



CITY COUNCIL

AGENDA

MONDAY, JANUARY 8, 2024

REGULAR MEETING – 7:00 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

ZOOM IS CURRENTLY SUSPENDED UNTIL FURTHER NOTICE

CITY OF LIVERMORE YOUTUBE CHANNEL:

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

TV29:

Comcast TV Channel 29

tv29live.org

John P Marchand, Mayor

Robert W Carling, Vice Mayor

Ben Barrientos, Council Member

Evan Branning, Council Member

Brittni Kiick, Council Member

1. CLOSED SESSION - NONE.

2. CALL TO ORDER

ROLL CALL

Council Member Ben Barrientos

Council Member Evan Branning

Council Member Brittini Kiick

Vice Mayor Robert W. Carling

Mayor John Marchand

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

4. OPEN FORUM

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

5. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council with a single action. Members of the audience wishing to provide public input must submit a speaker card found at the entrance of the Council Chambers. A speaker is limited to a single comment with a maximum of three minutes for the entire Consent Calendar. If Consent Calendar items are pulled for discussion by the City Council, a speaker will be allowed one comment on the items pulled for discussion and a separate comment for the remaining Consent Calendar. The one comment limit applies regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

5.1 Approval of draft minutes - December 11, 2023 Regular Meeting.

Recommendation:

Staff recommends the City Council approve the draft minutes.

Staff Report

Attachments:

[1. DRAFT 2023-12-11](#)

5.2 Resolution authorizing the acceptance for permanent maintenance, release of security bonds,

and execution of a Notice of Completion for the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot, Project 586003.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and authorizing the City Manager to sign the Notice of Completion for the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot Project 586003.

Staff Report

Attachments:

1. [Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Notice of Completion](#)

- 5.3 Resolution authorizing the acceptance for permanent maintenance, release of security bonds, and execution of a Notice of Completion for the 2021 Street Resurfacing Project, 2021-01.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and authorizing the City Manager to sign the Notice of Completion for the 2021 Street Resurfacing, Project No. 2021-01.

Staff Report

Attachments:

1. [Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Notice of Completion](#)

- 5.4 Resolution establishing the annual Affordable For-Sale Prices, Rental Rates, and Maximum Income Limits for affordable housing units subject to the City's Inclusionary Housing Ordinance.

Recommendation:

Staff recommends the City Council adopt a resolution:

1. Establishing new maximum income limits for extremely low-, very low-, low-, median- and moderate-income households which shall apply to the City's first-time homebuyer and affordable rental programs effective upon adoption by City Council; and,
2. Establishing maximum for-sale housing prices for the Affordable Homeownership Program which will be effective for homes sold through the program for implementation during the 2024 program year, upon approval by City Council, and establishing updated annual rent limits for City-restricted affordable units also effective immediately upon adoption by City Council.

Staff Report

Attachments:

1. [2023 Affordable Sales Prices and Rents](#)

[2. Resolution](#)

[3. Exhibit A - 2024 Affordable Sales Prices and Rents](#)

- 5.5 Resolution adopting the Community Benefit Policy and establishing a Community Benefit Fund

Recommendation:

Staff recommends City Council adopt a resolution adopting the Community Benefit Policy and establishing a Community Benefit Fund.

Staff Report

Attachments:

[1. Resolution](#)

[2. Exhibit A - Community Benefit Policy](#)

6. PUBLIC HEARINGS - NONE.

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. MATTERS FOR CONSIDERATION - NONE.

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).

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

9. ADJOURNMENT

To a Regular City Council meeting on Monday, January 22, 2024 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

10. SUPPLEMENTAL MATERIALS

- 10.1 Supplemental materials received prior to the meeting.

Staff Report

Attachments:

[1. 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. Please note that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council

may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

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

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

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

Platforms to Participate in Meetings:

Submission of Comments Prior to the Meeting:

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

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

Submission of Comments During the Meeting:

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

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

TV29: tv29live.org Comcast Cable 29

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

If you would like to deliver written materials to the City Council as part of your public comment,

please provide 10 copies to the City Clerk with your speaker card.

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

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

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



CITY COUNCIL STAFF REPORT

ITEM NO. 5.1

DATE: January 8, 2024
TO: Honorable Mayor and City Council
FROM: Marianna Marysheva, City Manager
SUBJECT: Approval of draft minutes - December 11, 2023 Regular Meeting.

RECOMMENDED ACTION

Staff recommends the City Council approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. DRAFT 2023-12-11

Prepared by: Marie Weber
Deputy City Manager/City Clerk

Approved by:

A handwritten signature in black ink, appearing to read "Marianna Marysheva".

Marianna Marysheva
City Manager

Fiscal Review by:

A handwritten signature in black ink, appearing to read "Tina Olson".

Tina Olson
Administrative Services Director

MINUTES



CITY COUNCIL
DECEMBER 11, 2023

REGULAR MEETING

1. CLOSED SESSION - NONE

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 YouTube.

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

Absent: Council Member Barrientos

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

3.1 Livermore Valley Arts annual update presented by Chris Carter, Executive Director, Livermore Valley Arts.

Chris Carter, Executive Director, Livermore Valley Arts presented the annual update.

3.2 Community Asset Management Program (CAMP) Outreach Committee Final update presented by Uyiosa Oviawe, Senior Management Analyst.

Judy Erlandson, Acting Public Works Director, presented the final update.

3.3 ** This item was added to the agenda by the Mayor in accordance with the City Council Rules of Procedure Presentation of a plaque to Christine Martin for her retirement as Assistant City Manager.**

Mayor Marchand presented the plaque to Christine Martin, Assistant City Manager.

4. OPEN FORUM

Mayor Marchand opened the public comment period.

Greg Scott, provided a comment.

Marc Roberts, provided a comment.

John Stein, provided a comment.

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

5. CONSENT CALENDAR

Mayor Marchand opened the public comment period.

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

ON THE MOTION OF COUNCIL MEMBER CARLING, SECONDED BY VICE MAYOR KIICK AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPROVED THE CONSENT CALENDAR.

5.1 Approval of draft minutes - November 13, 2023 and November 27, 2023 Regular Meetings.

5.2 Adoption of Ordinance 2152 amending the Livermore Municipal Code Chapter 5.90 Short-Term Rentals, Section 5.90.050 Locations, to allow accessory dwelling units with building permits issued prior to January 1, 2020, to be used as short-term rentals.

5.3 Resolution 2023-215 approving a supplemental appropriation of \$390,000 from Traffic Impact Fees to Fiscal Year 2023-24 and authorizing the City Manager to execute a first amendment to the agreement with Quincy Engineering increasing the not-to-exceed contract amount from \$694,000 to \$1,074,000 and extending the term of the agreement to June 30, 2026, for additional right-of-way close out services associated with Isabel Avenue/I-580 Interchange Project 1992-38.

5.4 Resolution 2023-216 authorizing a third amendment to the Exclusive Negotiating Rights Agreement between the City of Livermore and Livermore Petroleum LLC.

5.5 Resolution 2023-217 of Intention to form Community Facilities District 2023-2 (Arroyo Vista Maintenance and Services) located on the east and west side of the Arroyo Seco Channel along Las Positas Road pursuant to the Mello-Roos Community Facilities Act of 1982.

5.6 Resolution 2023-218 recommending the Livermore Local Roadway Safety Plan is exempt from the provisions of the California Environmental Quality Act and approving the Livermore Local Roadway Safety Plan.

