

REGULAR MEETING
Tuesday, June 2, 2020
DUBLIN CITY COUNCIL
A G E N D A

CLOSED SESSION 6:00 PM
REGULAR MEETING 7:00 PM

Meeting Procedure During Coronavirus (COVID-19) Outbreak:

In keeping with the guidelines provided by the State of California and Alameda County Department of Public Health regarding gatherings during the coronavirus (COVID-19) outbreak, and recommendations to follow social distancing procedures, the City of Dublin will adopt the following practices during upcoming City Council meetings:

- The Dublin City Council will hold the meetings remotely via Zoom Video Communications.
- Per normal practice, the meeting will be livestreamed and available at www.TV30.org for viewing and also broadcast live on Comcast T.V. channel 28 beginning at 7:00 p.m.
- Online speaker slips will be available at www.dublin.ca.gov, and the public will be able to call in using a computer/or smart phone via a link which will be provided following submission of a speaker slip. A telephonic option will also be available.
- Once connected, the public speaker will be placed in an on-line waiting room. While in the waiting room, the public speaker should watch or listen to the meeting via the outlets above, as they will not see or hear the meeting while they are connected and waiting to speak.
- When the agenda item upon which the individual would like to comment is addressed, the speaker will be announced in the meeting when it is his/her time to speak to the City Council. The speaker will then be moved to the meeting for comment.

How to submit public comment on the Closed Session items:

- Please click the link below to join the webinar via computer audio:
<https://dublinca.zoom.us/j/94879653378>
- Or Telephone: +1 669 900 9128 US (San Jose)
- Webinar ID: 948 7965 3378
- The Mayor will open a Public Comment period. You will be given the opportunity to speak at that time. The City Council will then recess to Closed Session.

CLOSED SESSION 6:00 PM

I. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

REGULAR MEETING 7:00 PM

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. REPORT ON CLOSED SESSION**

3. ORAL COMMUNICATIONS

3.1. Employee Introduction: Christopher Rhoades STAFF REPORT

New City of Dublin Staff member, Christopher Rhoades, Financial Analyst, will be introduced.

STAFF RECOMMENDATION:

Welcome to the City of Dublin Staff member.

3.2. Dublin Library Operations Update STAFF REPORT PRESENTATION

The City Council will receive a presentation from Alameda County Library staff on Dublin Library services and operations during the COVID-19 pandemic.

STAFF RECOMMENDATION:

Receive the presentation.

3.3. Public Comment

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1. Approval of the May 19, 2020 Regular City Council Meeting Minutes STAFF REPORT

The City Council will consider approval of the minutes of the May 19, 2020, Regular City Council meeting.

STAFF RECOMMENDATION:

Approve the minutes of the May 19, 2020, Regular City Council meeting.

4.2. Utility Box Art Program STAFF REPORT

The City Council will consider a recommendation from the Heritage and Cultural Arts Commission for artwork to be painted on 10 utility boxes.

STAFF RECOMMENDATION:

Approve the Heritage and Cultural Arts Commission's recommendations for the Utility Box Art Program.

4.3. City of Dublin Fiscal Year 2020-21 Human Services Grant Program Funding Recommendations STAFF REPORT ATTACHMENT 7

The City Council will consider the Human Services Commission funding recommendations for the Fiscal Year 2020-21 Human Services Grant Program.

STAFF RECOMMENDATION:

Adopt the Resolution Approving Funding Recommendations for Fiscal Year 2020-21 Human Services Grant Program.

4.4. Three-Year Cooperative Agreement with Alameda County for Participation in the Urban County Program for Community Development Block Grant and HOME Investment Partnership Funds STAFF REPORT

The City Council will consider a three-year cooperative agreement with Alameda County for participation in the Urban County Program for Community Development Block Grant and HOME Investment Partnership funds. This agreement will allow the City's continued participation in the Urban County program beginning July 1, 2021, for Federal fiscal years 2021-2023.

