



CITY COUNCIL

AGENDA

MONDAY, OCTOBER 12, 2026

REGULAR HYBRID MEETING – 7:00 PM

CLOSED SESSION - 5:00 P.M.

IN PERSON PARTICIPATION
CIVIC CENTER MEETING HALL
DR. JOHN SHIRLEY COUNCIL CHAMBER
1016 S. LIVERMORE AVENUE

TELECONFERENCE PARTICIPATION
ZOOM WEBINAR:

<https://us02web.zoom.us/j/81349579645>

Zoom dial in phone number: +1 669 900 6833

Meeting ID: 813 4957 9645

LATEST VERSION OF ZOOM RECOMMENDED

YOUTUBE CHANNEL VIEWING
CITY OF LIVERMORE YOUTUBE CHANNEL:
<https://www.youtube.com/c/CityofLivermoreCalifornia>

CABLE CHANNEL VIEWING
TV29: Comcast TV Channel 29
tv29live.org

John P Marchand, Mayor
Kristie Wang, Vice Mayor
Ben Barrientos, Council Member
Evan Branning, Council Member
Steven Dunbar, Council Member

How to Participate in a City Council Meeting

GENERAL RULES

Council meetings are **hybrid** — the public may join **in person** or **remotely** (Zoom or telephone). Meetings may also be viewed without commenting on the City's YouTube channel and TV29 (Comcast Channel 29).

Agenda availability	Agenda & staff reports are posted 72+ hrs before regular meetings at LivermoreCA.gov/agenda ; also available at the Civic Center Library and City Clerk's Office.
Non-agenda items	State law prohibits the City Council from taking action on any items not listed on the agenda.
Speaker Limits	Up to 3 minutes per item (Presiding Officer may reduce time if needed). One comment per item per speaker.
Accessibility	In compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, the City does not discriminate on the basis of disability. To request an accommodation, contact the ADA Coordinator at least 3 business days prior to the meeting at ADACoordinator@LivermoreCA.gov or (925) 960-4170 (voice) / (925) 960-4104 (TDD).
Translation	Public may post their own agenda translation at City Hall, 1052 S. Livermore Ave. Members of the public wishing to receive translation or interpretation services from a third party during a meeting, please contact CityClerk@LivermoreCA.gov or visit the City's webpage at LivermoreCA.gov/agenda .

PUBLIC COMMENT

Public comment may be offered during **Open Forum** (any matter within the City's subject matter jurisdiction), **Consent Calendar**, **Public Hearings**, and **Matters for Consideration**.

For **Open Forum**, in-person speakers will collectively have the opportunity to address the City Council for up to 30 minutes. Any additional in-person speakers who wish to speak at the conclusion of the 30-minute time period, or any speakers participating remotely, will have the opportunity to address the City Council at the end of the meeting.

For **Consent Calendar**, **Public Hearings**, and **Matters for Consideration**, in-person speakers will be called upon first, followed by speakers participating remotely.

In Person	Remotely by Zoom	Remotely by Telephone
- Complete a speaker card (available in the Civic Center Meeting Hall lobby) - Write the agenda item number & submit to the City Clerk before that item's comment period closes (may not submit on behalf of another speaker) - When the Clerk calls your name, approach the podium and speak into the microphone	- Join via the Zoom link, Meeting ID, and dial-in number on the agenda cover page - When your item begins, use the "raise hand" feature - Wait to be called on, then unmute and speak - Use an updated Zoom app —outdated versions may block commenting (zoom.us/download)	- Call the Zoom dial-in number on the agenda and enter the Meeting ID - When your item begins, press *9 to raise your virtual hand - Wait to be called on; press *6 to unmute and speak when recognized

Written Public Comment Submitted Before the Meeting

Written comments submitted before the meeting are provided to the Council and made available to the public in advance. These comments are not read aloud into the record.

By Email	Send to CityClerk@LivermoreCA.gov . Must be received by 12:00 p.m. (noon) on the day of the meeting to be provided to City Council and posted on the City's website prior to the meeting.
By eComment	Submit online via the eComment link on the City Council Meeting Calendar & Agendas page. Comments may be up to 1,000 characters ; accepted until 4:00 p.m. on the day of the meeting . Viewable by Council and the public immediately upon submittal.
Materials to Distribute at Meeting	In person: bring 8 copies to the City Clerk with your speaker card. By Zoom: identify the material in your comment and email it to the City Clerk at CityClerk@LivermoreCA.gov by the end of the meeting. Materials received after 12:00 p.m. will be included in the supplemental packet.