5.7 Resolution 2023-219 authorizing the acceptance for permanent maintenance, release of security bonds, and execution of a Notice of Completion

for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60, located along Trevarno Road at First Street.

5.8 Resolution 2023-220 amending the City of Livermore Salary Plan dated January 2024 to reflect adjustments to the Unclassified and Hourly Salary Schedule to implement increased minimum wage in accordance with California Code of Regulations, Title 2, Section 570.5 and adding 1.0 FTE Public Works Supervisor to the Budgeted Personnel Allocations.

5.9 Resolution 2023-221 making findings regarding the continuing need for unexpended balances of Development Impact Fees as of June 30, 2023, and accepting the Annual Report of Development Fee and Connection Fee Revenues and Expenditures for Fiscal Year 2022-23.

5.10 Resolution 2023-222 accepting annual special tax and bond accountability reports for Fiscal Year 2022- 23 Community Facilities District No. 99-1 (Tri-Valley Technology Park), 2009-1 (El Charro), 2012-1 (El Charro Maintenance), 2015-1 (Brisa Maintenance), 2016-1 (Sage Maintenance), 2016-2 (Shea Properties), 2018-1 (Auburn Grove), and 2021-1 (Maintenance and Public Services).

5.11 Resolution 2023-223 of continued local emergency in response to impacts from a series of severe storm events earlier this year.

6. PUBLIC HEARINGS – NONE

7. MATTERS FOR CONSIDERATION

The Mayor reordered the agenda, moving Item 7.3 moved after Item 7.5.

7.1 Resolution amending the Livermore Airport Minimum Standards for Commercial Aeronautical Activities to require the provision of Unleaded Aviation Fuel by the Fixed Base Operator (FBO).

Recommendation: Staff recommended the City Council adopt the resolution amending the Airport Minimum Standards for Commercial Aeronautical Activities, to require the provision of unleaded aviation fuel by the Fixed Base Operator (FBO) within twenty-four months. In the event the Fixed Base Operator cannot comply within twenty-four months, the City may grant extensions as appropriate.

Acting Airport Manager, Benny Stuth presented the staff report.

Mayor Marchand opened the public comment period.

Felicia Ziomek, provided a comment.

Don Milanese, provided a comment.

Shirley Lewandowski, provided a comment.

John Stein, provided a comment.

Donna Cabanne, provided a comment.

Pete Sandhu, provided a comment.

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

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY VICE MAYOR KIICK AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTION WITH THE REQUIREMENT THAT ADDITIONAL FUEL TYPES BE ADDED TO THE STANDARDS:

Resolution 2023-224 amending the Livermore Airport Minimum Standards for Commercial Aeronautical Activities to require the provision of Unleaded Aviation Fuel by the Fixed Base Operator (FBO).

7.2 Discussion and direction regarding the City Council Subcommittee for Advisory Body Review's recommendation regarding changes to City advisory bodies.

Recommendation: Staff and the City Council Subcommittee recommended the City Council review the Subcommittee's recommendations regarding changes to City advisory bodies, and direct staff to bring back ordinances amending the Livermore Municipal Code and the Development Code at a future City Council meeting.

Assistant City Clerk, Debbie Elam presented the staff report.

Mayor Marchand opened the public comment period.

Tania Panarello, provided a comment.

Jeff Kaskey, provided a comment.

Greg Scott, provided a comment.

Karen Jefferson, provided a comment.

Sandra Lormand, provided a comment.

Mary Perner, provided a comment.

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

ON THE MOTION OF VICE MAYOR KIICK TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATION WITH THE EXCEPTION OF SUNSETTING THE BEAUTIFICAITON COMMITTEE AND THE HISTORIC

PRESERVATION COMMISSION WHICH WOULD BE CONTINUED TO A LATER DATE. THE MOTION DIED DUE TO THE LACK OF A SECOND.

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY VICE MAYOR KIICK, TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATION, AND ON A 2-2 VOTE THE MOTION DIED.

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY VICE MAYOR KIICK, TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATION WITH THE EXCEPTION OF SUNSETTING THE BEAUTIFICATION COMMITTEE AND THE HISTORIC PRESERVATION COMMISSION AND ON A 2-2 VOTE, THE MOTION DIED.

ON THE MOTION OF MAYOR MARCHAND, SECONDED BY COUNCIL MEMBER CARLING AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPROVED THE SUBCOMMITTEE'S RECOMMENDATION WITH THE EXCEPTION OF SUNSETTING THE BEAUTIFICATION COMMITTEE, SUNSETTING THE HISTORIC PRESERVATION COMMISSION, AND CHANGING THE MAKEUP OF THE AIRPORT COMMISSION.

CITY COUNCIL DIRECTED STAFF TO BRING BACK REVISED OBJECTIVES FOR THE BEAUTIFICATION COMMITTEE AND THE HISTORIC PRESERVATION COMMISSION TO A FUTURE MEETING.

ITEM 7.3 WAS MOVED AFTER ITEM 7.5.

7.4 Council Members Appointments to Intergovernmental Agencies.

Recommendation: Staff recommended the Mayor appoint Council Members to Intergovernmental Agencies, with the City Council's approval.

Mayor Marchand opened the public comment period.

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

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY VICE MAYOR KIICK, AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPROVED THE APPOINTMENTS TO INTERGOVERNMENTAL AGENCIES WITH NO CHANGES.

7.5 Appointment of Council Members to the City Council Subcommittee on Advisory Bodies for the period of January 1 - June 30, 2024.

Recommendation: Staff recommended the Mayor appoint two Council Members to serve on the City Council Subcommittee on Advisory Bodies for the period of January 1 - June 30, 2024, with the City Council's approval.

Mayor Marchand opened the public comment period.

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

ON THE MOTION OF COUNCIL MEMBER BRANNING, SECONDED BY VICE MAYOR KIICK, AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPROVED THE APPOINTMENTS OF COUNCIL MEMBER BARRIENTOS AND VICE MAYOR KIICK TO THE SUBCOMMITTEE ON ADVISORY BODIES.

7.3 Appointment of Vice Mayor for the period of 2023-2024.

Recommendation: Staff recommended the City Council appoint a Vice Mayor for the period of 2023-2024.

Mayor Marchand presented Vice Mayor Kiick a plaque as the outgoing Vice Mayor.

Mayor Marchand opened the public comment period.

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

ON THE MOTION OF MAYOR MARCHAND, SECONDED BY COUNCIL MEMBER BRANNING AND CARRIED ON A 4-0 VOTE, THE CITY COUNCIL APPOINTED COUNCIL MEMBER CARLING TO VICE MAYOR.

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.

Chabad of the Tri-Valley Menorah Lighting Mayor Marchand and Vice Mayor Carling noted their attendance at the event on December 9, 2023.

Stopwaste.org Vice Mayor Carling noted applications for grant funding related to food waste close January 17, 2024.

Livermore Downtown Inc. Holiday Sights and Sounds Parade Mayor Marchand and Council Member Kiick noted their attendance at the event on December 2, 2023.

Eagle Initiative 2030 City Council directed staff to review the Eagle Initiative 2030 and add a statement of support into an appropriate city document, noting either the Climate Action Plan or the Development Agreement as possible options.

Visit California Mayor Marchand noted the City was voted one of the most holiday spirited cities in the Bay Area.

