



**AMENDED  
CITY COUNCIL SPECIAL AND REGULAR MEETING  
AGENDA  
FEBRUARY 6, 2024**

**SPECIAL MEETING: 6:30 P.M. – 7:00 P.M**  
**REGULAR MEETING: 7:00 P.M.**

**WE ENCOURAGE ALL MEMBERS OF THE PUBLIC TO PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (520) 525-8911. ANY MEMBER OF THE PUBLIC PARTICIPATING VIA TELECONFERENCE WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.**

**ADDITIONALLY, THE REGULAR MEETING WILL BE STREAMED ON YOUTUBE LIVE**  
[https://www.youtube.com/channel/UCB\\_ZmQZIHlH-ECEPZ2VwZg](https://www.youtube.com/channel/UCB_ZmQZIHlH-ECEPZ2VwZg)

Notice is hereby given that the City Council will hold a Regular Meeting on February 6, 2024, at the City Council Chambers, 663 Main Street, Livingston, California. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the Deputy City Clerk at least 24 hours prior to this meeting at (209) 394-8041, Ext. 121. Any writings or documents pertaining to an Open Session item provided to a majority of the members of the legislative body less than 72 hours prior to the meeting shall be made available for public inspection by email if requested. Public comments can be submitted via emailed at [citycouncil@livingstoncity.com](mailto:citycouncil@livingstoncity.com). Comments must be received by 2:00 p.m. on the day of the City Council meeting in order for them to be distributed to the Council prior to consideration of the matter. You will need to provide: Meeting date, item number, name, email and comment (please limit to 300 words or 3 minutes). Please include: PUBLIC COMMENT in the subject for the email. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt by 4:00 p.m., please call the City Clerk's Office at (209) 394-8041, Ext. 121 (Note: This technology is not a guaranteed method).

## **SPECIAL MEETING**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance.
4. Moment of Silence – First Responders and Military Members.
5. Citizen Comments

### **CLOSED SESSION**

*A “Closed” or “Executive” Session of the City Council or the Successor Agency to the Redevelopment Agency of the City of Livingston may be held in accordance with state law which may include, but is not limited to, the following types of items: personnel matters, labor negotiations, security matters, providing instructions to real property negotiators, conference with legal counsel regarding pending litigation. The Closed Session will be held in the City Council Chambers located at 663 Main Street, Livingston, California. **Any public comment on Closed Session items will be taken before the Closed Session.** Any required announcements or discussion of Closed Session items or actions following the Closed Session will be made in the City Council Chambers, 633 Main Street, Livingston, California.*

6. Conference with Labor Negotiator  
(Government Code Section 54957.6)  
Labor Negotiator: Christopher Lopez, Interim City Manager  
Employee Organizations:  
OE3- Clerical Bargaining Unit  
OE3 - Police Supervisory Employees Association.  
OE3 - Management/Confidential Bargaining Unit  
OE3 - Livingston Police Officer Association  
AFSCME- Public Works and Park Unit

## **REGULAR MEETING**

### **CALL TO ORDER**

**Next Resolution No.: 2024-06**  
**Next Ordinance No.: 653**

Pledge of Allegiance.

Moment of Silence – First Responders and Military Members.

Roll Call.

Closed Session Announcements.

Changes to the Agenda.

## CITIZEN COMMENTS

*This section of the agenda allows members of the public to address the City Council on any item NOT on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, and identify themselves. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening.*

## ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

City Staff Announcements and Reports.

- John Ramirez, Acting Chief of Police – Police Department Update.

City Manager Announcements and Reports.

City Council Members' Announcements and Reports.

Mayor's Announcements and Reports.

### **Jatinder Mann**

- City Council Alternate Liaison - Parks, Recreation and Arts Commission – **Jatinder Mann**
- Merced Integrated Regional Water Management Plan (MIRWMA) – **Jatinder Mann, Representative and Jason Roth, Alternate Representative.**
- Central Valley Division League of California Cities – **Maria Soto, Representative and Jatinder Mann, Alternate.**

### **Jason Roth**

- City Council Liaison - Livingston Planning Commission – **Jason Roth**
- Special City Selection Committee of the San Joaquin Valley Air Pollution Control Board – **Jason Roth, Representative and Gurpal Samra, Alternative.**
- Merced Integrated Regional Water Management Plan (MIRWMA) – **Jatinder Mann, Representative and Jason Roth, Alternate Representative.**

### **Maria Soto**

- Merced County Local Agency Formation Commission (LAFCO) – **Maria Soto, Representative.**
- Central Valley Division League of California Cities – **Maria Soto, Representative and Jason Roth, Alternate.**

### **Gurpal Samra**

- Merced County Mosquito Abatement District Board of Directors – **Gurpal Samra, Representative and Jason Roth, Alternate.**

### **Jose Moran**

- Merced County Association of Governments (MCAG) Governing Board – **Jose Moran, Representative and Gurpal Samra, Alternate.**
- City Council Liaison - Parks, Recreation and Arts Commission – **Jose Moran.**
- Utility Stakeholders Committee – **Jose Moran and Gurpal Samra.**

## **CONSENT AGENDA**

*Items on the Consent Calendar are considered routine or non-controversial and will be enacted by one vote, unless separate action is requested by a member of the public, the City Manager or City Council Member. There will be no separate discussion of these items unless members of the public, City Council or City Manager request that specific items be removed. Public comment on consent agenda items shall be limited to three (3) minutes per-person regardless of the number of items contained within the consent agenda.*

1. **RATIFY CHECK WARRANTS**  
Ratify Warrant Register Dated January 18, 2024.
2. City Treasurer's Investment Report for the Month Ending December 31, 2023.
3. Consideration of a Resolution Accepting a Bid from PAC Machine Company for the Supply of a Portable 6-inch Pump. Staff Recommendation: Approve Resolution.
4. Consideration of a Resolution Authorizing Submittal of Individual Grant Applications and Payment Requests to CalRecycle for All Grant Programs and Payment Programs for which the City of Livingston is Eligible and Authorizing the Interim City Manager to Execute all Required Documents. Staff Recommendation: Approve Resolution.

## **DISCUSSION AND POTENTIAL ACTION ITEMS**

5. Consideration of a Resolution Authorizing the Interim City Manager to Execute an Agreement with Public Opinion Strategies for Polling Research Regarding a Potential Livingston Sales Tax Measure. Staff Recommendation: Approve Resolution.
6. Discussion and Direction Regarding Home Occupation Permits.

## **COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**

## **CLOSED SESSION**

7. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Title: Interim City Manager  
Pursuant to Government Code Section 54957

## **ADJOURNMENT**

# CITY OF LIVINGSTON

Police Department Report 2022/2023

February 6, 2024

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# Mission

“Our mission is to provide professional law enforcement services intended to impact the quality of life, through commitment, education, and community partnership”



# Staffing

- 1 Acting Chief of Police/Lieutenant
- 3 Sergeants
- 3 Corporals
- 8 Officers
- 2 Detectives
- 2 Reserves
- 1 School Resource Officer
- 1 Administrative Services manager
- 1 Communication records manger
- 1 Code Compliance officer
- 6 Full time Dispatcher
- 2 Part time dispatchers
- 1 Office assistant







# Livingston Police Department

## 2023 Stats:

Livingston Police Communications handled over 3,513 9-1-1 calls and over 24,388 Non-emergency calls.

- **Total Number of Incidents: 30,005**
- **Total Number of cases Handled: 1174**
- **Total number of Vehicle Collisions: 126**
- **Total number of fatal vehicle collision's: 0**
- **DUI Vehicle Collision's: 5**
- **Total number of DUI arrests: 42**
- **Misdemeanor arrest's: 294**
- **Felony Arrests: 142**
- **Total number of citations issued: 934**



# 2023 Highlights

- 1 LPD hires first ever Code Enforcement Officer
- 2 Re- modeled police department weight room
- 3 Hired 2 full time dispatchers (4+ years since fully staffed)
- 4 Started shooting range beautification project
- 5 LPD mounted unit MOU completed and approved (after 10 years)
- 6 \$10,000 plus donations for Kops for Kids
- 7 Purchased JAMAR radar system for traffic
- 8 Began discussion and started to re-build Emergency Operations Plan



# Departmental Budgets: Police Department

FY 2022/2023 Budget	FY 2023/2024 Adopted
\$5,125,439	\$4,754,492

Notable Additions/Reductions to FY 23/24 Budget	Amount
2023 Ford Police Interceptor Vehicle and Upfit for Patrol	\$70,000
2023/24 Ford Transit Van Connect for Evidence	\$54,000



# City Events Attended

Every 15  
Minutes

Sikh Parade  
(Nargankirtan)

