (ALUC) typically reviews development projects on properties surrounding an airport, not on airport property itself. The Commission's jurisdiction covers the area surrounding the airport within a specified distance, called the Airport Influence Area (AIA), which is determined by the type and size of the airport. The AIA typically extends beyond the airport property, and the commission's authority covers all land use decisions within this area.

However, if a proposed development project on airport property involves a change in land use or zoning, the ALUC may have jurisdiction to review and approve the project. In this case, the City would need to submit the project to the ALUC for review and approval before proceeding.

It is the City's role, in conjunction with Airport Land Use Commission, to review and determine if the proposed project and associated development are compliant with the Livermore Land Use Compatibility Plan. If a proposed project is determined to be subject to ALUC review and approval, the applicant shall develop required documentation for review by the City and ALUC.

2. LEASING PRACTICES

The leasing practices set forth in this section are summarized in Appendix 7.4. Note: procedures and timelines stated herein are recommended and may be adjusted by the City Manager who has the capacity to recommend alternate timelines to meet demands of the project based on complexity and good faith effort of the Developer.

2.1. Expression of Interest

Unsolicited Interest – Interested parties may approach the City to express unsolicited interest in developing (or redeveloping) aeronautical or non-aeronautical land and/or Improvements at the Airport. All unsolicited interest in development (or redevelopment) will be directed to the Inter-Departmental Staff Review Team (IDSRT), through the Airport Manager. The IDSRT will include the Airport Manager, the Director of Public Works, and representatives from the Community Development Department, City Manager's Office and City Attorney's Office.

The interested party shall initiate the process by contacting the Airport Manager in writing (via email or

mail) and requesting a pre-submittal meeting with the IDSRT to discuss the proposal concept. This meeting will provide the interested party with the opportunity to discuss the proposed operation, layout plan, uses, and development concept(s). This meeting also provides the opportunity for the interested party to obtain general comments regarding the feasibility of the proposal concept and identify potential issues, problems, or challenges.

At the IDSRT's discretion, additional meetings may be requested with the interested party to further discuss the proposal concept, along with additional supporting information or documentation.

The IDSRT will evaluate all proposals based on the Goal, Objectives, and Development Priorities established in Section 1.2, including Resolution 2010-058, and in conformance with the General Requirements set forth in Section 1.6. An evaluation form is included in Appendix 7.5.

Following the initial meeting(s) with the interested party and submission of any supporting information, the IDSRT, through the Airport Manager will, within sixty (60) calendar days, provide written rejection of the unsolicited proposal concept in conformance with Section 2.9, or request the entity submit a formal Commercial Operator and Lessee Application (Application) as discussed in Section 2.2. In the alternative, the City reserves the right to proceed with a Competitive Proposal Process as described in this Section (City Initiative).

City Initiative – If Airport land and/or Improvements exist or become available, in the City's sole discretion, the City may issue a Request for Interest (RFI), Request for Qualifications (RFQ), and/or a Request for Proposal (RFP).

- Guidelines for development of the RFI/RFQ/RFP document are provided in Appendix 7.6.
- The City may advertise the RFI/RFQ/RFP opportunity. Advertising Guidelines are provided in Appendix 7.7.
- The RFI/RFQ/RFP will specifically include as evaluation criteria the Goal, Objectives, and Development Priorities established in Section 1.2, including Resolution 2010-058, and General Requirements set forth in Section 1.6.

The City may, in its sole discretion, hold a pre-proposal meeting with interested parties to: (a) discuss the RFI/RFQ/RFP opportunity, document, and/or related processes, (b) conduct a tour of the Airport and/or the subject land and Improvements with the IDSRT, and (c) provide prospective respondents with the opportunity to ask questions.

After the stated deadline, the City shall review the submittals for compliance with the RFI/RFQ/RFP specifications and criteria and shall rank the submittals.

- Submittals received after the stated deadline may not be considered and may be returned unopened.
- The City may, in its sole discretion, interview respondents.
- The City has the right, with or without cause, to reject any or all submittals, to advertise for new submittals, and/or to modify any or all RFI/RFQ/RFP processes. The City will notify respondents of any changes to the process or submittal requirements.
- The City shall be under no obligation to make an award or to make an award to the respondent specifying the highest level of compensation to the City.

Upon completion of an RFI process (if utilized), the City may, or may not, in its sole discretion, invite respondents to respond to an RFQ or RFP. Upon completion of an RFQ process (if utilized), the City may, in its sole discretion, invite the most qualified respondents to respond to an RFP.

DESIGN CRITERIA

- If only one respondent expresses interest or is considered qualified by the City, the City may, in its sole discretion, negotiate a Memorandum of Understanding (MOU) and a Disposition and Development Agreement (DDA) with the qualified respondent without issuing an RFQ/RFP.

Upon completion of an RFP process (if utilized), the City may select the best respondent in the City's sole discretion.

Once selected, the City and the selected respondent shall utilize the MOU and DDA process outlined in Section 2.4. If the City and the selected respondent are unable to reach agreement on either an MOU or a DDA, at the sole discretion of the City, the City may terminate negotiations and negotiate with the next best respondent and so on.

Initiative of Others – If, during an Application process occurring outside of an RFI/RFQ/RFP process, another qualified entity expresses interest in leasing and demonstrates an immediate need for the subject land or Improvements (as outlined in Section 2.5), the City may, in its sole discretion, negotiate with the entity(ies) and/or issue an RFQ/RFP in which case, the Competitive Proposal Process described in this Section shall be followed.

However, once the MOU (as discussed in Section 2.4) is: (a) executed by the Applicant and City, and (b) the earnest money deposit has been provided to the City, the City is under no obligation to negotiate with any entity other than the Applicant or issue an RFQ/RFP.

2.2. Application for Leasing Land and/or Improvements

If desirous of leasing Airport land and/or Improvements on a long-term basis (i.e., greater than one year), entities with or without a current Development Agreement shall complete all relevant and applicable sections of the Application and submit to the Airport Manager for consideration by the IDSRT.

New Agreements shall be subject to all applicable Legal Requirements; Federal Aviation Administration (FAA) regulations, obligations, and guidance; the Airport's policies, standards, rules, regulations, and directives; the City's zoning, building, fire, and safety codes; Goal, Objectives, and Development Priorities, established in Section 1.2, including Resolution 2010-058 (Appendix 7.1), and General Requirements set forth in Section 1.6; and all other Legal Requirements of any Agency having jurisdiction.

A non-refundable application fee shall be submitted with the Application, as stipulated in the Airport's Rents and Fees Schedule.

2.3. Approval Process

Once Applicant has submitted a completed Application to lease Airport land and/or Improvements on a long-term basis, Applicant shall submit any additional information, data, and/or documentation that may be required or requested by the IDSRT or City to evaluate the Application. Incomplete Applications will not be accepted. Applications that do not comply with this Policy shall be rejected in accordance with Section 2.9. The City will convey the reason(s) for rejecting the Application in writing to the Applicant.

2.4. Approved Application Processing

Within ninety (90) calendar days of the Airport Manager receiving a completed Application, the following processes should be completed:

- The IDSRT shall conduct an initial review to ensure the Application is compliant with the qualifications, standards, and requirements established by the City including the Minimum Standards and Airport Rules and Regulations, located at:
<https://www.livermoreca.gov/home/showpublisheddocument/5677/637238462369030000>

- If initially approved by the IDSRT, the Application shall be presented to the Airport Commission for review and consideration. The Airport Commission may either:
 - recommend rejection of the proposal in accordance with Section 2.9 or
 - recommend that the City Council approve the proposal and authorize the City Manager to negotiate and execute an MOU.
- Unless the Application is rejected in accordance with Section 2.9, the City shall convey to the Applicant the key terms and conditions (including rents, fees, and other charges) that have been established by the City for leasing the Airport land and/or Improvements identified by the Applicant.

Within thirty (30) calendar days of receiving the key terms and conditions from the Airport Manager, the Applicant shall indicate if the key terms and conditions established by the City are acceptable to the Applicant.

- If the key terms and conditions established by the City are not acceptable to the Applicant, the Applicant shall present to the IDSRT, through the Airport Manager revised key terms and conditions that are acceptable to the Applicant within thirty (30) calendar days of receiving the information from the City.
- The City, through the IDSRT, may negotiate the revised key terms and conditions with the Applicant and/or initiate the Competitive Proposal Process described in Section 2.1.
- If the City and the Applicant are unable to reach agreement on the revised key terms and conditions within thirty (30) calendar days of the time the information is presented to the City by the Applicant, the City is not obligated to lease Airport land and/or Improvements to the Applicant and may cease further negotiations.

Public Engagement Plan and Memorandum of Understanding - If the City and the Applicant reach agreement on key terms and conditions, the Applicant shall: (a) sign a Memorandum of Understanding (MOU) with the City outlining the key terms and conditions, and (b) pay an earnest money deposit in cash or letter of credit to the City in the amount equivalent to the rents, fees, and other charges (total compensation) estimated for the proposed use of the property or one thousand dollars (\$1,000), whichever is greater – as evidence of the Applicant’s good faith to enter into a Development Agreement with the City. The signed MOU, including the Public Engagement Plan (PEP) required in Section 1.7, shall be presented for consideration to the City Council. The City Council may either reject the MOU in accordance with Section 2.9 or authorize the City Manager to negotiate a Development Agreement with the Applicant.

- If an MOU is not executed by the City Council and the Applicant within sixty (60) calendar days of reaching agreement on key terms and conditions which includes an earnest money deposit, the City is not obligated to lease Airport land and/or Improvements to the Applicant and the earnest money (if provided) shall be returned to the Applicant, without interest.

Once the MOU is executed by the parties and earnest money deposit received, the Applicant shall submit five copies of the Concept Plan (in accordance with Section 5.1) to the City within forty-five (45) calendar days. The City shall review the Concept Plan and address all preliminary questions or concerns with the Applicant. The Applicant may be required to meet with the City to present and discuss the Concept Plan.

Upon acceptance of the Concept Plan (as applicable) or upon execution of the MOU, a draft Disposition and Development Agreement (DDA) which includes the terms and conditions of the MOU, shall be prepared by the City for review by the Applicant. The Applicant and City staff may work together to discuss and finalize the terms of the DDA.

- If the Applicant does not agree to and execute the DDA within sixty (60) calendar days of receiving the draft Development Agreement, the earnest money deposit may be forfeited by the Applicant to the City.

After the City Council approves the MOU, the Applicant shall also begin preparation of a complete Planning Entitlement package. This may include, but is not limited to:

- A completed Planning General Application for all applicable Planning Entitlements; and
- Site plans, building elevations, and floor plans, building colors and materials, civil engineering plans, circulation plans, any special studies or analysis needed for environmental review and related documents and materials as required by the City's Planning Division; and
- All applicable fees required for permit processing, environmental, and project review.

The Planning Entitlements and a copy of the DDA executed by the Applicant shall be reviewed and approved or denied by the City Council.

Once the City Council approves, and the City executes, the DDA, the Applicant shall pay a security deposit in the form of cash or a letter of credit – in the amount equal to twenty-five percent (25%) of the rents, fees, and other charges (total compensation) for the first year of the Development Agreement or two thousand five hundred dollars (\$2,500), whichever is greater – to the City. The earnest money may also be applied to the security deposit.

- If the Applicant does not pay the security deposit to the City, the Development Agreement shall be voided, and the earnest money shall be forfeited by the Applicant to the City.

Following approval of all applicable Planning Entitlements and prior to applying for a building permit, the Applicant shall deliver to the City within one-hundred twenty (120) calendar days:

- Complete set(s) of final construction drawings, signed by an architect or engineer certified or licensed in the State; and
- One complete as-built drawings including plan map set following completion of the project.

Failure to Comply - Applicants' failure to comply with specified response time periods, or any provision of the Development Agreement, may result in the termination of the Development Agreement. All negotiations may cease, and the earnest money and/or security deposit may be forfeited to the City.

2.5. Demonstrating Immediate Need

An entity seeking to lease Airport land and/or Improvements must demonstrate the entire land area(s) and/or the entire Improvement(s) seeking to be leased will be Immediately utilized. At the City's sole option, a phased development of Airport land may be considered which should include specific development milestones within the Agreement.

2.6. Public Disclosure

Applicants and RFI/RFQ/RFP respondents should be aware that the City is subject to the California Public Records Act (Gov. Code section 7920.000 et. seq.), which may give the public the right to examine documents in possession of a California Agency unless an applicable legal exemption applies.

If an Applicant or respondent clearly identifies any proprietary and/or Confidential Information submitted to the City and the City receives a request from the public for release of such information, the City shall comply with State law regarding notification to Applicant. Applicant or respondent understands that City may be required to disclose Confidential Information pursuant to judicial action, governmental regulations

or investigation, or other requirements.

2.7. Reversion of Improvements

Unless otherwise stated in an Agreement, upon expiration or earlier termination of the Agreement, at City's option, the ownership of all Improvements made to the leasehold shall revert (transfer) and become the sole property of the City. If the City elects not to claim the Improvements, the Lessee shall remove and/or demolish any and/or all Improvements (as designated by the City) and return the Leased Premises to its original condition and character, ordinary and reasonable wear and tear excepted.

2.8. Term of Agreement

The term of an Agreement shall be commensurate with the dollar amount of Capital Investment made by the Lessee in the Leasehold Premises and/or Airport infrastructure, consistent with the capital investment formula as adopted by the City from time to time. In any event, the maximum term of an Agreement, including option periods, may not exceed forty (40) years. When no Capital Investment is made, the term of the Agreement shall be at the discretion of the City but may not be greater than 20% of the term of the previous Agreement (if an existing Lessee) or 5 years, whichever is less.

2.9. Possible Grounds for Rejecting an Application or Proposal

In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

The City at its sole discretion may reject any proposal or application in conformance with Legal Requirements including, but not limited to, any one or more of the following reasons (as determined in the sole discretion of the City):

- The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the City. This includes objectives referenced in Section 1.2 and Resolution 20 10-058 and include but are not limited to:
 - No tangible evidence of **existing** demand
 - Implies or requires extension of runways
 - **Is a large cargo operator or caters to large cargo operators**
- The burden of proof shall be on the entity and the standard of proof shall be by clear and convincing evidence. The City or the FAA has determined that the contemplated activity and/or Improvements would create a safety or security risk at the Airport or constitute a Hazard, obstruction, or danger to air navigation.
- The City would be required to expend funds and/or supply labor and/or materials in connection with the proposed activities and/or Improvements that the City is unwilling and/or unable to expend or supply.
- The financial plan associated with the proposed activities and/or Improvements is not demonstrated to be realistic and attainable and/or will result in a financial operating loss or hardship for the entity.
- No appropriate, adequate, or available land and/or Improvement exists at the Airport to accommodate the proposed activity or Improvements at the time the proposal or application is submitted, nor is such availability contemplated within a reasonable period of time.
- The proposed activities and/or Improvements do not comply with the ALP currently in effect or anticipated to be in effect.
- The entity's occupancy, use, or development of Airport land and/or Improvements could be detrimental to the public, result in congestion of aircraft, and/or negatively impact the safety and/or efficiency of the Airport, Operators, Tenants, or users of the Airport.

- The entity intentionally or unintentionally misrepresented or failed to disclose material fact in a proposal, in an application, and/or in supporting documentation.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has a record of violating the Legal Requirements of the City, any other airport sponsor, the State, the FAA, or any other Legal Requirement applicable to the Airport and/or the entity's proposed activity.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has defaulted in the performance of any Agreement or Sublease at the Airport or at any other airport.
- The entity does not exhibit adequate financial capability, capacity, or responsibility to undertake, sustain, and maintain the proposed activity and/or Improvements.
- The entity cannot obtain a bond or insurance in the type and amounts required by the City for the proposed activity and/or improvements.
- The entity seeks terms and conditions which are inconsistent with the Minimum Standards, Airport Rules and Regulations, this Policy, and/or any request for qualifications and/or proposals (or any other document) issued by the City.
- The entity's interests and/or the proposed activity, Improvements, or use, is inconsistent with the mission, vision, values, goals, or objectives of the Airport; the best interest of the City; or any Airport Sponsor Assurances.
- The entity has been a party to vexatious or frivolous litigation, including, without limitation, administrative litigation, against the City.
- The proposed activity is determined not to be the highest and best use of the property.

3. LEASEHOLD DEVELOPMENT

3.1. General

This Policy does not address every type of condition or detail that may be encountered during the design and construction process. As such, entities are encouraged to maintain an on-going review process with the City (beginning early in the design stage) to ensure that the entity's Development Plan (discussed in Section 5.2) is acceptable to the City.

Where a specific material is identified (or specifications are provided for a specific type of material), a material having the same or equivalent specifications may be utilized if approved in advance and in writing by the City. No occupancy of any Improvement shall be permitted before completion and a Certificate of Occupancy (CO) is issued by the Agency having jurisdiction.

3.2. Environmental Quality

The City encourages: (a) orientation of Improvements to take advantage of natural sunlight and prevent Improvements from blocking direct sunlight to other Improvements, (b) the use of barriers as a defense against wind, (c) the use of landscaping to maximize cooling in the summer, and (d) design features and the use of construction methods, techniques, and/or industry best practices that focus on sustainability, conserves energy, and reduces impacts on natural resources.

The City shall not permit development or land use that (a) adversely affects the quantity, quality, or reliability of water resources; (b) occurs at the expense of established water dependent activities; (c) results in increased alkalization of water, loss of stream flows, or the unnecessary destruction of wildlife habitat; or (d) entails future major expenditures on the part of the public to reacquire or redistribute water resources. The City will not permit development or land use that accelerates erosion of soil and rock (including stream sedimentation, dust, and gullyng), alters drainage and/or floodwater patterns, exacerbates flood hazards,

reduces natural vegetation, creates visual scars, leaches minerals, or destroys animal habitats.

3.3. Provision of Necessary Airport Land and/or Improvements

The City encourages development that fully utilizes, but does not overburden, existing land and/or Improvements. In cases where existing land and/or Improvements are not fully utilized, the City encourages development that complies with objectives outlines in Section 2.1 and Resolution 2010-058 and that:

- minimizes aircraft, vehicle, and pedestrian congestion and promotes safety, security, and efficiency;
- includes facilities to collect, treat, and dispose of the types and quantities of stormwater runoff anticipated and ensures that such facilities have the capacity, quality of discharge, point of discharge, and reliability to support the intended use;
- has a water supply of the quality, quantity, pressure, and reliability that is required to support the intended use;
- has paved road access for Emergency Services; and
- consists of Improvements that make highest and best use of the land area with reasonable land to Improvement ratios.

3.4. Manmade and Natural Hazards

The City requires development that does not expose others to avoidable natural and manufactured hazards. As such, the City encourages development which:

- is designed, constructed, and located in a manner that is compatible with existing hazards and does not create any additional hazards and
- is not located in floodplains, geologically hazardous areas, or other natural hazard areas that could threaten the development, the Airport, or the health, safety, security, or welfare of the public.

3.5. Reuse of Resources

The City encourages development which uses recycled materials, promotes recycling of materials used in construction, and reuses wastewater.

3.6. Restricted Improvements

Temporary Building – Portable buildings which are intended to be in place for six (6) months or less shall be deemed to be temporary. Temporary buildings including offices or storage facilities shall not be placed on the Airport without the prior written approval of the City through the Temporary Use Permit (TUP) process. Temporary buildings are subject to Livermore Development Code Chapter 9.09, *Temporary Use Permits*, as it exists today or amended.

- Portable/mobile homes or recreational vehicles are prohibited from being placed on the Airport.
- A request for approval of any temporary building shall be submitted to the Airport Manager and Community Development Department for review and approval through the TUP entitlement process. The request must include a site plan showing the proposed location, access plan, size, construction material, purpose, and provisions for dismantling and/or removal no later than thirty (30) calendar days after development of permanent Improvements are completed.

Temporary buildings may only be utilized for construction management purposes and/or while engaging in Commercial Aeronautical Activities during development or renovation of permanent Improvements.

DESIGN CRITERIA

Obstruction Marking and Lighting – All proposed Improvements and/or renovations shall conform with CFR Part 77 and shall not be deemed a hazard to air navigation. No development shall be permitted or approved by the City that establishes a hazard or creates a nonconforming Improvement or natural vegetation that increases the hazard to air navigation.

- Entities shall prepare and submit FAA Form 7460-1 *Notice of Proposed Construction or Alteration* and all required attachments/exhibits to the FAA and City. All Improvements shall conform with FAA obstruction lighting/marketing requirements. Entities shall, at its sole cost and expense install, operate, and maintain required markings and/or obstruction lighting deemed necessary by the FAA, City, and any other Agency having jurisdiction.