WRITTEN COMMENT SUBMITTED AFTER THE AGENDA IS POSTED (SUPPLEMENTAL MATERIAL)

- Supplemental material distributed to the City Council after the posting of the agenda will be available for public review at the City Clerk's Office, 1052 S. Livermore Avenue, Livermore and included in the agenda packet on the City's website at LivermoreCA.gov/agenda on the day of the meeting.
- Comments received after the email (noon) or eComment (4:00 p.m.) deadlines on meeting day are treated as supplemental material and, if received before the meeting concludes, are provided to the City Council following the meeting.

1. **CLOSED SESSION**

- 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 Public Employee Performance Evaluation. Annual evaluation of City Attorney, pursuant to Government Code section 54957.

1.2 Public Employee Performance Evaluation. Annual evaluation of City Manager, pursuant to Government Code section 54957.

1.3 Conference with Labor Negotiators. To meet with Mayor Marchand and Vice-Mayor Wang, the City's negotiators, pursuant to Government Code section 54957.6 regarding negotiations for salary and compensation for Unrepresented Employee – City Attorney.

1.4 Conference with Labor Negotiators. To meet with Mayor Marchand and Vice-Mayor Wang, the City's negotiators, pursuant to Government Code section 54957.6 regarding negotiations for salary and compensation for Unrepresented Employee – City Manager.

2. **CALL TO ORDER**

ROLL CALL

Council Member Ben Barrientos
Council Member Evan Branning
Council Member Steven Dunbar
Vice Mayor Kristie Wang
Mayor John Marchand

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

3. **PROCLAMATIONS AND PRESENTATIONS**

- 3.1 Proclamation declaring October 3-11, 2026 as California Water Professionals Appreciation Week.

Recommendation:

Staff recommends City Council declare October 3-11, 2026 as California Water Professionals Appreciation Week.

Staff Report

Attachments:

[1. Proclamation](#)

- 3.2 Mayor's Certificate of Commendation

Recommendation:

Staff recommends City Council recognize Kyle Schempp for his heroic response which saved a life.

Staff Report**Attachments:**

[Certificate of Commendation - Kyle Schempp](#)

4. ADVISORY BODY APPOINTMENTS - NONE**5. OPEN FORUM**

In conformance with the Brown Act, no City Council action can occur on items presented during Open Forum.

6. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council with a single action.

- 6.1 Adoption of an ordinance amending section 2.68.595 of Chapter 2.68 Contracts and Purchasing of the Livermore Municipal Code to restate the City Council's delegation of authority to City Engineer for approval of plans, specifications, and designs for Public Works contracts in accordance with Government Code Section 830.6

Recommendation:

Staff recommends the City Council adopt an ordinance and waive the second reading amending section 2.68.595 of Chapter 2.68 Contracts and Purchasing of the Livermore Municipal Code to restate the City Council's delegation of authority to City Engineer for approval of plans, specifications, and designs for Public Works contracts in accordance with Government Code Section 830.6.

Staff Report**Attachments:**

- [1. Amended Section 2.68.595 of Chapter 2.68](#)
- [2. Ordinance](#)

- 6.2 Resolution authorizing acceptance for permanent maintenance, release of security, and execution of Notice of Completion for the Livermore Village Parking Garage Construction, Phase 2 Project DR586003

Recommendation:

Staff recommends the City Council adopt a resolution authorizing acceptance for permanent maintenance, release of security, and authorizing the City Manager to sign the Notice of Completion for the Livermore Village Parking Garage Construction, Phase 2 Project DR586003.

Staff Report**Attachments:**

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

- 6.3 Resolution authorizing acceptance for permanent maintenance, release of security, and execution of Notice of Completion for the Storm Drain Trash Capture Project SD202425

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of security, and authorizing the City Manager to sign the Notice of Completion for the Storm Drain Trash Capture Project SD202425.

Staff Report

Attachments:

1. Location Map
2. Resolution
3. Exhibit A - Notice of Completion

7. **PUBLIC HEARINGS - NONE**
8. **MATTERS FOR CONSIDERATION - NONE**
9. **OPEN FORUM (AS NEEDED)**
10. **COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, AND COUNCIL MEMBERS**
11. **ADJOURNMENT**
To a Regular City Council meeting on Monday, October 26, 2026, at 7:00 pm, Civic Center Meeting Hall, Dr. John Shirley Council Chamber, 1016 S. Livermore Avenue and virtually using Zoom.