9. ADJOURNMENT – at 9:47 pm to a Regular City Council meeting on Monday, January 8, 2024, at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

APPROVED:

JOHN P. MARCHAND, MAYOR

ATTEST:

MARIE WEBER, DEPUTY CITY MANAGER/CITY CLERK



CITY COUNCIL STAFF REPORT

ITEM NO. 5.2

DATE: January 8, 2024

TO: Honorable Mayor and City Council

FROM: Paul Spence, Assistant City Manager

SUBJECT: Resolution authorizing the acceptance for permanent maintenance, release of security bonds, and execution of a Notice of Completion for the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot, Project 586003.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and authorizing the City Manager to sign the Notice of Completion for the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot Project 586003.

SUMMARY

On July 11, 2022, the City Council awarded the contract for construction of the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot Project 586003 to WestCal Design and Build Inc. The contract was substantially completed on September 15, 2023, and can be accepted for permanent maintenance. The process to release the contractor's bonds can begin.

DISCUSSION

The Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot Project 586003 involved constructing a 705 square foot trash enclosure building to store several of the waste bins used by businesses in the downtown (Livermore Village). The Trash Enclosure project also included electrical infrastructure for future electric vehicle charging stations and improvements to the surrounding surface parking lot. The project was completed in accordance with the contract documents in a manner acceptable to the City Engineer and can now be accepted for permanent maintenance.

At time of award, the contractor provided a faithful performance bond guaranteeing completion of the project, and that bond must now be released. Six months after the date of the resolution accepting the project, the labor and materials bond guaranteeing the improvements should be reduced to an amount equal to any claims filed and of which notice has been given. The balance of the bond will be released upon the settlement of all claims and obligations for which the security was given. All claims for this

project have been settled. The security for the guarantee and warranty of work shall remain in effect for one year from the date of the resolution.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was \$1,520,000 plus a \$152,000 contingency for change orders. The final contract amount is \$1,551,024 which is 2.0% percent above original contract based on final bid item quantities, and 9 change orders. The total value of change orders was \$31,024 which primarily were for additional electrical conduit and trench work for PG&E and East Bay Community Energy (EBCE).

The businesses using the trash enclosure will pay for the operation and maintenance costs associated with the trash enclosure. East Bay Community Energy will pay for operation and maintenance costs associated with the electric vehicle charging stations. Therefore, the Phase 1 Trash Enclosure project will not increase the City's operation and maintenance cost.

COMMUNITY PILLAR

4: Inclusive and Inviting Spaces and Places

GOAL

3: Continue to implement the Downtown Specific Plan

GUIDING DOCUMENT

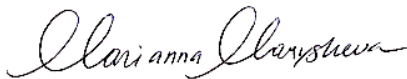
2023-2028 Capital Improvement Plan

ATTACHMENTS

1. [Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Notice of Completion](#)

Prepared by: Mike Stamm
Construction Inspection Manager

Approved by:



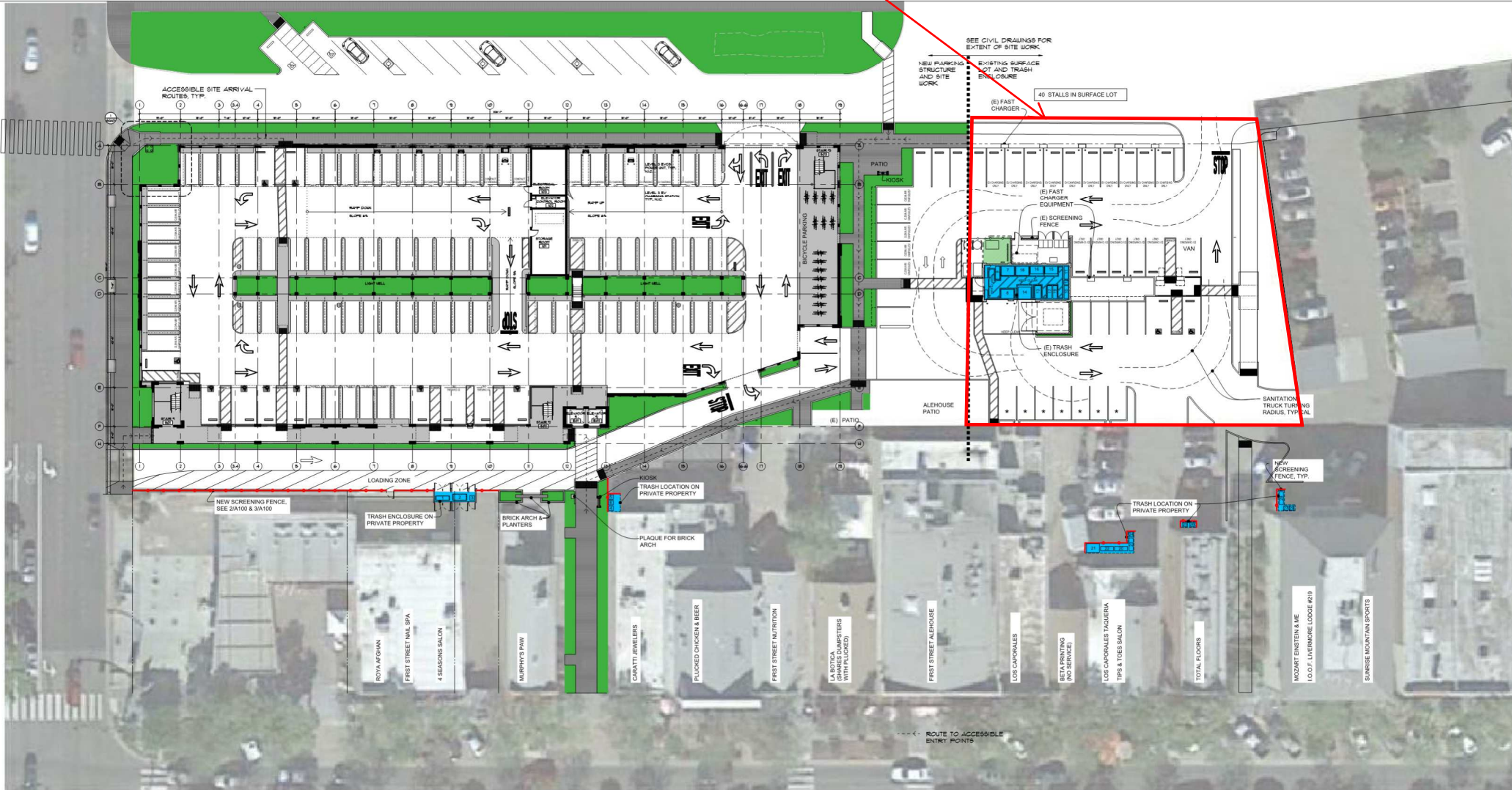
Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

PROJECT LOCATION



IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE,
RELEASE OF SECURITY BONDS, AND EXECUTION OF A NOTICE OF COMPLETION
FOR THE LIVERMORE VILLAGE PARKING GARAGE CONSTRUCTION, PHASE 1**

(TRASH ENCLOSURE & SURFACE LOT, PROJECT 586003)

The City Engineer of the City of Livermore ("City") has filed with the City Clerk a report in writing that all work on the Livermore Village Parking Garage Construction, Phase 1: Trash Enclosure & Surface Lot, Project 586003 ("Project"), has been completed to City standards. The Project is ready for acceptance by the City of Livermore for routine maintenance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The faithful performance bond guaranteeing the Project is hereby released;
2. The labor and materials bond guaranteeing the Project shall, six months after the date of this resolution, be reduced to an amount equal to the amount of all claims filed and of which notice has been given. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given;
3. The security for the guarantee and warranty of work shall remain in effect for one year from the date of this resolution. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the maintenance period;
4. The City hereby accepts the improvements; and
5. The City Manager is authorized to sign the Notice of Completion, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on January 8, 2024, 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/ Tara Mazzanti

Tara Mazzanti
Assistant City Attorney

Exhibit A – Notice of Completion

RESOLUTION NO. _____

NOTICE OF COMPLETION

City's Project No. 586003 Date: January 9, 2024

Project: Livermore Village Parking Garage Construction, Phase 1 Trash Enclosure & Surface Lot

Contractor: WestCal Design and Build, Inc.