4. DESIGN CRITERIA

4.1. Accessory Buildings

All accessory buildings shall be identified on the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. Accessory buildings include any building serving a purpose customarily incidental to the principle use of the main use, structure and/or building, and which does not change the character of the principal use. Accessory buildings include any building(s) that are intended to be in place for more than six months and not considered a temporary building (as described in Section 3.6). Accessory buildings shall match the architectural design and materials of the main Improvement and comply with Livermore Development Code Section 4.02.030, *Accessory Structures*, as it exists today or amended.

4.2. Changes, Additions, and Deletions

Prior to making any changes, additions, or deletions to existing land and/or Improvements, the Development Plan (as outlined in Section 5.2) shall be submitted to the Airport Manager and Community Development Department and approved in writing by the City. Changes, additions, or deletions shall match the architectural design and materials of the main Improvement. Changes, additions, and/or deletions shall conform to all applicable codes, ordinances, or other Legal Requirements.

4.3. Aircraft Accesses

To allow for the safe, secure, and efficient operation of aircraft and to minimize potential conflicts with vehicles and pedestrians:

- all aircraft access points (i.e., Taxiways and Taxilanes) shall meet the design standards stipulated in Advisory Circular (AC) 150/5300-13A *Airport Design*, as may be amended;
- a minimum of 40 feet of frontage Ramp is required between the edge of the access Taxiway or Taxilane and the closest exterior wall of any hangar;
- frontage Ramp shall be constructed or leased and able to accommodate the largest aircraft the hangar is designed to accommodate and shall comply with the Minimum Standards;
- if two hangars (excluding rows of T-hangars or Executive Hangars) access a common Taxiway or Taxilane, a minimum of at least 40 feet of access Taxilane shall be required between the two frontage Ramps, edge to edge;
- where a common access Taxilane is required, the Lessee (Sublessee, if applicable) shall be required to lease and construct at least one-half of the required access Taxilane;
- a maximum of two vehicle or pedestrian access points shall be permitted to the Ramp, Taxiway, or Taxilane; and
- each access point must be under video surveillance with appropriate signage identifying such.

4.4. Antennae

DESIGN CRITERIA

All required antennae, satellite dishes, and similar equipment shall be identified in the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. No antennae, satellite dish, or similar equipment shall be allowed that interferes with existing or future Airport, aircraft, or vehicle operations. When possible, all antennae, satellite dish, or similar equipment shall be screened from view. FAA Form 7460-1 *Notice of Proposed Construction or Alteration* shall be completed and all antennae, satellite dishes, and similar equipment must comply with 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*.

4.5. Ramps

Operators providing rotary wing aircraft parking shall adhere to the design standards described in AC 150/5390-2C *Heliport Design*, as may be amended. Operators providing fixed wing aircraft parking shall adhere to the design standards described in AC 150/5300-13A *Airport Design*, as may be amended.

4.6. Improvement Height

The overall height of any Improvement shall be dependent on the type of use (or activity) and/or the current or projected size of aircraft using the Improvement. Only those Improvements not considered an obstruction under 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*, as determined by the FAA and approved by the City, and consistent with City zoning requirements shall be constructed.

4.7. Doors

Hangar doors shall be sliding, overhead, or bi-fold, consistent with industry best practices, based on the size of the hangar. Hangar doors shall be constructed of pre-finished aluminum, pre-finished steel, or flexible fabric curtain (designed specifically for hangars) and shall complement the building from a design and color perspective.

- Wood, plastic, corrugated fiberglass, tin, or other unfinished materials are prohibited.
- Translucent panels may be incorporated into pre-finished aluminum or pre-finished steel doors to provide additional lighting.
- Pedestrian doors shall comply with all applicable codes, ordinances, and Legal Requirements.
- All pedestrian doors shall be pre-finished metal construction in metal jambs and shall complement the building from a design and color perspective.

Vehicle access doors shall be overhead construction and shall complement the building from a design and color perspective.

4.8. Exterior Lighting and Security

A lighting plan describing the exterior illumination layout and fixture selection shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. The lighting plan shall be consistent with the City of Livermore Design Standards and Guidelines, as it exists today or amended. In addition, the lighting plan shall meet the following requirements:

- lights shall not be placed to cause glare, interference with Airport, aircraft, or vehicle operations, or illuminate areas outside of the intended area including adjacent land and/or Improvements; and
- height of exterior light poles shall comply with 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*.

4.9. Exterior Materials

Exterior building materials shall be compatible with adjacent buildings and shall not affect Airport, aircraft,

or vehicle operations. Building glazing shall not cause glare or reflections that will interfere with Airport, aircraft, or vehicle operations. Reflective glass and/or other reflective materials will not be approved by the City. All building materials must be consistent with the City of Livermore Design Standards and Guidelines, as it exists today or amended.

Samples of exterior building materials and colors shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. Building exteriors shall use a neutral earth-tone color palette compatible with existing Improvements at the Airport.

4.10. Exterior Storage

Unless approved in advance and in writing by the City, outside storage of any article, good, material, machinery, equipment (excluding Refueling Vehicles and ground support equipment), tools, trees, shrubs, plants (except approved landscaping), or similar items shall be visually screened from public view consistent with Livermore Development Code Section 6.03.100, *Outdoor Storage*, as it exists today or amended.

No storage shed or accessory building other than the main Improvement shall be permitted except during construction or unless approved in writing by the City with a TUP entitlement prior to construction or installation. Objects such as water towers, storage tanks, processing equipment, cooling towers, communications towers, vents, and other buildings or equipment shall be compatible with the main Improvement or effectively shielded from view and shall be approved in writing by the City prior to construction.

4.11. Fences, Gates, and Buffers

Required fencing, gates, and buffers shall be identified in the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. Submittal shall include identification of the (a) location of fences, gates, and buffers, (b) the type, height, and color of the materials used for construction, and (c) other unique design features or considerations. Fences must be consistent with Livermore Development Code Section 4.05.040, *Fences and Screening*. Fencing and gates shall be the same type of material and style of the existing Airport perimeter fence and gates and consistent with the City of Livermore Design Standards and Guidelines, as they exist today or amended. Fences and gates shall be properly maintained, fully functional, and in good appearance.

When possible, fences, gates, and buffers shall not be permitted directly adjacent to aircraft Movement Areas and Non-Movement Areas unless identified with markers, lights, or other devices (e.g., reflectors on all sides). Fences, gates, and buffers directly adjacent to aircraft Movement Areas and Non-Movement Areas must have a security card or key pass access control mechanism to restrict access to authorized personnel only. The height of all buffers of unsightly areas (e.g., storage area) shall be at least equal to the material being stored or screened.

4.12. Garbage and Recycling Containers

Exterior garbage and recycling containers must be consistent with Livermore Development Code Section 6.03.130, *Solid Waste and Recycling Container Enclosures*, as it exists today or amended. Exterior garbage and recycling containers must be equipped with securely fastened lids and shall be screened on all sides from view. All areas utilized for garbage and recycling container locations shall be paved.

4.13. Flagpoles

All flagpoles shall be located in such a manner and distance from Ramps, Taxiways, or Taxilanes to prevent being a hazard to Airport, aircraft, or vehicles operations. The height of flagpoles shall comply with 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*. The flag of the United States

shall only be displayed in accordance with Title 4 of the United States Code (U.S.C.). Flagpoles are subject to Livermore Development Code Section 4.02.040, *Special Height Regulations*, as it exists today or amended.

4.14. Grading and Drainage

A site plan indicating proposed grading and drainage (including drainage flow, contours, and elevations) shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. Compatible grading and drainage between adjacent land and Improvements shall be established to control drainage and erosion and shall meet the following requirements:

- Grading permits shall be obtained from the Agency having jurisdiction prior to performing any grading.
- Grades, berms, channels, and swales shall be an integral part of the grading, drainage, and paved surface design.
- Paved area grades shall not exceed two percent (2.0%) slope for concrete and asphalt paving.
- Drainage (and all related facilities) shall be designed to prevent standing water and accommodate all storm water generated by the land in accordance with the Construction Storm Water Pollution Prevention Plan (SWPPP) and the City's SWPPP.
- All grading and drainage shall meet the design standards described in AC 150/5320-5C *Airport Drainage Design*, as may be amended.
- All other applicable requirements as set forth in the Livermore Development Code.

Drainage shall not adversely impact adjacent land and Improvements and shall flow into natural or developed drainage.

Unless otherwise approved by the City, the elevation of the land shall not be changed so as to materially affect the surface elevation or grade of the surrounding land.

Gutters and downspouts shall be used to facilitate drainage from roofs.

Hangar floor drainage shall flow through an oil/water separator in compliance with the Airport's SWPPP and applicable Legal Requirements.

4.15. Landscaping

The City encourages landscaping that creates a compatible and continuous relationship between the land and the Improvements, minimizes the use of irrigation water, maintains an aesthetically pleasing appearance in all areas not covered by Improvements, Ramps, vehicle parking areas, and enhances the existing character of a site. Any portion of the site that is not improved shall be landscaped according to the approved landscaping and irrigation plan submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. Landscaping is subject to Municipal Code Chapter 13.235, *Water Efficient Landscape*, Livermore Development Code Chapter 4.05, *Landscape Standards*, and the City of Livermore Design Standards and Guidelines, as they exist today or amended.

- Landscaping materials shall be installed prior to Certificate of Occupancy (CO).
- All landscaping shall be maintained and repaired and kept in good appearance on a year-round basis.
- The Lessee (Sublessee, if applicable) shall be solely responsible for landscape maintenance and repair including weed control and removal and replacement of diseased or dead vegetation.

Areas with road frontage shall be landscaped with berms and/or shrubbery to provide effective screening of aircraft or vehicle parking areas.

- Berms and/or shrubbery shall have a maximum height of four feet, as measured from the aircraft and/or vehicle parking area.
- Berm slopes shall not exceed two feet horizontal to one foot vertical (2:1) with a three foot wide flat crown.
- Lessee (Sublessee, if applicable) shall provide shade trees indigenous to the area that conform to all applicable codes, ordinances, and Legal Requirements in all vehicle parking areas.

Landscaping shall also be used, consistent with all applicable codes, ordinances, and Legal Requirements, to screen unsightly items such as heating and air conditioning units, trash and recycling containers, loading docks, utility boxes, etc. Landscaping materials shall be indigenous to the State and may include such items as trees, shrubs, hedges or bushes, and ground cover such as grass or landscaping rocks. Small landscaping rock may be permitted provided it does not create a hazard to persons or Property including aircraft. Decorative bark and seed or fruit bearing trees will not be approved by the City.

All landscaped areas shall be irrigated by a permanent, underground irrigation system that can support the type and amount of landscaping installed. The landscape plan shall minimize the use of irrigation water. Landscaping materials shall be compatible with the surrounding land and Improvements and shall not pose a hazard to Airport, aircraft, or vehicle operations. At all times, landscaping shall (a) comply with 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*, (b) not obscure ATC line of sight, and (c) not exceed 25 feet above ground level.

4.16. Loading and Service Areas

In addition to being functional and aesthetically pleasing, loading and service areas shall meet the following requirements:

- Loading areas, loading docks, vehicle parking areas, and service areas shall be planned so the use of any one of these areas does not interfere with the use of any of other areas.
- All areas utilized for loading and service area shall be paved.
- Loading docks or service areas shall not be visible from the street. If necessary, to restrict visibility from the street, a landscaped buffer shall be installed.
- Loading areas shall be denoted by a yellow painted curb with the words “Loading Zone” in black lettering.

4.17. Open Sided Buildings

Buildings shall be fully enclosed. No open sided buildings shall be permitted with the exception of aircraft shade ports and/or wash racks.

4.18. Pedestrian Circulation

Pedestrian movement shall be safe, convenient, and orderly. Pedestrian circulation must be consistent with Livermore Development Code Section 4.04.070.B, *Pedestrian walkways and bicycle paths*, and City of Livermore Design Standard and Guidelines, as they exist today or are amended. Walkways shall conform with applicable codes, ordinances, and Legal Requirements. Convenient pedestrian access from all aircraft and vehicle parking areas to building entrances shall be provided. Pedestrian walkways shall be constructed of concrete. Bituminous asphalt, dirt, and gravel walkways will not be approved by the City. Pedestrian access to land and Improvements shall be designed and constructed in accordance with the Americans with Disabilities Act of 1990, as may be amended, and any other applicable Legal Requirements. Pedestrian access to Restricted Areas shall be controlled with a security pass, key card, access gate or other approved security access system.

4.19. Residence

No building, vehicle, Equipment, or aircraft shall be used as a place of residence either on a temporary or permanent basis.

4.20. Setbacks

To provide sufficient space between Improvements and streets, to ensure adequate lighting, privacy, and sound control, and to allow for landscaping and access (including aircraft, vehicle, and Emergency Vehicle access), the following setbacks shall be met and maintained:

Minimum Building Setback Requirements

- Refer to the applicable zoning regulations set forth in the Livermore Development Code, Part 3, *Specific to Zones*.

Vehicle Parking Area Setback Requirements

- Parking is prohibited within a setback area.
- Refer to Livermore Development Code Section 4.05.30, *Parking Lot Landscaping*, for additional requirements within a potential setback area.

Utility Transformer or Meter Setback Requirements

- Street right-of-way: minimum of five feet.
- Side lot line:
 - With Ramp – minimum of 10 feet
 - Without Ramp – minimum of 40 feet

No part or portion of any Improvement shall be erected, constructed, or extended closer than the distance from the Movement Areas as depicted by the building restriction line in Exhibit A of the ALP. The City shall determine the required setback distances for each Lessee (Sublessee, if applicable) from any adjacent Ramp, Taxilane, or Taxiway edge.

The entire setback area shall be graded and seeded, sodded, or landscaped between the lot lines and from the Ramp to the building face in a manner that produces an acceptable lawn or landscaped area with exception of the areas which are required for Ramps, driveways, roadways, walkways, or vehicle parking areas.

The City reserves the right to evaluate this Section where the requirements are subject to modification, since different setbacks may be required based on a number of factors such as: lot size, shape, or configuration; Improvement use; aircraft Design Group; location on the Airport; and adjacent or surrounding land and/or Improvements.

4.21. Signage

Signage shall conform to applicable codes, ordinances, and Legal Requirements and be uniform and the graphics shall (a) balance identification with image; (b) communicate information in a straightforward and aesthetically pleasing manner; and (c) be compatible with surrounding Improvements, the natural environment, and the overall character of the lot. Directional signage shall improve and/or enhance the safety, security, and efficiency of aircraft, vehicle, and pedestrian movement.

A signage plan shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to installation of signage.

General – All existing signs, on the date of adoption of this Policy, are considered approved by the City if the signs do not create a hazard to Airport, aircraft, or vehicle operations, and/or pedestrians and if the signs comply with 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*.

Signage must be consistent with Livermore Development Code Chapter 4.06, *Sign Standards*, and City of Livermore Design Standards and Guidelines, as they exist today or are amended.

4.22. Buildings

Buildings shall be masonry, concrete, or steel frame load bearing construction.

Wood framed buildings will not be approved by the City.

4.23. Utilities

A utilities plan identifying all utilities shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction. All utility improvements shall meet the requirements of the Agencies having jurisdiction and all applicable Legal Requirements.

Lessee (Sublessee, if applicable) is responsible for the maintenance and repair of all utility lines to the site and for keeping all shutoffs readily accessible and fully functional. Lessee shall preserve existing utility easements and recognize that the potential exists to change existing easements and/or add future easements.

No pipe, conduit, cable, or line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed or maintained on any lot (outside of any building) above the surface of the ground with exception of hoses, movable pipes for irrigation, or transformers used during construction.

- Transformers shall be co-located with utility meters and screened with landscaping and setback at a safe distance.

Utility costs and expenses for any equipment (including meters) and services (including temporary service) for the Leased Premises shall be the sole responsibility of Lessee (Sublessee, if applicable) from the date of Notice to Proceed with construction.

- Extension of utilities to proposed facilities shall be the sole responsibility of Lessee (Sublessee, if applicable).
- Lessee (Sublessee, if applicable) or contractor shall be responsible for returning any areas disturbed by excavation and installation of any utilities or related equipment to the condition before construction.

4.24. Vehicle Parking

A landside vehicle parking area plan describing the vehicle parking layout shall be submitted with the Development Plan (as outlined in Section 5.2) and approved in writing by the City prior to construction.

All vehicle parking areas shall be paved with a weight bearing capacity that accommodates anticipated usage and the heaviest expected load.

Number of Vehicle Parking Spaces – Vehicle parking areas shall provide parking consistent with Livermore Development Code Chapter 4.04, *Parking Standards*, as it exists today or amended. In addition, the following parking ratios apply:

- One vehicle parking space per 1,000 square feet up to 20,000 square feet of building area which is used for aircraft storage and/or maintenance. One vehicle parking space per 2,000 square feet of building area in excess of 20,000 square feet.

PROCEDURES FOR APPROVAL

- One handicapped space is required for every 25 spaces and one of every 8 handicapped accessible parking spaces, but always at least one, must be “van-accessible”.

5. PROCEDURES FOR DEVELOPMENT CONCEPT APPROVAL
5.1. Concept Plan

At a minimum, the Concept Plan shall include the following information:

- name of the proposed development (project name);
- vicinity map with scale (1" = 2,000 feet preferred), north arrow facing the top of the page, and date of preparation;
- location and legal description of the lot;
- location and proposed uses of Improvement areas to include estimated dimensions and square footages;
- location and dimensions of required setbacks;
- number and location of vehicle parking areas based on building square footage estimates;
- designation and classification of any right of way, turning or acceleration and/or deceleration lanes, areas to be vacated, access points, etc.;
- fencing and security gates;
- topographic map depicting existing and proposed contours;
- preliminary utilities plan depicting existing and proposed location of all utilities;
- internal site circulation and designation of public and private streets;
- designated open space;
- proposed schedule for completion of the Development Plan (as outlined in Section 5.2);
- Project Narrative that describes how the proposed development will meet the objectives identified in Section 1.2 and Resolution 20 10-058

5.2. Development Plan

The Development Plan shall include a complete set of plans and specifications that fully define the proposed land use as described in the listed in the City’s Plan Set Requirements for Planning Applications handout. The Development Plan shall address the function, right(s)-of-way, and widths of roadways within and adjacent to the site. The Development Plan shall identify the location, type, and extent of access to/from Airport roadways and the necessary traffic controls (if any) for each of the development’s access points.

The City will not accept incomplete submittals. One original and four copies of the Development Plan shall be organized into five self-contained packets. An electronic copy of the Development Plan shall also be provided.

To be accepted by the City, the Development Plan shall include the documents listed in the City’s Plan Set Requirements for Planning Applications handout and the following items and requirements:

Letter of Intent – This letter shall describe the proposed development and convey the anticipated construction schedule for the proposed development.

Letter from Water and Sewer Providers – Based on written notification to the providers from the Applicant of the intent to develop the site which includes an estimated total number of gallons per day of water requirements and an estimated number of gallons per day of sewage to be treated, both based on total building square footage and use, letters from the proposed water and sewer providers shall include proof that the provider has the ability to fully serve the development according to the requirements identified by the Applicant.

PROCEDURES FOR APPROVAL

In the case of a proposal for utilization of individual wells and/or septic tanks, the Development Plan shall clearly state that wells are proposed. The City will refer the entire submittal to the appropriate Agency having jurisdiction to obtain an opinion on the adequacy of the proposal.

Letter from Livermore-Pleasanton Fire Department (LPFD) – This letter shall identify the impacts of the proposed development on the LPFD (in general) and the LPFD’s capabilities of servicing the proposed development (in particular).

Engineer Stamp – All plans and drawings shall be stamped by an engineer certified or licensed in the State of California.

Waiver Request Letter – This letter, which requests a waiver to the submittal process shall identify each item for which a waiver is requested and provide detailed justification for the request. This is a separate letter and it shall not be combined with or substituted for the Letter of Intent.

Review Fee – Checks shall be made payable to the City for the total amount of fees required as stipulated by the City.

Entitlement Fees – Checks shall be made payable to the City for the total amount of fees required as stipulated in the City’s Master Fee Schedule.

Financial Plan – The Financial Plan shall include a statement of financial capacity from a qualified financial institution, a three-year historical income statement and balance sheet, a three-year historical statement of cash flows, a five-year projected income statement (or pro forma) for the proposed development, and a five-year projected statement of cash flows for the proposed development.

Development Agreement – Copy of executed Development Agreement.

Completed FAA Form 7460-1 – Notice of Proposed Construction or Alteration.

5.3. Requirements of the Federal Aviation Administration

Non-Aeronautical Uses – FAA approval may be required for any project involving non-aeronautical uses.