Splash Run

LHS Band  
Review

LHS/LMS  
graduations

4<sup>th</sup> of July  
Event

Sweet Potato  
Festival

Street Fair

VFW parade

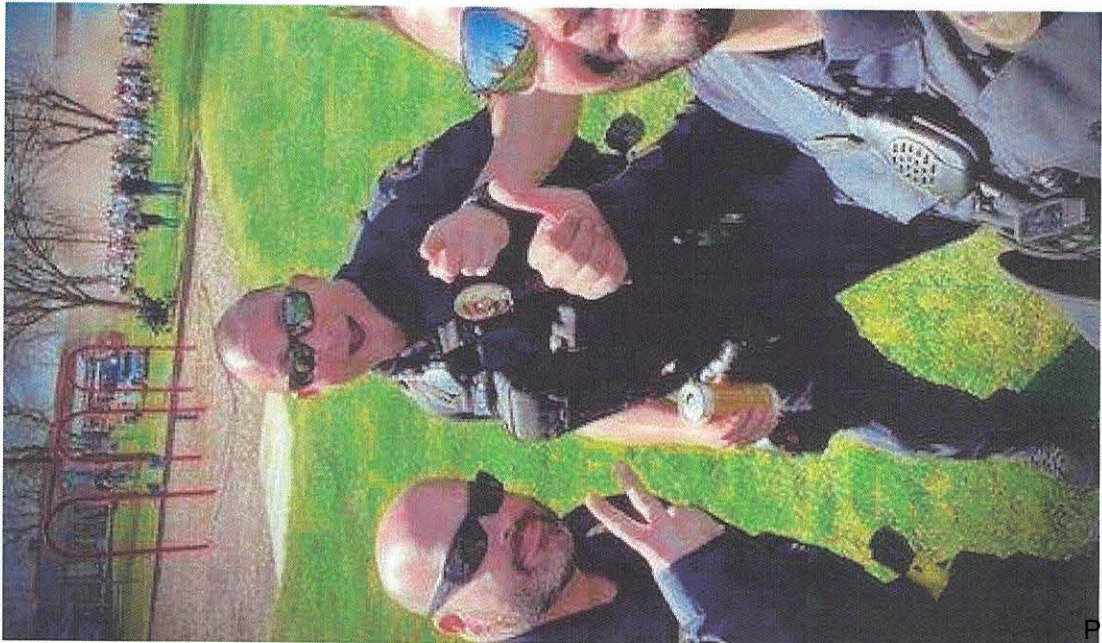
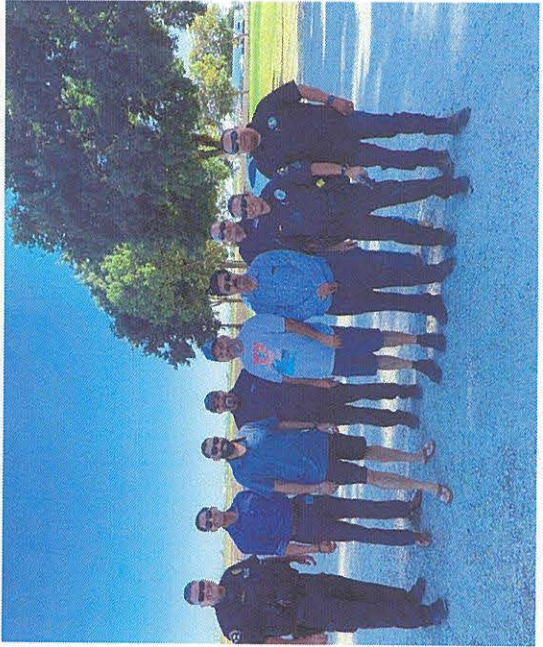
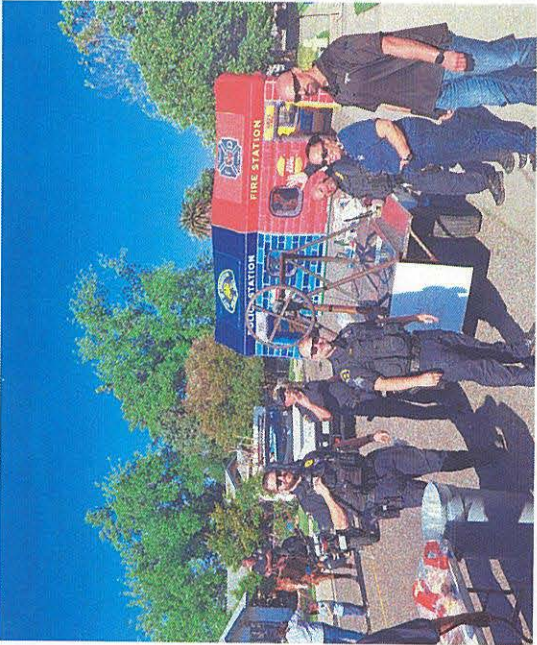
Christmas  
Parade

Kops 4 Kids

Neighborhood  
Visit



THANK YOU LIVINGSTON POLICE EXPLORERS POST 518!!



# GOALS

Reduce Major  
Crimes

Start Traffic Unit

Finish Emergency  
Operations Plan

Finish Shooting  
Range Project

Increase Community  
Outreach



# Feedback/Comments



# STAFF REPORT



**AGENDA ITEM:** Warrant Register January 18, 2024  
**MEETING DATE:** February 6, 2024  
**PREPARED BY:** Nancy Fuentes, Accounting Technician  
**REVIEWED BY:** Christopher Lopez, Interim City Manager

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**RECOMMENDATION:**

Ratify the warrant register dated January 18, 2024

**DISCUSSION:**

Government Code sections 37208(b) and 37209 provide that accounts payable warrants or checks drawn in payment of demands certified or approved by the finance director as conforming to a budget approved by ordinance or resolution of the legislative body need not be audited by the legislative body prior to payment.

In addition, Government Code section 37208(a) provides that payroll warrants or checks need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants or checks. The sum total of any payroll checks issued within the week prior to the date of the check register is also noted on the accompanying check register.

The following checks have been certified to be in accordance with the City's approved budget. The checks have been issued and the check register is presented to the City Council for ratification:

**December 16, 2023- January 18, 2024**

<b>GENERAL WARRANTS.....</b>	<b>\$</b>	<b>1,279,733.12</b>	<b>10292-10473</b>
<b>PAYROLL/WIRE WARRANTS.....</b>	<b>\$</b>	<b>404,779.41</b>	<b>2982-3004</b>
<b>TOTAL WARRANTS.....</b>	<b>\$</b>	<b>1,684,512.53</b>	

**ATTACHMENTS:**

Warrant Register (detailed by date and check number)



# Accounts Payable

## Checks by Date - Summary by Check Date

User: nfuentes  
 Printed: 1/23/2024 12:48 PM



**City of Livingston**  
 1416 C Street  
 Livingston, CA 95334

Check No	Vendor No	Vendor Name	Check Date	Check Amount
10292	251	ABS Direct, Inc.	12/21/2023	1,146.62
10293	250	Alhambra	12/21/2023	514.83
10294	1394	Christina Alvarez	12/21/2023	150.00
10295	1307	Amazon Capital Services	12/21/2023	858.74
10296	529	American Legal Publishing	12/21/2023	500.00
10297	253	AT&T	12/21/2023	470.44
10298	282	AT&T Mobility	12/21/2023	1,767.54
10299	1338	Baker Tilly US, LLP	12/21/2023	10,000.00
10300	162	Steve Bassi	12/21/2023	25.00
10301	446	Belcorp Ag, LLC	12/21/2023	498.98
10302	1390	Amy Brambila	12/21/2023	60.00
10303	193	BSK Associates	12/21/2023	9,123.75
10304	272	Charter Communications Holdings, LLC	12/21/2023	129.97
10305	291	City of Livingston c/o L & L District Irrigati	12/21/2023	24,852.00
10306	1239	Clark Pest Control of Stockton, Inc.	12/21/2023	281.00
10307	1371	Fermin Covarrubias	12/21/2023	60.00
10308	518	Critical Reach, Inc.	12/21/2023	325.00
10309	787	Custom Weed Control Inc.	12/21/2023	800.00
10310	528	Department of Housing and Community De	12/21/2023	1,540.00
10311	37	Kavita Dhaliwal	12/21/2023	45.00
10312	757	Anita Dhillon	12/21/2023	519.48
10313	455	Ernest Packaging Solutions	12/21/2023	299.44
10314	163	EZ Auto Supply	12/21/2023	87.25
10315	260	First Communications, LLC	12/21/2023	29.10
10316	1151	Jose Flores	12/21/2023	25.00
10317	1395	Maribel Franco	12/21/2023	150.00
10318	420	Frantz Wholesale Nursery, LLC.	12/21/2023	1,745.55
10319	188	Frontier	12/21/2023	2,605.99
10320	159	Andres Fuentes	12/21/2023	25.00
10321	727	Garton Tractor, Inc	12/21/2023	13.41
10322	164	Garza Tire & Wheel, Inc	12/21/2023	1,330.60
10323	356	Gouveia Engineering, Inc.	12/21/2023	81,576.02
10324	1398	Gurpreet Grewal	12/21/2023	135.00
10325	1396	Jasmyn Hernandez	12/21/2023	150.00
10326	811	Pete Hulse, DVM, Pa Hilmar Animal Hospi	12/21/2023	743.00
10327	266	Hilmar Lumber	12/21/2023	123.86
10328	358	Hilmar Ready Mix Rockery Nursery, LLC	12/21/2023	1,885.64
10329	267	Hoffman Security	12/21/2023	579.90
10330	501	Hunt & Sons, Inc.	12/21/2023	11,145.35
10331	1389	Bianka Elizabeth Iniguez	12/21/2023	150.00
10332	686	JJC Security System Solutions	12/21/2023	898.95
10333	537	Wapinder Kang	12/21/2023	185.75
10334	1399	Jasvir Kaur	12/21/2023	90.00
10335	238	Sandeep Kaur	12/21/2023	60.00
10336	318	La Rue Communications	12/21/2023	1,941.00
10337	268	Language Line Services, Inc.	12/21/2023	192.70
10338	1393	Noah Marquez	12/21/2023	110.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
10339	615	McClatchy Company LLC	12/21/2023	136.84
10340	559	Merced County Environmental Health	12/21/2023	191.00
10341	389	Mid Valley IT	12/21/2023	75.00
10342	740	Claudia Millan	12/21/2023	150.00
10343	180	Mission Linen Service	12/21/2023	896.00
10344	270	Modern Air Mechanical	12/21/2023	291.00
10345	194	Modesto Welding Products	12/21/2023	24.00
10346	199	Northstar Chemical	12/21/2023	6,532.22
10347	302	Office Depot, Inc./ODP Business Solutions.	12/21/2023	170.90
10348	1147	PAC Machine Company, INC.	12/21/2023	75,140.21
10349	203	PG&E	12/21/2023	58,232.07
10350	1397	Jose Ramirez	12/21/2023	150.00
10351	1392	Mayra Jasmin Rebuella	12/21/2023	150.00
10352	535	Jason Roth	12/21/2023	150.00
10353	386	S & N Auto Services, INC.	12/21/2023	40.00
10354	208	Saenz Pest Control, Inc.	12/21/2023	127.00
10355	500	Safeguard Business Systems	12/21/2023	573.81
10356	561	Safe-T-Lite of Modesto, Inc.	12/21/2023	231.46
10357	499	Safety-Kleen Systems, Inc.	12/21/2023	843.80
10358	408	Sapien Family Trust	12/21/2023	1,000.00
10359	439	Sharpening Shop	12/21/2023	926.17
10360	307	Shred-It, C/O Stericycle, Inc.	12/21/2023	501.55
10361	323	Springbrook Holding Company LLC	12/21/2023	3,942.00
10362	875	Taylor ER Veterinary Emergency Hospital	12/21/2023	391.25
10363	692	Tesco Controls, Inc.	12/21/2023	9,332.00
10364	310	Totlcom, Inc.	12/21/2023	382.72
10365	284	Trans Union LLC	12/21/2023	162.70
10366	1391	Edelmira Trenado	12/21/2023	60.00
10367	1175	UBEO West, LLC	12/21/2023	434.15
10368	578	Uline	12/21/2023	438.68
10369	249	United Site Services	12/21/2023	2,998.11
10370	366	USABlueBook	12/21/2023	1,167.79
10371	314	Valley Coffee & Water	12/21/2023	87.80
10372	367	Verizon Wireless	12/21/2023	1,733.26
10373	504	VIP Audio Visual Company, Inc	12/21/2023	3,000.00
10374	296	Visual Edge IT, Inc	12/21/2023	1,642.31
10375	818	Renee Waite-Mendonca	12/21/2023	25.00
10376	536	Robert Wallis	12/21/2023	25.00
10377	287	West Coast Code Consultants, Inc.	12/21/2023	450.00
10378	210	WGR Southwest, Inc.	12/21/2023	1,342.04
10379	597	Work Wellness	12/21/2023	775.00
Total for 12/21/2023:				334,869.70
10381	909	Canon Financial Services, Inc.	01/05/2024	331.89
10382	1239	Clark Pest Control of Stockton, Inc.	01/05/2024	92.00
10383	1308	CSG Consultants, Inc.	01/05/2024	41,075.70
10384	293	Department of Justice Accounting Office	01/05/2024	597.00
10385	641	Ferguson Enterprises LCC #686	01/05/2024	987.58
10386	387	Frontier Communications Corp Frontier Co	01/05/2024	1,566.32
10387	388	Interstate Battery System of Fresno	01/05/2024	334.53
10388	965	Maverick Data Systems	01/05/2024	500.00
10389	269	Merced Pest Control	01/05/2024	80.00
10390	180	Mission Linen Service	01/05/2024	178.90
10391	671	Natalie Sobalvarro	01/05/2024	375.00
10392	271	State Water Resources Control Board	01/05/2024	116,299.38
10393	310	Totlcom, Inc.	01/05/2024	107.75