Contract For Construction of: Livermore Village Parking Garage Construction, Phase 1 Trash Enclosure & Surface Lot

Project or Specified Part Shall Include: All that work as set forth in the Bid Schedule(s) of the Bid Forms, as awarded by the City of Livermore pursuant to the Contract Documents for Public Works Project No. 586003

Document located at: 1052 S. Livermore Ave., Livermore, CA 94550 Contract Date: July 11, 2022

The work performed under this contract was inspected by authorized representatives of the City, Contractor, and Engineer, and determined to be substantially complete on September 15, 2023 which is within the number of working days required per Section 5.2 of the contract. The City elects to accept the Project and record the Notice of Completion.

ENGINEERING DIVISION

Engineer

By

Mike Stamm
Mike Stamm, Const Insp Manager

The Contractor hereby accepts the above Notice of Completion

WestCal Design and Build, Inc.

Contractor

By

Raquel Reyes
Raquelyn Reyes, President

The City accepts the project or specified area of the project to have reached final completion and will assume full possession of the Project or specified area of the Project at 8:00 am, on January 9, 2024. The responsibility for heat, utilities, security, and insurance under the Contract Documents will be assumed by the City after that date. Nature of interest of owner: Fee.

I certify (declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Owner:

City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550

FOR THE CITY OF LIVERMORE

By

Marianna Marysheva, City Manager

Date



CITY COUNCIL STAFF REPORT

ITEM NO. 5.3

DATE: January 8, 2024

TO: Honorable Mayor and City Council

FROM: Paul Spence, Assistant City Manager

SUBJECT: Resolution authorizing the acceptance for permanent maintenance, release of security bonds, and execution of a Notice of Completion for the 2021 Street Resurfacing Project, 2021-01.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and authorizing the City Manager to sign the Notice of Completion for the 2021 Street Resurfacing, Project No. 2021-01.

SUMMARY

On February 27, 2023, the City Council awarded the contract for construction of the 2021 Street Resurfacing Project to MCK Construction Services. The contract was substantially completed on November 9, 2023, and can be accepted for permanent maintenance. The process to release the contractor's bonds can begin.

DISCUSSION

The 2021 Street Resurfacing Project repaired and rehabilitated the pavement surface of approximately 2.7 centerline miles of eight city street segments with three additional street segments totaling 0.8 centerline miles included as bid alternates. The project included base repairs, crack sealing, concrete improvements, new pavement striping, and accessible concrete curb ramps. The project was completed in accordance with the contract documents in a manner acceptable to the City Engineer.

At the time of the award, the contractor provided a faithful performance bond guaranteeing completion of the project, and that bond must now be released. Six months after the date of the resolution accepting the project, the labor and materials bond guaranteeing the improvements should be reduced to an amount equal to any claims filed and of which notice has been given. The balance of the bond will be released upon the settlement of all claims and obligations for which the security was given (there are no known claims at this time). The security for the guarantee and warranty of work will remain in effect for one year from the date of the resolution.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was \$4,177,881 plus a 10 percent contingency for a total project budget of \$4,595,669. The final project cost was \$4,186,892, which is approximately 0.2 percent above the original contract, based on final bid item quantities totaling \$4,108,582, and eight (8) change orders totaling \$78,310 of which \$69,299 was included in the original contract award. Change orders consisted primarily of additional accessible concrete curb ramps, pedestrian barricades railing, and added video detection cameras. The funding source is the Solid Waste and Recycling Impact Fee, Fund 344. The unused balance of \$408,777 will return to fund balance to be available for future eligible projects.

This rehabilitation project will not increase operations and maintenance costs.

COMMUNITY PILLAR

1: A Safe Community That Thrives

GOAL

10: Work to maintain a safe and efficient local transportation network and address safety concerns

GUIDING DOCUMENT

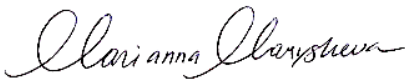
Active Transportation Plan

ATTACHMENTS

1. [Location Map](#)
2. [Resolution](#)
3. [Exhibit A - Notice of Completion](#)

Prepared by: Mike Stamm
Construction Inspection Manager

Approved by:

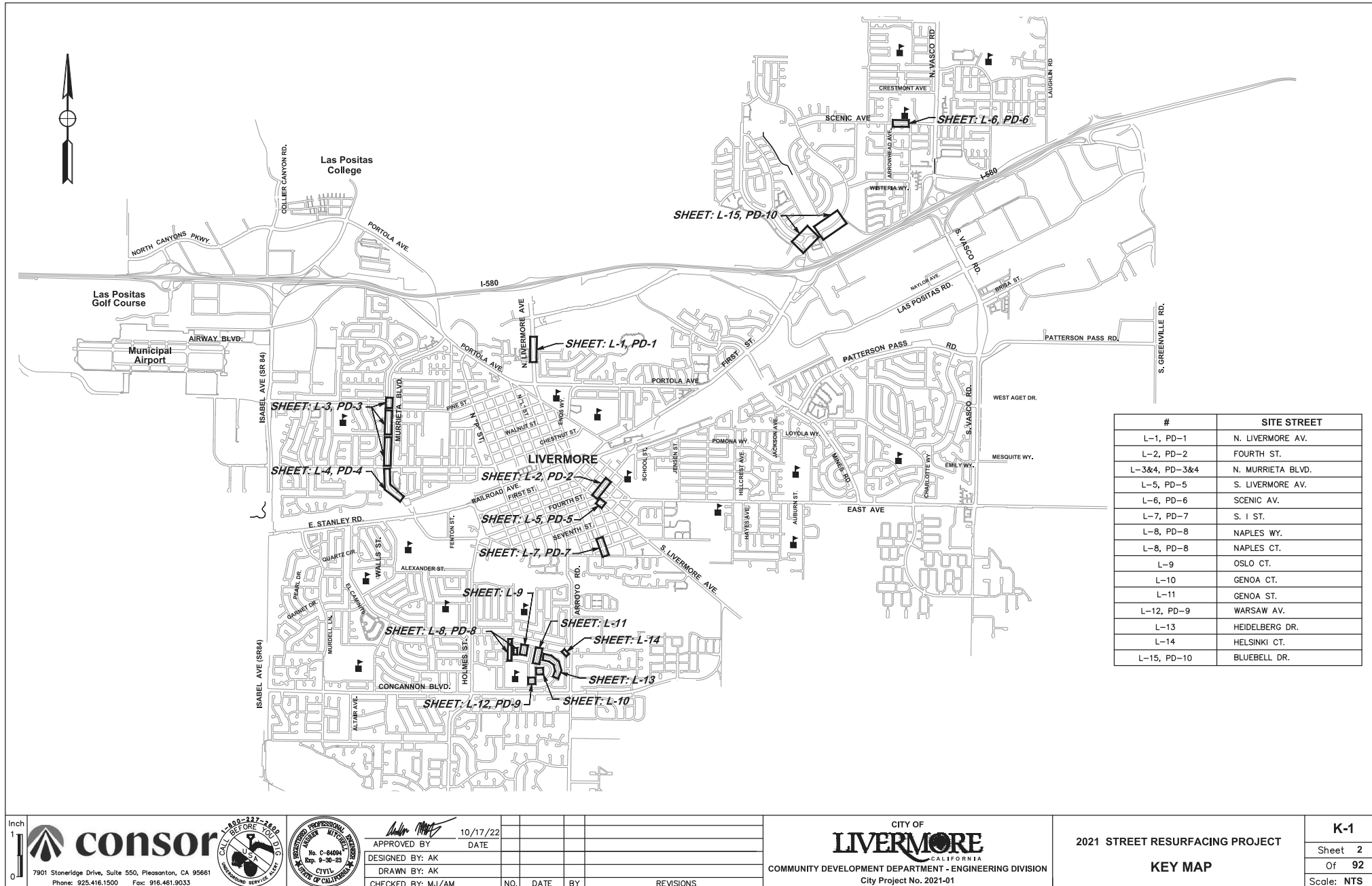


Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



7901 Stoneridge Drive, Suite 550, Pleasanton, CA 95661
Phone: 925.416.1500 Fax: 916.461.9033

APPROVED BY: *[Signature]* 10/17/22
DESIGNED BY: AK
DRAWN BY: AK
CHECKED BY: MJ/AM

CITY OF LIVERMORE
COMMUNITY DEVELOPMENT DEPARTMENT - ENGINEERING DIVISION
City Project No. 2021-01

2021 STREET RESURFACING PROJECT

KEY MAP

K-1
Sheet 2
Of 92
Scale: NTS

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE,
RELEASE OF SECURITY BONDS, AND EXECUTION OF A NOTICE OF COMPLETION
FOR THE 2021 STREET RESURFACING PROJECT

(2021 STREET RESURFACING, PROJECT 2021-01)

The City Engineer of the City of Livermore ("City") has filed with the City Clerk a report in writing that all work on the 2021 Street Resurfacing, Project 2021-01 ("Project"), has been completed to City standards. The Project is ready for acceptance by the City of Livermore for routine maintenance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The faithful performance bond guaranteeing the Project is hereby released;
2. The labor and materials bond guaranteeing the Project shall, six months after the date of this resolution, be reduced to an amount equal to the amount of all claims filed and of which notice has been given. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given;
3. The security for the guarantee and warranty of work shall remain in effect for one year from the date of this resolution. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the maintenance period;
4. The City hereby accepts the improvements; and
5. The City Manager is authorized to sign the Notice of Completion, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on January 8, 2024, by the following vote:

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

ATTEST:

Marie Weber
Deputy City Manager/City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti

Tara Mazzanti
Assistant City Attorney

Exhibit A – Notice of Completion

RESOLUTION NO. _____

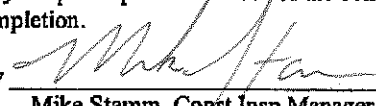
NOTICE OF COMPLETION

City's Project No. 2021-01 Date: January 9, 2024Project: 2021 Street Resurfacing ProjectContractor: MCK Construction ServicesContract For Construction of: 2021 Street Resurfacing ProjectProject or Specified Part Shall Include: All that work as set forth in the Bid Schedule(s) of the Bid Forms, as
awarded by the City of Livermore pursuant to the Contract Documents for Public Works Project No. 2021-01Document located at: 1052 S. Livermore Ave., Livermore, CA 94550 Contract Date: February 27, 2023

The work performed under this contract was inspected by authorized representatives of the City, Contractor, and Engineer, and determined to be substantially complete on November 9, 2023. The project reached Final Completion on November 20, 2023 which is within the number of working days required per Section 5.2 of the contract. The City elects to accept the Project and will record the Notice of Completion.

ENGINEERING DIVISION

Engineer

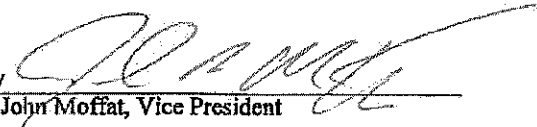
By 

Mike Stamm, Const Insp Manager

The Contractor hereby accepts the above Notice of Completion

MCK Construction Services

Contractor

By 

John Moffat, Vice President

The City accepts the project or specified area of the project to have reached final completion and will assume full possession of the Project or specified area of the Project at 8:00 am, on January 9, 2024. The responsibility for heat, utilities, security, and insurance under the Contract Documents will be assumed by the City after that date. Nature of interest of owner: Fee.

I certify (declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Owner:
City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550

FOR THE CITY OF LIVERMORE

By

Marianna Marysheva, City Manager

Date



CITY COUNCIL STAFF REPORT

ITEM NO. 5.4

DATE: January 8, 2024

TO: Honorable Mayor and City Council

FROM: Paul Spence, Assistant City Manager

SUBJECT: Resolution establishing the annual Affordable For-Sale Prices, Rental Rates, and Maximum Income Limits for affordable housing units subject to the City's Inclusionary Housing Ordinance.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution:

1. Establishing new maximum income limits for extremely low-, very low-, low-, median- and moderate-income households which shall apply to the City's first-time homebuyer and affordable rental programs effective upon adoption by City Council; and,
2. Establishing maximum for-sale housing prices for the Affordable Homeownership Program which will be effective for homes sold through the program for implementation during the 2024 program year, upon approval by City Council, and establishing updated annual rent limits for City-restricted affordable units also effective immediately upon adoption by City Council.

SUMMARY

The City's Inclusionary Housing Ordinance states that the City Council shall annually adopt maximum income limits for use in determining eligibility in the City's affordable housing programs. These limits are based on data published annually by the California Department of Housing and Community Development. Updated income limits are used to compute adjustments to the City's Affordable Homeownership Program Sales Prices and City-restricted unit rents. Staff recommends the City Council adopt the proposed updated income limits for the City's affordable housing programs and adopt updated Affordable Homeownership Program Sales Prices and Rent limits.

DISCUSSION

Each year, the California Department of Housing and Community Development (State HCD) provides a schedule of income limits based on data published by the U.S. Department of Housing and Urban Development (HUD) that is used to determine eligibility for most State and Federal housing programs. The City's Affordable Housing Ordinance references the State HCD's numbers as the basis for qualifying

participant eligibility and calculating sales prices and rent limits for extremely low-, very low-, low-, median-, and moderate-income households applying to the City's Affordable Homeownership and Rental Programs (Inclusionary Housing), and the Density Bonus Program. Adoption of State HCD limits ensures consistent requirements across all the City's programs and with the requirements of other public lenders. State HCD establishes their income limits based on median income data calculated and provided by the U.S. Department of Housing and Urban Development, adjusted by household size.