Possible Obstructions in the Navigable Airspace – 14 CFR Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace* establishes the maximum allowable heights of objects on or in the vicinity of Airport. These regulations define “imaginary surfaces” which, if penetrated by an object, would be considered an obstruction. Any planned development that would penetrate these imaginary surfaces would, most likely, not be approved by the FAA in which case, it is unlikely that the City would approve the project as well.

Notice of Proposed Construction or Alteration – Once the Development Plan has the support of the City and once FAA Form 7460-1, *Notice of Proposed Construction or Alteration* has been completed by the Applicant, the City will submit the form to the FAA.

- FAA Form 7460-1, *Notice of Proposed Construction or Alteration* is the official notification to the FAA of the proposed construction or alteration.
- The Applicant shall complete FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and provide any additional or supplemental information requested by the FAA or the City to facilitate the approval process.

6. CONSTRUCTION PHASE

6.1. *Pre-Construction Meeting*

Prior to initiating construction, the City shall arrange a pre-construction meeting with the Lessee (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, and any other entities involved with the development at the Airport to review the City's safety, security, efficiency, operational, and coordination requirements including any limitations, restrictions, and/or prohibitions relating to same.

6.2. *Permits, Licenses, Inspections, and Certifications*

Lessees (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, or any other entity involved with the development shall obtain and incur the expense of all required permits, licenses, inspections, certifications, and approvals/authorizations associated with the development.

No construction shall be undertaken without first receiving a building permit.

6.3. *Bonds*

Contractor Construction Bond – Prior to the issuance of notice to proceed, Lessee's (Sublessee's, if applicable) contractor shall deliver to the City and shall maintain in full force and effect throughout the entire construction period a contractor construction bond and a labor and material payment bond, each in a sum not less than 100% of the construction contract amount. These bonds shall guarantee prompt and faithful payment by contractor to all persons supplying labor, materials, sustenance, provisions, supplies, rental machinery, tools, and equipment used directly or indirectly by the contractor, subcontractors, vendors, and suppliers in the prosecution of the work provided for in the construction contract and shall indemnify, hold harmless, protect, and defend the City from any liability, loss, or damage associated with the project. These bonds shall name the Lessee (Sublessee, if applicable) as the obligee with the City being named on the dual obligee rider.

Tenant Payment Bond – Prior to the issuance of notice to proceed, the Lessee (Sublessee, if applicable) shall provide the City with a tenant payment bond in a sum not less than 100% of the construction contract amount. The tenant payment bond shall guarantee prompt and faithful payment to the contractor by the Lessee (Sublessee, if applicable) for the work performed by the contractor under the construction contract.

Surety Company's Financial Rating Requirement – All bonds shall be issued by a surety company certified or licensed to transact business in the State and satisfactory to the City. If a bond is executed by an attorney-in-fact of the surety, a power of attorney shall be attached to the bond.

The surety company shall have a Best rating of A or better or be approved in advance and in writing by the City.

6.4. *Insurance*

Contractor shall procure, maintain, and pay all premiums throughout the entire construction period for the insurance coverages and amounts set forth in Appendix 7.8 and as may be required by Legal Requirements.

6.5. *Clean-Up During Construction*

The construction site and other associated areas shall be kept free of accumulated waste materials, dirt, and surplus materials. Waste materials, dirt, and surplus materials shall not be permitted to (a) create a safety, security, health, or welfare hazard to persons; (b) harm Property; (c) interfere with any activity normally occurring on the Airport; and (d) shall be disposed of in a prompt and appropriate manner, consistent with best practices. Barriers shall be used to ensure debris does not leave the construction area.

- The construction site shall be maintained in a clean, neat, orderly, safe, secure, efficient, and

- functional condition, consistent with best practices.
- Failure to properly maintain the construction site may result in the City conducting or contracting the clean-up at the Lessee's (Sublessee, if applicable) or contractor's sole risk, cost, and expense.
 - This is not to be construed as a duty or obligation of the City to provide or arrange for such clean up services.

6.6. Damages During Construction

Lessee (Sublessee, if applicable) shall be fully responsible for and shall replace, or in the City's sole discretion, shall reimburse the City for all damages to land, Improvements, vehicles, aircraft, equipment, tools, and any other Property and related appurtenances at the Airport caused by Lessee (Sublessee, if applicable) or its employees, agents, customers, visitors, vendors, contractors, and suppliers.

6.7. Erosion Prevention During Construction

To prevent loss of soil by water and wind erosion and to minimize the generation of dust, best practices combinations of the following approaches shall be used during construction.

- A dust mitigation plan shall be submitted and approved by the City prior to the start of construction.
- Only the smallest possible area of cleared land shall be exposed.
- Provisions shall be made to effectively accommodate increased runoff caused by changes to soil and/or surface conditions.
- Permanent surfacing and landscaping shall be installed as soon as practical.
- Temporary mulching shall be used for imported fill that may be subject to erosion.
- Cleared land shall be watered down at frequent intervals to minimize the creation of dust.

6.8. Inspections

The City or its designated representative may observe the activities and/or inspect the work being performed by the Lessee (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development to determine whether or not the requirements of the approved plans, specifications, drawings, and related documents (as submitted in the Development Plan outlined in Section 5.2 and approved by the City) are being met (and the work is being accomplished) in a safe, secure, efficient, and prompt manner and in accordance with the Airport's operational and coordination requirements.

- This would include, but not be limited to, construction methods, techniques, processes, and procedures; materials and finishes; vehicles, equipment, and tools; and personnel.

Lessee (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development shall provide these inspectors and any other inspectors from Agencies having jurisdiction with unlimited access and provide the means for accessing any area of the construction site. Such inspections shall not relieve the Lessee (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, or any other entities associated with the development of any responsibilities, obligations, and/or other requirements.

6.9. Protection of Property and Work in Progress

Lessee (Sublessee, if applicable), developers, contractors, subcontractors, vendors, suppliers, and any other entities associated with the development shall take all reasonable precautions to protect and ensure the safety, security, health, and welfare of persons on or near the construction site and shall take all reasonable measures to prevent injury to persons or damage to Property on or near the construction site including:

- all work and materials, vehicles, equipment, tools, fixtures, and furnishings at the site, whether in storage on or off the site, under the care, custody, or control of the contractor, subcontractors, or any other entities associated with the development; and
- all other Property at the site or adjacent to the site, including, but not limited to, lawns, vegetation, pavements, walkways, roadways, driveways, buildings, and utilities not designated for removal, relocation, or replacement.

6.10. As-Built Drawings

Within thirty (30) calendar days of project completion, the Applicant shall submit reproducible as-built 11" x 17" CAD drawings of all Improvements including existing and constructed underground utilities. Vertical and horizontal locations shall be referenced to the Airport's benchmark using the station/offset system. The as-built drawings shall be signed by an engineer or land surveyor certified or licensed in the State.

7. APPENDIX

7.1. *Airport Development Priorities*

APPENDIX B

City of Livermore - Airport Policy Resolution

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION ESTABLISHING AIRPORT OPERATIONAL
AND DEVELOPMENT POLICIES**

The City's General Plan states in Goal CIR-8 that the City will "support and protect safe and efficient aviation operations at the Airport". In support of that goal and the City Council's desire to communicate its position on future Airport development, staff recommends that the Council support, to the extent feasible under federal law and the City's Grant Assurances with the Federal Aviation Administration, the following policies to guide the Airport Advisory Commission and staff in the future development of the Airport:

1. Future development at the Airport shall only occur in response to existing aviation demand. Whether demand exists shall be evaluated by the Airport Advisory Commission, and shall be based on tangible evidence, such as the existence of a hangar waiting list, letters of interest or proposals to provide essential aeronautical services to avoid the need for based aircraft having to fly to other airports to receive those services, or services determined to be supportive of the local community, such as law enforcement or emergency medical transport.
2. Redevelopment at the Airport shall only occur if the Airport Advisory Commission determines that existing facilities are in need of significant rehabilitation, improvement, or replacement.
3. The City Manager, Public Works Director, and Airport Manager shall take no action to solicit or encourage development of a large scale, stand-alone air cargo operator at the Livermore Airport. However, small-parcel air cargo services that serve only businesses and residences in the Tri-Valley region shall be encouraged to support the local economy and ensure economic vitality, and staff shall endeavor to establish this type of business.
4. The City does not intend to extend the existing runways.
5. The City will aggressively foster the reduction of aircraft noise through voluntary noise reduction efforts, especially during night hours. The City will participate in federal lobbying efforts to legislate the phase-out of high noise-producing jets.
6. In cooperation with other Tri-Valley Cities, the City will conduct periodic noise monitoring activities, and report these activities to local elected Boards at least once every two years.
7. The City will take necessary steps to enhance the Airport as the region's key disaster relief and recovery facility.

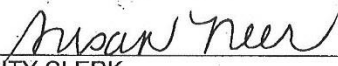
8. The City will continue to operate the Livermore Municipal Airport as an unsubsidized and self-sustaining public enterprise in a safe and efficient manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the preceding policies and procedures are established for the operation and development of the Airport:

On the motion of Councilmember Leider, seconded by Councilmember Williams, the foregoing resolution was passed and adopted on the 22nd day of March, 2010, by the following vote:

AYES: Councilmembers Leider, Marchand, Williams, Vice Mayor Horner, Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST & DATE:


CITY CLERK
SUSAN NEER

DATE: March 23, 2010

APPROVED AS TO FORM:


SPECIAL COUNSEL
AMARA MORRISON

7.2. Definitions

Agency – Any federal, state, or local governmental entity, unit, organization, or authority.

Air Operations Area (AOA) – A portion of an airport which includes aircraft Movement Areas, Ramps, and safety areas, and any adjacent areas that are not separated by adequate security systems, measures, or procedures.

Airport – All land, Improvements, and appurtenances within the legal boundaries as it now exists on the Airport Layout Plan (or Exhibit A of the most recent FAA grant) and as it may hereinafter be modified at Livermore Municipal Airport (LVK).

Airport Land Use Commission (ALUC) – A local Agency responsible for ensuring compatibility between airports and the surrounding land uses

Airport Layout Plan (ALP) – The FAA approved drawing, as may be amended from time to time, which reflects an agreement between the FAA and City depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

Airport Manager – That person (or designated representative thereof), appointed by the City, responsible for the administration and day-to-day operation and management of the Airport, all City owned Property, vehicles, equipment, material, financial assets, and Employees at the Airport, and all employees assigned to the Airport.

Airport Sponsor Assurances – Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of federal airport development grants or federal surplus Property.

Applicant – An entity desiring to use land and/or Improvements at the Airport to engage in an Aeronautical Activity and who shall apply in writing and in the manner or form prescribed herein for authorization to engage in such Activities at the Airport.

Certificates of Insurance – A certificate provided by and executed by an insurance company to the City providing evidence of the insurance coverages and policy limits.

Commercial – For the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Competitive Proposal Process – A process that is used to seek competitive proposals from qualified entities when land and/or Improvements are or become available at the Airport for occupancy or use.

Confidential Information – Any information or data, regardless of whether it is in a tangible form, that is not generally available to the public and is clearly marked and identified as “confidential”.

Development Agreement – A written contract (e.g., lease agreement, license agreement, permit, etc.), enforceable by law, executed by both parties, between the City and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain activities.

Disposition and Development Agreement (DDA) – A written contract (e.g., lease agreement, license agreement, permit, etc.), enforceable by law, executed by both parties, between the City and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain activities.

Emergency Vehicle – Vehicle of any Agency providing law enforcement, fire protection, rescue, emergency medical or ambulatory transportation, or any vehicle conveying an Airport official or an Airport employee in response to an emergency call.

Equipment – All Property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Fixed Based Operator (FBO) – A Commercial Operator engaged in the sale of products and services and the renting or subleasing of facilities consistent with the Minimum Standards.

General Aviation – All aviation with exception of Air Carriers and the military.

Hangar – Any fully or partially enclosed storage facility for an aircraft.

Immediately – The ability to occupy Leased Premises and offer products, services, and/or facilities (to the public) on the effective date of the Agreement. When construction and/or alteration of facilities are involved, immediately shall mean the ability to obtain a certificate of occupancy from the authorizing Agency for the proposed facilities within 18 months following the possession of the Leased Premises.

Improvements – All buildings, structures, additions, and facilities including pavement, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

Legal Requirements – All applicable federal, state, City, and local laws, codes, ordinances, executive orders, policies, and regulations.

Leased Premises – The land and/or Improvements used exclusively under Agreement by a Tenant.

Lessee – An entity that has entered into an Agreement to occupy, use, and/or develop land and/or Improvements.

Master Plan – An assembly of documents and drawings (which have been approved by the FAA and adopted by the City) covering the development of the Airport from a physical, economic, social, and political jurisdictional perspective. The Airport Layout Plan is part of the Master Plan.

Minimum Standards – Primary Management and Compliance Document that sets forth those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as may be amended from time to time.

Movement Area – The Runways, Taxiways, and other areas of the Airport which are utilized for taxiing, hover taxiing, takeoff, and landing of aircraft (exclusive of aircraft parking, loading, unloading, fueling, and servicing areas) where aircraft are moved with radio contact with ATC or other aircraft. The Movement Area includes all areas under the direct and positive control of ATC. Specific approval for entry onto the movement area must be obtained from ATC.

Non-Commercial – Not for the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Non-Movement Area – Those portions of the Airport where aircraft taxi or are moved without radio contact with ATC or other aircraft.

Operator – An entity that has entered into an Agreement with the City to engage in Commercial Aeronautical Activities at the Airport.

Paved – Covered with asphalt or concrete that forms a firm level surface.

Property – Any tangible or intangible possession that is owned by an entity or a person.

Ramp – Those paved areas of the Airport within the AOA designated by the City for parking, loading, unloading, fueling, or servicing of aircraft.

Refueling Vehicle – Any vehicle used for transporting, handling, or dispensing of fuels and lubricants.

Runway – An area of the Airport developed and improved for the purpose of accommodating the landing and takeoff of aircraft.

Specialized Aviation Service Operator (SASO) – A Commercial Operator that provides any one or a combination of the following Activities: Aircraft Maintenance, avionics or instrument maintenance, aircraft rental or flight training, aircraft charter or aircraft management, aircraft sales, and other Commercial Aeronautical Activities.

Sublease – An agreement entered into by an entity with an Operator or Lessee that transfers rights or interests in the Operator's or Lessee's Leased Premises and for which, the City has given proper consent.

Sublessee – An entity that has entered into a Sublease with an Operator or Lessee who is authorized (by the City) to engage in Commercial Aeronautical Activities at the Airport.

Taxilane – The portion of the Ramp used for access between Taxiways and Ramps. Taxilanes are always outside the Movement Area and differentiated from a Taxiway by the required Object Free Area requirements stipulated by the FAA.

Taxiway – A defined path, usually paved, over which aircraft can taxi from one part of an airport to another (excluding the Runway). ATC must have a clear line of sight to all Taxiway centerlines. Additionally, a Taxiway is further differentiated from a Taxilane by the required Object Free Area requirements stipulated by the FAA.

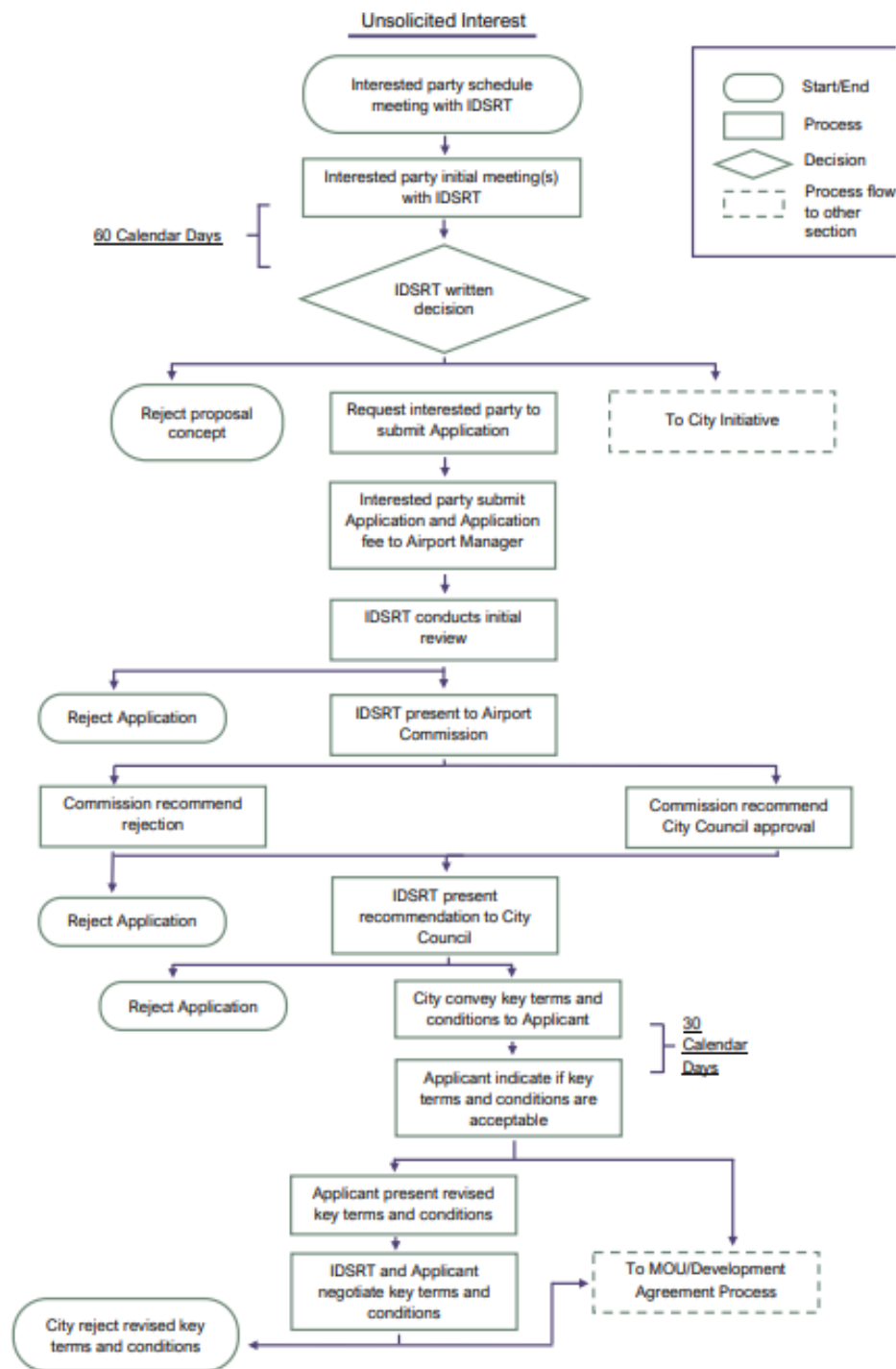
Tenant – A person, Association, or entity that has entered into an agreement with either the City or Operator to occupy land and/or Improvements at the Airport for commercial or non-commercial purposes.

Transient Aircraft – Any aircraft utilizing the Airport for occasional or temporary purposes which is not stationed at the Airport.