STAFF RECOMMENDATION:

Adopt the **Resolution** Authorizing the Continued Participation of the City of Dublin in the Alameda County Urban County for Community Development Block Grant Funds and Authorizing the Execution of the Cooperation Agreement Between the City and County of Alameda Regarding Participation in the Alameda County Urban County for Community Block Grant Funds.

4.5. Dublin Municipal Code Amendments Repealing Chapter 8.66 and Amending Chapters 5.60, 8.08, 8.12, 8.16, 8.20, 8.40, 8.64, 8.76, 8.102, 8.104, 8.116, and 8.124 (PLPA-2020-00005) STAFF REPORT

The City Council will consider amendments to the Dublin Municipal Code to comply with State law pertaining to Large Family Day Care Homes, to bring greater clarity and consistency to existing regulations, and to expand upon uses in the Industrial zoning districts to encourage economic development. Amendments are proposed to repeal Chapter 8.66 and amend Chapters 5.60 (Heritage Trees); 8.08 (Definitions); 8.12 (Zoning Districts and Permitted Uses of Land); 8.16 (Agricultural Zoning District); 8.20 (Residential Zoning Districts); 8.40 (Accessory Structures); 8.64 (Home Occupations Regulations); 8.66 (Large Family Day Care Homes); 8.76 (Off-Street Parking and Loading Regulations); 8.102 (Minor Use Permit); 8.104 (Site Development Review); 8.116 (Zoning Clearance); and 8.124 (Applications, Fees and Deposits).

STAFF RECOMMENDATION:

Waive the reading and adopt an **Ordinance** Approving Amendments to the Dublin Municipal Code Repealing Chapter 8.66 and Amending Chapters 5.60, 8.08, 8.12, 8.16, 8.20, 8.40, 8.64, 8.76, 8.102, 8.104, 8.116, and 8.124 Effective City-Wide.

4.6. Local Early Action Planning Grant STAFF REPORT

The City Council will consider adopting a resolution allowing for the submittal of an application for Local Early Action Planning (LEAP) grant funds. LEAP provides funding to local jurisdictions for the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance implementing the sixth cycle of the Regional Housing Needs Allocation. As a jurisdiction with a population of 60,000 to 99,999 residents, the City of Dublin is entitled to a maximum award of \$300,000.

STAFF RECOMMENDATION:

Adopt the **Resolution** Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds.

4.7. Acceptance of Work – Emerald Glen Recreation and Aquatic Complex, The Wave, CIP PK0105 STAFF REPORT

The City Council will consider accepting the Emerald Glen Recreation and Aquatic Complex Project.

STAFF RECOMMENDATION:

Adopt the **Resolution** Accepting the Emerald Glen Recreation and Aquatic Complex Project, CIP No. PK0105.

4.8. Zoning Ordinance Amendments to Chapter 8.58 (Public Art Program) STAFF REPORT

The City Council will consider amendments to the Zoning Ordinance in Chapter 8.58 (Public Art Program) that would allow additional use of Public Art Funds to further promote art in the public domain and foster new opportunities for Public Art. On May 19, 2020, the City Council held a public hearing and introduced the ordinance. The City Council is being asked to adopt an ordinance with the amendments to the Public Art Program.

STAFF RECOMMENDATION:

Waive the reading and adopt an **Ordinance** Approving Amendments to Chapter 8.58 (Public Art Program) of the Zoning Ordinance related to additional use of Public Art Funds.

4.9. Adoption of an Appropriations Limit for Fiscal Year 2020-21 [STAFF REPORT](#)

The City Council will consider adoption of the annual Appropriations Limit (Limit) in accordance with the State law. The City of Dublin's Limit for Fiscal Year 2020-21 is \$398,039,721, which exceeds the City's related appropriations by \$325,761,303.

STAFF RECOMMENDATION:

Adopt the **Resolution** Adopting an Appropriation Limit for Fiscal Year 2020-21 of \$398,039,721.

4.10. Amendment to the Hinderliter, de Llamas and Associates Agreement for Sales Tax Analysis, Audit and Information Services [STAFF REPORT](#)

The City Council will consider an amendment to the agreement with Hinderliter, de Llamas and Associates (HdL) for Sales Tax Analysis, Audit and Information services. The amendment extends the agreement for an additional two years, to June 30, 2022.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving Amendment #1 to the Amended and Restated Consulting Services Agreement between the City of Dublin and Hinderliter, de Llamas and Associates.