CITY COUNCIL STAFF REPORT

ITEM NO. 3.1

DATE: October 12, 2026
TO: Honorable Mayor and City Council
FROM: Carl Brown, Public Works Director
SUBJECT: Proclamation declaring October 3-11, 2026 as California Water Professionals Appreciation Week.

RECOMMENDED ACTION

Staff recommends City Council declare October 3-11, 2026 as California Water Professionals Appreciation Week.

SUMMARY

DISCUSSION

ATTACHMENTS

1. Proclamation

Prepared by: Kathy Hughes
Administrative Assistant

Approved by:

A handwritten signature in blue ink, reading "Marianna A. Burch".

Marianna A. Burch
City Manager

Fiscal Review by:

A handwritten signature in blue ink, reading "Dustin Claussen".

Dustin Claussen
Administrative Services Director

PROCLAMATION

of the
City of Livermore

Proclaiming

CALIFORNIA WATER PROFESSIONALS APPRECIATION WEEK

October 3 to 11, 2026

WHEREAS, the California Legislature has officially designated the first week in October as California Water Professionals Appreciation Week; and

WHEREAS, Water Professionals Appreciation Week is intended to highlight the important role of industry professionals and public agencies in ensuring safe and reliable drinking water, wastewater, and recycled water services in California; and

WHEREAS, thanks to the technical advances by highly skilled and trained water professionals and the dedication of thousands of industry professionals in the state, California drinking water and treated wastewater meets some of the most stringent water quality standards in the nation; and

WHEREAS, water is the lifeblood of California and without safe and reliable water, no community and no sector of the economy – from technology to manufacturing to agriculture – can thrive or expand; and

WHEREAS, dedicated water professionals at the City of Livermore's Water Resources Division of the Public Works Department work 24 hours a day, seven days a week, 365 days a year to operate, maintain, and upgrade our systems and improve the resiliency of local water supply for our community;

NOW, THEREFORE, the City Council of the City of Livermore proclaims October 3 to 11, 2026 to be California Water Professionals Appreciation Week and extends its sincere gratitude and appreciation to the water and wastewater professionals who work 24/7 to provide excellent service to our community each and every day.

Mayor Signature



Vice Mayor Signature

Council Member Signature

Council Member Signature

Council Member Signature



CITY COUNCIL STAFF REPORT

ITEM NO. 3.2

DATE: October 12, 2026
TO: Honorable Mayor and City Council
FROM: Jeramy Young, Police Chief
SUBJECT: Mayor's Certificate of Commendation

RECOMMENDED ACTION

Staff recommends City Council recognize Kyle Schempp for his heroic response which saved a life.

SUMMARY

DISCUSSION

ATTACHMENTS

[Certificate of Commendation - Kyle Schempp](#)

Prepared by: Kelly Johnson
Administrative Assistant

Approved by:

A handwritten signature in blue ink that reads "Marianna A. Burch".

Marianna A. Burch
City Manager

Fiscal Review by:

A handwritten signature in blue ink that reads "Dustin Claussen".

Dustin Claussen
Administrative Services Director



*Mayor's
Certificate of Commendation*

in honor of

Kyle Schempp

for his extraordinary courage and swift, selfless action in rescuing a drowning child. The City of Livermore recognizes Kyle for his heroic response, which saved a life and exemplified the highest spirit of bravery and compassion.

*Mayor John Marchand
October 12, 2026*



CITY COUNCIL STAFF REPORT

ITEM NO. 6.1

DATE: October 12, 2026

TO: Honorable Mayor and City Council

FROM: Kimberly Cilley, City Attorney

SUBJECT: Adoption of an ordinance amending section 2.68.595 of Chapter 2.68 Contracts and Purchasing of the Livermore Municipal Code to restate the City Council's delegation of authority to City Engineer for approval of plans, specifications, and designs for Public Works contracts in accordance with Government Code Section 830.6

RECOMMENDED ACTION

Staff recommends the City Council adopt an ordinance and waive the second reading amending section 2.68.595 of Chapter 2.68 Contracts and Purchasing of the Livermore Municipal Code to restate the City Council's delegation of authority to City Engineer for approval of plans, specifications, and designs for Public Works contracts in accordance with Government Code Section 830.6.