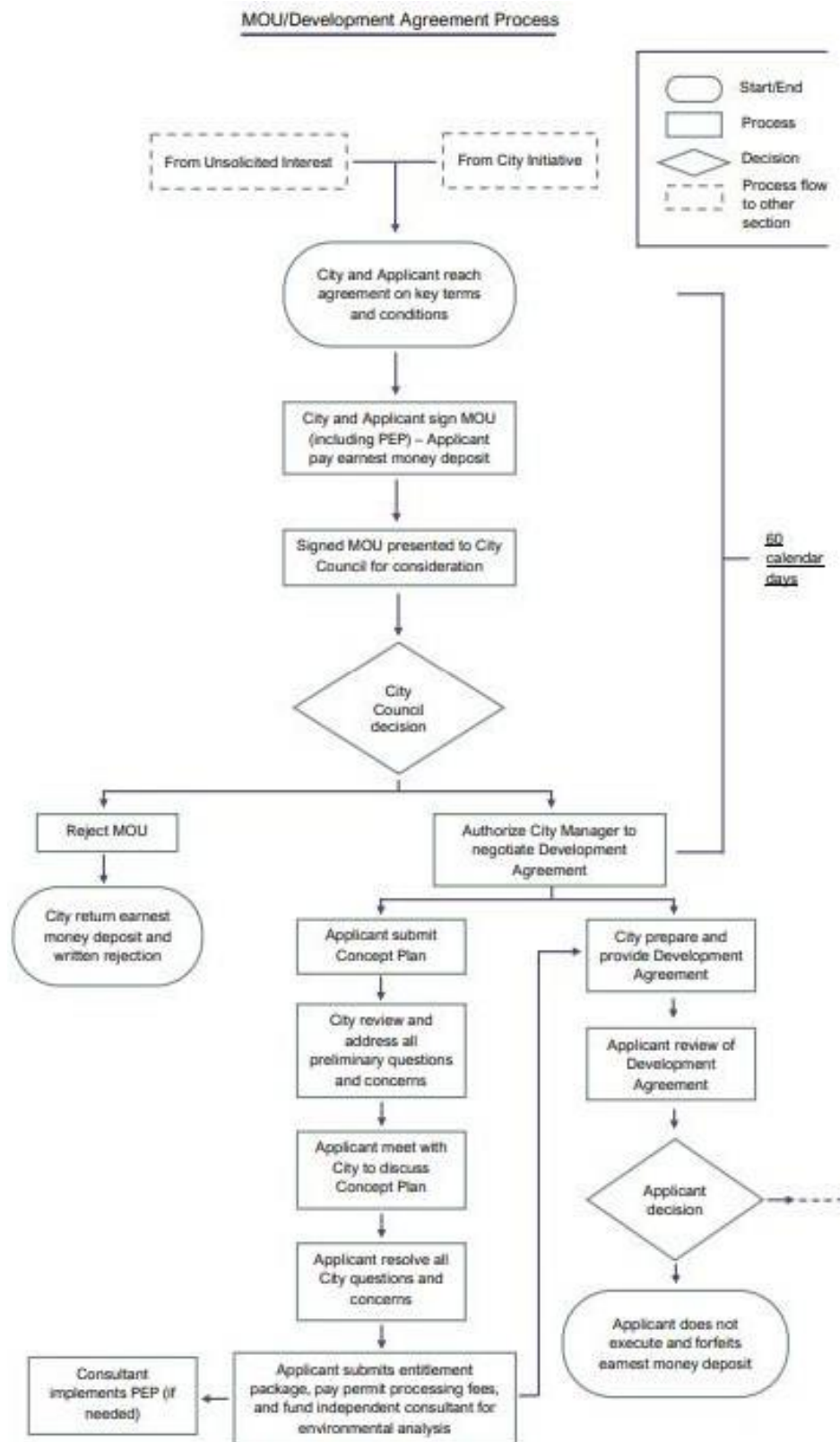
7.3. Acronyms

AC	Advisory Circular
ALP	Airport Layout Plan
ATC	Air Traffic Control
ALUC	Airport Land Use Commission
AOA	Air Operations Area
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	Certificate of Occupancy
FAA	Federal Aviation Administration
FBO	Fixed Base Operator
IDSRT	Inter-Departmental Staff Review Team
MOU	Memorandum of Understanding
NEPA	National Environmental Protection Act
SASO	Specialized Aviation Service Operator
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
U.S.C.	United States Code

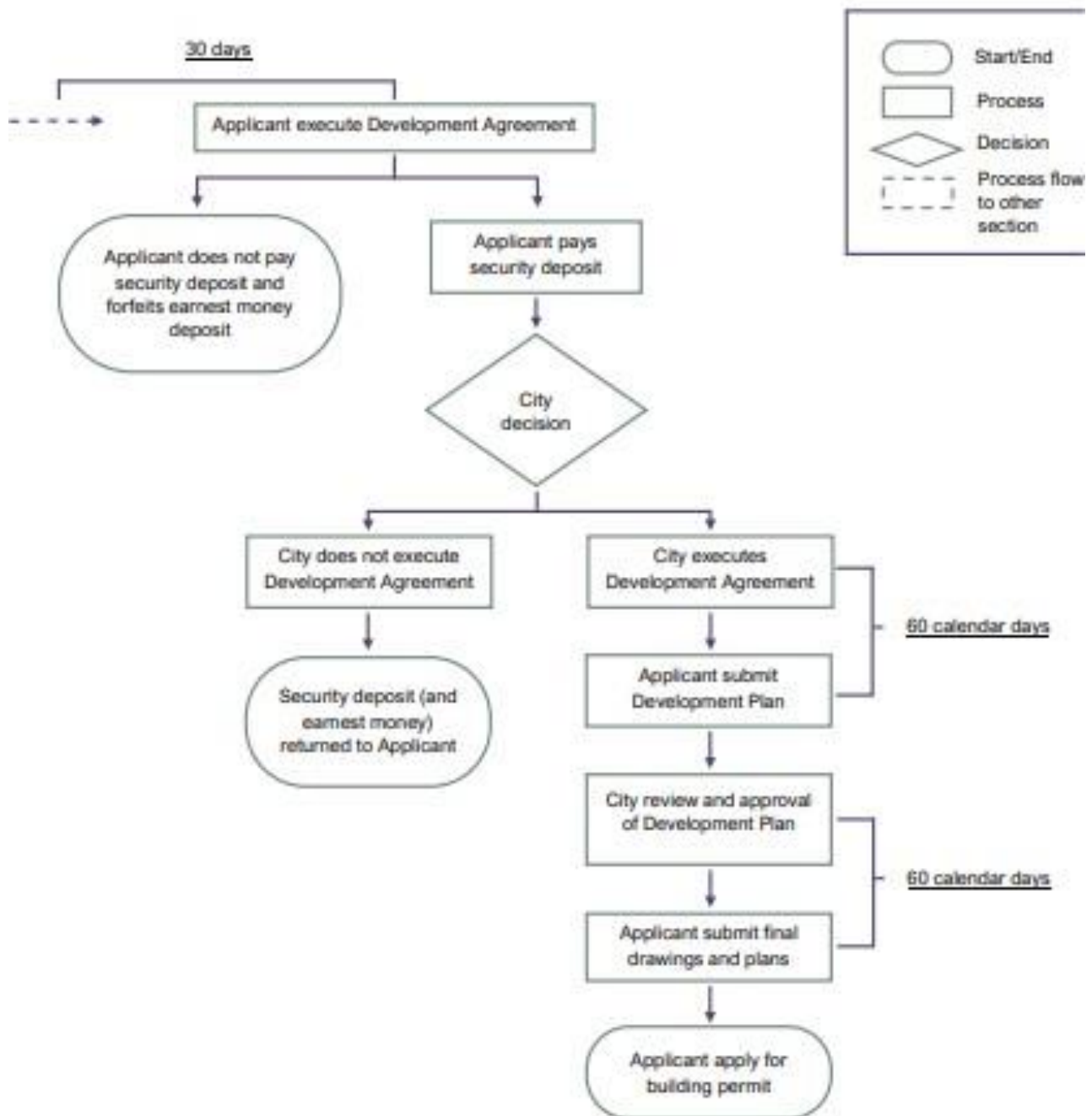
7.4. Leasing Practices Flowchart







MOU/Development Agreement Process



7.5. *Lease / Development Proposal Evaluation Form*

It is the goal of the City to ensure Airport property is leased and developed in a high-quality manner consistent with sound fiscal management and best operational practices while ensuring the provision of essential infrastructure, Improvements, and amenities that support the overall operation of the Airport. The City has established the following objectives to help achieve this goal.

Please provide a detailed description as to how the proposed development/redevelopment meets the following objectives:

- **Environmental** –Employ sustainable development practices to conserve natural resources and minimize adverse impacts such as noise, air, and water pollution, on the environment. Actions to reduce impact of noise pollution should be employed such as fostering the reduction of aircraft noise through the voluntary noise reduction efforts, especially during night hours. Action to reduce air pollution should be taken by supporting the transition from leaded to unleaded fuel as it becomes feasible. Action to prevent PFAS or other contamination into the water system should be undertaken such as monitoring the use of fire foam or other chemicals containing PFAS and report such usage to the Airport Advisory Commission.
- **Social** – Maintain and enhance a compatible relationship between the Airport and the surrounding community through public engagement efforts that will include information regarding the scope and scale of proposed projects and provide opportunities for public input and inquiry. Public engagement should address potential impacts to residents and surrounding communities such as increased aircraft activity, vehicle traffic, and noise, including how these impacts may be mitigated.
- **Function** – Encourage development of Airport land and Improvements is to occur in response to existing aviation demand, such as the existence of a hangar waiting list, letters of interest or proposals to provide essential aeronautical services to avoid the need for based aircraft flying to other airports to receive those services, or services determined to be supportive of the local community, such as law enforcement or emergency medical transport. All development and redevelopment must meet the needs of the Airport and be consistent with the Airport’s Minimum Standards for Commercial Aeronautical Activities (Minimum Standards) and the existing development of the Airport. Projects will be evaluated by the Airport Advisory Commission.
- **Visual** – Establish high-quality standards for architectural and landscape design and construction.
- **Economic** – Support the local economy and ensure economic vitality. through supporting small parcel air cargo services that serve only businesses and residences in the Tri Valley region. Preserve property values, enhance investments, and ensure the Airport is as self- sustaining as possible consistent with the Federal Aviation Administration (FAA) Airport Sponsor Assurances.
- **Compatibility** – This Policy will encourage development that is consistent with Airport Development priorities as stated herein in this Policy and in Resolution 2010-058, a copy of which is attached in Appendix 7.1.

The above objectives reflect the Airport Development Priorities established by the Livermore City Council in 2010 through Resolution number 2010-058, a copy of which is attached in Appendix 7.1. The above Goal, and Objectives, and Development Priorities established in Resolution 2010-058, will be used as criteria for evaluating proposals for Airport land lease /development, as further explained in this document.

General Requirements

All development, improvement, renovation, or landscaping shall comply with the Airport Layout Plan, Minimum Standards, 14 Code of Federal Regulations (CFR) Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and/or other Legal Requirements. Notwithstanding any other provisions of this Policy, land and/or Improvements shall not be developed or used in such a manner as to:

- interfere with aircraft communication or navigation equipment,
- adversely impacts the visibility of airport lighting and/or signage,
- impairs the visibility of aircraft crew members or Air Traffic Control (ATC) personnel; or
- otherwise endangers or adversely impacts the arrival, departure, or maneuvering of aircraft.

Please provide a detailed description as to how the proposed development/redevelopment meets the above general requirements.

7.6. RFI, RFQ, and/or RFP Document Guidelines

The content that may be included in each type of document is identified in the table that follows:

Item	RFI	RFQ	RFP
Objectives with respect to the opportunity	•	•	•
Responsibility for compliance with Legal Requirements		•	•
Overview of the community, the Airport, and the marketplace	•	•	•
Location (and approximate size) of the subject property	•	•	•
Complete and thorough description of the subject property		•	•
Anticipated use of the subject property	•	•	•
If Commercial, outline the desires with regard to the: (a) entity's qualifications and experience and (b) the range, level, and quality of General Aviation products, services, and facilities (and/or Improvements) to be developed		•	•
Anticipated lease term (duration)			•
Minimum rent for the subject property			•
If Commercial, identify the minimum fees and/or other charges for engaging in Activities at the Airport			•
Schedule that identifies key dates for the process	•	•	•
If necessary, the location, date, time, and requirement for attendance at a pre-proposal conference	•	•	•
Specific instructions regarding the content and format of the submission	•	•	•
Require a proposal bond or personal guarantee (that shall remain in effect for 180 calendar days), in the amount equal to the total rents, fees, and other charges proposed to be paid in the first month of the Agreement or \$1,000 (whichever is greater)			•
Place, date, time, and any additional instructions for submission	•	•	•
Grounds for denial or disqualification and withdrawal			•
Evaluation and/or selection criteria to be utilized		•	•
Required forms, statements, and affidavits to be completed for submission			•
Draft of proposed Agreement and/or Permit			•
Minimum Standards and Rules and Regulations			•

7.7. Advertising Guidelines

The RFI/RFQ/RFP advertisement should:

- provide a description of the RFI/RFQ/RFP opportunity including identification of the Airport land and/or Improvements that are and/or may be available for lease (subject property) and the General Aviation products, services, and/or facilities that are and/or may be desired by the City;
- provide instructions to proposers for obtaining the RFI/RFQ/RFP document; and
- identify the date, time, and method for submittals.

7.8. Insurance

Contractor shall procure, maintain, and pay all premiums throughout the entire construction period for the insurance coverages and amounts set forth in this Section and as may be required by Legal Requirements. The insurance company or companies underwriting the required policies shall be authorized to write such insurance in the State with a Best rating of A or better or be approved in advance and in writing by the City.

- **Commercial General Liability** – Coverage in the minimum amount of \$1,000,000 combined single limit (CSL) bodily injury and Property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form Property damage, products/completed operations, explosion, collapse, underground, broad form blanket contractual, and \$100,000 fire legal liability.
- **Commercial or Business Automobile Liability** – Coverage in the minimum amount of \$1,000,000 CSL bodily injury and Property damage for all vehicles arising out of the use, loading, and unloading of owned, non-owned, or hired vehicles.
- **Personal Vehicle Liability** – Coverage in the amounts of \$250,000 per person and \$500,000 each Accident Bodily Injury and \$100,000 each Accident Property Damage for each vehicle to be operated in association with the contract that is not insured under Commercial vehicle Liability.
- **Workers' Compensation (WC)** – Coverage, in full compliance with California's statutory requirements, for all employees of contractor and Employer's Liability in the minimum amount of \$1,000,000.
- **Professional Liability (Errors and Omissions) Engineers and Architects** – Coverage in the minimum amount of \$500,000 each occurrence and \$1,000,000 aggregate.
- **Property Coverage** – Course of Construction (Builder's Risk) Insurance covering all materials and equipment at the job site, with limits of not less than one hundred percent (100%) of the total estimated cost of construction, against all perils including flood until the project is completed and accepted by the City. Should the work being constructed be damaged by fire or any other causes during construction, contractor shall replace it in accordance with the requirements of the plans and specifications without additional cost or expense to the City.

All insurance required will be primary coverage and any insurance or self-insurance maintained by the City shall be excess of contractor's insurance coverage and shall not contribute to it.

The City shall be notified immediately if any aggregate insurance limit is exceeded. Additional coverage shall be purchased to meet requirements.

All insurance, which contractor is required to carry and keep in full force and effect, shall name the City and the City Council, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers as additional insured.

Contractor agrees to waive all rights of subrogation against the City and the City Council, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers for losses arising directly or indirectly from the activities and/or work performed by contractor (applies only to Commercial General Liability and Workers' Compensation).

Policies shall not be suspended, voided, or canceled by either party or reduced in coverage or in limits except after thirty (30) calendar days prior written notice, fourteen (14) calendar days prior written notice for cancelation for non-payment of premium, by certified mail, return receipt requested, has been given to the City.

Contractor agrees to provide the City with the following insurance documents before the start of construction:

- Certificates of Insurance for all required coverages;
- additional insured endorsements;
- waiver of subrogation endorsements (e.g., waiver of transfer rights of recovery against others, waiver of our right to recover from others, etc.); and
- sixty (60) calendar days' notice cancellation clause endorsements.

It is the responsibility of the contractor to ensure that any and all subcontractors comply with all terms and conditions of the insurance provisions stipulated herein.

Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve contractor for liability in excess of such coverage, nor shall it preclude the City from taking such other actions as are available to it under the law.

Claims Made Insurance – If the Professional Liability coverage is “claims made”, contractor shall, for a period of three years after the date when contract is terminated, completed, or non-renewed, maintain insurance with a retroactive date that is on or before the start date of contract services or purchase an extended reporting period endorsement (tail coverage).

Contamination and Pollution – Contractor, at its own cost and expense, shall provide clean-up of the site, any other Property, or any natural resources that are contaminated or polluted as a result of contractor's activities. Any fines, penalties, punitive or exemplary damages assigned due to contaminating or polluting activities of the contractor shall be borne entirely by the contractor.



CITY COUNCIL STAFF REPORT

ITEM NO. 10.1

DATE: July 10, 2023
TO: Honorable Mayor and City Council
FROM: Marianna Marysheva, City Manager
SUBJECT: Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

These materials were posted online and made available to the public at the same time that they were distributed to the City Council.

3.1	Confirm Advisory Body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowligi to January 1, 2027. Material: Revised PowerPoint Presentation
3.2	Livermore Housing Authority Annual Update presented by Sarah Ramler, Executive Director, Livermore Housing Authority. Material: PowerPoint Presentation
6.1	Hearing to receive and consider all objections and protests related to the non-payment of sewer service provided by the City of Livermore as of June 30, 2023, for collection on the County Assessor tax roll. Material: PowerPoint Presentation
7.3	Item continued from the June 26, 2023 City Council Meeting for further City Council deliberation. City Council Meeting Rule of Procedure 8.7.3. Discussion and recommended approval of the Airport Leasing and Development Policy. Material: Public Comment Received and PowerPoint Presentation
8.0	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members Material: Council Reports

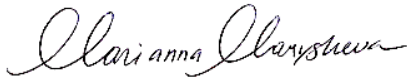
DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



Confirmation of Advisory Body Appointments

July 10, 2023

Presented by Debbie Elam, Acting Assistant City Clerk



1

Livermore Area Youth Advisory Commission

Appointment to regular terms ending September 1, 2025

- Ashwin Gaur
- Jessica Seburn
- Ojasvi Sharma
- Isha Sahu
- Adelyne (Addie) McMichael

Reappointment to a regular term ending September 1, 2025*

- Greta Fick-Furlotte
- Sai Gayathri Penugonda
- William Pinkston-Mastishov
- Michael Zhang

*Commissioners choosing to continue on the commission are not required to reapply, they are automatically recommended for reappointed.



2



Livermore Housing Authority (LHA)

Annual Update

JULY 2023

PRESENTED BY SARAH RAMLER, EXECUTIVE DIRECTOR

LIVERMORE HOUSING AUTHORITY 2023

1

1

Livermore Housing Authority (LHA) Properties

LHA Owned Properties

- **167 total units**
- 125 Leahy Square – Public Housing
- 27 Bluebell – Mix of affordable, transitional and market rate
- 9 Las Posadas - affordable
- 6 Chestnut - affordable

LIVERMORE HOUSING AUTHORITY 2023

2

2

Leahy Square – 3203 Leahy Way

- Final phase of the transition out of Public Housing and into a Section 8 property is underway with a target date in August.
- Continue coordination with the City to implement Family Homelessness Challenge Grant



3

3



Bluebell Apartments – Bluebell Dr.

- ❖ Completed exterior rehab of 1057 Bluebell Dr.
- ❖ Exterior rehab will continue into next year with final landscaping across all 5 buildings owned by LHA
- ❖ Rolling interior rehab continues

LIVERMORE HOUSING AUTHORITY 2023

4

4

Chestnut & Las Posadas

- ❖ Rehab is needed at these properties and a strategy is being developed and prioritized for this fiscal year
- ❖ Replacing the siding at Las Posadas and new fencing



LIVERMORE HOUSING AUTHORITY 2023

5

5

LHA HUD Programing

Housing Choice Voucher Program (Section 8) – *rental subsidy vouchers*

- 400 Tenant Based Vouchers – traditional voucher program
- 85 Project Based Vouchers – unit-based subsidy program
- 40 Mainstream Vouchers – non-elderly persons with disabilities vouchers
- 23 Veteran Affairs Supportive Housing – homeless Veteran vouchers (**5 newly awarded**)
- 1 Homeownership Vouchers – mortgage assistance subsidy
- 5 Stability Vouchers – homeless or at-risk, fleeing domestic violence, veterans and families of veterans (**5 newly awarded**)

LIVERMORE HOUSING AUTHORITY 2023

6

6



July 10, 2023

Collection of Delinquent Sewer Service Charges on the Property Tax Roll

Presented by Ann Furtado, Accounting Supervisor



1

Collection of Delinquent Sewer Service Charges on the Property Tax Roll

- City of Livermore has approximately 1,100 sewer accounts
- 16 accounts are severely delinquent for a total of \$21,000
- Finance & Water Resources Division staff applied for \$16,000 of ARPA funding on customers' behalf in FY 2021-22
- Per LMC 13.36.210, delinquent sewer charges may be placed on the property tax roll



2

Recommendation

Staff recommends City Council consider protests, adopt a resolution overruling protests, and direct staff to forward the delinquent list to County Tax Assessor.



Corina Mendoza

From: Jim Arnold [REDACTED] >
Sent: Monday, July 10, 2023 9:31 AM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk;
citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov
Subject: Airport Expansion and Noise Problems

Esteemed City Council Members,

I have been a Livermore resident for over 33 years and live near the Airport off Jack London Blvd.

During this time the noise from the airport traffic has been steadily getting more obtrusive. I have called the complaint line numerous times to lodge a noise complaint. I am always told that the city has no control of the workings of the aircraft take off and landings or the noise. I was also informed the FAA is the governing body for this purpose and there was nothing the city could do about this problem.

I like to be outdoors on my property whenever I can. Sometimes I am driven inside by the constant noise from small planes practicing take off and landings. As I discussed with the person taking my complaint last year, the aircraft are overhead and making so much noise that you can not carry on a conversation. I explained that the same group of aircraft often come over my home every 3 to 5 minutes. In other words almost constantly causing disruption of the peace I am seeking.