The current (2023) HUD Area Median Income (AMI) for a four-person household in Alameda County is \$147,900; this is approximately a four percent (4%) increase over the previous year. Maximum income categories are defined by HUD as percentages of median income as follows: "extremely low-income" households are defined as those with incomes up to 30% of the AMI; "very low-income" households are defined as those with incomes up to 50% of the AMI; "low-income" households are defined as those with incomes up to 80% of the AMI; "median-income" households defined as those with incomes up to 100% of the AMI; and "moderate-income households" are defined as those with incomes up to 120% of the AMI. It is important to note that the calculation of maximum income as a percentage of the median is not exact, and HUD adjusts each income category by high-cost factors and family size. In addition, the State has adopted a "hold-harmless" policy which prevents income levels in any category from decreasing from the prior year, should HUD's formula result in a decrease. This is done to ensure that an unexpected drop does not jeopardize the financial feasibility of an affordable rental unit.

Through the City's Inclusionary Housing Ordinance, new residential developments are required to reserve a portion (ranging from 10-20% depending on the area of the City) for lease or sale to low and moderate-income households. Historically most of the households benefitting from this program have either lived or worked in the City of Livermore. Developers of for-sale projects are required to offer the homes at affordable sales prices determined annually by the City and to participate in a marketing and application process guided by the City. The City's Affordable For-Sale housing prices are calculated based on a commonly adopted standard, shared by many other public agencies that a household can afford no more than 30 percent of its gross income for housing costs. For homeownership, this includes mortgage principal and interest payments, property taxes, homeowner's insurance and homeowner's association fees. Incomes increased modestly across all categories, however, increases in interest rates has generally limited the purchase prices that low- and moderate-income households can afford. The average interest rate for CalHFA's first-time homebuyer mortgage loan products have fluctuated over the past year, averaging over seven percent, thereby reducing the amount of monthly principal payments affordable for low- and moderate-income homebuyers. At the time of this report, CalHFA rates are slightly lower at 6.8%. The proposed affordable sales prices reflect a modest 1-2% increase over current prices. If approved, the new sales prices will be used for homes sold during the 2024 Affordable Homeownership Program year. This year, to eliminate confusion, the Very Low-Income Sales Price category was removed from the annual calculation table. The City's Inclusionary ordinance does not require for-sale units to be restricted to Very Low-Income households. The City has rather in the past worked with Habitat for Humanity to build units that provide special assistance towards supporting homeownership for Very Low-Income households.

The City's Affordable Rental Rates are also based on an affordability standard that tenants pay no more than 30 percent of their household income for rent and utilities. Developers with affordability restrictions are instructed to deduct tenant utility allowances as appropriate based on project amenities and unit size. A schedule of these allowances is adopted by the Livermore Housing Authority for its HUD-funded programs. Utility allowances are not included in the maximum rents. The affordable rents would go into effect upon approval by City Council.

FISCAL AND ADMINISTRATIVE IMPACTS

Adjustments to the Affordable Sales Prices and Rental Rates schedule have no fiscal impact to City General Fund revenues.

COMMUNITY PILLAR

1: A Safe Community that Thrives

GOAL

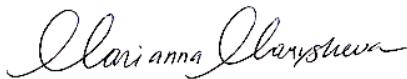
7: Expand and preserve the supply of affordable housing opportunities.

ATTACHMENTS

1. [2023 Affordable Sales Prices and Rents](#)
2. [Resolution](#)
3. [Exhibit A - 2024 Affordable Sales Prices and Rents](#)

Prepared by: Fran Reisner
Housing and Human Services
Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



City of Livermore
Affordable For-Sale Prices and Rental Rates

For-Sale Housing*									
No. Bed-rooms	Size House hold	Very-Low Income (50%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price
Studio	1	\$50,000	\$109,099	\$76,750	\$204,264	\$99,950	\$286,800	\$119,950	\$357,952
1	2	\$57,150	\$134,536	\$87,700	\$243,220	\$114,250	\$337,673	\$137,100	\$418,964
2	3	\$64,300	\$159,972	\$98,650	\$282,175	\$128,500	\$388,369	\$154,200	\$479,799
3	4	\$71,400	\$185,231	\$109,600	\$321,131	\$142,800	\$439,242	\$171,350	\$540,811
4	5	\$77,150	\$205,687	\$118,400	\$352,437	\$154,200	\$479,799	\$185,050	\$589,550

*effective January 1, 2023

Rental Housing													
No. Bed-rooms	Size House-hold	Ext. Low-Income (30%)		Very-Low Income (50%)		Lower-Income (60%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent
Studio	1	\$30,000	\$750	\$50,000	\$1,250	\$60,000	\$1,500	\$76,750	\$1,919	\$99,950	\$2,499	\$119,950	\$2,999
1 ^(*)	1.5	\$34,300	\$858	\$53,575	\$1,339	\$64,290	\$1,607	\$82,225	\$2,056	\$107,100	\$2,678	\$128,525	\$3,213
1	2	\$38,600	\$965	\$57,150	\$1,429	\$68,580	\$1,715	\$87,700	\$2,193	\$114,250	\$2,856	\$137,100	\$3,428
2	3	\$42,850	\$1,071	\$64,300	\$1,608	\$77,160	\$1,929	\$98,650	\$2,466	\$128,500	\$3,213	\$154,200	\$3,855
3	4	\$46,300	\$1,158	\$71,400	\$1,785	\$85,680	\$2,142	\$109,600	\$2,740	\$142,800	\$3,570	\$171,350	\$4,284
4	5	\$49,750	\$1,244	\$77,150	\$1,929	\$92,580	\$2,315	\$118,400	\$2,960	\$154,200	\$3,855	\$185,050	\$4,626

NOTES: These limits are based on income data from the California Department of Housing and Community Development (HCD) for 2022. The Affordable Sales Prices are effective for the 2023 Affordable Homeownership Program year and thereafter until updated by City Council. The 2022 Area Median Income for a 4-person household of \$142,800 published by State HCD is derived from the U.S. Department of Housing and Urban Development for Alameda County (Oakland-Fremont Metro Region) for the Section 8 Program.

(*) Low Income Housing Tax Credit (LIHTC) Household size

Sales Prices: assume a 6% interest rate, 30-year mortgage, and housing payments (PITI) which do not exceed 30% of the household's monthly income.

The Rental Housing limits are effective upon adoption by City Council and thereafter until updated by City Council. Rental affordability based on 30% of the household's monthly income and do not include tenant utility allowances. Utility allowances should be deducted from the maximum rents based on the Livermore Housing Authority's utility allowance schedule for the Section 8 Program.

Date Adopted by Livermore City Council: November 28, 2022

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION ESTABLISHING THE ANNUAL AFFORDABLE FOR-SALE PRICES,
RENTAL RATES, AND MAXIMUM INCOME LIMITS**

The City of Livermore's affordable housing program and implementing ordinances in the Livermore Municipal Code (Chapter 3.26) and Livermore Development Code (Section 10.06.050) provide that the City of Livermore ("City") will annually revise the maximum income limits for extremely low-, very low-, low-, median-, and moderate-income households, as well as the affordable for-sale prices and rental rates, for use in connection with the City's Affordable Homeownership Program (Inclusionary Housing), the Density Bonus Program, Mortgage Assistance Program, and for City Housing Trust Fund assisted projects. The revised income limits are based on those adopted annually by the California Department of Housing and Community Development, which are derived from those published by the U.S. Department of Housing and Urban Development. The revised Affordable Sales Prices and Rental Rates are based on the adjustments to annual income and other market factors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the Affordable Rental Rates and Maximum Income Limits are hereby established and set forth as described in the attached Exhibit A, effective and for implementation commencing upon the adoption of this resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Livermore that the Affordable Sales Prices are hereby established and set forth as described in the attached Exhibit A, effective and for implementation commencing upon the adoption of this resolution.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on January 8, 2024, 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/ Katherine Mirassou
Katherine Mirassou
Deputy City Attorney