SUMMARY

DISCUSSION

ATTACHMENTS

1. Amended Section 2.68.595 of Chapter 2.68
2. Ordinance

Prepared by: Daniel Gonzales
Deputy City Attorney

Approved by:

A handwritten signature in blue ink, reading "Marianna A. Burch".

Marianna A. Burch
City Manager

Fiscal Review by:

A handwritten signature in blue ink, reading "Dustin Claussen".

Dustin Claussen
Administrative Services Director

Chapter 2.68
Contracts and Purchasing

2.68.595 *Approval of plans, specifications, and designs.*

In accordance with California Government Code Section 830.6 and Public Contract Code Section 22039, as they it may be amended from time to time, the City Council hereby delegates authority to the City Engineer, or their designee, to approve plans, specifications, and designs, and all amendments and addenda thereto, field changes through the change order process and/or approval of as-built plans for all city public works contracts.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING SECTION 2.68.595 OF CHAPTER 2.68 *CONTRACTS AND PURCHASING* OF THE LIVERMORE MUNICIPAL CODE TO RESTATE THE CITY COUNCIL'S DELEGATION OF AUTHORITY TO THE CITY ENGINEER FOR APPROVAL OF PLANS, SPECIFICATIONS, AND DESIGNS FOR PUBLIC WORKS CONTRACTS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 830.6

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. *Authority.* This ordinance is adopted pursuant to the City of Livermore's police power authority established in section 7, article XI of the California Constitution to protect the health, safety, and welfare of the public, the authority granted to it by opting into the California Uniform Public Construction Cost Accounting Act, and the authority granted to it under Government Code section 830.6.

Section 2. *Purpose.* This ordinance modifies Livermore Municipal Code Chapter 2.68.595 *Approval of plans, specifications, and designs* to clarify the City's use of design immunity in accordance with Government Code section 830.6. Ordinance 2159 inadvertently omitted reference to Government Code section 830.6 and included a reference to Public Contract Code section 22039, while still delegating authority to the City Engineer, or their designee, to approve plans, specifications, and designs, consistent with Government Code section 830.6. This ordinance ensures that Livermore Municipal Code section 2.68.595 references both Government Code section 830.6 and Public Contract Code section 22039.

Section 3. *Amendment – Municipal Code.* The Livermore Municipal Code Chapter 2.68 *Contracts and Purchasing* is hereby amended as follows:

2.68.595 *Approval of plans, specifications, and designs.*

In accordance with California Government Code Section 830.6 and Public Contract Code Section 22039, as they may be amended from time to time, the City Council hereby delegates authority to the City Engineer, or their designee, to approve plans, specifications, and designs, and all amendments and addenda thereto, field changes through the change order process and/or approval of as-built plans for all city public works contracts.

Section 4. *Environmental.* The passage of this ordinance is not a project within the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review. In accordance with CEQA Guidelines section 15378, the ordinance has no potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 5. *Severability.* If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 6. Publication. This ordinance shall be published once in a newspaper of general circulation of the city of Livermore within fifteen days after its adoption.

Section 7. Effective date. This Ordinance shall take effect 30 days after its adoption.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore held on September 28, 2026, by the following vote:

AYES: Council Members Barrientos, Branning, Dunbar, Vice Mayor Wang, and Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

The ordinance was adopted at the regular meeting of the City Council held on October 12, 2026 by, the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor, City of Livermore

ATTEST:

APPROVED AS TO FORM:

Olivia Nashed
City Clerk

/s/ Kimberly D. Cilley

Kimberly D. Cilley
City Attorney



CITY COUNCIL STAFF REPORT

ITEM NO. 6.2

DATE: October 12, 2026

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

SUBJECT: Resolution authorizing acceptance for permanent maintenance, release of security, and execution of Notice of Completion for the Livermore Village Parking Garage Construction, Phase 2 Project DR586003

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing acceptance for permanent maintenance, release of security, and authorizing the City Manager to sign the Notice of Completion for the Livermore Village Parking Garage Construction, Phase 2 Project DR586003.