Check No	Vendor No	Vendor Name	Check Date	Check Amount
10394	313	U.S. Bank Equipment Finance	01/05/2024	490.17
10395	249	United Site Services	01/05/2024	591.12
10396	210	WGR Southwest, Inc.	01/05/2024	170.00
Total for 1/5/2024:				163,777.34
10397	395	Administrative Solution, Inc.	01/12/2024	100.00
10398	434	AFSCME District Council 57	01/12/2024	534.38
10399	UB*02057	TRACEY BROOKS	01/12/2024	22.23
10400	393	California State Disbursement Unit	01/12/2024	1,786.12
10401	398	Central SanJoaquin Valley Risk Manageme	01/12/2024	77,363.00
10402	399	Central SanJoaquin Valley Risk Manageme	01/12/2024	100,758.00
10403	612	Livingston Peace Officers Association	01/12/2024	1,859.50
10404	437	Operating Engineers Local 3	01/12/2024	357.00
10405	438	Operating Engineers Local Union No.3	01/12/2024	612.00
10406	405	Premier Access Insurance Company	01/12/2024	5,050.70
10407	1284	State of California	01/12/2024	130.16
10408	608	Vision Service Plan- CA	01/12/2024	326.85
10409	422	U.S. Bank Corporate Payment Systems	01/12/2024	19,291.96
Total for 1/12/2024:				208,191.90
10410	290	All-Phase Electric Supply Co.	01/18/2024	146.03
10411	1307	Amazon Capital Services	01/18/2024	260.52
10412	472	Aqua-Metric Sales Company	01/18/2024	16,786.79
10413	253	AT&T	01/18/2024	402.48
10414	454	Backflow Apparatus & Valve Co.	01/18/2024	540.80
10415	162	Steve Bassi	01/18/2024	25.00
10416	1381	Brink's Incorporated	01/18/2024	347.54
10417	193	BSK Associates	01/18/2024	3,150.00
10418	1019	Buchalter	01/18/2024	2,506.56
10419	1100	CAL FIRE	01/18/2024	3,860.36
10420	1401	California Peace Officers' Association	01/18/2024	750.00
10421	909	Canon Financial Services, Inc.	01/18/2024	31.05
10422	682	Card Integrators Corporation	01/18/2024	2,983.00
10423	272	Charter Communications Holdings, LLC	01/18/2024	265.25
10424	914	Cintas Corporation No. 2	01/18/2024	475.39
10425	837	City of Los Banos	01/18/2024	70.00
10426	484	CivicPlus, LLC	01/18/2024	2,987.24
10427	283	CoreLogic Solutions, LLC	01/18/2024	400.00
10428	429	DMV Renewal	01/18/2024	10.00
10429	510	Doms Electric Motor Shop	01/18/2024	3,322.88
10430	455	Ernest Packaging Solutions	01/18/2024	1,061.82
10431	1151	Jose Flores	01/18/2024	25.00
10432	188	Frontier	01/18/2024	2,916.41
10433	164	Garza Tire & Wheel, Inc	01/18/2024	299.77
10434	262	Gilton Solid Waste	01/18/2024	228,348.42
10435	1384	HF&H Consultants, LLC	01/18/2024	28,290.00
10436	811	Pete Hulse, DVM, Pa Hilmar Animal Hospi	01/18/2024	659.00
10437	359	Hinderliter, de Llamas & Associates	01/18/2024	1,298.93
10438	501	Hunt & Sons, Inc.	01/18/2024	10,488.53
10439	388	Interstate Battery System of Fresno	01/18/2024	1,284.49
10440	165	J L Analytical Services, Inc.	01/18/2024	116.00
10441	521	Jim Brisco Enterprises, Inc.	01/18/2024	38,510.55
10442	318	La Rue Communications	01/18/2024	1,941.00
10443	268	Language Line Services, Inc.	01/18/2024	283.88
10444	461	LEAF	01/18/2024	741.59

Check No	Vendor No	Vendor Name	Check Date	Check Amount
10445	402	Liebert Cassidy Whitmore	01/18/2024	3,035.50
10446	615	McClatchy Company LLC	01/18/2024	1,358.68
10447	362	Merced County Animal Control	01/18/2024	2,870.00
10448	403	Merced County Association of Government	01/18/2024	100.00
10449	278	Merced Irrigation District	01/18/2024	56,231.22
10450	180	Mission Linen Service	01/18/2024	191.90
10451	270	Modern Air Mechanical	01/18/2024	7,300.00
10452	199	Northstar Chemical	01/18/2024	12,301.81
10453	302	Office Depot, Inc./ODP Business Solutions.	01/18/2024	28.00
10454	1147	PAC Machine Company, INC.	01/18/2024	47,654.49
10455	203	PG&E	01/18/2024	53,943.33
10456	433	Razzari Ford	01/18/2024	17.64
10457	386	S & N Auto Services, INC.	01/18/2024	80.00
10458	408	Sapien Family Trust	01/18/2024	1,000.00
10459	439	Sharpening Shop	01/18/2024	4,066.84
10460	526	State Water Resources Control Board	01/18/2024	60.00
10461	836	State Water Resources Control Board	01/18/2024	10,602.00
10462	1400	Jaime Tafoya	01/18/2024	162.36
10463	530	Telstar Instruments	01/18/2024	3,732.00
10464	1402	Tesla Energy Operations, Inc.	01/18/2024	378.33
10465	284	Trans Union LLC	01/18/2024	199.97
10466	249	United Site Services	01/18/2024	382.55
10467	366	USABlueBook	01/18/2024	510.95
10468	1150	Jack Berry Valley 29 Electric, LLC	01/18/2024	210.00
10469	1204	Valley Sanitation & Rentals LLC	01/18/2024	351.81
10470	818	Renee Waite-Mendonca	01/18/2024	25.00
10471	536	Robert Wallis	01/18/2024	25.00
10472	1403	WBCP, Inc.	01/18/2024	9,980.52
10473	210	WGR Southwest, Inc.	01/18/2024	508.00

Total for 1/18/2024: 572,894.18

Report Total (181 checks): 1,279,733.12



## ELECTED OFFICIAL'S REPORT

**AGENDA ITEM:** Treasurer's Report: December 2023  
**MEETING DATE:** February 6, 2024  
**PREPARED BY:** Katherine Schell Rodriguez – Elected City Treasurer

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### **RECOMMENDATION:**

Receive and File Treasurer's Report for the month ending December 31<sup>st</sup>, 2023.

### **BACKGROUND:**

The Treasurer's Report is required to be presented to the governing body.

### **DISCUSSION:**

Total Cash and City Investments including cash in the bank, and cash in the Local Agency Investment Fund is \$39,499,382.11 and represents a 1.03% decrease from the previous month.

The attached Treasurer's report is a "snapshot" report of our cash position on the last day of the month in all our accounts per Bank Statements.

### **FISCAL IMPACT:**

None.