Exhibit A – 2024 Affordable Sales Prices, Rental Rates, and Maximum Income Limit

RESOLUTION NO. _____

For-Sale Housing*							
No. Bedrooms	Household Size	Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price
Studio	1	\$78,550	\$210,629	\$103,550	\$295,625	\$124,250	\$366,001
1	2	\$89,750	\$248,707	\$118,300	\$345,772	\$142,000	\$426,347
2	3	\$100,950	\$286,785	\$133,100	\$396,089	\$159,750	\$486,694
3	4	\$112,150	\$324,863	\$147,900	\$446,406	\$177,500	\$547,041
4	5	\$121,150	\$355,461	\$159,750	\$489,233	\$191,700	\$595,318

**Effective January 8, 2024*

Rental Housing*													
No. Bedrooms	Size Household	Ext. Low-Income (30%)		Very-Low Income (50%)		Lower-Income (60%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent
Studio	1	\$31,050	\$776	\$51,800	\$1,295	\$62,160	\$1,554	\$78,550	\$1,964	\$103,550	\$2,589	\$124,250	\$3,106
1 ^(*)	1.5	\$35,500	\$888	\$55,500	\$1,388	\$66,600	\$1,665	\$84,150	\$2,104	\$110,925	\$2,773	\$133,125	\$3,328
1	2	\$39,950	\$999	\$59,200	\$1,480	\$71,040	\$1,776	\$89,750	\$2,244	\$118,300	\$2,958	\$142,000	\$3,550
2	3	\$44,350	\$1,109	\$66,600	\$1,665	\$79,920	\$1,998	\$100,950	\$2,524	\$128,500	\$3,328	\$159,750	\$3,994
3	4	\$47,900	\$1,198	\$73,950	\$1,849	\$88,740	\$2,219	\$112,150	\$2,804	\$142,800	\$3,698	\$177,500	\$4,438
4	5	\$51,450	\$1,286	\$79,900	\$1,998	\$95,880	\$2,397	\$121,150	\$3,029	\$159,750	\$3,994	\$191,700	\$4,793

**Effective January 8, 2024*

NOTES: These limits are based on income data from the California Department of Housing and Community Development (HCD) for 2023. The Affordable Sales Prices are effective for the 2024 Affordable Homeownership Program year and thereafter until updated by City Council. The 2023 Area Median Income for a 4-person household of \$147,900 published by State HCD is derived from the U.S. Department of Housing and Urban Development for Alameda County (Oakland-Fremont Metro Region) for the Section 8 Program.

(*) Low Income Housing Tax Credit (LIHTC) Household size

Sales Prices: assume a 6.75% interest rate, 30-year mortgage, and housing payments (PITI) which do not exceed 30% of the household's monthly income.

The Rental Housing limits are effective upon adoption by City Council and thereafter until updated by City Council. Rental affordability based on 30% of the household's monthly income and do not include tenant utility allowances. Utility allowances should be deducted from the maximum rents based on the Livermore Housing Authority's utility allowance schedule for the Section 8 Program.

Date Adopted by Livermore City Council: January 8, 2024



CITY COUNCIL STAFF REPORT

ITEM NO. 5.5

DATE: January 8, 2024

TO: Honorable Mayor and City Council

FROM: Andy Ross, Economic Development Manager

SUBJECT: Resolution adopting the Community Benefit Policy and establishing a Community Benefit Fund

RECOMMENDED ACTION

Staff recommends City Council adopt a resolution adopting the Community Benefit Policy and establishing a Community Benefit Fund.

SUMMARY

In 2023, the City established the 2023-2028 Livermore Citywide Strategic Plan (Strategic Plan) to accomplish a variety of community goals and objectives. Land development provides community resources to the General Fund through impact fees, property taxes, and in some cases, sales taxes. The City routinely negotiates with land developers to secure additional community benefits that contribute to quality of life and are not otherwise required through legal nexus. Such benefits include parks, trails, pedestrian improvements and other amenities, but have not historically included direct financial contributions for projects and programs that benefit the community. Staff recommends the City Council adopt the Community Benefit Policy and establish the Community Benefit Fund, including a set of eligible expenditure categories to help achieve Strategic Plan goals and objectives.

DISCUSSION

In April 2023, the City Council accepted the Citywide Strategic Plan, a five-year road map to guide the organization's budget and work programs. Projects, programs and activities identified in the Strategic Plan compete for primarily General Fund monies during the budget process, with the majority of the City's annual budget being allocated to public safety and other core services. Land development presents an alternative option for acquiring resources to achieve community goals, and staff routinely negotiates with the development community, with authorization from the City Council to secure community benefits that contribute to quality of life. Such benefits include parks, trails, pedestrian improvements and other amenities, but have not historically included direct financial contributions that could be used for projects and programs that benefit the community. While most development-related agreements identify specific items the developer will deliver, it is also possible to negotiate a direct

financial contribution that the City can use to achieve Strategic Plan goals at a time and in a manner approved by the City Council.

Staff recommends Council adopt the Community Benefit Policy (Policy), a comprehensive approach to collect and expend funds for special community projects and programs beyond the requirements of legal nexus and proportionality.

The Policy identifies the following eligible program expense categories:

- Public Spaces and Community Services including public buildings and services such as library services, arts and cultural amenities, human services and special programs in addition to active transportation and recreational improvements in the form of parks, trails, plazas, and support facilities.
- Economic Incentive Programs such as small business assistance in the form of loans, grants, startup costs, fee gap closures, real estate assistance, and marketing and branding campaigns to facilitate new businesses that create jobs, new uses, services, and community experiences.
- Climate Resilience Programs such as business and residential resiliency incentives to reduce climate impacts through investments in water efficient landscaping, electrification of existing buildings, and additional marketing activities for the climate resilience program.
- Community Events and Programs to support commercial and mixed-use districts with events and programming that promote a sense of community, activating spaces and generating support for neighborhoods and districts.

The Policy also establishes an expenditure framework for an associated Community Benefit Fund (Fund). Under that framework, staff would recommend expenditures during the preparation of the biannual budget or budget adjustment periods, which would require City Council approval. Expenditures under the Policy are intended for special projects and programs, not for ongoing operational costs.

The Policy and Fund would not supersede development impact fees or alter the City's typical Development Agreement negotiations as outlined in the Livermore Municipal Code. Rather, the Policy would provide an additional mechanism that would allow development to contribute funding towards broader community amenities and programs. Further, the Policy helps identify key citywide priorities and topics important to the community, which helps set the stage for negotiation of Development Agreements and other similar Agreements.

The Policy would not require developers to make financial contributions, but it creates the opportunity for the City to negotiate public benefits for development projects where private benefit is being conferred through actions taken by the City at the developer's request. Similarly, the Policy does not preclude development from constructing specific physical improvements or other public amenities directly; the Policy simply provides an additional option to fund broader programs.

Staff recommends Council adopt the Community Benefit Policy and establish the Community Benefit Fund.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no administrative or fiscal impacts associated with the proposed Community Benefit Policy or establishment of a dedicated Community Benefit Fund. However, the adoption of the Community Benefit Policy and creation of the Community Benefit Fund would create the opportunity to collect revenue to support Strategic Plan goals and objectives.