SUMMARY

On November 28, 2022, City Council awarded a construction contract for the Livermore Village Parking Garage Construction, Phase 2 Project DR586003 to Zovich Construction. The contract was substantially completed on December 24, 2025. Certain punch list items and final closeout submittals remain outstanding. Despite these outstanding items, the Project can now be accepted for permanent maintenance while the City withholds amounts otherwise due under the Contract, as permitted by the Contract Documents and applicable law. The process to release the contractor's bonds can begin.

DISCUSSION

On January 30, 2018, the City Council approved the locations for open space, housing, parking and circulation systems, cultural facilities, commercial uses, and a hotel for the downtown catalyst sites. The approved plan includes additional parking on the northwest side of the existing Livermore Valley Parking Garage located at I Street and Railroad Avenue (I Street Garage) and additional parking at the southwest corner of the Livermore Village Site (L Street Garage). City Council directed staff to maintain the existing parking supply during all phases of downtown development and to provide adequate parking for all existing and new development.

The Livermore Village (L Street) Parking Garage Project was constructed in 2 phases and is located at the southwest corner of the Livermore Village site, as shown on Attachment 1. Phase 1 consisted of reconfiguring the surface parking lot south of Veterans Way and constructing a trash enclosure and electrical infrastructure for future electric vehicle charging stations east of the future garage. Phase 1 of

the Project was completed and accepted by the City Council on January 8, 2024. Phase 2 constructed a 4-level, 452-space parking garage and a 40-space surface parking lot, along with an access road south of the garage, landscaping and crosswalk improvements along Veterans Way and S L Street, a historic brick arch, and architecturally enhanced pedestrian paseos connecting First Street to the garage and serving as welcoming gateways to surrounding downtown businesses. The Project also included electric vehicle charging spaces, a parking monitoring system, security cameras, and infrastructure for future rooftop solar panels.

The Project incorporated construction of a joint utility trench for AT&T and PG&E gas and electric facilities between L Street and K Street, generally along the pathway north of Veterans Way. The work included new utility infrastructure to serve the L Street Garage, Veterans Way, Stockmen's Park, Veterans Park, the trash enclosure, and the remediation system. The joint trench also provides infrastructure for future extensions serving the SPARC Theater and electric vehicle fast chargers. This work was necessary to replace existing electrical service associated with the former shopping center site, which was removed to accommodate future development. Additional project work involved removing soil containing trace amounts of the dry-cleaning solvent tetrachloroethylene (PCE) and installing soil vapor extraction wells and piping that connects to the soil vapor extraction system that is currently under operation.

The Project was substantially completed on December 24, 2025. Certain punch list items were not completed within the period specified by Section 5.2 of the Contract, and certain final submittals required by Specification Section 017700, Project Closeout, remain outstanding. Despite the outstanding items, staff recommends that the City accept the Project and record a Notice of Completion under Section 16.1.4 of the General Conditions to the Contract. California Public Contract Code section 7107 permits a public entity, when a dispute exists, to withhold from final payment an amount not exceeding 150% of the disputed amount. The proposed resolution authorizes acceptance and recordation while preserving the City's right to require completion of all remaining work and closeout obligations and to withhold, deduct, or offset amounts permitted by the Contract Documents and applicable law.

Certain financial and legal matters remain unresolved. The City will withhold amounts due under the Contract, as permitted by the Contract Documents and applicable law, for incomplete work, liquidated damages, stop payment notices, and other disputed City costs. Staff may return to the City Council if further action is needed to resolve these matters and release remaining retention.

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 (there are 12 known claims at this time). The security for the guarantee and warranty of the work shall remain in effect for one year from the date of the recordation of the Notice of Completion.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was \$30,090,000. The contingency budget for change orders is 10% of the contract amount or \$200,000, whichever is greater, per Municipal Code Section 2.68.590B. The final contract amount, including 76 change orders, was \$31,569,159. The total value of change orders was \$1,479,159 (4.9%), which consisted primarily of incorporating the Livermore Village Joint

Trench, adding the median on South L Street, and adding cooling and humidity control for the elevator room.

The budget for Livermore Village Parking Garage Project DR586003 Project is provided in the 2025-2030 Capital Improvement Plan. Funding is from 2022 COP Construction Fund 540. The project budget covers construction, change orders, design, construction management, materials testing, inspection, and administration. No additional appropriations are required at this time.