4.11. Notice of Review of Conflict of Interest Code [STAFF REPORT](#)

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the Code needs amending. The City Council is the code reviewing body for City agencies, and the City Council must direct Staff to review the City's Conflict of Interest Code and make a determination by October 1, 2020, if there is a need to amend the Conflict of Interest Code.

STAFF RECOMMENDATION:

Direct Staff to review the City's Conflict of Interest Code and take the appropriate action.

4.12. City Manager Actions Taken During Delegation of Authority [STAFF REPORT](#)

The City Council will receive a report on the actions taken by the City Manager for the period of April 30 to June 1, 2020, pursuant to Resolution 18-20 delegating certain authority to the City Manager during the COVID-19 pandemic. There is one reportable action during this time: the increase to a purchase order for police vehicle repair and maintenance.

STAFF RECOMMENDATION:

Receive the report and, by motion, ratify the actions of the City Manager.

5. WRITTEN COMMUNICATION – NONE

6. PUBLIC HEARING

6.1. Approval of Annual Engineer's Reports for Landscape and Lighting District 1983-1; Landscape and Lighting District 1983-2; Landscape and Lighting District 1986-1; Landscape and Lighting District 1997-1; and Landscape and Lighting District 1999-1 [STAFF REPORT PRESENTATION](#)

The City Council will consider approving the Engineer's Reports and the levy of special assessments in each of the five maintenance assessment districts for Fiscal Year 2020-21. A public hearing is required to set the annual levy.

STAFF RECOMMENDATION:

Conduct the public hearing for each of the five maintenance assessment districts, deliberate, and adopt the **Resolution** Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of Assessment for: Street Lighting Maintenance Assessment District 1983-1; Landscaping and Lighting District 1983-2; Landscaping and Lighting District 1986-1; Landscaping and Lighting District 1997-1; and, Street Lighting Maintenance Assessment District 1999-1.

6.2. Cambria Hotel Project Appeals and Community Benefit Agreement (PLPA-2019-00020 & PLPA-2019-00044) [STAFF REPORT ATTACHMENT 4 PRESENTATION SB343](#)

The Applicant, Jerry Hunt of VP-RPG Dublin, LLC, is proposing to construct a 138-room hotel on an existing parking lot located south of the existing Corrie Center office building at 7950 Dublin Boulevard within the Downtown Dublin Specific Plan (DDSP) Transit-Oriented District. The new six-story hotel will consist of four stories of guest rooms and amenities over two stories of podium parking, and related landscaping and site improvements. Requested approvals include a Site Development Review Permit and Minor Use Permit for shared parking between the proposed hotel and existing office building. The Planning Commission considered the proposed project on April 28, 2020, and unanimously approved the applications. During the statutory appeal period, the City received two appeals, one from the Laborers International Union of North American No. 304 (LIUNA) and the other from the West Dublin Alliance. The City Council will hold a public hearing to consider the appeals. Staff recommends that the City Council provide a maximum of 10 minutes to each appellant and the applicant to make presentations to the City Council. The City Council will also consider a proposed Community Benefit Agreement. A Community Benefit Agreement is required in order to allocate non-residential square footage from the Downtown Dublin Specific Plan's Development Pool.

STAFF RECOMMENDATION:

Disclose ex parte contacts, receive Staff presentation, open the public hearing, take testimony from the Appellant, Applicant and the public, close the public hearing and deliberate, and take the following action: **a)** Adopt the **Resolution** Denying the Appeals and Affirming the Planning Commission's Approval of a Site Development Review Permit for the Construction of a 138-room Hotel and Minor Use Permit to Allow a Parking Reduction for Shared Parking at 7950 Dublin Boulevard; and **b)** Adopt the **Resolution** Approving a Community Benefit Agreement Between the City of Dublin and VP-RPG Dublin, LLC.