### **ATTACHMENTS:**

1. December 31, 2023, Treasurer's Report with signature



# TREASURER'S REPORT

Bank Statement Period Ending Dec. 31, 2023  
 Report Date Jan. 08, 2024  
 Meeting Date Feb 06, 2024

The following cash and investment information pertains to the period ending per Bank Statements

Institution	Acct#	Investment Type	Average Monthly Yeild %	Balance DECEMBER
State of California LAIF (Local Agency Investment Fund)	xx-xx-463	Pooled	3.929%	38,563,032.34
<b>Non Interest Bearing Items</b>				
Farmers & Merchants Bank	xxxxxx5801	Operating Account	N/A	690,235.15
Farmers & Merchants Bank	xxxxxx6601	Payroll Account	N/A	10,319.35
Farmers & Merchants Bank	xxxxxx8201	Web Payments Account	N/A	235,795.27
<b>Subtotal F&amp;M Bank</b>			<b>Subtotal</b>	<b>936,349.77</b>
<b>Total Cash &amp; Investments</b>			<b>Totals</b>	<b>39,499,382.11</b>

Notes

- 1) There are currently no Investments, In an Institution, with a Maturity Date, and/or a Maturity Date of 12 Months or More. The City's Portfolio consists of Non Interest Bearing Items in F&M Bank, and funds deposited with the State Local Investment Agency (LAIF)
- 2) Percentage Yield Rate from the LAIF Website "PMIA Average Monthly Yield"
- 3) The Average Daily Balance in F & M Bank for the month was \$987,781.66 per statements

Prepared By:

*Katherine Schell-Rodriguez*  
 Katherine Schell-Rodriguez City Treasurer



# STAFF REPORT

**AGENDA ITEM:** Resolution of the City Council of the City of Livingston Accepting a bid from PAC Machine Company for the Supply of one (1) Portable 6-inch Pump

**MEETING DATE:** February 6, 2024

**PREPARED BY:** Anthony Chavarria, Public Works Director

**REVIEWED BY:** Christopher Lopez, Interim City Manager

**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2024- \_\_\_\_\_, accepting the bid from PAC Machine Company in the amount \$63,320.00 for the supply of a portable 6-inch pump.

**BACKGROUND:**

The City of Livingston has identified the need and desire to purchase the proposed pump for use in emergency situations. Public Works will utilize the portable pump to bypass sewer facilities during maintenance and repairs. Public works will also utilize the portable pump to remove storm water during heavy rain events, as well as dewatering during water repair projects. The portable pump is a critical asset and will help reduce sewer overflows and flooding during major storm events. The major work consists of supplying one portable 6-inch pump and associated start-up and training services.

**DISCUSSION:**

Following a public bidding process, the project was advertised in the Merced Sun Star on November 1, 2023, November 8, 2023, and November 15, 2023. The City received a total of one (1) bid that was opened at 2:00 p.m. on November 22, 2023, at the City of Livingston City Hall, this being the advertised bid opening date and time. The lowest responsible and responsive bid was submitted by PAC Machine Company. The bid results were as listed below:

PAC Machine Company	\$	63,320.00
Engineer's Estimate	\$	55,000.00

It is recommended that the City of Livingston accepts the bid from PAC Machine Company in the amount of sixty-three thousand three hundred twenty dollars and zero cents (\$63,320.00) and authorize the Interim City Manager to issue the attached purchase order for the bid amount.

**FISCAL IMPACT:**

The supply of the portable 6-inch pump will be funded utilizing water and wastewater enterprise funds.

**ATTACHMENTS:**

1. Resolution
2. Abstract of Bids
3. Low Bidder's Bid
4. Purchase Order No. 1781

**RESOLUTION NO. 2024-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON ACCEPTING  
A BID FROM PAC MACHINE COMPANY FOR THE SUPPLY OF A PORTABLE 6-  
INCH PUMP**

**WHEREAS**, the City of Livingston has identified the need and desire to purchase a portable pump for use in emergency situations; and

**WHEREAS**, Public Works will utilize the portable pump to bypass sewer facilities during maintenance and repairs; and

**WHEREAS**, Public Works will also utilize the portable pump to remove storm water during heavy rain events, as well as dewatering water main line repair projects; and

**WHEREAS**, the portable pump is a critical asset and will help reduce sewer overflows and flooding during major storm events; and

**WHEREAS**, the Invitation to Bid for the Supply Portable 6-Inch Pump Project was advertised in the Merced Sun Star on November 1, 2023; and

**WHEREAS**, a total of one (1) bid was received and read aloud at 2:00 p.m. on November 22, 2023 at the City of Livingston City Hall, this being the advertised bid opening date and time. The bid results were as listed below:

PAC Machine Company	\$	63,320.00
Engineer's Estimate	\$	55,000.00

**WHEREAS**, the bid has been reviewed and PAC Machine Company submitted the lowest responsive and responsible bid.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Livingston hereby:

Section 1. Adopts a Resolution accepting the bid from PAC Machine Company in the amount of sixty-three thousand three hundred twenty dollars and zero cents (\$63,320.00).

Section 2. Authorizes the Finance Department to issue a purchase order to PAC Machine Company for the supply of the portable 6-inch pump. The purchase order shall be in a form approved by the City Attorney.

Section 3. This Resolution will become effective immediately.

I hereby certify that the foregoing Resolution No. 2024-\_\_\_ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 6<sup>th</sup> day of February 2024, by the vote recorded as follows:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:



By: \_\_\_\_\_  
Jose A. Moran, Mayor  
of City of Livingston

ATTEST

\_\_\_\_\_  
Monica Cisneros, Deputy City Clerk

**APPROVED AS TO LEGAL FORM**

\_\_\_\_\_  
Roy C. Santos, City Attorney

**ABSTRACT OF BIDS FOR  
CITY OF LIVINGSTON  
Supply of Portable 6-Inch Pump  
Bid Opening: November 22, 2023 at 2:00 p.m.**

Item No.	Item Description	Quantity and Unit	<i>Engineer's Estimate</i>		PAC Machine Company 8570 53rd Avenue Sacramento, CA 95826									
			Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Supply of Portable 6-Inch Pump	1 LS	55,000.00	55,000.00	63,320.00	63,320.00		0.00		0.00		0.00		0.00
<b>BID TOTAL</b>				<b>\$55,000.00</b>		<b>\$63,320.00</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>

FROM:

PAC MACHINE COMPANY

8570 53<sup>rd</sup> AVENUE

SACRAMENTO, CA 95826

California Contractors License # 593212

TO:

"SUPPLY OF PORTABLE 6-INCH PUMP,

ATTENTION CITY CLERK"

NOV 22 2023

10:16 am *AJ*



*Since 1977*

## **PUMPS & GENERATORS**

8570 23<sup>rd</sup> AVE. • SACRAMENTO, CA 95826 • (916) 387-1336 • (916) 387-1380

California Contractors License Class A General Engineering: # 593212

California Small Business Number: 0009375

### **BID COVER LETTER**

November 22, 2023

City of Livingston  
1416 C Street  
Livingston, CA 95334

To whom it may concern:

Pac Machine Company is pleased to submit this bid in response to the "Supply of Portable 6-inch Pump" for the City of Livingston.

Pac Machine Company, the Northern California distributor, rental and repair facility of Godwin Pumps, a Xylem Inc. company offers Godwin Model: CD150S Dri-prime Pump.

Enclosed in this bid are the submittals composed of product data, shop drawings, catalog, pump curve, parts list, warranty document and statement of DOT compliance for the trailer.

Pac Machine also confirms the inclusion of all the mentioned accessories, manufacturer's services, permitting from Department of Motor Vehicles (DMV) and California Air Resource Board (CARB).

#### **QUALIFICATIONS:**

Pac Machine Co., Inc. is a Small Business with offices in Benicia, and Sacramento California, & Sparks and Elko, Nevada. We have been in business since 1977 in the distribution, rental and service portable emergency sewage pumps, Godwin / Flygt / Xylem.

Pac Machine is equipped with testing, repair and training facility in Sacramento, we welcome the public works to pay us visit and witness a predelivery performance test of the pump.

PMC Key organization Chart: Miro Kesich, President, 46 years with PMC.  
Fred Kesich, VP Applications, 36 years with PMC and 47 years in industry  
Stephen Kesich, Chief Engineer 7 years in industry

John Kesich, Controller, 36 years with PMC  
David Kesich, Sales Management, 37 years with PMC  
Phil Albee, Rental Manager, 21 years with PMC  
Gerard Marquez, Sales Engineer, 15 years in industry

Please review our bid and notify us of any questions or clarifications.

Thank you very much for this opportunity.

Regards,

*Gerard Marquez*  
Gerard Marquez

Pac Machine Company  
8570 23<sup>rd</sup> Avenue  
Sacramento, CA 95826  
916 416 2252  
[gerard@pacmachine.com](mailto:gerard@pacmachine.com)



godwin  
Water Loss

PUMPS & GENERATORS  
**Pac Machine Co, Inc.**



**GERARD E. MARQUEZ**

SALES  
PARTS  
SERVICE  
RENTALS

8570 23<sup>rd</sup> AVENUE • SACRAMENTO, CA 95826  
Mobile: (916) 416-2252  
Office: (916) 387-1336 • FAX: (916) 387-1380  
BENICIA, CA • SPARKS, NV • ELKO, NV  
(707) 746-4940 • (775) 359-8500 • (775) 777-1909  
[gerard@pacmachine.com](mailto:gerard@pacmachine.com)

NO. \_\_\_\_\_

**CITY OF LIVINGSTON  
DEPARTMENT OF PUBLIC WORKS**



**MERCED COUNTY, CALIFORNIA**

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**CONTRACT DOCUMENTS**

**FOR**

**SUPPLY OF PORTABLE 6-INCH PUMP**

**Bid Opening Date: November 22, 2023 @ 2:00 P.M. PDT**

**CITY OF LIVINGSTON  
1416 "C" STREET  
LIVINGSTON, CA 95334**

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For use in Connection with the latest Standard Specifications, Standard Plans, and Labor Surcharge and Equipment Rental Rates.