The thing that the City of Livermore can control is the expansion of the airport!!!!

The City could make rules for more acceptable noise levels and try and partner with the Airport to calm these problems.

There is also the leaded gas issue. The flight path is over or near Rancho Las Positas Elementary School and surrounding neighborhoods in which children live. We all know the problems with leaded fuel and why it was outlawed in autos for decades in California. Can we please not poison our children?

In closing, No on Airport Expansion, No on Cargo Planes , No on Leaded gas, No! on No control by the residents of Livermore and Pleasanton to what flies over us.

Respectfully,

James L Arnold and Family
Livermore, CA

Corina Mendoza

From: john [REDACTED] >
Sent: Sunday, July 9, 2023 6:09 PM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk; citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov; Pleasanton Weekly Editor; The Independent; lacg@livermoreairportnoise.org; Angela Hescher; john basalyga
Subject: July 2023 Livermore Airport Development Policy Changes - PLEASE listen to the citizens
Follow Up Flag: Follow up
Flag Status: Flagged

July 2023 Livermore Airport Development Policy Changes - Still NOT listening to the citizens

Amended Policy, some progress – Still Ignores Many Critical Public Comments --

<https://www.livermoreca.gov/home/showpublisheddocument/9957/638215679640430000>

Key issues with Actions for council's consideration in the latest draft:

1. Noise controls not “aggressively” implemented in the policy. These are easy to implement, and will lower noise. For example, the Airport Development Policy should add:
 1. All tenants and their leases, etc will attend a semi-annual training on noise mitigation including flight paths, procedures etc (when safe)
 2. All tenants will in writing acknowledge the voluntary curfew and suggested flight paths and mitigation procedures (when safe)
 3. All tenants will be required to sign a "good neighbor pledge" to the above. (there may be no legal recourse if they "break" the pledge -- but it sends a clear signal that noise is taken very seriously by Livermore and be part of our community).
 4. If a tenant violates the voluntary night curfew more than X times, they will have additional training. 3rd time around a meeting with the airport manager/director etc. 5th time the Mayor.
 5. All tenants must have a 20" x 34" sign clearly visible in each building/hanger with the noise mitigation recommendations by the Airport Management (i.e. curfew hours, best practices, recommend flight paths (when safe))

Public Comment Received

6. Tenants (and all planes) that violate the voluntary curfew will be published monthly in the livermore airport monthly newsletter.

Council Member Barrientos – you asked – what can be done about noise? – putting the above would be a good step in the right direction.

2. MOU process keeps public completely in the dark with little recourse afterwards.:
 1. After MOU with City leaders, all focus is on passing and getting the “deal done”, with NO incentive to impartially assess the deal. Full transparency required at onsite of approaching the city.
 2. Document secrecy: Language should be inserted:
- Other than financial documents, all documents and communications will be available to the public. Otherwise we will have another “Kaiser situation” where all documents were deemed “NDA” – no transparency.
 3. Public comment – the public has no vehicle to provide input that can result in any action (other than at the council meeting).

The airport commission is not an unbiased, fair commission that has EVER revised any policy, or direction from non aviation public comment in the past 25 years.

There needs to be another vehicle for public comment that is unbiased and not directed by the aviation industry and takes into account the 300,000 impacted citizens.

3. Council Member Branning requested that allowing “small air cargo” in section 1.2 be taken out of the document. Staff instead took out all instances of air cargo – including in section 2.9 – where large air cargo was previously a reason to reject an application! **Now, large air cargo is no longer a reason for rejection?**

Q: Why did airport management now have that large air cargo is not a valid reason for rejection? Council member did not ask for this.

4. Removes the requirement for “existing” demand requirement
 1. in the same section 1.2 – applicants no longer have to show “existing” demand, just demand – which could be future demand created by the actual project i.e. build an FBO facility so that it will attract cargo traffic? This is also inconsistent with the

2010 resolution that states “existing demand”

5. “Discourage applications not consistent with the 2010 resolution” - Council member Branning (?) requested this language – this is strong language

Instead the new version is: “Encourage development consistent with the 2010 resolution”

Why did staff change this to “encourage”? This has a very different meaning...and impact.

6. Deleted in section 7.5 where applicant was asked to:
"Please provide a detailed description as to how the proposed
development/redevelopment meets the following objectives [2010 resolution and more]

This is a very big change – why isn't the applicant providing this anymore?

5. Lead Poisoning of our Children is ignored in the Policy

Why? How much are our children worth to the City of Livermore? Why isn't it being banned like other airports?

Thanks for your consideration!

John Basalyga



Corina Mendoza

From: Trish Fuzesy [REDACTED] >
Sent: Friday, July 7, 2023 7:13 PM
To: John Marchand; Brittnei Kiick; Barrientos, Ben; Evan Branning; Robert Carling
Cc: Livermore City Council; City Clerk; Mayor and City Council; Michael Musca; Marianna Marysheva; council@dublin.ca.gov; city.manager@dublin.ca.gov; The Independent; letters@independentnews.com; Pleasanton Weekly Editor; Becky Hopkins; Gerry Beaudin; LA CG
Subject: Comments to July 10 City Council Meeting Item 7.3, Airport Leasing and Development Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Livermore Leaders,

The latest revision of the Airport Leasing and Development Policy is an encouraging step in the right direction for it now incorporates specific guidelines from the 2010-058 Resolution. City of Pleasanton leaders must be thanked for writing to Livermore to raise serious concerns about significant omissions in earlier drafts of this policy, and thanks go to the Livermore City leaders for taking some of the input suggested.

I share the same frustration expressed by others about how public comments to earlier policy drafts were ignored and dismissed by airport staff. Reviewing the public's comments shows that many people made the same suggestions as made by Pleasanton leadership, but *these same suggestions* from the public were dismissed with "Comment noted. No specific alternative language or deletions provided."

This is a dramatic example of how the public voice is being ignored. In the very process claimed to provide for public input, what actually happened was minimizing and inaction. This is consistent with how staff handles noise complaints: minimizing and inaction (another huge issue for another time).

My biggest concern with this policy draft is that public participation is still missing in airport development planning until too late in the process. As written now, the public is kept in the dark and will not learn of any new development plans until a MOU is presented to the Livermore City Council at a meeting for approval. There is no requirement for public notice or participation until a plan is largely a done deal. Staff will have spent many weeks or months negotiating development details without public knowledge or input.

Livermore airport operations directly impact *all residents living in the Tri-Valley*. Airport noise and safety concerns are regional issues affecting everyone who lives and works here. Why is airport development planning being done behind closed doors and kept secret from the nearly 250,000 residents living in the Tri-Valley area?

This must change. I urge you to return this Policy to staff and instruct them to continue working on it until requirements for public notification and opportunities for participation are added earlier in the process.

Thank you,
Trish Fuzesy
Pleasanton

Corina Mendoza

From: [REDACTED]
Sent: Friday, July 7, 2023 5:32 PM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk; citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov; lacg@livermoreairportnoise.org; Angela Hescher
Cc: greg [REDACTED]
Subject: LVK Airport Development Policy doesn't cut it--Disappointed by Livermore Leadership/LVK comments at June 26 Livermore City Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

To: Livermore Mayor John Marchand, Livermore City Council Members, Livermore City Manager Marianna Marysheva, Livermore staff, LVK Manager Michael Musca, and LVK Staff, Pleasanton Mayor Karla Brown, and Pleasanton City Council

RE: New LVK Airport Development Policy, revisions, and ignoring public input

I am writing as a citizen of Pleasanton to request that the Livermore Mayor and City Council NOT pass the new Airport Development Policy at the upcoming meeting on Monday July 10 without adding key areas that have still not been addressed adequately.

It is my ongoing concern based on the recent poor review process, lack of public comments being incorporated to the first draft, and the verbal discussion and comments at the recent Livermore City Council Meeting, that this policy may still fall short in many areas that must be addressed. Unfortunately, this process continues to be run with speed as its main goal, with limited detail and real issues pushed aside. This process of ignoring the public is a not a new phenomenon, and something I have been dealing with for years with both LVK leadership and Livermore Mayor and Town Council.

- The overall 2023 Airport Development Policy circulated weeks ago policy review and approval process **MUST** be thoughtfully paced and not rushed. It needs to allow enough time for consideration and inclusion of public comments. It must include critical detail around implementation vs. the vaguely worded first initial draft. You heard this refrain multiple times at the recent Livermore City Council Meeting.
- It **MUST** adequately address public safety and not minimize hazards like lead-based fuels, and PFAS chemicals—which have not been addressed.
- It **MUST** correct ongoing noise problems and curfew violations in some manner which have been shelved or given lip service at best.
- It **MUST** effectively manage thoughtful growth in a responsible way based on real demand not building to encourage and invite demand.
- It **MUST ADD BACK IN** tighter policy language around air cargo flights vs. simply eliminating the language all together which was suggested by Livermore Town Leadership at the last meeting.
- It **MUST** improve communications between neighboring town leadership officials and with the hundreds of thousands of citizens across multiple towns. In turn, it MUST eliminate the continued disappointing track record

of the Airport Manager and Leadership ignoring public complaints, information disclosure, and most of all accountability.

- Finally, it **MUST NOT** side-step the 2010 resolution.

I understand some additions and edits I've mentioned below are being reviewed, including comments you have received already and some of which have been previously stated by others. However, I wanted to underscore the importance of several objectionable areas below in more detail as well as clear actions I believe can and should be taken and enforced. I am not a public policy developer, so consider that in my language. To be specific, here are the issues I see:

1. **SAFETY FIRST: Stop the continued use and sale of lead-based fuels. Immediately provide transparency around cancer causing PFAS chemicals.** This was all but brushed aside at the last City Council meeting, including by Mayor Marchand. Highly irresponsible. Your rationale that "if LVK bans lead based fuels, pilots will just go elsewhere" may be partly true, but it does nothing to correct the problem. You are still poisoning our airspace. Not conjecture, fact...Just as the Santa Clara Study proved. Your kick-the-can down the road posture is a cop out and not acceptable. It does nothing to stop (or even put a stake in the ground to START to stop their use.) Saying it would take a cross-county, multi-jurisdictional agreement to effectively stop lead fuel sale and use would create a wider reduction of lead based fuel, but that shouldn't in any way stop you from beginning the process in LVK now. Regarding PFAS, I was stunned at Mayor Marchand's comment in the last Council meeting that PFAS chemicals are already in home faucets and "nobody is ripping them out". This is a completely irresponsible answer and a very odd rationale for keeping hazardous chemicals in use. It is not what I would expect from a public official who is well aware of the danger and potential problem. **What you can and should do in this policy:**
 - a. Immediately require all operators with lead fuel aircraft to start retrofitting their engines with an available engine modification that will cease using lead fuels. This fix is available today, has been for years, and has been installed by some. Add to this a hard target date for retro-fit completion. For example, ANY aircraft hangered at the airport or using LVK as a home base should be required to complete this retrofit by June 30, 2024. Implementing this will make it irrelevant to where they get their fuel from and it will dramatically reduce lead. Yes, you will still have outside operators who will use lead-based fuel, but this is a great first step. This is what taking responsibility for your community safety looks like. This is likely not an inexpensive fix for owner/operators, and with a committee of aviators controlling airport policy, it's no surprise this hasn't been discussed at all in public view nor offered as a potential solution. They can do this either at their own cost or with a subsidy from the airport itself.
 - b. Set a 12-month (or reasonably aggressive) timeline to eliminate the sale of lead-based fuel at LVK. The responsible action would be to deter its use and then eliminate it completely from your facility. Oh, and yes, I would think that may likely cost the current FBO in infrastructure and potentially product costs, as well as impact near term Livermore tax revenues. Which is also why this is likely getting no attention and doesn't appear to be in the policy.
 - c. Work and collaborate with the FAA now to change flight paths specifically for lead fuel aircraft so they aren't flying over schools, neighborhoods, water reserves, etc. Start this by forcing all the touch and go training to take place out over the unpopulated central valley hills vs. right over the 580 corridor and surrounding town neighborhoods as happens today.
 - d. Regarding PFAS chemicals: First, proactively and now (not only when you are forced to do so) publicly disclose the current PFAS state at LVK: Such as type, quantity, purpose/potential use and last use of PFAS chemicals at LVK. Next, develop and disclose a policy (if it doesn't exist already) for ridding the airport of them. Set and disclose a 12-18 month timeline for eliminating their use and begin progress toward this.
2. **Reduce noise and put an end to flight curfew offenders:** Noise has only grown worse over the years. You can talk about jet flight operation numbers remaining "largely unchanged" but what you aren't telling is the location

Public Comment Received

and altitude they are now hitting on takeoff and landings. I understand it's also due to NetJets and other commercial providers but that still needs to be changed. We have had many, many instances where 5-7 large jets have come in on landing approach within a 2 hour span, right over our house at 300 feet AGL (that's ground level). Years ago, it used to be 1000 feet, and the path wasn't directly over Pleasanton Meadows, and it was still extremely loud. The policy also **MUST** do more around the voluntary night flying curfew. **What you can and should do in this policy:**

- a. Work with the FAA to adjust flight paths while maintaining aircraft safety and provide updates on your progress. I've heard nothing of this happening. Only that the FAA controls this and we have no say.
 - b. Require all tenants to attend semi-annual training and sign a curfew pledge. This should be an immediate amendment to their leases as it has been going on for years. Not hard to do.
 - c. Put some policy teeth around violating curfew. For years, I've been hearing the tired excuse trotted out from Airport Manager Musca, and all his predecessors, of "We send offenders a letter". That hasn't really created behavior correction has it?
 - d. Add to the policy something like for example, 1st time offenders' names, tail numbers and aircraft info will be published monthly to committee, Livermore and Pleasanton Mayor and City Council, and in the Transponder newsletter. (No 1st time grace—If they know the policy and break it, start corrective action right away.) Put them on notice. Second offense the same information is regularly (weekly or monthly) published in The Independent, Weekly papers (Like the Pleasanton Weekly), Next Door, other local social media outlets. Finally, repeat (3x) offenders are spoken to by the Livermore Mayor.
 - e. In the past, I have asked LVK staff for information on who the repeat offenders are and was stonewalled by being told to fill out a public information request. Stop putting the onus on the citizens and improve your transparency and communication.
3. **Add back into the policy tighter language around restricting (not just discouraging) cargo flights.** Personally, I was stunned at Mayor Marchand's and Council Member ?Branning's? comment (and acceptance by officials) to simply wipe out the clause because it was confusing. I can't imagine why this was struck from the policy, as now, it actually has the opposite deleterious effect of allowing any sized cargo planes. Instead, the decision should have been made to define the clause more tightly. Again, this appears to be a sign of ramming this policy through and leaving a lot of gray area for LVK and Livermore to do what they want. If you want to allow some types of air cargo sizes which could be beneficial but stop others as you claim, then define it. Also, if I recall, the initial policy draft defined air cargo by operator company size? This definition parameter is meaningless as a small operator can have a few large, late model, very loud jets and props. First, define what is and isn't acceptable based on multiple tight factors for example: aircraft size, weight limit, type of cargo, volume of deliveries/operations. Eliminate large carriers completely. Once they are in, they will lobby and pay to grow their operations. Second: Make it "restrictive", vs. using weak language like "discourage." Start with a level that can be monitored and evaluated first.
4. **Development Demand, Review Process, and Approvals.** I understand no specific development projects are outlined in this policy. Furthermore, having any proposed development work be more visible to Livermore City Council sounds like a good thing. However, consideration of any development should be pegged to existing actual, real demand not potential demand. Furthermore, shouldn't any development or re-development be tied back to the 2010 resolution? Make this part of the policy. Finally, development decisions should be better connected to public communication, outreach, review, multiple chances for comment, and **MOST CRITICALLY**, 2-way dialog for question and answer to truly understand scale and impacts (vs. just "here is the proposal, add your comments, maybe we'll read them, and rubber stamp it for approval and start.) The impacts of new development on Livermore residents and the Pleasanton community (as well as the air traffic and other impacts that follow) require a process for adequate review and dialog.
5. **Representation and Voting Seat from Pleasanton.** When this was raised by a Livermore Council Member at the last meeting, City Manager Marianna Marysheva shot it down as irrelevant to this Policy. That's not very cooperative. If anything, because of this policy, it's more relevant than ever. Add a voting member from both Pleasanton and Dublin (minimally Pleasanton) due to the airspace being used and the impact on our

Public Comment Received

community. Why such resistance to this and why the suggestion that this would be a “listening” only seat as has been suggested. If you are truly acting in good faith as a neighboring town this is a no brainer and an easy addition.

Several decades ago, this may have been Livermore’s small quaint regional airport. And frankly the trust, transparency, and communication was probably much better. The smaller size, fewer operations, and what seemed like accountable, professional, trustworthy leaders who were in control delivered on this. Citizens were not as impacted. But that situation no longer exists. This is now a community airport—regardless of where the real estate is located. And Livermore must recognize this fact. You put this policy out for review. You’ve received comments and letters. You’ve received verbal feedback and input at the recent City Council Meeting. Now we ask that you act like the contentious neighbor, concerned team player, and professional organization that takes public safety and wellbeing into account. Make the requested changes to the Policy and give it adequate airing before blanket approval with lightweight alterations.

Corina Mendoza

From: Jon Krueger [REDACTED]
Sent: Friday, July 7, 2023 4:43 PM
To: John Marchand; Brittnei Kiick; Barrientos, Ben; Evan Branning; Robert Carling
Cc: Livermore City Council; City Clerk; Mayor and City Council; Michael Musca
Subject: City Council Meeting, item 7.3: please amend the proposed Airport Development Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Debbie

I'd like to thank the City Council. The July revision of the Airport Development Policy is substantially stronger. You made that happen.

Thank you.

You know, there's a myth going around that only FAA can act on airport noise. The fact is, airports can do more, and cities can do more. You just proved that: you put action on noise into the development policy, and you didn't need FAA permission.

And you can make it stronger. For instance, section 1.2 says:

"Encourage development of Airport land and Improvements is to occur in response to existing aviation demand"

"Encourage development that is consistent with Resolution 2010-058"

You don't have just encourage. You can make it policy. You can say:

"Development is to occur in response to existing aviation demand"

"Development will be consistent with Resolution 2010-058"

You don't need FAA permission. You have the power. I urge you to make this change before approving the Policy.

Why should you? Three good reasons:

1. It implements City policy
2. It protects residents
3. It protects **you**. When disputes arise, you will be in the middle, and every vague wording will cause you pain.

"Encourage" is vague and weak. I urge you to make it clear and strong. This is your policy: Development is to occur in response to existing aviation demand. Development will be consistent with Resolution 2010-058.

Item 7.3 Public Comment Received

Also: I'm concerned about how late in the process the public gets notified. According to the flowchart, no public disclosure is required until the MOU goes to the City Council. And the Policy says, that means agreement has already been reached on key terms and conditions. So by the time the public gets its first look at the development, a lot of decisions have already been made.

When should the public learn about it? I'd say when the City gets written materials from an applicant. There's no reason this should be hidden. It's not a secret. The applicant knows, the City knows, why should the public be in the dark?

I urge you to add: public disclosure of proposed development on the City website as soon as any written materials have been submitted by applicant.

Thank you for your time. And thank you for your help making this a policy that protects everyone.

Jon Krueger



**CHABOT
LAS POSITAS**
COMMUNITY COLLEGE DISTRICT

July 10, 2023

Subject: Endorsement of Livermore Airport Expansion for Las Positas College Aviation Makerspaces

Dear Honorable City Council Members,

I am writing on behalf of the Chabot-Las Positas Community College District to request your support for the expansion of the Livermore Airport. The proposed expansion will enhance existing facilities and create makerspaces designed to train residents from across the Bay Area in high paying, in-demand jobs.

The Livermore Airport is an important hub for training and innovation, particularly given the significant workforce needs in the aviation industry. Our district, consisting of two colleges in the East Bay, is uniquely prepared to assist in addressing these critical needs. Given the high cost of aviation training programs, the partnership with our district brings an important benefit to the community as our colleges offer instruction at affordable rates that provide access to a richly diverse student body.

The Tri-Valley region is home to a thriving community that supports and fosters technology and entrepreneurship. The proposed programs will support students in developing the technical knowledge, skills, values, and abilities needed to excel in the growing aviation industry. The expansion of the airport will undoubtedly contribute to the economic vitality and growth of the Livermore and Tri-Valley regions.

An endorsement of the Livermore Airport's expansion, signifies a commitment to education and to developing an important employment pipeline that will benefit the local economy. Our district looks forward to this potential partnership with the Livermore community.