Annual operations and maintenance costs for the new garage are estimated at \$130,000 per year for routine operation and servicing. Annual replacement costs for major equipment and facility components are estimated at \$160,000 per year, for a total estimated annual cost of \$290,000. These costs will be funded through the operating budget using Facilities Rehabilitation Program Fees (Fund 740). For the joint utility trench improvements incorporated into the Project, PG&E will maintain the transformers and meters. Separate from the estimated costs to operate and maintain the garage, the annual cost to maintain the City-owned panels and secondary services serving City facilities is estimated at \$2,000 per year.

COMMUNITY PILLAR

4: Inclusive & Inviting Spaces and Places

ATTACHMENTS

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

Prepared by: Dennis Aberion
Construction Inspection Manager

Approved by:



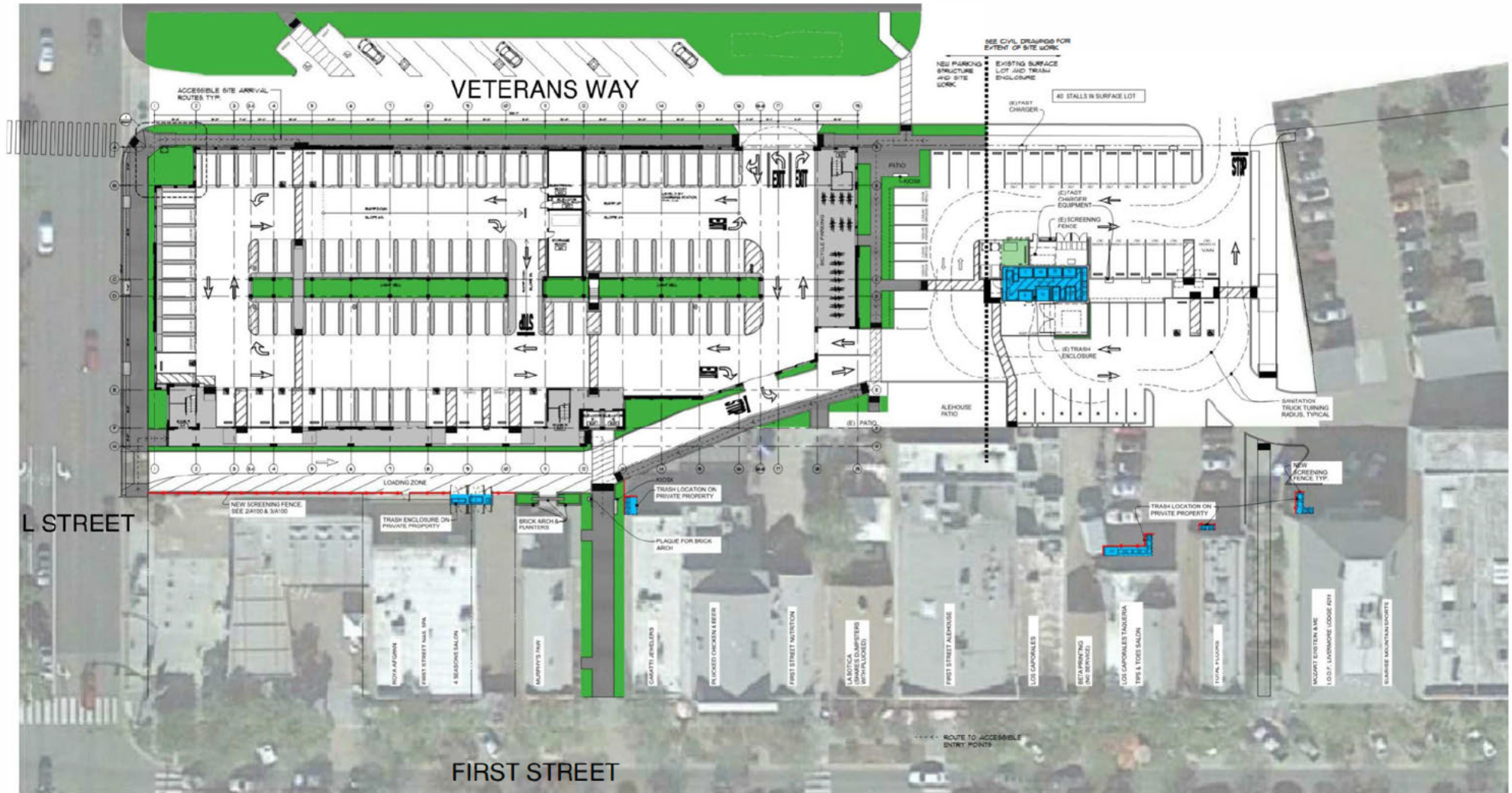
Marianna A. Burch
City Manager

Fiscal Review by:



Dustin Claussen
Administrative Services Director

18



IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

**A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE,
RELEASE OF SECURITY, AND EXECUTION OF A NOTICE OF COMPLETION**

**Livermore Village Parking Garage Construction, Phase 2
Project DR586003**

The City Engineer of the City of Livermore has filed with the City Clerk their report in writing that all work on the Livermore Village Parking Garage Construction, Phase 2, Project No. DR586003 ("Project"), has been completed in substantial compliance with the plans, specifications, and contract documents, except for any minor punch-list items and close-out submittals that do not materially affect the use or operation of the Project. The Project is ready for acceptance by the City of Livermore.

Acceptance of the Project will commence the applicable warranty and maintenance periods provided under the contract documents.

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

1. It hereby accepts the completed public works project known as Livermore Village Parking Garage Construction, Phase 2 as completed in accordance with the plans, specifications and contract documents, except for any minor punch-list items and close-out submittals that do not materially affect the use or operation of the Project;
2. The City Clerk is directed to cause a Notice of Completion for the Project to be filed with the Alameda County Recorder in accordance with applicable law;
3. The City Manager or designee is authorized to take such further actions as may be necessary to implement this Resolution and close-out the Project;
4. The faithful performance bond guaranteeing the Project is hereby released;
5. The labor and materials bond guaranteeing the Project shall, six months after the date of recordation of the Notice of Completion, be reduced to an amount equal to the amount of all outstanding claims and obligations filed, received or submitted and of which notice has been given to the City of Livermore. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given; and
6. The security for the guarantee and warranty of work shall remain in effect for one year from the date of recordation of the Notice of Completion, except for any longer period as otherwise provided for in the contract documents. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the warranty period in accordance with the requirements of the contract documents for the Project.

7. 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 October 12, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED AS TO FORM:

Olivia Nashed
City Clerk

/s/ Kimberly D. Cilley
Kimberly Cilley
City Attorney

Exhibit A – Notice of Completion

NOTICE OF COMPLETION

City's Project No. DR586003

Date: October 13, 2026

Project: Livermore Village Parking Garage Construction, Phase 2

Contractor: Zovich Construction

Contract For Construction of: Livermore Village Parking Garage Construction, Phase 2

Project Shall Include: All work as set forth in the Contract For Construction of the Livermore Village Parking Garage Construction, Phase 2, as awarded by the City of Livermore pursuant to the Contract Documents for Public Works Project No. 586003, located at 1052 S. Livermore Ave., Livermore, CA 94550.

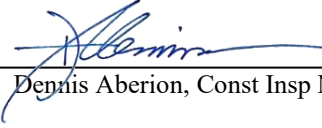
Contract Date: November 29, 2022

The work performed under the aforementioned Contract For Construction was inspected by authorized representatives of the City, Contractor, and Engineer, and determined to be substantially complete on **12/24/2025**. Certain punch list items were not completed within the specified period per Section 5.2 of the Contract For Construction and certain final submittals under Specification Section 017700, Project Closeout, remain outstanding. Despite the foregoing, upon recordation of this Notice of Completion, the City elects to accept the Project in accordance with Section 16.1.4 of the General Conditions to the Contract For Construction and withhold monies as allowed by the California Public Contract Code, Section 7107, including up to 150 percent of the disputed amount between the City and Contractor from Final Payment/Retention.

ENGINEERING DIVISION

Engineer

By _____


Dennis Aberion, Const Insp Manager

Nature of interest of City: 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 A. Burch, City Manager

Date



CITY COUNCIL STAFF REPORT

ITEM NO. 6.3

DATE: October 12, 2026

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

SUBJECT: Resolution authorizing acceptance for permanent maintenance, release of security, and execution of Notice of Completion for the Storm Drain Trash Capture Project SD202425

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance, release of security, and authorizing the City Manager to sign the Notice of Completion for the Storm Drain Trash Capture Project SD202425.

SUMMARY

On July 28, 2025, City Council awarded a construction contract for the Storm Drain Trash Capture Project SD202425 to Marinship Development Interest, LLC. The contract was substantially complete on May 26, 2026, and reached final completion on July 2, 2026. The contract can now be accepted for permanent maintenance. The process to release the contractor's bonds can begin.