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**NOVEMBER 2023**

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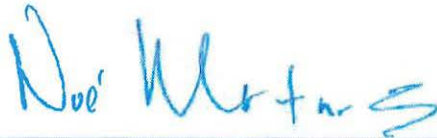
**GOUVEIA ENGINEERING  
456 Sixth Street, Gustine, California 95322**

# SUPPLY OF PORTABLE 6-INCH PUMP

NOVEMBER, 2023

## OWNERSHIP OF DOCUMENTS

THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF GOUVEIA ENGINEERING AND IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE, IN WHOLE OR IN PART, IS NOT PERMITTED WITHOUT WRITTEN AUTHORIZATION BY GOUVEIA ENGINEERING



C 68423

Noe Martinez, PE



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GOUVEIA ENGINEERING  
456 Sixth Street, Gustine, California 95322

# SUPPLY PORTABLE 6-INCH PUMP

## TABLE OF CONTENTS

NOTICE TO BIDDERS  
INFORMATION FOR BIDDERS  
PROPOSAL  
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SECTION 432124  
SELF-PRIMING, TRAILER MOUNTED RAW WASTEWATER PUMP



**CITY OF LIVINGSTON  
NOTICE TO BIDDERS**

Sealed proposals for the work shown on the Contract Documents entitled: Supply of Portable 6-Inch Pump, will be received at the office of the City Clerk of the City of Livingston, 1416 C Street Livingston, CA 95334 until 2:00 p.m. (PDT) on November 22, 2023, at which time they will be publicly opened and read aloud.

The major work consists of supplying one portable 6-inch pump to the City of Livingston. Portable 6-inch pump to be delivered to the City of Livingston Corporation Yard located at 2238 Walnut Avenue.

The time for delivery is **Sixty (60)** calendar days after receiving a purchase order from the City.

No pre-bid meeting is scheduled for this project.

This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code, Section 12990.

The Contract Documents in their entirety may be viewed and/or obtained at the following locations:

Gouveia Engineering, 456 Sixth St. Gustine, CA 95322

City of Livingston, 1416 C Street Livingston, CA 95334

Builders Exchange of Stockton - <https://www.besonline.com>

Valley Builders Exchange, Inc. - <https://www.valleybx.com>

Tulare Kings County Builders Exchange, - <https://www.tkcbex.com>

Central California Builders Exchange, - <https://www.cencalbx.com>

Sacramento Regional Builders Exchange, - <https://www.srbx.org>

Dodge Data & Analytics, - <https://www.construction.com/plans/>

Golden State Plan Service, - <https://www.gsbe.net>

Date: October 25, 2023

By: Department of Public Works  
City of Livingston

Date of Advertisement: 11/1/2023, 11/8/2023, 11/15/2023

## INFORMATION FOR BIDDERS

Bids will be received by the City of Livingston (herein called the "Owner"), at the office of the City Clerk until 2:00 p.m. Pacific Daylight Time (PDT), on November 22, 2023 then at said office, publicly opened and read aloud.

The major work consists of supplying one portable 6-inch pump to the City of Livingston. Portable 6-inch pump to be delivered to the City of Livingston Corporation Yard located at 2238 Walnut Avenue.

**The time for delivery is 60 calendar days after receiving a purchase order from the City.**

Each Bid must be submitted in a sealed envelope, addressed to the City of Livingston at 1416 C Street Livingston, CA 95334. Each sealed envelope containing a Bid must be plainly marked on the outside as **"Supply of Portable 6-Inch Pump, Attention City Clerk"** and the envelope should bear on the outside, the name of the Bidder, his address, and his Contractor's license number (if applicable). If forwarded by USPS mail, UPS, or FedEx, the sealed envelope containing the Bid must be enclosed in another envelope addressed to the City of Livingston at 1416 C Street Livingston, CA 95334, and should clearly state, **"Supply of Portable 6-Inch Pump, Attention City Clerk"**.

**The Bid shall be accompanied by a cover letter signed by a person or persons legally authorized to bind Bidder to the contract. The individual or individuals signing the Bid shall warrant that they are authorized to bind the Bidder. The Bidder shall describe his interest and commitment to the project in the cover letter and include the name, title, address, phone number, and original signature of the authorized individual. The Bid shall also be accompanied by information on the make and model of the proposed equipment and manufacturer literature.**

The Total Bid Amount must be filled in, in ink or typewritten, and the bid must be fully completed and executed when submitted. Only one set of original bid forms are required to be submitted. Mistakes must be corrected and the correction inserted; correction must be initialed in ink by person or persons signing the bid. No conditional bids will be accepted.

All Bids must be made on the required Bid form. All blank spaces for Bid prices must be filled in, in ink or typewritten, and the Bid form must be fully completed and executed when submitted unless otherwise indicated. All insertions, additions, corrections, and other changes made by the Bidder to the Bid Form shall be done in dark blue or black ink and initialed by the Bidder. Edits shall be legible and the use of white out is not acceptable. Failure to complete an item renders the Bid Non-Responsive. A conditional or qualified Bid will not be accepted. Only one copy of the Bid form is required.

The bidder shall set forth for each unit basis item of work a unit price and a total for the item, and for each lump sum item a total of the item, all in clearly legible figures in the respective spaces provided for that purpose. In the case of unit bases items, the amount set forth under the "Item Total" column shall be the product of the unit price bid and the estimated quantity for the item.

In case of discrepancy between the unit price and the total set forth for a unit basis item, the unit price shall prevail, except as provided in (a) or (b), as follows:

(a) If the amount set forth as a unit price is unreadable or otherwise unclear, or is omitted, or is the same as the amount as the entry in the item total column, then the amount set forth in the item total column for the item shall prevail and shall be divided by the estimated quantity for the item and the price thus obtained shall be the unit price;

(b) (Decimal Errors) If the product of the entered unit price and the estimated quantity is exactly off by a factor of ten, one hundred, etc., or one-tenth, or one-hundredth, etc. from the entered total, the discrepancy will be resolved by using the entered unit price or item total,

whichever most clearly approximates percentage wise the unit price or item total in the Department's Final Estimate of cost.

If both the unit price and the item total are unreadable or otherwise unclear, or are omitted, the bid may be deemed irregular. Likewise, if the item total for a lump sum item is unreadable or otherwise unclear, or is omitted, the bid may be deemed irregular unless the project being bid has only a single item and a clear, readable total bid is provided.

Symbols such as commas and dollar signs will be ignored and have no mathematical significance in establishing any unit price or item total or lump sums. Written unit prices, item totals and lump sums will be interpreted according to the number of digits and, if applicable, decimal placement. Cents symbols also have no significance in establishing any unit price or item total since all figures are assumed to be expressed in dollars and/or decimal fractions of a dollar. Bids on lump sum items shall be item totals only; if any unit price for a lump sum item is included in a bid and it differs from the item total, the items total shall prevail.

The foregoing provisions for the resolution of specific irregularities cannot be so comprehensive as to cover every omission, inconsistency, error or other irregularity which may occur in a bid. Any situation not specifically provided for will be determined in the discretion of the Owner, and that discretion will be exercised in the manner deemed by the Owner to best protect the public interest in the prompt and economical completion of the work. The decision of the Owner respecting the amount of a bid, or the existence or treatment of an irregularity in a bid, shall be final.

The Owner may waive any informalities or minor defects or reject any and all bids. Any Bid may be withdrawn prior to the above scheduled time for the opening of Bids or authorized postponement thereof. Any Bid received after the time and date specified shall not be considered. No Bidder may withdraw a Bid within 30 days after the actual date of the opening thereof. Should there be reasons why the Contract cannot be awarded within the specified period; the time may be extended by mutual agreement between the Owner and the Bidder.

#### **Bid Relief**

Bidders occasionally make errors in preparing their bids. These errors may be of such magnitude that they result in an exceptionally low bid, and the bidder may request relief from its bid. Under Public Contract Code Section 5100 et seq. the Owner may grant relief if the bidder establishes the following:

1. A mistake was made.
2. The bidder gave the Department written notice within five (5) working days (or within 48 hours on Informal Bids contracts) after bid opening, specifying in detail how the mistake occurred.
3. The mistake made the bid materially different than the bidder intended.
4. The mistake was made in filling out the bid (i.e., an error of a clerical nature) and not due to an error in judgement or to carelessness in inspecting the work site or in reading the plans or specifications.

The request for relief must include sufficient documentation to substantiate the alleged error. This documentation may include any relevant written material prepared before bid opening, such as spreadsheets, calculation pages and subcontractor quotes. Errors cannot be redefined or added after the fifth working day. PCC 5105 provides that if the bidder is granted relief, the bidder is prohibited from further bidding on the project.

#### **Award Criteria**

All bids received in accordance with this request will be evaluated based on criteria established by the City which may include but not be limited to bid price, quality, experience of the bidder, responsiveness

of the bidder, adaptability of the particular materials and equipment for the specific intended use and conformity to bid specifications. The City reserves the right to reject any and/or all bids for any reason, whether or not the bid is the lowest and to waive any irregularities or technicalities in any bid. The contract, if awarded, will be awarded to the bidder whose bid is determined to be in the best interest of the City. Once delivered, all bids are irrevocable for a period of 30 days from the bid opening date.

Any request for clarifications or questions of the Contract Documents shall be made in writing or email and deliverable to:

City of Livingston  
 c/o Gouveia Engineering, Inc.  
 Attn: Nick Fontaine and Noe Martinez  
[nfontaine@gouveiaengineering.com](mailto:nfontaine@gouveiaengineering.com) and [nmartinez@gouveiaengineering.com](mailto:nmartinez@gouveiaengineering.com)  
 456 Sixth Street  
 Gustine, CA 95322

Requests for clarification or questions shall be delivered to the Engineer by 5:00 p.m. PDT on November 15, 2023. Any response to a request for clarification, questions and answers will be made no later than 5:00 p.m. PDT on November 17, 2023 and if necessary, become a part of the Bid as an Addendum.