OR

c) Direct the City Attorney to prepare a **Resolution** Granting the Appeals and Denying the Site Development Review Permit and Minor Use Permit, including findings of fact, for City Council consideration no later than July 21, 2020, and take no action on the Community Benefit Agreement.

6.3. Proposed Budget, Fiscal Year 2020-21 and Fiscal Year 2021-22 [STAFF REPORT ATTACHMENT 2 PRESENTATION](#)

The City Council will consider approval of the Proposed Budget for Fiscal Years 2020-21 and 2021-22 and related salary plans.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate, and adopt the following: 1) **Resolution** Adopting a Budget for the City of Dublin for Fiscal Year 2020-21; 2) **Resolution** Establishing a Salary Plan for Full-Time Personnel in Accordance with the Personnel Rules; 3) **Resolution** Establishing a Salary Plan for Management Positions Exempt from Competitive Services.

6.4. Adopting the Five-Year Capital Improvement Program 2020-2025 [STAFF REPORT PRESENTATION](#)

The City Council will conduct a public hearing and consider adopting the Five-Year Capital Improvement Program which outlines public projects proposed for completion from Fiscal Year 2020-21 through Fiscal Year 2024-25.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate, and adopt the **Resolution** Adopting the Five-Year Capital Improvement Program 2020-2025.

6.5. Dublin Municipal Code Amendment to Chapter 8.128 (Authority to Administer Title 8) to Facilitate Business Operations During COVID-19 Pandemic (PLPA-2020-00021) [STAFF REPORT](#)

The City Council will consider an amendment to Dublin Municipal Code (DMC) Chapter 8.128 (Authority to Administer Title 8) to provide the City Manager with authority to waive certain Zoning Ordinance requirements and/or standards to facilitate business operations affected by public health orders of the federal, state or county government designed to slow the transmission of the Novel Coronavirus (COVID-19). The waiver authority would be limited to those that would not result in an increase in intensity of use beyond what is otherwise allowed, as applicable. The Ordinance would remain in effect for one year from adoption or until orders are lifted. The City Council will also consider a finding that the proposed amendment is Categorically Exempt from the requirements of the California Environmental Quality Act.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate and waive the reading and INTRODUCE an Ordinance Authorizing the City Manager to Waive Certain Zoning Ordinance Requirements and/or Standards to Facilitate Business Operations Affected by COVID-19 Public Health Orders, and adopt an **Urgency Ordinance** Authorizing the City Manager to Waive Certain Zoning Ordinance Requirements and/or Standards to Facilitate Business Operations Affected by COVID-19 Public Health Orders, as an urgency matter necessary for the immediate preservation of the public peace, health, and safety for the period until the proposed regular Ordinance becomes effective.

7. [UNFINISHED BUSINESS](#) – NONE

8. [NEW BUSINESS](#)

8.1. Standard Proclamations for the City Council [STAFF REPORT](#)

The City Council will review and discuss a list of national proclamations and proclamations which have been presented on an annual basis by the City Council, which recognize a national appreciation day, week or month.

STAFF RECOMMENDATION:

Receive the report and provide direction.

8.2. Future City Council Meetings During COVID-19 Pandemic [STAFF REPORT PRESENTATION](#)

The City Council will discuss the form of future City Council Meetings. Since March 17, 2020, all City Council and City Commission meetings have been held virtually due to the circumstances surrounding the COVID-19 Pandemic. The City Council will consider continuing in this format or returning to in-person meetings.

STAFF RECOMMENDATION:

Receive the report and provide direction on the form of future City Council meetings during the COVID-19 pandemic.

8.3. Informational Report on Short-Term Rentals [STAFF REPORT PRESENTATION](#)

The City Council will receive an informational report on short-term rentals (STRs) in the City of Dublin. STRs refer to rooms or residences that are rented and occupied for short periods of time, typically less than 30 days. This report includes information on how the City currently regulates STRs, approximately how many STRs exist in Dublin, and how other cities in the Tri-Valley regulate STRs.

STAFF RECOMMENDATION:

Receive the report.

9. OTHER BUSINESS

Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

Mission

The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, and fosters new opportunities.