Thank you for considering this endorsement

Sincerely,

Ronald P. Gerhard, Chancellor
Chabot-Las Positas Community College District



July 10, 2023

Subject: Endorsement of Livermore Airport Expansion for Las Positas College Aviation Makerspaces

Dear Honorable City Council of Livermore:

I am writing on behalf of Las Positas College to request your support for the expansion of the Livermore Airport, including the development of hangars and makerspaces for our aviation education. This initiative aligns perfectly with our institution's mission statement and vision statement, as it provides inclusive, learning-centered, equity-focused educational opportunities and support for our students, while promoting lifelong learning and empowering them to become engaged participants and leaders in their communities.

Las Positas College recognizes the Livermore Airport as a natural hub for business and education in our region. The airport already plays a vital role in offering STEM education programs to young students and aspiring pilots. It boasts a flight school equipped with simulators, classrooms, and a certified testing center, providing comprehensive training for individuals pursuing careers in aviation.

With the proposed expansion, the Livermore Airport will enhance its facilities and create makerspaces that align with the technology and entrepreneurship that thrive in our Tri-Valley region. By establishing these centers, we will further support our students in developing the technical knowledge, skills, values, and abilities needed to excel in the aviation industry. These centers will serve as valuable resources, providing hands-on learning experiences, research opportunities, and collaboration with industry professionals.

With your support of the Livermore Airport's expansion, Las Positas College affirms its commitment to providing our students with the best educational resources and opportunities available. We believe that this initiative will not only benefit our institution but also contribute significantly to the economic and educational landscape of our community.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dyrell Foster", followed by a long horizontal flourish.

Dyrell Foster, Ed.D.
College President

From: [Greg](#)
To: [Livermore City Council](#)
Cc: [City Clerk](#); [Michael Musca](#)
Subject: Livermore Airport - city council meeting on July 10, 2023
Date: Friday, July 7, 2023 11:57:36 AM

I watched the City Council meeting on June 26, 2023. Regarding the proposed Airport Development Policy, there are several things I believe need more attention. Most important is not enough attention is paid to aircraft noise pollution. Noise controls are not “aggressively” implemented in the policy – more language should be added that states noise shall be reduced.

The airport commission is not an unbiased, fair commission. Is every member of the Commission a pilot ? Would it be possible to have a resident of Livermore and Pleasanton that is not a pilot but is affected by the aircraft noise be added to this commission ?

We are both Seniors and love our home of over 30 years on [REDACTED]. In many ways Livermore is a very nice city , we enjoy our neighborhood, we have a great downtown, etc.

We are against any expansion and any more facilities being built that will increase the number of aircraft using our Airport. Our Airport is very busy and popular and we have so many planes flying over our neighborhood. It seems to me that some city officials and some on our Airport Commission want to encourage more aircraft to use our Airport by building more facilities.

I know there are people that want our Airport to continue to expand and that is disappointing. Our Airport negatively impacts many neighborhoods including ours. Our home is about 3 ½ miles to the east of our Airport and is slightly north of the flight path. Our Airport can negatively impact the property values of many neighborhoods in Livermore and Pleasanton. It affects the quality of life for many neighborhoods.

Thank you, Greg Olsen

From: [Jennifer Chapman](#)
To: [City Clerk](#)
Subject: Livermore Municipal Airport. July 10th council meeting
Date: Sunday, July 9, 2023 6:54:11 PM
Attachments: [LVK July 2023 letter to Council Final.pdf](#)

Please forward our attached letter regarding the Livermore Municipal Airport to the City Councilmembers.

Thank you for your assistance. As an aside, our Mac would not open livermoreca.gov, citing that the site was not secure and that personal data may be at risk.

Sincerely,
The Chapmans

RE: Livermore Municipal Airport (LVK)
To: Livermore Mayor and City Councilmembers

The default answer to residents' concerns, in regard to nuisances and harm created by the airport, is too often that 'little can be done'. This letter affirms that there is much that can be done. The following are just a few examples:

- Engage in transparent policy making and uphold the integrity of City Council decisions.
- Acknowledge that the airport is causing harm to Tri-Valley residents.
- Establish a standard of communication that respects residents.
- Modernize noise standards for LVK development planning (to include lower dB acceptability and recognize single-event metrics) and lobby the FAA to accelerate their plans to update noise standards.
- Develop additional nuisance mitigation measures, emphasize them on the City's website, and work with the FAA to update their LVK page to also emphasize and include additional mitigation measures.
- Establish a grant fund to insulate homes and schools to mitigate harm done by the airport.
- Initiate discussions with the FAA regarding 14 CFR Part 161- Airport Noise and Access Restrictions.
- Begin to establish a reputation for LVK as a rule-abiding airport, where safety matters.
- Develop a policy for regular communication with Bay Area cities with airports, especially Palo Alto and San Carlos, to educate pilots based at their airport about Tri-Valley concerns and negotiate harm mitigation.
- Inform residents about pilot regulations (such as 14 CFR 91.13 – Careless or Reckless Operation) and encourage residents to file safety complaints.
- Create a user-friendly airport website that archives all airport material.
- Amend the 2014 ALP to rescind the planned 7R-25L runway extension.
- Develop a Master Plan (MP) for Livermore Municipal Airport (LVK).
- Only approve City policies that clearly state that a primary consideration for airport development decisions is the mitigation of negative impacts on all Tri-Valley residents.

The following is a discussion of the above points:

- Engage in transparent policy making and uphold the integrity of City Council decisions.
Last year the City Council suspended the airport development policy. A new policy has not been approved. Yet, on June 6th, Public Works issued a RFP (with a June 30th deadline) for 'consulting services for a land use development analysis at the Livermore Airport'. A consultant cannot do an analysis without a current policy. Additionally, clarify to the chosen consultant that a recommendation of minimal or no future development at LVK at its current location is a satisfactory analytical outcome.

- Acknowledge that the airport is causing harm to Tri-Valley residents.
The International Civil Aviation Organization (ICAO), an agency of the United Nations, website presents a paper that concludes that "aircraft noise exposure at school or at home is associated with children having poorer reading and memory skills". (White Paper on Aircraft Noise. Aviation Noise Impacts: State of the Science). The paper also concludes "There is good biological plausibility by which noise may affect health in terms of impacts on the autonomic system, annoyance and sleep disturbance. Studies are suggestive of impacts on cardiovascular health especially hypertension..." As relating to lead, the EPA website states, "No safe blood lead level in children has been identified" and the EPA is concerned about even low concentrations in the air from aircraft. There should be a policy objective to rapidly phase out leaded gas before 2030.

- Establish a standard of communication that respects residents.
The ICAO website presents a paper that states "the observed influence on annoyance of several non-acoustical factors such as fear, perceived control and trust in authorities suggests that communication strategies addressing these issues could strongly contribute to the reduction of annoyance, alongside or even in the absence of a noise reduction." Further, annoyance is a harmful effect that should be prevented and reduced.

Public Comment Received

- Modernize noise standards for LVK development planning (to include lower dB acceptability and recognize single-event metrics) and lobby the FAA to accelerate their plans to update noise standards.

According to DOT's California Airport Land Use Planning Handbook "For quieter settings and many- if not most – airports in California, 65 dB CNEL is too high of a noise level to be appropriate as a standard for land use compatibility planning". DOT states federal policy has evolved and the FAA now will "respect and support" local establishment of a lower threshold of noise exposure acceptability. DOT also concludes source noise reduction should be evaluated as a single-event metric, not a cumulative noise level metric.

The ICAO reports that the WHO Community Noise Guidelines suggest school classroom background sound pressure should not exceed 35 dB LAeq, and school playgrounds should not exceed 55 dB LAeq. LVK noise contour maps do not appear to consider these findings.

- Develop additional nuisance mitigation measures, emphasize them on the City's website, and work with the FAA to update their LVK page to also emphasize and include additional mitigation measures.

For example, establish, and well-publicize, take off and landing noise abatement procedures such as thrust reduction or maximum climb on takeoff. Emphasize turning before reaching the residential neighborhoods after takeoff. Emphasize that all residential neighborhoods are affected by noise and training policies and flight paths should reflect that.

- Establish a grant fund to insulate homes and schools to mitigate harm done by the airport.

- Initiate discussions with the FAA regarding 14 CFR Part 161- Airport Noise and Access Restrictions.

The FAA may now be more responsive to night flying restrictions and other access restrictions, considering the Santa Monica lawsuit settlement and other airport closure announcements.

- Begin to establish a reputation for LVK as a rule-abiding airport, where safety matters.

The FAA's 02/23/2023 updated LVK page, under "Cautions", has numerous references to pilots failing to comply to instructions, even landing without clearance and mistaking a taxiway for a runway. Also, LVK had/has businesses and business-owned planes based at or using the airport in which the business is suspended (FTB and/or SOS). The City should establish policies that emphasize consequences for failing to comply with laws, rules and regulations.

-Develop a policy for regular communication with Bay Area cities with airports, especially Palo Alto and San Carlos, to educate pilots based at their airport about Tri-Valley concerns and negotiate harm mitigation.

- Inform residents about pilot regulations (such as 14 CFR 91.13 – Careless or Reckless Operation) and encourage residents to file safety complaints.

For example, failure to maintain required minimum altitude is a violation of the Careless or Reckless Operation regulation. The certificate action for such a failure over congested areas is a 60- to 180- day suspension. Too many pilots using LVK ignore minimum altitude requirements. The City could facilitate FAA enforcement of its regulations. The FAA revokes a certificate whenever individuals demonstrate a lack of willingness or ability to comply consistently with statutory or regulatory requirements. The City should compile and share data of violators with the FAA and the public. Consider a volunteer program to help compile and manage the data.

- Create a user-friendly airport website that archives all airport material.

On livermoreca.gov, a search of ' "airport" + "master plan" ' produces "No results found". A stakeholder should be able to easily retrieve the 1975 airport master plan and the draft master plan.

- Amend the 2014 ALP to rescind the recommended 7R-25L runway extension.

The 2014 ALP Chapter Three- Capitol Improvement Program includes in the plan a runway extension.

- Develop a Master Plan (MP) for Livermore Municipal Airport (LVK).

Public Comment Received

There is no Master Plan (MP) for LVK. Decades ago, the City of Livermore started a Master Plan update. Citizen participation was robust, and the City undemocratically responded by terminating the update process and rescinding the 1975 MP. An Airport Layout Plan (ALP) is an inadequate planning tool. A MP would more appropriately describe environmental and socioeconomic costs of airport development.

- Only approve City policies that clearly state that a primary consideration for airport development decisions is the mitigation of negative impacts on all Tri-Valley residents.

In the 1960s, the City of Livermore relocated the airport to mitigate nuisances and promote alternative land uses near its own downtown. The City chose to move the airport closer to Dublin and Pleasanton, creating nuisances in those cities and restricting use of their lands. The California Airport Land Use Planning Handbook advises this may be considered an inverse condemnation (a taking). The City has engaged in actions that have increased airport-generated nuisances and harm. Additionally, 49 US Code allows a person to recover damages for noise attributable to an airport.

Thank you for your time.

The Chapmans

Non-Livermore residents, who do not live adjacent to the airport, yet felt compelled to write this letter because of the interpreted disregard shown by the Livermore Mayor for residents concerned by the harm done by lead. Would he have said that since Company X is dumping toxins in the arroyo, it is OK for the City of Livermore to also dump toxins?

Debbie Elam

From: Dianne Yudelson [REDACTED]
Sent: Tuesday, June 27, 2023 5:10 PM
To: City Clerk
Subject: Airport

Categories: Debbie

PLEASE modify the new Airport Policy to include conditions to reduce noise from jets at night & include a clear transition plan to unleaded aviation fuel.

Dollars over the resident's mental and physical health is governing in bad faith.

Dianne Yudelson



Airport Leasing and Development Policy (Continued from June 26, 2023)

July 10, 2023

Presented by: Scott Lanphier, Public Works Director



1

Proposed Airport Leasing and Development Policy

- Item is continued from June 26, 2023, Council meeting
- Policy document updated since last meeting to reflect changes requested by Council at last meeting
- Clarification of Public Engagement Plan (PEP) process
- Council is considering the proposed Policy only
- Policy does not change zoning or the Airport Master Plan



2

Proposed Airport Leasing and Development Policy

- Updates: Section 1.2: *Goals Objectives, and Development Priorities*
 - **Function** – Encourage development of Airport land and Improvements is to occur in response to existing aviation demand, such as the existence of a hangar waiting list, letters of interest or proposals to provide essential aeronautical services to avoid the need for based aircraft flying to other airports to receive those services, or services determined to be supportive of the local community, such as law enforcement or emergency medical transport. All development and redevelopment must meet the needs of the Airport and be consistent with the Airport's Minimum Standards for Commercial Aeronautical Activities (Minimum Standards) and the existing development of the Airport. **Projects will be evaluated by the Airport Advisory Commission.**
 - **Economic** – Support the local economy and ensure economic vitality. **through supporting small parcel air cargo services that serve only businesses and residences in the Tri-Valley region.** Preserve property values, enhance investments, and ensure the Airport is as self-sustaining as possible consistent with the Federal Aviation Administration (FAA) Airport Sponsor Assurances
 - **Compatibility** – This Policy will encourage development that is consistent with Airport EXHIBIT A DESIGN CRITERIA Leasing and Development Policy City of Livermore, Livermore Municipal Airport 4 Development priorities as stated herein in this Policy and in Resolution 2010-058, a copy of which is attached in Appendix 7.1.



3

Proposed Airport Leasing and Development Policy

- Updates: Section 2.9: *Possible Grounds for Rejecting an Application or Proposal*

In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

The City at its sole discretion may reject any proposal or application in conformance with Legal Requirements including, but not limited to, any one or more of the following reasons (as determined in the sole discretion of the City):

- ➤ The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the City. This includes objectives referenced in Section 1.2 and Resolution 2010-058 and include but are not limited to:
 - No tangible evidence of **existing** demand
 - Implies or requires extension of runways
 - **Is a large cargo operator or caters to large cargo operators**



4

Proposed Airport Leasing and Development Policy

- Public Participation is a key component of the project review process, and a Public Engagement Plan (PEP) will be required
- Public engagement will be required after the initial review by staff of any solicited or unsolicited project proposals
 - If the initial review deems the project meets the minimum requirements (including relevant FAA and City regulations, along with Airport development goals, objectives and restrictions), then the proposal will advance to the Airport Commission for review (including **public input**).
 - If the Airport Commission recommends the proposal to the City Council, an MOU would be recommended to **start** lease or development negotiations.
 - As part of the MOU, **comprehensive public engagement** on the proposed improvements will be required, and must be satisfied before negotiations conclude and a development agreement or lease agreement is recommended.
- Proposed public engagement is more comprehensive than a typical development project



5

Staff Recommendation

- Staff recommends the City Council approve the Leasing and Development Policy for the Livermore Airport



6

Staff is Available for Questions



Item 8.0 Council Reports

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Mayor Marchand	6/27/2023	City of Livermore	Celebration	Presented a proclamation at the retirement of Bob Vinn
Mayor Marchand	6/28/2023	City of Livermore	Celebration	Presented a proclamation honoring the retirement of Margo Cephalo after over 20 years of dedicated service at the WRD.
Mayor Marchand	6/29/2023	Livermore Amador Valley Garden Club	Dedication	Sign dedication at Hansen Park
Mayor Marchand	6/29/2023	City of Livermore	Mayor's Report taping on TV30	Updated the community on things happening in Livermore.
Mayor Marchand	6/29/2023	City of Livermore	CMO Teen Academy Final Project Reports	Heard final report presentations.
Mayor Marchand	6/29/2023	LPFD	Graduation and badge-pinning	Attended the LPFD Academy Graduation and Badge-pinning for our new hires.
Mayor Marchand	6/30/2023	Program for All-Inclusive Care for the Elderly (PACE)	Ground-breaking	Welcomed this remarkable organization which will provide much needed services to our community.
Mayor Marchand	7/4/2023	State Senate	Open House	Attended the Open House hosted by State Senator Steve Glazer. I thanked the Senator for his on-going support for Livermore, BART and CEQA reform and the construction of affordable housing in Livermore.
Mayor Marchand	7/4/2023	City of Livermore	Celebration	Attended the return of the July 4th fireworks to Robertson Park after 12 years. The event was a great success, thousands of families attended, and a lot was learned for the next one.

Item 8.0 Council Reports

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Council Member Barrientos	6/29/2023	Livermore-Pleasanton Fire Dept	Graduation & Promotion Ceremony	7 grads where sworn in along with several promotions

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)
Council Member Branning	6/27/2023	LAVTA	Sub for Finance Committee meeting
Council Member Branning	6/29/2023	City of Livermore/Livermore Amador Valley Garden Club	Sign Dedication for Hansen Park
Council Member Branning	6/29/2023	LPFD	Academy Graduation, Promotional, and Service Awards Ceremony
Council Member Branning	6/30/2023	Center for Elder Independence	PACE Groundbreaking
Council Member Branning	7/10/2023	LAVTA	Board of directors meeting



CITY COUNCIL STAFF REPORT

ITEM NO. 10.2

DATE: July 10, 2023
TO: Honorable Mayor and City Council
FROM: Marianna Marysheva, City Manager
SUBJECT: Revised Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

These materials were posted online and made available to the public at the same time that they were distributed to the City Council.

3.1	Confirm Advisory Body appointments to the Livermore Area Youth Advisory Commission, direct the City Clerk to administer the oath of office, and approve extending the term for Commission for the Arts member Rajagopal Kowligi to January 1, 2027. Material: Revised PowerPoint Presentation
3.2	Livermore Housing Authority Annual Update presented by Sarah Ramler, Executive Director, Livermore Housing Authority. Material: PowerPoint Presentation
6.1	Hearing to receive and consider all objections and protests related to the non-payment of sewer service provided by the City of Livermore as of June 30, 2023, for collection on the County Assessor tax roll. Material: PowerPoint Presentation
7.3	Item continued from the June 26, 2023 City Council Meeting for further City Council deliberation. City Council Meeting Rule of Procedure 8.7.3. Discussion and recommended approval of the Airport Leasing and Development Policy. Materials: Public Comment Received, Revised page 11 of the Leasing and Development Policy, and Revised PowerPoint Presentation
8.0	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members Material: Council Reports

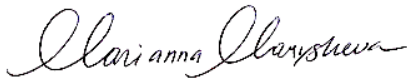
DISCUSSION

ATTACHMENTS

2. Revised Supplemental Materials

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



Confirmation of Advisory Body Appointments

July 10, 2023

Presented by Debbie Elam, Acting Assistant City Clerk



1

Livermore Area Youth Advisory Commission

Appointment to regular terms ending September 1, 2025

- Ashwin Gaur
- Jessica Seburn
- Ojasvi Sharma
- Isha Sahu
- Adelyne (Addie) McMichael

Reappointment to a regular term ending September 1, 2025*

- Greta Fick-Furlotte
- Sai Gayathri Penugonda
- William Pinkston-Mastishov
- Michael Zhang

*Commissioners choosing to continue on the commission are not required to reapply, they are automatically recommended for reappointed.



2

Livermore Housing Authority (LHA)



Annual Update

JULY 2023

PRESENTED BY SARAH RAMLER, EXECUTIVE DIRECTOR

LIVERMORE HOUSING AUTHORITY 2023 1

1

Livermore Housing Authority (LHA) Properties

LHA Owned Properties

- **167 total units**
- 125 Leahy Square – Public Housing
- 27 Bluebell – Mix of affordable, transitional and market rate
- 9 Las Posadas - affordable
- 6 Chestnut - affordable

LIVERMORE HOUSING AUTHORITY 2023 2

2

Leahy Square – 3203 Leahy Way

- Final phase of the transition out of Public Housing and into a Section 8 property is underway with a target date in August.
- Continue coordination with the City to implement Family Homelessness Challenge Grant



3

3



Bluebell Apartments – Bluebell Dr.

- ❖ Completed exterior rehab of 1057 Bluebell Dr.
- ❖ Exterior rehab will continue into next year with final landscaping across all 5 buildings owned by LHA
- ❖ Rolling interior rehab continues

LIVERMORE HOUSING AUTHORITY 2023

4

4

Chestnut & Las Posadas

- ❖ Rehab is needed at these properties and a strategy is being developed and prioritized for this fiscal year
- ❖ Replacing the siding at Las Posadas and new fencing



LIVERMORE HOUSING AUTHORITY 2023

5

5

LHA HUD Programing

Housing Choice Voucher Program (Section 8) – *rental subsidy vouchers*

- 400 Tenant Based Vouchers – traditional voucher program
- 85 Project Based Vouchers – unit-based subsidy program
- 40 Mainstream Vouchers – non-elderly persons with disabilities vouchers
- 23 Veteran Affairs Supportive Housing – homeless Veteran vouchers (**5 newly awarded**)
- 1 Homeownership Vouchers – mortgage assistance subsidy
- 5 Stability Vouchers – homeless or at-risk, fleeing domestic violence, veterans and families of veterans (**5 newly awarded**)

LIVERMORE HOUSING AUTHORITY 2023

6

6



July 10, 2023

Collection of Delinquent Sewer Service Charges on the Property Tax Roll

Presented by Ann Furtado, Accounting Supervisor



1

Collection of Delinquent Sewer Service Charges on the Property Tax Roll

- City of Livermore has approximately 1,100 sewer accounts
- 16 accounts are severely delinquent for a total of \$21,000
- Finance & Water Resources Division staff applied for \$16,000 of ARPA funding on customers' behalf in FY 2021-22
- Per LMC 13.36.210, delinquent sewer charges may be placed on the property tax roll



2

Recommendation

Staff recommends City Council consider protests, adopt a resolution overruling protests, and direct staff to forward the delinquent list to County Tax Assessor.