Proposed timeline of events associated with the awarding of BID:

Release of Advertisement for Bid		Nov. 1, 2023
Deadline to Submit Questions/Clarifications	5:00 p.m.	Nov. 15, 2023
Addendum/Questions/Clarifications posted	5:00 p.m.	Nov. 17, 2023
Bid Opening	2:00 p.m.	Nov. 22, 2023
City Council to Consider Bid		Dec. 19, 2023 (tentative)
Issuance of a Notice to Proceed	On or before:	Jan. 2, 2024 (tentative)

**Qualification of Bidder**

The Owner may make such investigation as it deems necessary to determine the ability of the Bidder to provide the services requested, and the Bidder shall furnish to the Owner all information and data for this purpose as the Owner may request. The Owner reserves the right to reject any Bid should the evidence submitted by, or investigation of, the Bidder fail to satisfy the Owner that such Bidder is properly qualified to carry out the obligations of the Bid and to complete the requirements contemplated therein.

**Bid Protest Procedure**

Inquiries or questions based on alleged patent ambiguity of the plans, specifications or estimate must be communicated as a Bidder Inquiry prior to bid opening. Any such inquiries or questions, submitted after bid opening, will not be treated as a bid protest.

Pursuant to Bid protests, the lack of prompt procedure to resolve disputes regarding the bidding process would impair the Owner's ability to carry out its purpose of contracting this project in a timely manner. Therefore, to the maximum extent authorized by law and notwithstanding any other procedures specified in these Contract Documents, all disputes and/or protests regarding the bidding process shall be subject to the following procedure. In submitting a Bid to the Owner for this project, the Bidder agrees to comply with and to be bound by this procedure.

Any Bid protest must be submitted in writing to the City before 5:00 p.m. on the fifth (5th) working day following Bid opening.

1. The initial protest document must contain a complete statement of the basis for the protest, and all supporting documentation. A non-refundable fee of One Thousand Dollars (\$1,000) made payable to the "City of Livingston" shall accompany the protest documents and will be used by the Owner to recover costs in evaluating the bid protest. A bid protest submitted without the requisite fee will be considered incomplete and will not be considered by the Owner.
2. The party filing the protest must have actually submitted a Bid for the work. A subcontractor of a party submitting a Bid for the work may not submit a Bid protest.
3. A party may not rely on the Bid protest submitted by another Bidder, but must timely pursue its own protest.
4. The protest must refer to the specific portion of the Contract Documents which forms the basis for the protest.
5. The protest must include the name, address and telephone number of the person representing the protesting party.
6. The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
7. The Owner will give the protested Bidder five (5) working days after the receipt of the protest to submit a written response. The responding Bidder shall transmit the response to the protesting Bidder concurrent with the delivery to the Owner.
8. The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of Bid protest. The Bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings.

If the Owner determines that a protest is frivolous, the protesting Bidder may be determined to be non-responsible and that Bidder may be determined to be ineligible for future contract awards.

#### **Cancellation of Contract**

The Owner may terminate any Contract derived from this Bid as follows:

- Without cause at any time by giving thirty (30) calendar days written notice to the successful Contractor;
- With cause (Default) at any time by giving ten (10) calendar days written notice to the successful Contractor. Cancellation for cause shall be at the discretion of the Owner and shall be, but is not limited to, failure to supply the items, materials, equipment or services specified within the time allowed or within the terms, conditions or provisions of this Bid. The successful Contractor may not cancel any contract derived from this Bid, without prior written consent of the Owner.

- END OF SECTION -

PROPOSAL TO THE CITY OF LIVINGSTON  
DEPARTMENT OF PUBLIC WORKS

NAME OF BIDDER PAC MACHINE COMPANY

BUSINESS P.O. BOX N/A

CITY, STATE, ZIP 8570 23RD AVE., SACRAMENTO, CA 95826  
*(Please include even if P.O. Box used)*

BUSINESS STREET ADDRESS 8570 23RD AVENUE

CITY, STATE, ZIP SACRAMENTO, CA 95826

TELEPHONE NO.: AREA CODE ) 916 387 1336

( FAX NO.: AREA ) 916 387 1380

CONTRACTOR LICENSE NO. (if applicable): 953212

**ADDENDA**

This Proposal is submitted with respect to the changes to the contract included in Addenda Number/s

*(Fill in addenda numbers if addenda have been received and insert, in this Proposal, any Engineer's Estimate sheets that were received as part of the addenda.)*

The Contract Documents for the work to be done are dated NOVEMBER 2023 and are entitled:

**CITY OF LIVINGSTON  
DEPARTMENT OF PUBLIC WORKS  
CONTRACT DOCUMENTS  
FOR  
SUPPLY OF PORTABLE 6-INCH PUMP**

The bidder shall set forth for each unit basis item of work a unit price and a total for the item, and for each lump sum item a total for the item, all in clearly legible figures in the respective spaces provided for that purpose. In the case of unit basis items, the amount set forth under the "Item Total" column shall be the product of the unit price bid and the estimated quantity for the item.

In case of discrepancy between the unit price and the total set forth for a unit basis item, the unit price shall prevail, except as provided in (a) or (b), as follows:

(a) If the amount set forth as a unit price is unreadable or otherwise unclear, or is omitted, or is the same as the amount of the entry in the item total column, then the amount set forth in the item total column for the item shall prevail and shall be divided by the estimated quantity for the item and the price thus obtained shall be the unit price;

(b) (Decimal Errors) If the product of the entered unit price and the estimated quantity is exactly off by a factor of ten, one hundred, etc., or one-tenth, or one-hundredth, etc. from the entered total, the discrepancy will be resolved by using the entered unit price or item total, whichever most closely approximates percentage-wise the unit price or item total in the *CITY of LIVINGSTON's* Final Estimate of cost.

If both the unit price and the item total are unreadable or otherwise unclear, or are omitted, the bid may be deemed irregular. Likewise, if the item total for a lump sum item is unreadable or otherwise unclear, or is omitted, the bid may be deemed irregular unless the project being bid has only a single item and a clear, readable total bid is provided.

Symbols such as commas and dollar signs will be ignored and have no mathematical significance in establishing any unit price or item total or lump sums. Written unit prices, item totals and lump sums will be interpreted according to the number of digits and, if applicable, decimal placement. Cents symbols also have no significance in establishing any unit price or item total since all figures are assumed to be expressed in dollars and/or decimal fractions of a dollar. Bids on lump sum items shall be item totals only; if any unit price for a lump sum item is included in a bid and it differs from the item total, the items total shall prevail.

The undersigned, as Bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, or corporation; that he has carefully examined the Contract Documents therein referred to; and he proposes, and agrees if this proposal is accepted, that he will contract with the *CITY of LIVINGSTON*, to furnish and deliver all equipment specified in the Contract Documents, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that he will take in full payment therefore the following prices, to wit:

**CITY OF LIVINGSTON**  
**DEPARTMENT OF PUBLIC WORKS**  
**BID SCHEDULE**  
**SUPPLY OF PORTABLE 6-INCH PUMP**

ITEM NO.	BID ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	PRICE	ITEM TOTAL
1	Supply of Portable 6-Inch Pump	1	LS	\$ 63,320.00	\$ 63,320.00

**TOTAL BID** \$ 63,320.00

NOTE: "TOTAL BID" shall include equipment cost, labor, taxes, freight and delivery costs. Once selected, Contractor will be required to provide a breakdown of these costs for the purchase order to be issued by the City of Livingston.



**STATEMENT OF QUALIFICATIONS**

**Experience**

Bidder shall identify three (3) most recently completed projects similar to Work described in these Contract Documents.

	1	2	3
Project Title	Emergency Bypass Pump	Emergency Sewer Bypass Pump	DCWD Trash Pump
Public Agency	Montara Water & Sanitary District	Lake Oroville Area Public Utility District	Delhi County Water District
Address	8888 Cabrillo Hiway Montara, Ca 94037	1960 Elgin St. Oroville, CA 95966	9738 Stephen St Delhi, CA 95315
Telephone No.	415 453 4480	530 520 8309	209 585 3003
Engineer in Charge	Pippen Cavagnaro	Vincent Victorino	Doug Paulson
Project Value (\$)	\$66,405.47	\$69,791.81	\$59,129.55
Date Accepted	09/28/23	08/21/23	10/03/23
Claims Filed?	None	None	None
<i>If yes explain below:</i>			

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**SECTION 432124  
SELF-PRIMING, TRAILER MOUNTED RAW WASTEWATER PUMP**

**PART 1 - GENERAL**

**1.01 SUMMARY**

- A. This section includes the supply of a 6" cast iron, trailer mounted, diesel operated, variable-speed, integral check valve, lined and coated, self-priming pump for raw wastewater service.

**1.02 PAYMENT**

- A. Owner shall make the following progress payment on the self priming, trailer mounted raw wastewater pump.
  - 1. Upon Approved Submittals: 20 percent
  - 2. Upon delivery of equipment: 60 percent
  - 3. Upon successful startup and training: 20 percent

**1.03 SUBMITTALS**

- A. The manufacturer shall submit product data and shop drawings.
- B. Submit pump and skid dimensional drawings.
- C. Submit manufacturer's catalog data and detail drawings showing all pump parts and describe by material of construction, specification (such as AISI, ASTM, SAE, or CDA), and grade or type. Show linings and coatings. Show outline dimensions and weights of pumps, bases, and motors.
- D. Submit pump curves from manufacturer's catalog data for the Service Conditions.
- E. Submit manufacturer's reports on hydrostatic tests and performance tests.
- F. Submit operation and maintenance manuals with parts list, and warranty document.
- G. Submit statement of DOT Compliance for pump trailer.

**1.04 MANUFACTURER'S QUALIFICATIONS**

- A. The pump shall be manufactured by a company regularly engaged in the manufacture and assembly of similar units for a minimum of five 5 years.

**1.05 MANUFACTURER**

- A. Manufacturer shall be Godwin Dri-Prime Model CD150S, size 6" x 6" or equal.