COMMUNITY PILLAR

2: Economy that Prospers

GOAL

2: Lead Efforts to Maintain and Enhance the Diversity and Resilience of Livermore's Economy

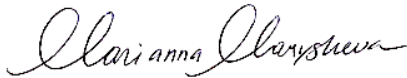
ATTACHMENTS

[1. Resolution](#)

[2. Exhibit A - Community Benefit Policy](#)

Prepared by: Andy Ross
Economic Development Manager

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 ESTABLISHING A COMMUNITY BENEFIT POLICY AND FUND**

In April 2023, the City Council established the *2023 – 2028 Citywide Strategic Plan*, a five-year road map to guide the organization’s budget and work programs, which would require financial resources.

During the implementation of the Strategic Plan, City of Livermore (“City”) staff recognized a need to establish a policy and funding mechanisms to help achieve the Strategic Plan goals and objectives.

The proposed Community Benefit Policy accomplishes Strategic Plan goals and objectives by: (1) creating a Special Fund to collect and administer resources; (2) identifying eligible projects to be funded; and (3) establishing when and how the City will appropriate funds for community programs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby approves the Community Benefit Policy, attached hereto as Exhibit A, and establishes a Community Benefit Fund.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on January 8, 2024, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED AS TO FORM:

Marie Weber
Deputy City Manager and City Clerk

/s/ Jason Alcala
Jason Alcala
City Attorney

Exhibit A – Community Benefit Policy

RESOLUTION NO. _____

Community Benefit Policy

The City of Livermore establishes a Community Benefit Fund to implement programs that contribute to achieving Strategic Plan priorities as reflected in the following Pillars:

- **Safe Community That Thrives**
- **Economy That Prospers**
- **Inclusive and Inviting Spaces and Places**
- **Environmental Stewardship**

The following is the City's policy related to the Community Benefit Fund including eligibility of funding sources and expenditures.

Community Benefit Fund Purpose

The Community Benefit Fund will be used to fund economic, climate resilience, and community programs and contribute to public spaces and facilities. The following categories of expenditures are eligible for Community Benefit Funding:

- **Public Spaces and Community Services** – It is essential for the City to invests in critical public buildings, spaces (including parks, trails and plazas), and facilities as well as essential services in order to maintain high quality of life in the community. Eligible expenses may include contributions to public safety and community facilities and amenities, community programing provided by Library Services, Human Services, and Arts and Cultural partners.
- **Economic Incentive Programs** - The City's goal is to facilitate new businesses to create jobs and benefit the community through a variety of uses, services, and experiences. Economic incentive programs should be geared towards local small businesses, and may include loans, grants, startup costs, fee gap closures, real estate assistance, and marketing and branding campaigns.
- **Climate Resilience Programs** – The City's goal is to reduce the impacts associated with climate change. Implementation of the 2022 Climate Action Plan work program includes development of business and residential resiliency incentive programs. Eligible programs will help the community reduce, adapt, and prepare for climate impacts. Such programs may include incentives and financial assistance for improvements such as water efficient landscaping and electrification of existing buildings in addition to marketing and engagement activities related to the Climate Resilience program.
- **Community Events and Programs** – The City helps to support commercial and mixed-use districts with events and programming that promote a sense of

community by collaborating with partner organizations and activating spaces to generate support for neighborhood districts. Eligible expenditures may include support for local events programs that promote community building and connections, as well as visitation and tourism.

Community Benefit Program Funding Sources

Community Benefit Funding contributions may come from a variety of sources not otherwise designated for other dedicated uses, including but not limited to transactions negotiated through Development Agreements (or other agreements), sponsorships and contributions, and property sale proceeds.

Community Benefit Program Funding Appropriations

The City Manager will recommend expenditures from the Community Benefit Fund as part of the biennial budget process. If an eligible project requires funding outside of the budget process, such funding may be allocated in a supplemental appropriation.



CITY COUNCIL STAFF REPORT

ITEM NO. 10.1

DATE: January 8, 2024
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.

8.0	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members Material: Council Reports
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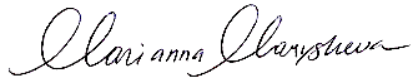
DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Helena Graves
Deputy City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

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	12/12/2023	Scout Troop 914	Q & A	Met with scouts from Troop 914 and talked about local history, government and answered their questions.
Mayor Marchand	12/12/2023	Altamont Cruisers	Grant awards	I spoke at the Grant Award program for the Altamont Cruisers where they awarded tens of thousands of dollars to local nonprofits. In total, they have awarded almost three-quarters of a million dollars that have been raised through their Nostalgia Days Car Shows in Livermore's award-winning downtown.
Mayor Marchand	12/13/2023	Valley Link	Board meeting	Approved the Audited Financials and approved a Code of Conduct for the Board members. Board members Bedolla and Rickman abstained. Akinjo and King-Tingle voted no. Curiously, all are from San Joaquin County. All Alameda County representatives supported the adoption of a code of conduct.
Mayor Marchand	12/13/2023	City of Livermore	Retirement	Presented a Proclamation at the retirement celebration of Planning Manager, Steve Stewart and thanked him for his many years of dedicated service to the City.
Mayor Marchand	12/13/2023	Alameda County Mayors Conference	Business meeting and presentations	Heard presentations from the Mayor of Piedmont, Jennifer Cavanaugh, and Alameda County Sheriff Yesenia Sanchez.
Mayor Marchand	12/14/2023	Tri-Valley Nonprofit Alliance	Panel Discussion	Conversation with the voices of giving.
Mayor Marchand	12/15/2023	City of Livermore	Anniversary Recognition	Presented a Certificate of Recognition to Angel Garcia at the one-year anniversary of his restaurant, Calafia.
Mayor Marchand	12/17/2023	Hindu Community and Cultural Center (Shiva Vishnu Temple)	Inauguration of the Hindu Heritage Hall.	Spoke and attended a tour at the newly dedication facility.
Mayor Marchand	12/18/2023	Alameda County Transportation Commission (ACTC)	Meeting	Received an update on the I580/680 interchange and the Transportation Expenditure Plan
Mayor Marchand	12/21/2023	Senator Steve Glazer	Meeting	Received an update from the Tri-Valley Conservancy and the Livermore Valley Wine Growers Association.
Mayor Marchand	12/28/2023	Livermore Pleasanton Fire Department	Retirement	Presented a Proclamation at the retirement of Battalion Chief Jason Solak and thanked him for his years of service.
Mayor Marchand	1/8/2024	Alameda County Transportation Commission (ACTC)	Subcommittee meeting	Approved the proposed amendments to the Transportation Expenditure Plan and initiated the comment period. Approved modification of the I580/680 interchange to include near-term safety improvements.

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)
Vice Mayor Carling	12/14/2023	StopWaste	Board meeting
Vice Mayor Carling	12/14/2023	League of California Cities, East Bay Division	December Meeting and Holiday Reception
Vice Mayor Carling	12/20/2023	StopWaste	Board meeting

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)
Council Member Branning	1/8/2024	Livermore Amador Transit Authority (LAVTA)	Board Meeting with closed session
Council Member Branning	12/14/2023	League of California Cities, East Bay Division	December Meeting and Holiday Reception
Council Member Branning	12/19/2023	City, Livermore Area Recreation and Park District (LARPD), and Livermore Valley Joint Unified School District (LVJUSD)	Intergovernmental Meeting