Corina Mendoza

From: Jim Arnold [REDACTED] >
Sent: Monday, July 10, 2023 9:31 AM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk;
citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov
Subject: Airport Expansion and Noise Problems

Esteemed City Council Members,

I have been a Livermore resident for over 33 years and live near the Airport off Jack London Blvd.

During this time the noise from the airport traffic has been steadily getting more obtrusive. I have called the complaint line numerous times to lodge a noise complaint. I am always told that the city has no control of the workings of the aircraft take off and landings or the noise. I was also informed the FAA is the governing body for this purpose and there was nothing the city could do about this problem.

I like to be outdoors on my property whenever I can. Sometimes I am driven inside by the constant noise from small planes practicing take off and landings. As I discussed with the person taking my complaint last year, the aircraft are overhead and making so much noise that you can not carry on a conversation. I explained that the same group of aircraft often come over my home every 3 to 5 minutes. In other words almost constantly causing disruption of the peace I am seeking.

The thing that the City of Livermore can control is the expansion of the airport!!!!

The City could make rules for more acceptable noise levels and try and partner with the Airport to calm these problems.

There is also the leaded gas issue. The flight path is over or near Rancho Las Positas Elementary School and surrounding neighborhoods in which children live. We all know the problems with leaded fuel and why it was outlawed in autos for decades in California. Can we please not poison our children?

In closing, No on Airport Expansion, No on Cargo Planes , No on Leaded gas, No! on No control by the residents of Livermore and Pleasanton to what flies over us.

Respectfully,

James L Arnold and Family
Livermore, CA

Corina Mendoza

From: john [REDACTED] >
Sent: Sunday, July 9, 2023 6:09 PM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk; citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov; Pleasanton Weekly Editor; The Independent; lacg@livermoreairportnoise.org; Angela Hescher; john basalyga
Subject: July 2023 Livermore Airport Development Policy Changes - PLEASE listen to the citizens
Follow Up Flag: Follow up
Flag Status: Flagged

July 2023 Livermore Airport Development Policy Changes - Still NOT listening to the citizens

Amended Policy, some progress – Still Ignores Many Critical Public Comments --

<https://www.livermoreca.gov/home/showpublisheddocument/9957/638215679640430000>

Key issues with Actions for council's consideration in the latest draft:

1. Noise controls not “aggressively” implemented in the policy. These are easy to implement, and will lower noise. For example, the Airport Development Policy should add:
 1. All tenants and their leases, etc will attend a semi-annual training on noise mitigation including flight paths, procedures etc (when safe)
 2. All tenants will in writing acknowledge the voluntary curfew and suggested flight paths and mitigation procedures (when safe)
 3. All tenants will be required to sign a "good neighbor pledge" to the above. (there may be no legal recourse if they "break" the pledge -- but it sends a clear signal that noise is taken very seriously by Livermore and be part of our community).
 4. If a tenant violates the voluntary night curfew more than X times, they will have additional training. 3rd time around a meeting with the airport manager/director etc. 5th time the Mayor.
 5. All tenants must have a 20" x 34" sign clearly visible in each building/hanger with the noise mitigation recommendations by the Airport Management (i.e. curfew hours, best practices, recommend flight paths (when safe))

Public Comment Received

6. Tenants (and all planes) that violate the voluntary curfew will be published monthly in the livermore airport monthly newsletter.

Council Member Barrientos – you asked – what can be done about noise? – putting the above would be a good step in the right direction.

2. MOU process keeps public completely in the dark with little recourse afterwards.:
 1. After MOU with City leaders, all focus is on passing and getting the “deal done”, with NO incentive to impartially assess the deal. Full transparency required at onsite of approaching the city.
 2. Document secrecy: Language should be inserted:
- Other than financial documents, all documents and communications will be available to the public. Otherwise we will have another “Kaiser situation” where all documents were deemed “NDA” – no transparency.
 3. Public comment – the public has no vehicle to provide input that can result in any action (other than at the council meeting).

The airport commission is not an unbiased, fair commission that has EVER revised any policy, or direction from non aviation public comment in the past 25 years.

There needs to be another vehicle for public comment that is unbiased and not directed by the aviation industry and takes into account the 300,000 impacted citizens.

3. Council Member Branning requested that allowing “small air cargo” in section 1.2 be taken out of the document. Staff instead took out all instances of air cargo – including in section 2.9 – where large air cargo was previously a reason to reject an application! **Now, large air cargo is no longer a reason for rejection?**

Q: Why did airport management now have that large air cargo is not a valid reason for rejection? Council member did not ask for this.

4. Removes the requirement for “existing” demand requirement
 1. in the same section 1.2 – applicants no longer have to show “existing” demand, just demand – which could be future demand created by the actual project i.e. build an FBO facility so that it will attract cargo traffic? This is also inconsistent with the

2010 resolution that states “existing demand”

5. “Discourage applications not consistent with the 2010 resolution” - Council member Branning (?) requested this language – this is strong language

Instead the new version is: “Encourage development consistent with the 2010 resolution”

Why did staff change this to “encourage”? This has a very different meaning...and impact.

6. Deleted in section 7.5 where applicant was asked to:
"Please provide a detailed description as to how the proposed
development/redevelopment meets the following objectives [2010 resolution and more]

This is a very big change – why isn't the applicant providing this anymore?

5. Lead Poisoning of our Children is ignored in the Policy

Why? How much are our children worth to the City of Livermore? Why isn't it being banned like other airports?

Thanks for your consideration!

John Basalyga

[REDACTED]

Corina Mendoza

From: Trish Fuzesy [REDACTED] >
Sent: Friday, July 7, 2023 7:13 PM
To: John Marchand; Brittnei Kiick; Barrientos, Ben; Evan Branning; Robert Carling
Cc: Livermore City Council; City Clerk; Mayor and City Council; Michael Musca; Marianna Marysheva; council@dublin.ca.gov; city.manager@dublin.ca.gov; The Independent; letters@independentnews.com; Pleasanton Weekly Editor; Becky Hopkins; Gerry Beaudin; LA CG
Subject: Comments to July 10 City Council Meeting Item 7.3, Airport Leasing and Development Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Livermore Leaders,

The latest revision of the Airport Leasing and Development Policy is an encouraging step in the right direction for it now incorporates specific guidelines from the 2010-058 Resolution. City of Pleasanton leaders must be thanked for writing to Livermore to raise serious concerns about significant omissions in earlier drafts of this policy, and thanks go to the Livermore City leaders for taking some of the input suggested.

I share the same frustration expressed by others about how public comments to earlier policy drafts were ignored and dismissed by airport staff. Reviewing the public's comments shows that many people made the same suggestions as made by Pleasanton leadership, but *these same suggestions* from the public were dismissed with "Comment noted. No specific alternative language or deletions provided."

This is a dramatic example of how the public voice is being ignored. In the very process claimed to provide for public input, what actually happened was minimizing and inaction. This is consistent with how staff handles noise complaints: minimizing and inaction (another huge issue for another time).

My biggest concern with this policy draft is that public participation is still missing in airport development planning until too late in the process. As written now, the public is kept in the dark and will not learn of any new development plans until a MOU is presented to the Livermore City Council at a meeting for approval. There is no requirement for public notice or participation until a plan is largely a done deal. Staff will have spent many weeks or months negotiating development details without public knowledge or input.

Livermore airport operations directly impact *all residents living in the Tri-Valley*. Airport noise and safety concerns are regional issues affecting everyone who lives and works here. Why is airport development planning being done behind closed doors and kept secret from the nearly 250,000 residents living in the Tri-Valley area?

This must change. I urge you to return this Policy to staff and instruct them to continue working on it until requirements for public notification and opportunities for participation are added earlier in the process.

Thank you,
Trish Fuzesy
Pleasanton

Corina Mendoza

From: [REDACTED]
Sent: Friday, July 7, 2023 5:32 PM
To: Livermore City Council; Scott Lanphier; Michael Musca; City Clerk; citycouncil@cityofpleasantonca.gov; council@dublin.ca.gov; lacg@livermoreairportnoise.org; Angela Hescher
Cc: greg [REDACTED]
Subject: LVK Airport Development Policy doesn't cut it--Disappointed by Livermore Leadership/LVK comments at June 26 Livermore City Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

To: Livermore Mayor John Marchand, Livermore City Council Members, Livermore City Manager Marianna Marysheva, Livermore staff, LVK Manager Michael Musca, and LVK Staff, Pleasanton Mayor Karla Brown, and Pleasanton City Council

RE: New LVK Airport Development Policy, revisions, and ignoring public input

I am writing as a citizen of Pleasanton to request that the Livermore Mayor and City Council NOT pass the new Airport Development Policy at the upcoming meeting on Monday July 10 without adding key areas that have still not been addressed adequately.

It is my ongoing concern based on the recent poor review process, lack of public comments being incorporated to the first draft, and the verbal discussion and comments at the recent Livermore City Council Meeting, that this policy may still fall short in many areas that must be addressed. Unfortunately, this process continues to be run with speed as its main goal, with limited detail and real issues pushed aside. This process of ignoring the public is a not a new phenomenon, and something I have been dealing with for years with both LVK leadership and Livermore Mayor and Town Council.

- The overall 2023 Airport Development Policy circulated weeks ago policy review and approval process **MUST** be thoughtfully paced and not rushed. It needs to allow enough time for consideration and inclusion of public comments. It must include critical detail around implementation vs. the vaguely worded first initial draft. You heard this refrain multiple times at the recent Livermore City Council Meeting.
- It **MUST** adequately address public safety and not minimize hazards like lead-based fuels, and PFAS chemicals—which have not been addressed.
- It **MUST** correct ongoing noise problems and curfew violations in some manner which have been shelved or given lip service at best.
- It **MUST** effectively manage thoughtful growth in a responsible way based on real demand not building to encourage and invite demand.
- It **MUST ADD BACK IN** tighter policy language around air cargo flights vs. simply eliminating the language all together which was suggested by Livermore Town Leadership at the last meeting.
- It **MUST** improve communications between neighboring town leadership officials and with the hundreds of thousands of citizens across multiple towns. In turn, it MUST eliminate the continued disappointing track record

of the Airport Manager and Leadership ignoring public complaints, information disclosure, and most of all accountability.

- Finally, it **MUST NOT** side-step the 2010 resolution.

I understand some additions and edits I've mentioned below are being reviewed, including comments you have received already and some of which have been previously stated by others. However, I wanted to underscore the importance of several objectionable areas below in more detail as well as clear actions I believe can and should be taken and enforced. I am not a public policy developer, so consider that in my language. To be specific, here are the issues I see:

1. **SAFETY FIRST: Stop the continued use and sale of lead-based fuels. Immediately provide transparency around cancer causing PFAS chemicals.** This was all but brushed aside at the last City Council meeting, including by Mayor Marchand. Highly irresponsible. Your rationale that "if LVK bans lead based fuels, pilots will just go elsewhere" may be partly true, but it does nothing to correct the problem. You are still poisoning our airspace. Not conjecture, fact...Just as the Santa Clara Study proved. Your kick-the-can down the road posture is a cop out and not acceptable. It does nothing to stop (or even put a stake in the ground to START to stop their use.) Saying it would take a cross-county, multi-jurisdictional agreement to effectively stop lead fuel sale and use would create a wider reduction of lead based fuel, but that shouldn't in any way stop you from beginning the process in LVK now. Regarding PFAS, I was stunned at Mayor Marchand's comment in the last Council meeting that PFAS chemicals are already in home faucets and "nobody is ripping them out". This is a completely irresponsible answer and a very odd rationale for keeping hazardous chemicals in use. It is not what I would expect from a public official who is well aware of the danger and potential problem. **What you can and should do in this policy:**
 - a. Immediately require all operators with lead fuel aircraft to start retrofitting their engines with an available engine modification that will cease using lead fuels. This fix is available today, has been for years, and has been installed by some. Add to this a hard target date for retro-fit completion. For example, ANY aircraft hangered at the airport or using LVK as a home base should be required to complete this retrofit by June 30, 2024. Implementing this will make it irrelevant to where they get their fuel from and it will dramatically reduce lead. Yes, you will still have outside operators who will use lead-based fuel, but this is a great first step. This is what taking responsibility for your community safety looks like. This is likely not an inexpensive fix for owner/operators, and with a committee of aviators controlling airport policy, it's no surprise this hasn't been discussed at all in public view nor offered as a potential solution. They can do this either at their own cost or with a subsidy from the airport itself.
 - b. Set a 12-month (or reasonably aggressive) timeline to eliminate the sale of lead-based fuel at LVK. The responsible action would be to deter its use and then eliminate it completely from your facility. Oh, and yes, I would think that may likely cost the current FBO in infrastructure and potentially product costs, as well as impact near term Livermore tax revenues. Which is also why this is likely getting no attention and doesn't appear to be in the policy.
 - c. Work and collaborate with the FAA now to change flight paths specifically for lead fuel aircraft so they aren't flying over schools, neighborhoods, water reserves, etc. Start this by forcing all the touch and go training to take place out over the unpopulated central valley hills vs. right over the 580 corridor and surrounding town neighborhoods as happens today.
 - d. Regarding PFAS chemicals: First, proactively and now (not only when you are forced to do so) publicly disclose the current PFAS state at LVK: Such as type, quantity, purpose/potential use and last use of PFAS chemicals at LVK. Next, develop and disclose a policy (if it doesn't exist already) for ridding the airport of them. Set and disclose a 12-18 month timeline for eliminating their use and begin progress toward this.
2. **Reduce noise and put an end to flight curfew offenders:** Noise has only grown worse over the years. You can talk about jet flight operation numbers remaining "largely unchanged" but what you aren't telling is the location

Public Comment Received

and altitude they are now hitting on takeoff and landings. I understand it's also due to NetJets and other commercial providers but that still needs to be changed. We have had many, many instances where 5-7 large jets have come in on landing approach within a 2 hour span, right over our house at 300 feet AGL (that's ground level). Years ago, it used to be 1000 feet, and the path wasn't directly over Pleasanton Meadows, and it was still extremely loud. The policy also MUST do more around the voluntary night flying curfew. **What you can and should do in this policy:**

- a. Work with the FAA to adjust flight paths while maintaining aircraft safety and provide updates on your progress. I've heard nothing of this happening. Only that the FAA controls this and we have no say.
 - b. Require all tenants to attend semi-annual training and sign a curfew pledge. This should be an immediate amendment to their leases as it has been going on for years. Not hard to do.
 - c. Put some policy teeth around violating curfew. For years, I've been hearing the tired excuse trotted out from Airport Manager Musca, and all his predecessors, of "We send offenders a letter". That hasn't really created behavior correction has it?
 - d. Add to the policy something like for example, 1st time offenders' names, tail numbers and aircraft info will be published monthly to committee, Livermore and Pleasanton Mayor and City Council, and in the Transponder newsletter. (No 1st time grace—If they know the policy and break it, start corrective action right away.) Put them on notice. Second offense the same information is regularly (weekly or monthly) published in The Independent, Weekly papers (Like the Pleasanton Weekly), Next Door, other local social media outlets. Finally, repeat (3x) offenders are spoken to by the Livermore Mayor.
 - e. In the past, I have asked LVK staff for information on who the repeat offenders are and was stonewalled by being told to fill out a public information request. Stop putting the onus on the citizens and improve your transparency and communication.
3. **Add back into the policy tighter language around restricting (not just discouraging) cargo flights.** Personally, I was stunned at Mayor Marchand's and Council Member ?Branning's? comment (and acceptance by officials) to simply wipe out the clause because it was confusing. I can't imagine why this was struck from the policy, as now, it actually has the opposite deleterious effect of allowing any sized cargo planes. Instead, the decision should have been made to define the clause more tightly. Again, this appears to be a sign of ramming this policy through and leaving a lot of gray area for LVK and Livermore to do what they want. If you want to allow some types of air cargo sizes which could be beneficial but stop others as you claim, then define it. Also, if I recall, the initial policy draft defined air cargo by operator company size? This definition parameter is meaningless as a small operator can have a few large, late model, very loud jets and props. First, define what is and isn't acceptable based on multiple tight factors for example: aircraft size, weight limit, type of cargo, volume of deliveries/operations. Eliminate large carriers completely. Once they are in, they will lobby and pay to grow their operations. Second: Make it "restrictive", vs. using weak language like "discourage." Start with a level that can be monitored and evaluated first.
4. **Development Demand, Review Process, and Approvals.** I understand no specific development projects are outlined in this policy. Furthermore, having any proposed development work be more visible to Livermore City Council sounds like a good thing. However, consideration of any development should be pegged to existing actual, real demand not potential demand. Furthermore, shouldn't any development or re-development be tied back to the 2010 resolution? Make this part of the policy. Finally, development decisions should be better connected to public communication, outreach, review, multiple chances for comment, and MOST CRITICALLY, 2-way dialog for question and answer to truly understand scale and impacts (vs. just "here is the proposal, add your comments, maybe we'll read them, and rubber stamp it for approval and start.) The impacts of new development on Livermore residents and the Pleasanton community (as well as the air traffic and other impacts that follow) require a process for adequate review and dialog.
5. **Representation and Voting Seat from Pleasanton.** When this was raised by a Livermore Council Member at the last meeting, City Manager Marianna Marysheva shot it down as irrelevant to this Policy. That's not very cooperative. If anything, because of this policy, it's more relevant than ever. Add a voting member from both Pleasanton and Dublin (minimally Pleasanton) due to the airspace being used and the impact on our

Public Comment Received

community. Why such resistance to this and why the suggestion that this would be a “listening” only seat as has been suggested. If you are truly acting in good faith as a neighboring town this is a no brainer and an easy addition.

Several decades ago, this may have been Livermore’s small quaint regional airport. And frankly the trust, transparency, and communication was probably much better. The smaller size, fewer operations, and what seemed like accountable, professional, trustworthy leaders who were in control delivered on this. Citizens were not as impacted. But that situation no longer exists. This is now a community airport—regardless of where the real estate is located. And Livermore must recognize this fact. You put this policy out for review. You’ve received comments and letters. You’ve received verbal feedback and input at the recent City Council Meeting. Now we ask that you act like the contentious neighbor, concerned team player, and professional organization that takes public safety and wellbeing into account. Make the requested changes to the Policy and give it adequate airing before blanket approval with lightweight alterations.

Corina Mendoza

From: Jon Krueger [REDACTED]
Sent: Friday, July 7, 2023 4:43 PM
To: John Marchand; Brittnei Kiick; Barrientos, Ben; Evan Branning; Robert Carling
Cc: Livermore City Council; City Clerk; Mayor and City Council; Michael Musca
Subject: City Council Meeting, item 7.3: please amend the proposed Airport Development Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Debbie

I'd like to thank the City Council. The July revision of the Airport Development Policy is substantially stronger. You made that happen.

Thank you.

You know, there's a myth going around that only FAA can act on airport noise. The fact is, airports can do more, and cities can do more. You just proved that: you put action on noise into the development policy, and you didn't need FAA permission.

And you can make it stronger. For instance, section 1.2 says:

"Encourage development of Airport land and Improvements is to occur in response to existing aviation demand"

"Encourage development that is consistent with Resolution 2010-058"

You don't have just encourage. You can make it policy. You can say:

"Development is to occur in response to existing aviation demand"

"Development will be consistent with Resolution 2010-058"

You don't need FAA permission. You have the power. I urge you to make this change before approving the Policy.

Why should you? Three good reasons:

1. It implements City policy
2. It protects residents
3. It protects **you**. When disputes arise, you will be in the middle, and every vague wording will cause you pain.

"Encourage" is vague and weak. I urge you to make it clear and strong. This is your policy: Development is to occur in response to existing aviation demand. Development will be consistent with Resolution 2010-058.

