



CITY COUNCIL STAFF REPORT

ITEM NO. 5.3

DATE: July 24, 2023

TO: Honorable Mayor and City Council

FROM: Brandon Cardwell, Innovation and Economic Development Director

SUBJECT: Resolution authorizing appropriations of \$307,697 from Business License Tax settlement funds and execution of an 18-month agreement with Rincon Consultants, Inc. to prepare an Environmental Impact Report for the East of Greenville Study Area in an amount not-to-exceed \$307,697.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution:

1. appropriating \$307,697 from Business License Tax settlement funds to cover the contract cost
2. authorizing the City Manager to execute an agreement with Rincon Consultants, Inc. (Rincon) to prepare an Environmental Impact Report for the East of Greenville Study Area, over an 18-month term, in an amount not-to-exceed \$307,697 in substantially similar form to the draft contract in Exhibit A of the Resolution subject to the City Attorney approval to form of the final construction contract and acceptance of insurance by the Risk Manager.

SUMMARY

On April 10, 2023, Council directed staff to add the East of Greenville focus area to the General Plan Update evaluation process. On June 14, 2023, the General Plan Advisory Committee reviewed draft land use alternatives for the East of Greenville focus area and requested additional, detailed, information associated with this unique focus area beyond what is currently scoped in the General Plan Update. Staff recommends the City Council authorize an agreement with Rincon Consultants, Inc. to prepare an Environmental Impact Report for the East of Greenville focus area, which will help inform future decisions.

DISCUSSION

BACKGROUND

The General Plan is the City's long-range policy document for growth, land use, sustainability, and resource and open space conservation. On March 1, 2021, the City Council identified the

Comprehensive General Plan Update as a priority. On June 28, 2021, City Council authorized a contract with PlaceWorks as the consultant team for the General Plan Update Project and directed staff to proceed with the formation of a General Plan Advisory Committee (Committee) comprised of representatives of the Livermore Community.

On September 12, 2022, City Council reviewed a series of draft land use alternatives that represent a range and mix of land use types and directed staff to evaluate the alternatives for the General Plan Update. On April 10, 2023, the City Council directed staff to add and study the East of Greenville focus area and limited the land uses for consideration to non-residential uses such as industrial, commercial, parks, open space, and agriculture.

On June 14, 2023, the Committee reviewed draft land use alternatives for the East of Greenville focus area. The Committee recommended requesting additional, detailed, information to better understand the tradeoffs associated with this unique focus area.

DISCUSSION

The purpose of the East of Greenville focus area is to facilitate non-residential land use types. Currently, the East of Greenville focus area is outside of Livermore City limits and the City's Urban Growth Boundary (UGB), which limits services to the area. Future development under any land use scenario would require annexation of the focus area into the City of Livermore. Additionally, development would require adjusting the UGB to allow the City to provide municipal services such as police, fire, water, and sewer. Adjustments to the UGB can only be accomplished through a vote of Livermore residents.

At their June 14th meeting, the Committee acknowledged the importance of comprehensively studying various land use alternatives as part of the General Plan Update. However, the Committee also recommended the project team conduct a detailed and thorough analysis of the focus area to better inform the community of tradeoffs, costs, and benefits, associated with development of the area and possible municipal and UGB changes.

Therefore, staff recommends preparing an Environmental Impact Report of the focus area in parallel with the General Plan land use alternatives evaluation. The report would supplement the General Plan Update, which evaluates land use at the citywide scale, with additional detailed information about the East of Greenville focus area, specifically. Further, the Environmental Impact Report could help inform future decisions regarding changes to the UGB and city limits. Due to the similarities and overlaps between the studies, staff will coordinate with both consultant teams to ensure consistency.

With staff's input, Rincon Consultant, Inc. developed a scope of work, budget, schedule for preparing a detailed study of the East of Greenville focus area. Generally, the scope of work includes:

Public Noticing and Hearings. Rincon will prepare notices informing the public of key milestones in the preparation of the documents and present materials at public meetings.

Research and Analysis. Rincon will conduct research and analysis for various issue areas, describe existing conditions relevant to each topic, and identify impacts based on accepted criteria for determining significance. Research sources will include local and regional documents and studies, other recent and relevant environmental documents, and data provided by the General Plan team.

Preparation of an Administrative and Public Draft Environmental Impact Report. Rincon will prepare draft documents that describe the purpose of the study, characteristics relevant to the analysis (i.e., buildout projections, objectives, and discretionary approvals), and rational conclusions. The Environmental Impact Report will contain a sufficient degree of analysis to provide decision-makers with information regarding environmental consequences. The document will be a program-level Environmental Impact Report that considers the broad policy implications of the area and will focus on the macro-level impacts associated with total buildout.

ENVIRONMENTAL DETERMINATION

Authorization to execute a professional services contract is an administrative action, which does not qualify as a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378. Therefore, no environmental review is required to authorize execution of the Agreement.

FISCAL AND ADMINISTRATIVE IMPACTS

Council directing staff to prepare a focused environmental study would require staff and consultant resources. Evaluating the technical, financial, and environmental aspects of land use changes in the area and extending infrastructure services requires consultant services of \$307,697. This amount would cover the preparation of an Environmental Impact Report and includes a 10 percent contingency. These expenditures were not contemplated in the City's 2-Year Financial Plan for 2023-2025. Staff is requesting an appropriation of \$263,000 from the General Fund (Fund 001) to 8152-43130 Planning Contract Services Private for fiscal year 2023-24 and \$44,697 from the same funding source for fiscal year 2024-25.

The \$307,697 will be funded through a portion of the \$9.1 million one-time payment for past due business license taxes from Lawrence Livermore National Laboratory (LLNL) and Sandia National Laboratories. The balance of the one-time business license tax payment not required to cover administrative and discovery expenses related to the one-time payment will be used to prepay the City's unfunded Other Post Employment Benefits (OPEB) as directed by City Council as part of the FY 2022-23 budget update.

COMMUNITY PILLAR

4: Inclusive and Inviting Spaces and Places

GOAL

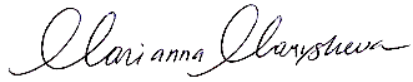
4: Continue to complete the General Plan Update

ATTACHMENTS

1. Resolution
2. Exhibit A - Draft Professional Services Agreement

Prepared by: Andy Ross
Economic Development Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director