**1.06 DELIVERY, STORAGE, HANDLING**

- A. Identify the equipment with item and serial numbers. Material shipped separately shall be identified with securely affixed, corrosion-resistant metal tags indicating the item and serial number of the equipment for which it is intended.
- B. Coat exterior machined surfaces with a rust preventative.
- C. The interior of the equipment shall be clean and free from scale, welding spatter, and foreign objects.
- D. Provide flanged openings with metal closures at least 3/16-inch thick, with elastomer gaskets and at least four full-diameter bolts. Provide closures at the place of pump manufacture prior to shipping. For studded openings, use all the nuts needed for the intended service to secure closures.
- E. Provide threaded openings with steel caps or solid-shank steel plugs. Do not use nonmetallic (such as plastic) plugs or caps. Provide caps or plugs at the place of pump manufacture prior to shipping.

## **PART 2 - MATERIALS**

### **2.01 PUMP DESIGN**

- A. Pump shall be capable of handling raw wastewater with a high content of solids and running dry continuously without damage.
- B. Equipment for the pumps, including motors and base, shall be provided as a complete unit by the pump manufacturer.

### **2.02 PRIMING SYSTEM**

- A. Pump shall be fitted with a fully automatic priming system incorporating an air compressor and air ejector assembly. The compressor shall be mounted as an integral part of the pump rotating assembly and be driven via a HTD cog belt off of the pump shaft. It shall be lubricated via the diesel engine oil pump. The compressor belt shall be tensioned via an adjustable belt tensioner and shall be changed and adjusted in approximately 30 minutes. The belt shall be removable without separating the engine flywheel (bell housing) from the pump end. The priming system shall require no fail-safe protection float gear or any adjusting at high or low suction lifts. The pump shall be capable of running totally dry for periods up to 24 hours, then re-priming and returning to normal pumping volumes. Pump and priming system shall be capable of priming the pump from a completely dry pump casing. Equipment acceptance shall be contingent upon the pump's ability to run continuously at full speed in a completely dry condition.

### **2.03 CASING, SUCTION COVER, AND SEPARATION TANK**

- A. Pump castings shall be cast iron BS EN 1561/EN-JL1030. Pump design shall incorporate a direct suction flow path that is in axial alignment with the impeller eye. There shall be no turns, chambers, or valves between the suction flange and the impeller eye.

### **2.04 IMPELLER**

- A. The pump impeller shall be a two-bladed type fabricated from hardened cast steel BS3100 A5 (minimum Brinell Hardness 200 HB) and capable of handling 3" diameter solids. The impellers and shaft fixing shall be splined.
- B. The minimum impeller diameter size shall be 11.8".
- C. The impeller shall be interchangeable with a Flygt N-Technology non-clog impeller or equal.

### **2.05 WEAR PLATES**

- A. Wear plates shall be fully adjustable and replaceable, fabricated of cast iron BS1561:1997. Wear plate clearances shall have no relationship to the ability of the pump to achieve a prime.

### **2.06 BEARINGS AND SHAFTS**

- A. Pump shall be fitted with a bearing bracket to contain the shaft and bearings. Pump shaft diameter shall be such that it will not deflect more than 0.002-inch at the mechanical seal face with the impeller while operating at the maximum pump speed. Bearings shall be roller bearings and double row angular contact bearings of adequate size to withstand imposed loads for sustained pumping at maximum duty points. Minimum ISO L10 bearing life to be 100,000 hours. The installation of the pump shaft and bearings shall not require shims or adjustment. The splined impeller shaft shall be fabricated of carbon steel BS970:1991 817M40T with AISI Type 420 stainless steel shaft sleeves having minimum hardness of 450 Brinell.

### **2.07 SEALS**

- A. Seals shall be high pressure, mechanical, self-adjusting type with silicon carbide faces capable of withstanding suction pressures up to 58 psi. The mechanical seal shall be cooled and lubricated in a liquid bath reservoir, requiring no maintenance or adjustment. The lip-seal shall ride on the mechanical seal sleeve and make no contact with the pump shaft. Pump shall be capable of

running dry, with no damage, for periods up to 24 hours. Sight glass and measuring stick shall be added to monitor level and quality of mechanical seal oil. Mechanical seal faces shall be Silicon carbide Vs Silicon carbide. All metal parts shall be of stainless steel. Elastomers shall be Viton.

#### **2.08 PUMP SUCTION AND DISCHARGE FLANGES**

- A. Pump suction and discharge flanges shall be 6" cast iron ANSI (16.5) Class 150, flat faced.
- B. Suction spool shall be ductile iron Class 150 AWWA C151, flanged on one end fitted with NTP tapped holes and pipe plugs for mounting if gauges or other instrumentation.

#### **2.09 PUMP GASKETS**

- A. Pump gaskets shall be compressed fiber and/or Teflon.

#### **2.10 PUMP O RINGS**

- A. Pump O rings shall be Buna-N.

#### **2.11 CHECK VALVE**

- A. Pump shall be supplied with a ball-type check valve Cast Iron ASTM A 126, Class B with bronze and stainless steel components mounted on the discharge of the pump, allowing unrestricted flow from the impeller. Flanges shall be cast iron ANSI (16.5) Class 150, flat faced.

#### **2.12 DRIVE UNIT**

- A. The drive unit shall be a diesel, water-cooled engine. The engine shall drive the pump by use of a direct-connected intermediate drive plate. Starter shall be 12VDC. A control panel consisting of a low oil pressure safety shutdown, high temperature shutdown, tachometer, and hour-meter shall be integrated into the engine control panel equal to the Godwin PrimeGuard 2 by Godwin Pumps. Unit shall include a tachometer and an hour meter. Battery shall have 180 amp hour rating. Drive unit shall be Tier 4, rated at 62 HP at 2400 RPM and 50hp at 1800RPM equal to the Isuzu 4LE2X final by Godwin Pumps. A certified engine curve shall be supplied to the owner/engineer. Engines shall meet all the applicable regulations from the San Joaquin Valley Air Pollution Control District for off-road diesel engines.

#### **2.13 GOVERNOR**

- A. Governor shall be an electronic type via the engine control module (ECM). Engine speed shall be adjustable to operate the pump between maximum and minimum design operation speeds.

#### **2.14 FUEL SOURCE**

- A. Integral skid fuel tank capacity shall be sufficient to provide at least 24 hours of operating time at full load.

#### **2.15 EXHAUST**

- A. Engine shall include a muffler of suitable size.

#### **2.16 SKID BASE**

- A. The pump and engine shall be skid mounted to a structural steel double wall skid base with a 60 gallon fuel tank. The tank shall include an integral containment berm size for 110% of capacity of the fuel tank. The fuel tank shall be equipped with two (2) sets of drain plugs front and rear providing access to the double wall tank and integral fuel tank. The base tank shall include fork pockets and weld nuts for anchoring to concrete with optional mounting brackets. The skid base shall be designed to install trailer components. When installed, trailer components shall meet US DOT safety standard for road going trailers.

#### **2.17 FACTORY PAINTING**

- A. Coat all exposed surfaces of the pump and motor. The complete unit shall be shop primed and finish painted at the place of manufacturer. Materials and dry film thickness for priming,

intermediate and finish paint shall be in accordance with manufacturer's standards. The finish coat for the complete unit shall be of a single color.

## 2.18 ENGINE CONTROL SPECIFICATIONS

- A. The engine shall be started, stopped, and controlled by a state-of-the-art digital Controller equal to the PrimeGuard 2 high performance by Godwin Pumps. The Controller shall be weatherproof enclosed, and contain an external, weatherproof, 12-position keypad accessible without the need to remove or open any protective cover or enclosure. It shall be designed to start/stop the engine at a signal supplied by high- and low-level floats or a 4-20 mA transducer. The Control Panel shall provide the following functions without modification, factory recalibration, or change of chips or boards by simply accessing the keypad.
1. The keypad shall be a capacitive, touch-sensing system. No mechanical switches will be acceptable. The keypad shall operate in extreme temperatures, through ice, snow, mud, grease, etc., and maintain complete weather-tight sealing
  2. During periods of inactivity the unit shall conserve energy and go to "sleep" (115mA parasitic battery draw).
  3. The Controller shall function interchangeably from float switches, pressure switch, or transducer, as well as manual start/stop by selection at the keypad. No other equipment or hardware changes are required.
  4. The Controller shall be capable of varying the engine speed to maintain a constant level in a process without a change to the panel other than via the keypad.
  5. The Controller can be programmed to start and stop the pumpset up to three times daily or three times a week (i.e., a start, exercise cycle on three separate times for a varying length of time all via the keypad).
  6. Manual-Automatic Button
    - a. In Manual Mode, the "Start" button starts the engine and runs until "Stop" is pressed or an emergency shutdown occurs.
    - b. In Automatic Mode, start/stop sequencing is initiated by either one (1) high-level N/O and one (1) low-level N/C narrow angle float switches, a 4-20mA transducer, a signal from a digital input, or a single analog 4-20mA speed reference. As a backup, the controller shall also have the option to operate off a transducer with one (1) high-level N/O narrow angle float switch.
    - c. The Controller shall integrate the engine safety shut-off for low-oil temperature and high-temperature, and provide over-speed protection.
    - d. The Controller shall include standard, field-adjustable parameters for engine cycle crank timer, shutdown time delay, warm-up time delay, and cool-down time delay.
    - e. The Controller shall have two circuit boards, one for the control board and one capacitive touch keypad board. The capacitive keypad circuit boards shall have eight (8) available relays that can be programmable to output desired parameter on the display and to be used as dry-contacts for communication with the Owner's SCADA systems. All via the key play without changing relays, chips, printed circuits, or any hardware or software.
    - f. Standard components shall consist of (6) digital inputs, (8) analog inputs, (1) magnetic pick-up input, (6) 10-amp form "C" relays, (2) 20-amp form "C" relays, (1) RS485 port, (1) J1939 port, and (1) 3.8in 320x240 pixel QVGA full graphic LCD display with backlight, (1) 12 position keypad, LED lamps for visual indication of shutdown (red), warning (amber) and power (green).

g. The Controller shall withstand vibration of 3g, 3 axis, frequency swept 5-2000 Hz, in an operating temperature range of -40° to 185°F (-40° to 85°C) and an operating humidity range of 0-70% non-condensing at 85°C.