Item 7.3 Public Comment Received

Also: I'm concerned about how late in the process the public gets notified. According to the flowchart, no public disclosure is required until the MOU goes to the City Council. And the Policy says, that means agreement has already been reached on key terms and conditions. So by the time the public gets its first look at the development, a lot of decisions have already been made.

When should the public learn about it? I'd say when the City gets written materials from an applicant. There's no reason this should be hidden. It's not a secret. The applicant knows, the City knows, why should the public be in the dark?

I urge you to add: public disclosure of proposed development on the City website as soon as any written materials have been submitted by applicant.

Thank you for your time. And thank you for your help making this a policy that protects everyone.

Jon Krueger



**CHABOT
LAS POSITAS**
COMMUNITY COLLEGE DISTRICT

July 10, 2023

Subject: Endorsement of Livermore Airport Expansion for Las Positas College Aviation Makerspaces

Dear Honorable City Council Members,

I am writing on behalf of the Chabot-Las Positas Community College District to request your support for the expansion of the Livermore Airport. The proposed expansion will enhance existing facilities and create makerspaces designed to train residents from across the Bay Area in high paying, in-demand jobs.

The Livermore Airport is an important hub for training and innovation, particularly given the significant workforce needs in the aviation industry. Our district, consisting of two colleges in the East Bay, is uniquely prepared to assist in addressing these critical needs. Given the high cost of aviation training programs, the partnership with our district brings an important benefit to the community as our colleges offer instruction at affordable rates that provide access to a richly diverse student body.

The Tri-Valley region is home to a thriving community that supports and fosters technology and entrepreneurship. The proposed programs will support students in developing the technical knowledge, skills, values, and abilities needed to excel in the growing aviation industry. The expansion of the airport will undoubtedly contribute to the economic vitality and growth of the Livermore and Tri-Valley regions.

An endorsement of the Livermore Airport's expansion, signifies a commitment to education and to developing an important employment pipeline that will benefit the local economy. Our district looks forward to this potential partnership with the Livermore community.

Thank you for considering this endorsement

Sincerely,

Ronald P. Gerhard, Chancellor
Chabot-Las Positas Community College District



July 10, 2023

Subject: Endorsement of Livermore Airport Expansion for Las Positas College Aviation Makerspaces

Dear Honorable City Council of Livermore:

I am writing on behalf of Las Positas College to request your support for the expansion of the Livermore Airport, including the development of hangars and makerspaces for our aviation education. This initiative aligns perfectly with our institution's mission statement and vision statement, as it provides inclusive, learning-centered, equity-focused educational opportunities and support for our students, while promoting lifelong learning and empowering them to become engaged participants and leaders in their communities.

Las Positas College recognizes the Livermore Airport as a natural hub for business and education in our region. The airport already plays a vital role in offering STEM education programs to young students and aspiring pilots. It boasts a flight school equipped with simulators, classrooms, and a certified testing center, providing comprehensive training for individuals pursuing careers in aviation.

With the proposed expansion, the Livermore Airport will enhance its facilities and create makerspaces that align with the technology and entrepreneurship that thrive in our Tri-Valley region. By establishing these centers, we will further support our students in developing the technical knowledge, skills, values, and abilities needed to excel in the aviation industry. These centers will serve as valuable resources, providing hands-on learning experiences, research opportunities, and collaboration with industry professionals.

With your support of the Livermore Airport's expansion, Las Positas College affirms its commitment to providing our students with the best educational resources and opportunities available. We believe that this initiative will not only benefit our institution but also contribute significantly to the economic and educational landscape of our community.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dyrell Foster", followed by a long horizontal flourish.

Dyrell Foster, Ed.D.
College President

From: [Greg](#)
To: [Livermore City Council](#)
Cc: [City Clerk](#); [Michael Musca](#)
Subject: Livermore Airport - city council meeting on July 10, 2023
Date: Friday, July 7, 2023 11:57:36 AM

I watched the City Council meeting on June 26, 2023. Regarding the proposed Airport Development Policy, there are several things I believe need more attention. Most important is not enough attention is paid to aircraft noise pollution. Noise controls are not “aggressively” implemented in the policy – more language should be added that states noise shall be reduced.

The airport commission is not an unbiased, fair commission. Is every member of the Commission a pilot ? Would it be possible to have a resident of Livermore and Pleasanton that is not a pilot but is affected by the aircraft noise be added to this commission ?

We are both Seniors and love our home of over 30 years on [REDACTED]. In many ways Livermore is a very nice city , we enjoy our neighborhood, we have a great downtown, etc.

We are against any expansion and any more facilities being built that will increase the number of aircraft using our Airport. Our Airport is very busy and popular and we have so many planes flying over our neighborhood. It seems to me that some city officials and some on our Airport Commission want to encourage more aircraft to use our Airport by building more facilities.

I know there are people that want our Airport to continue to expand and that is disappointing. Our Airport negatively impacts many neighborhoods including ours. Our home is about 3 ½ miles to the east of our Airport and is slightly north of the flight path. Our Airport can negatively impact the property values of many neighborhoods in Livermore and Pleasanton. It affects the quality of life for many neighborhoods.

Thank you, Greg Olsen

From: [Jennifer Chapman](#)
To: [City Clerk](#)
Subject: Livermore Municipal Airport. July 10th council meeting
Date: Sunday, July 9, 2023 6:54:11 PM
Attachments: [LVK July 2023 letter to Council Final.pdf](#)

Please forward our attached letter regarding the Livermore Municipal Airport to the City Councilmembers.

Thank you for your assistance. As an aside, our Mac would not open livermoreca.gov, citing that the site was not secure and that personal data may be at risk.

Sincerely,
The Chapmans

RE: Livermore Municipal Airport (LVK)
To: Livermore Mayor and City Councilmembers

The default answer to residents' concerns, in regard to nuisances and harm created by the airport, is too often that 'little can be done'. This letter affirms that there is much that can be done. The following are just a few examples:

- Engage in transparent policy making and uphold the integrity of City Council decisions.
- Acknowledge that the airport is causing harm to Tri-Valley residents.
- Establish a standard of communication that respects residents.
- Modernize noise standards for LVK development planning (to include lower dB acceptability and recognize single-event metrics) and lobby the FAA to accelerate their plans to update noise standards.
- Develop additional nuisance mitigation measures, emphasize them on the City's website, and work with the FAA to update their LVK page to also emphasize and include additional mitigation measures.
- Establish a grant fund to insulate homes and schools to mitigate harm done by the airport.
- Initiate discussions with the FAA regarding 14 CFR Part 161- Airport Noise and Access Restrictions.
- Begin to establish a reputation for LVK as a rule-abiding airport, where safety matters.
- Develop a policy for regular communication with Bay Area cities with airports, especially Palo Alto and San Carlos, to educate pilots based at their airport about Tri-Valley concerns and negotiate harm mitigation.
- Inform residents about pilot regulations (such as 14 CFR 91.13 – Careless or Reckless Operation) and encourage residents to file safety complaints.
- Create a user-friendly airport website that archives all airport material.
- Amend the 2014 ALP to rescind the planned 7R-25L runway extension.
- Develop a Master Plan (MP) for Livermore Municipal Airport (LVK).
- Only approve City policies that clearly state that a primary consideration for airport development decisions is the mitigation of negative impacts on all Tri-Valley residents.

The following is a discussion of the above points:

- Engage in transparent policy making and uphold the integrity of City Council decisions.
Last year the City Council suspended the airport development policy. A new policy has not been approved. Yet, on June 6th, Public Works issued a RFP (with a June 30th deadline) for 'consulting services for a land use development analysis at the Livermore Airport'. A consultant cannot do an analysis without a current policy. Additionally, clarify to the chosen consultant that a recommendation of minimal or no future development at LVK at its current location is a satisfactory analytical outcome.

- Acknowledge that the airport is causing harm to Tri-Valley residents.
The International Civil Aviation Organization (ICAO), an agency of the United Nations, website presents a paper that concludes that "aircraft noise exposure at school or at home is associated with children having poorer reading and memory skills". (White Paper on Aircraft Noise. Aviation Noise Impacts: State of the Science). The paper also concludes "There is good biological plausibility by which noise may affect health in terms of impacts on the autonomic system, annoyance and sleep disturbance. Studies are suggestive of impacts on cardiovascular health especially hypertension..." As relating to lead, the EPA website states, "No safe blood lead level in children has been identified" and the EPA is concerned about even low concentrations in the air from aircraft. There should be a policy objective to rapidly phase out leaded gas before 2030.

- Establish a standard of communication that respects residents.
The ICAO website presents a paper that states "the observed influence on annoyance of several non-acoustical factors such as fear, perceived control and trust in authorities suggests that communication strategies addressing these issues could strongly contribute to the reduction of annoyance, alongside or even in the absence of a noise reduction." Further, annoyance is a harmful effect that should be prevented and reduced.

Public Comment Received

- Modernize noise standards for LVK development planning (to include lower dB acceptability and recognize single-event metrics) and lobby the FAA to accelerate their plans to update noise standards.

According to DOT's California Airport Land Use Planning Handbook "For quieter settings and many- if not most – airports in California, 65 dB CNEL is too high of a noise level to be appropriate as a standard for land use compatibility planning". DOT states federal policy has evolved and the FAA now will "respect and support" local establishment of a lower threshold of noise exposure acceptability. DOT also concludes source noise reduction should be evaluated as a single-event metric, not a cumulative noise level metric.

The ICAO reports that the WHO Community Noise Guidelines suggest school classroom background sound pressure should not exceed 35 dB LAeq, and school playgrounds should not exceed 55 dB LAeq. LVK noise contour maps do not appear to consider these findings.

- Develop additional nuisance mitigation measures, emphasize them on the City's website, and work with the FAA to update their LVK page to also emphasize and include additional mitigation measures.

For example, establish, and well-publicize, take off and landing noise abatement procedures such as thrust reduction or maximum climb on takeoff. Emphasize turning before reaching the residential neighborhoods after takeoff. Emphasize that all residential neighborhoods are affected by noise and training policies and flight paths should reflect that.

- Establish a grant fund to insulate homes and schools to mitigate harm done by the airport.

- Initiate discussions with the FAA regarding 14 CFR Part 161- Airport Noise and Access Restrictions.

The FAA may now be more responsive to night flying restrictions and other access restrictions, considering the Santa Monica lawsuit settlement and other airport closure announcements.

- Begin to establish a reputation for LVK as a rule-abiding airport, where safety matters.

The FAA's 02/23/2023 updated LVK page, under "Cautions", has numerous references to pilots failing to comply to instructions, even landing without clearance and mistaking a taxiway for a runway. Also, LVK had/has businesses and business-owned planes based at or using the airport in which the business is suspended (FTB and/or SOS). The City should establish policies that emphasize consequences for failing to comply with laws, rules and regulations.

-Develop a policy for regular communication with Bay Area cities with airports, especially Palo Alto and San Carlos, to educate pilots based at their airport about Tri-Valley concerns and negotiate harm mitigation.

- Inform residents about pilot regulations (such as 14 CFR 91.13 – Careless or Reckless Operation) and encourage residents to file safety complaints.

For example, failure to maintain required minimum altitude is a violation of the Careless or Reckless Operation regulation. The certificate action for such a failure over congested areas is a 60- to 180- day suspension. Too many pilots using LVK ignore minimum altitude requirements. The City could facilitate FAA enforcement of its regulations. The FAA revokes a certificate whenever individuals demonstrate a lack of willingness or ability to comply consistently with statutory or regulatory requirements. The City should compile and share data of violators with the FAA and the public. Consider a volunteer program to help compile and manage the data.

- Create a user-friendly airport website that archives all airport material.

On livermoreca.gov, a search of ' "airport" + "master plan" ' produces "No results found". A stakeholder should be able to easily retrieve the 1975 airport master plan and the draft master plan.

- Amend the 2014 ALP to rescind the recommended 7R-25L runway extension.

The 2014 ALP Chapter Three- Capitol Improvement Program includes in the plan a runway extension.

- Develop a Master Plan (MP) for Livermore Municipal Airport (LVK).

Public Comment Received

There is no Master Plan (MP) for LVK. Decades ago, the City of Livermore started a Master Plan update. Citizen participation was robust, and the City undemocratically responded by terminating the update process and rescinding the 1975 MP. An Airport Layout Plan (ALP) is an inadequate planning tool. A MP would more appropriately describe environmental and socioeconomic costs of airport development.

- Only approve City policies that clearly state that a primary consideration for airport development decisions is the mitigation of negative impacts on all Tri-Valley residents.

In the 1960s, the City of Livermore relocated the airport to mitigate nuisances and promote alternative land uses near its own downtown. The City chose to move the airport closer to Dublin and Pleasanton, creating nuisances in those cities and restricting use of their lands. The California Airport Land Use Planning Handbook advises this may be considered an inverse condemnation (a taking). The City has engaged in actions that have increased airport-generated nuisances and harm. Additionally, 49 US Code allows a person to recover damages for noise attributable to an airport.

Thank you for your time.

The Chapmans

Non-Livermore residents, who do not live adjacent to the airport, yet felt compelled to write this letter because of the interpreted disregard shown by the Livermore Mayor for residents concerned by the harm done by lead. Would he have said that since Company X is dumping toxins in the arroyo, it is OK for the City of Livermore to also dump toxins?

Debbie Elam

From: Dianne Yudelson [REDACTED]
Sent: Tuesday, June 27, 2023 5:10 PM
To: City Clerk
Subject: Airport

Categories: Debbie

PLEASE modify the new Airport Policy to include conditions to reduce noise from jets at night & include a clear transition plan to unleaded aviation fuel.

Dollars over the resident's mental and physical health is governing in bad faith.

Dianne Yudelson

or investigation, or other requirements.

2.7. *Reversion of Improvements*

Unless otherwise stated in an Agreement, upon expiration or earlier termination of the Agreement, at City's option, the ownership of all Improvements made to the leasehold shall revert (transfer) and become the sole property of the City. If the City elects not to claim the Improvements, the Lessee shall remove and/or demolish any and/or all Improvements (as designated by the City) and return the Leased Premises to its original condition and character, ordinary and reasonable wear and tear excepted.

2.8. *Term of Agreement*

The term of an Agreement shall be commensurate with the dollar amount of Capital Investment made by the Lessee in the Leasehold Premises and/or Airport infrastructure, consistent with the capital investment formula as adopted by the City from time to time. In any event, the maximum term of an Agreement, including option periods, may not exceed forty (40) years. When no Capital Investment is made, the term of the Agreement shall be at the discretion of the City but may not be greater than 20% of the term of the previous Agreement (if an existing Lessee) or 5 years, whichever is less.

2.9. *Possible Grounds for Rejecting an Application or Proposal*

In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

The City at its sole discretion may reject any proposal or application in conformance with Legal Requirements including, but not limited to, any one or more of the following reasons (as determined in the sole discretion of the City):

- The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the City. This includes objectives referenced in Section 1.2 and Resolution 2010-058 and include but are not limited to:
 - No tangible evidence of existing demand
 - Implies or requires extension of runways
 - Is a large cargo operator or caters to large cargo operators
- The burden of proof shall be on the entity and the standard of proof shall be by clear and convincing evidence. The City or the FAA has determined that the contemplated activity and/or Improvements would create a safety or security risk at the Airport or constitute a Hazard, obstruction, or danger to air navigation.
- The City would be required to expend funds and/or supply labor and/or materials in connection with the proposed activities and/or Improvements that the City is unwilling and/or unable to expend or supply.
- The financial plan associated with the proposed activities and/or Improvements is not demonstrated to be realistic and attainable and/or will result in a financial operating loss or hardship for the entity.
- No appropriate, adequate, or available land and/or Improvement exists at the Airport to accommodate the proposed activity or Improvements at the time the proposal or application is submitted, nor is such availability contemplated within a reasonable period of time.
- The proposed activities and/or Improvements do not comply with the ALP currently in effect or anticipated to be in effect.
- The entity's occupancy, use, or development of Airport land and/or Improvements could be detrimental to the public, result in congestion of aircraft, and/or negatively impact the safety

and/or efficiency of the Airport, Operators, Tenants, or users of the Airport.



Airport Leasing and Development Policy (Continued from June 26, 2023)

July 10, 2023

Presented by: Scott Lanphier, Public Works Director



1

Proposed Airport Leasing and Development Policy

- Item is continued from June 26, 2023, Council meeting
- Policy document updated since last meeting to reflect changes requested by Council at last meeting
- Clarification of Public Engagement Plan (PEP) process
- Council is considering the proposed Policy only
- Policy does not change zoning or the Airport Master Plan



2

Proposed Airport Leasing and Development Policy

- Updates: Section 1.2: *Goals Objectives, and Development Priorities*
 - **Function** – Encourage development of Airport land and Improvements is to occur in response to existing aviation demand, such as the existence of a hangar waiting list, letters of interest or proposals to provide essential aeronautical services to avoid the need for based aircraft flying to other airports to receive those services, or services determined to be supportive of the local community, such as law enforcement or emergency medical transport. All development and redevelopment must meet the needs of the Airport and be consistent with the Airport's Minimum Standards for Commercial Aeronautical Activities (Minimum Standards) and the existing development of the Airport. **Projects will be evaluated by the Airport Advisory Commission.**
 - **Economic** – Support the local economy and ensure economic vitality. **through supporting small parcel air cargo services that serve only businesses and residences in the Tri-Valley region.** Preserve property values, enhance investments, and ensure the Airport is as self-sustaining as possible consistent with the Federal Aviation Administration (FAA) Airport Sponsor Assurances
 - **Compatibility** – This Policy will encourage development that is consistent with Airport EXHIBIT A DESIGN CRITERIA Leasing and Development Policy City of Livermore, Livermore Municipal Airport 4 Development priorities as stated herein in this Policy and in Resolution 2010-058, a copy of which is attached in Appendix 7.1.



3

Proposed Airport Leasing and Development Policy

- Public Participation is a key component of the project review process, and a Public Engagement Plan (PEP) will be required
- Public engagement will be required after the initial review by staff of any solicited or unsolicited project proposals
 - If the initial review deems the project meets the minimum requirements (including relevant FAA and City regulations, along with Airport development goals, objectives and restrictions), then the proposal will advance to the Airport Commission for review (including **public input**).
 - If the Airport Commission recommends the proposal to the City Council, an MOU would be recommended to **start** lease or development negotiations.
 - As part of the MOU, **comprehensive public engagement** on the proposed improvements will be required, and must be satisfied before negotiations conclude and a development agreement or lease agreement is recommended.
- Proposed public engagement is more comprehensive than a typical development project



4

Staff Recommendation

- Staff recommends the City Council approve the Leasing and Development Policy for the Livermore Airport



5

Staff is Available for Questions



6

Item 8.0 Council Reports

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Mayor Marchand	6/27/2023	City of Livermore	Celebration	Presented a proclamation at the retirement of Bob Vinn
Mayor Marchand	6/28/2023	City of Livermore	Celebration	Presented a proclamation honoring the retirement of Margo Cephalo after over 20 years of dedicated service at the WRD.
Mayor Marchand	6/29/2023	Livermore Amador Valley Garden Club	Dedication	Sign dedication at Hansen Park
Mayor Marchand	6/29/2023	City of Livermore	Mayor's Report taping on TV30	Updated the community on things happening in Livermore.
Mayor Marchand	6/29/2023	City of Livermore	CMO Teen Academy Final Project Reports	Heard final report presentations.
Mayor Marchand	6/29/2023	LPFD	Graduation and badge-pinning	Attended the LPFD Academy Graduation and Badge-pinning for our new hires.
Mayor Marchand	6/30/2023	Program for All-Inclusive Care for the Elderly (PACE)	Ground-breaking	Welcomed this remarkable organization which will provide much needed services to our community.
Mayor Marchand	7/4/2023	State Senate	Open House	Attended the Open House hosted by State Senator Steve Glazer. I thanked the Senator for his on-going support for Livermore, BART and CEQA reform and the construction of affordable housing in Livermore.
Mayor Marchand	7/4/2023	City of Livermore	Celebration	Attended the return of the July 4th fireworks to Robertson Park after 12 years. The event was a great success, thousands of families attended, and a lot was learned for the next one.

Item 8.0
Council Reports

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Council Member Barrientos	6/29/2023	Livermore-Pleasanton Fire Dept	Graduation & Promotion Ceremony	7 grads where sworn in along with several promotions

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)
Council Member Branning	6/27/2023	LAVTA	Sub for Finance Committee meeting
Council Member Branning	6/29/2023	City of Livermore/Livermore Amador Valley Garden Club	Sign Dedication for Hansen Park
Council Member Branning	6/29/2023	LPFD	Academy Graduation, Promotional, and Service Awards Ceremony
Council Member Branning	6/30/2023	Center for Elder Independence	PACE Groundbreaking
Council Member Branning	7/10/2023	LAVTA	Board of directors meeting