DISCUSSION

The City of Livermore (City) was required, under its Regional Water Quality Control Board permit, to achieve 100% trash reduction by 2025. To assist in meeting this requirement, the Storm Drain Trash Capture Project SD202425 (Project) installed 8 large-scale full trash capture devices and 66 small trash capture devices at the locations shown in Attachment 1. The work also included rerouting affected sewer and water lines and restoring or modifying pavement and curbs to accommodate the new devices. The Project was completed in accordance with the contract documents in a manner acceptable to the City Engineer.

At the 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 (there are no known claims at this time). The security for the guarantee and warranty of the work shall remain in effect for one year from the date of recordation of the Notice of Completion.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was \$4,493,313. The contingency budget for change orders is 10% of the amount or \$200,000, whichever is greater, per Municipal Code 2.68.590B. The final contract amount, including 2 change orders, was \$4,567,128. The total value of change orders was \$73,815 (1.6%), which consisted primarily of purchasing new access vault lids that were omitted from a vendor's original contract. Funding for this project is included in the project budget for Storm Drain Trash Capture Project SD202425 in the FY 2025-2030 Capital Improvement Plan and no additional appropriations are needed. The project is funded with CIP Reserves - Storm (Fund 101), State Grant - Storm (Fund 611), Storm Drain (Fund 612), and South Livermore Specific Plan & AD Closeout (Fund 583). This project will increase operation and maintenance costs by \$12,000 annually as the devices must be serviced twice a year. O&M costs will be funded with Storm Drain (Fund 612).

COMMUNITY PILLAR

5: A City that Works

ATTACHMENTS

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

Prepared by: Joe Kuderca
Engineering Specialist

Approved by:



Marianna A. Burch
City Manager

Fiscal Review by:



Dustin Claussen
Administrative Services Director

Site Map - Storm Drain Trash Capture 202425



8,140.5 0 4,070.27 8,140.5 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
Livermore IT, GIS Services

1: 48,843

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

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA
A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE,
RELEASE OF SECURITY, AND EXECUTION OF A NOTICE OF COMPLETION
(Storm Drain Trash Capture Project SD202425)

The City Engineer of the City of Livermore has filed with the City Clerk their report in writing that all work on the Storm Drain Trash Capture Project SD202425 ("Project"), has been completed in substantial compliance with the plans, specifications, and contract documents. The Project is ready for acceptance by the City of Livermore.

Acceptance of the Project will commence the applicable warranty and maintenance periods provided under the contract documents.

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

1. It hereby accepts the completed public works project known as Storm Drain Trash Capture as completed in accordance with the plans, specifications and contract documents;
2. The City Clerk is directed to cause a Notice of Completion for the Project to be filed with the Alameda County Recorder in accordance with applicable law;
3. The City Manager or designee is authorized to take such further actions as may be necessary to implement this Resolution and close-out the Project;
4. The faithful performance bond guaranteeing the Project is hereby released;
5. 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 outstanding claims and obligations filed, received or submitted and of which notice has been given to the City of Livermore. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given; and
6. The security for the guarantee and warranty of work shall remain in effect for one year from the date of recordation of the Notice of Completion, except for any longer period as otherwise provided for in the contract documents. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the warranty period in accordance with the requirements of the contract documents for the Project.
7. 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 October 12, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED AS TO FORM:

Olivia Nashed
City Clerk

/s/ Kimberly D. Cilley

Kimberly Cilley
City Attorney

Exhibit A – Notice of Completion

NOTICE OF COMPLETION

City's Project No. SD202425 Date: October 13, 2026

Project: Storm Drain Trash Capture Project

Contractor: Marinship Development Interest, LLC

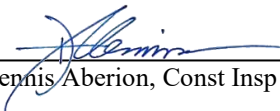
Contract For Construction of: Storm Drain Trash Capture Project

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. SD202425

Document located at: 1052 S. Livermore Ave., Livermore, CA 94550 Contract Date: July 28, 2025

The work performed under this contract was inspected by authorized representatives of the City, Contractor, and Engineer, and determined to be substantially complete on 5/26/26. The project reached Final Completion on 7/02/26 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 
Dennis Aberion, Const Insp Manager

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 10/13/26. 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 A. Burch, City Manager Date