B. **REMOTE PROGRAMMABLE COMMUNICATION:** The unit shall be equipped with Remote Programmable Communication (RPC) integrated with the controller equal to the Field Smart Technology (FST) by Godwin Pumps. The RPC shall allow remote communication with the pumpset via password protected cloud-based webserver. The RPC shall have the ability to communicate anywhere in the world and offer 3 modes of communication—GPS, Cellular, Satellite. The RPC shall allow the unit to be started, stopped, and vary the speed from the web hosted platform and transmit the following data at a minimum:

1. Timestamp
2. Engine hours
3. Engine on/off
4. Engine Temp
5. Battery Voltage
6. RPM
7. Oil Pressure
8. Optional voice alarm notifications

The RPC shall read data from the Controller and, on electronic engines, directly from the ECU. All Data shall be recorded in one minute intervals and available for download. The web hosted platform shall enable users to set alarms for engine on, engine off, geofence barriers and ECU alarms.

#### **2.19 ELECTRONIC FUEL SENDER**

A. The unit shall be supplied with (1) custom length fuel sensor assembly. Fuel sensor will have a 1½in NPT pipe plug and a sensor output of 33-240ohms. The sensor shall integrate with the engine control panel via the analog inputs on the Controller.

#### **2.20 TRAILER**

A. The pump, and engine shall be trailer mounted with a pintle type trailer hitch. Tires and suspension shall be adequately sized for the required load range ratings. Trailers shall be equipped with, front and rear support stands, lifting bar, safety chains, and side and rear reflectors. Trailer design shall be in compliance with applicable D.O.T. regulations.

#### **2.21 FLOAT SWITCHES**

A. One-normally open and one-normally closed narrow angle (10° to 20°) float switches integrate into automatic pump controller. The floats shall be constructed with tilt sensation switches enclosed within stainless steel. Each float will have a minimum 25 ft. waterproof cable wired into a twist-lock wiring harness that connects directly to the Controller.

#### **2.22 ENGINE BLOCK HEATER**

A. The drive unit shall be supplied with an integral 400-Watt engine block heater. Heater to be supplied with three wire plug, 110 VAC required.

#### **2.23 FULLY AUTOMATIC TRICKLE CHARGER**

A. The unit shall include a fully automatic solar battery trickle charger.

## 2.24 SPARE PARTS

- A. Provide spare parts including 1) 2 sets of outer, intermediate, and inner bearings, 2) 2 sets of seal assemblies, 3) 2 sets of cover plate gaskets, 4) 1 set of gaskets for check valve, and 5) 1 set of lubricants needed for one year of continued service. Pack spare parts in a wooden box; label with the manufacturer's name and attach list of materials contained within.

## 2.25 SERVICE CONDITIONS

- A. Pump hydraulic performance conditions and design data shall be as shown below.

Description	Parameter
Location	Portable
Liquid Pumped	Raw Wastewater with 3" max solids
Service	Outdoors
Max Capacity	2,290 gpm
Max Pressure	91 psi
Max Suction/Casing Pressure	58 psi/139 psi
Max Operating Speed	2,200 rpm
Suction Head	19'
Max Priming Lift	28'
Motor HP	62 HP
Suction Size	6"
Discharge Size	6"
Manufacturer and Model	Godwin Dri-Prime Model CD150S, size 6" x 6" or equal

## PART 3 - EXECUTION

### 3.01 MANUFACTURER'S SERVICES

- A. The manufacturer shall furnish services at the jobsite of a competent representative to do the following:
1. Inspect the system prior to delivery, supervise the startup and testing of the system, adjustments of the pump, and certify the system has been properly furnished and is ready for operation.
  2. Instruct the owner's operating personnel in the proper operation and maintenance of the system for a period of not less than one-half day, excluding travel time.

### 3.02 PERMITTING

- A. An authorization to construct (ATC) is required for this unit.
- B. The Supplier shall be responsible for preparing and submitting permit application and paying any applicable permit fees.
- C. The Supplier shall be responsible for submitting engine data pursuant to Portable Equipment Registration, San Joaquin Valley Air Pollution Control District, as follows:
1. Manufacturer's identification.

2. Serial Number (if available)
3. NO<sub>x</sub>, SO<sub>x</sub>, CO, VOC, and PM<sub>10</sub> Emission Factors, as provided by manufacturer.
4. Rated Horsepower of engine
5. Fuel Consumption rate at maximum rating (gal/hr)

**3.03 WARRANTY**

- A. The Supplier shall provide a copy of the engine manufacturer's parts and labor warranty.
- B. A one year Parts and Labor Warranty issued by the manufacturer on the sewage pump system. This warranty must cover all pump parts, including the mechanical seal.

END OF SECTION



ADDENDUM NO. 01

Date of Addendum: 11/17/2023

Project: Supply of Portable 6-Inch Pump  
Owner: City of Livingston  
Bid Date: *November 22, 2023 at 2:00 p.m.*  
To: Prospective Bidders  
From: Gouveia Engineering  
456 Sixth Street  
Gustine, CA 95322

1. This Addendum forms a part of the Bidding Documents and will be incorporated into the Contract Documents, as applicable. All other conditions of the Contract Documents remain unchanged. The following changes, additions, or deletions as set forth herein shall apply to the Contract Documents and shall be made a part thereof and shall be subject to all the requirements thereof as though originally shown and/or specified.
2. The Contract Documents are hereby modified to affect the following changes:
  - a. Section 432124 Self-Priming, Trailer Mounted Raw Wastewater Pump, subsection 2.24 Spare Parts shall be removed. Spare parts are not required to be provided as part of the manufacturer's scope of supply.
3. Bids shall be submitted in accordance with this Addendum. All Bidders MUST acknowledge receipt of this Addendum by signing and returning this Addendum with your Bid.

Gouveia Engineering

Firm Name: PAC MACHINE COMPANY

  
By: Noe Martinez, PE

By: GERARD MARQUEZ

Title: SALES ENGINEER

Date: 11/17/23



**City of Livingston**  
 1416 C Street  
 Livingston, CA 95334

**PURCHASE ORDER**  
 No. 0000001781

**VENDOR:**

PAC Machine Company, INC.  
 Electronic PO

**SHIP TO:**

City of Livingston  
 2238 Walnut Avenue  
 Livingston, CA 95334-1417

**BILL TO:**

City of Livingston  
 1416 C Street  
 Livingston, CA 95334-1417

VENDOR NO.	VENDOR PHONE NUMBER	TERMS	DATE	REQUIRED DELIVERY DATE			
1147		0	01/23/2024				
<b>SHIPPING INSTRUCTIONS</b>							
(none)							
ITEM	QTY	U/M	DESCRIPTION/TASK	PRD CODE	ACCOUNT	UNIT PRICE	AMOUNT
1	1.00		Trailer Mounted 6-inch Portable Pump		2100-810-7410	31,660.00	31,660.00
2	1.00		Trailer Mounted 6-inch Portable Pump		2101-815-7410	31,660.00	31,660.00

SUBTOTAL: 63,320.00  
 TAX: 0.00  
 SHIPPING: 0.00  


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**TOTAL:** 63,320.00

TAXABLE: No  
 CONFIRMING:

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IMPORTANT: OUR ORDER NUMBER MUST APPEAR ON EVERY INVOICE AND PACKAGE

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# STAFF REPORT

**AGENDA ITEM:** Resolution authorizing submittal of individual grant applications and payment requests to CalRecycle for all grant programs and payment programs for which the City of Livingston is eligible and authorizing the Interim City Manager to execute all required documents.

**MEETING DATE:** February 6, 2024

**PREPARED BY:** Anthony Chavarria, Director of Public Works

**REVIEWED BY:** Christopher Lopez, Interim City Manager

**RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution approving the submission of individual grant applications and payment requests to CalRecycle for all grant programs and payment programs for which the City of Livingston is eligible and authorizing the Interim City Manager to execute all required documents.

**BACKGROUND:**

On December 5, 2023, the City Council of City of Livingston passed Resolution 2023-79, which approved the submission of individual grant applications for which the City of Livingston is eligible. This included the submission of a grant application for CalRecycle’s OWR4 funding program, which assists jurisdictions with implementing SB1383 organics recycling programs, such as allowing for the purchase of equipment to assist with meeting procurement target goals of spreading mulch/compost material, organics recycling containers outside City buildings, and consultant time for administering the grant and assisting the city with meeting compliance of the SB1383 organics recycling programs.

After Resolution 2023-79 was passed, a CalRecycle City/County Payment Program also became available for a minimum payment of \$5,000 to jurisdictions for the collection of CRV beverage containers. Payment Programs are separate from CalRecycle Grants, have different reporting requirements and are a non-competitive funding program. CalRecycle stated to Staff that the resolution would need to include the words “and Payment Programs” to areas throughout the resolution to allow the City to apply not only for CalRecycle Grants, but for CalRecycle Payment Programs too.

**DISCUSSION:**

Staff is requesting the adoption of a resolution, authorizing City Staff to apply for all CalRecycle Grant Funds and Payment Programs for which the City of Livingston is eligible.

**FISCAL IMPACT:**

No fiscal impact. Awarded CalRecycle grants and payment programs would allow for the City to utilize funding outside of the General Fund.

**ATTACHMENTS:**

1. Resolution

**RESOLUTION NO. 2024-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON AUTHORIZING SUBMITTAL OF INDIVIDUAL GRANT APPLICATIONS AND PAYMENT REQUESTS TO CALRECYCLE FOR ALL GRANT PROGRAMS AND PAYMENT PROGRAMS FOR WHICH THE CITY OF LIVINGSTON IS ELIGIBLE AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS**

**WHEREAS**, Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant and payment programs in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

**WHEREAS**, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and administration of the application, awarding, and management of the grant programs; and

**WHEREAS**, CalRecycle's procedures for administering payment and grant programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment and grant program.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Livingston is authorized to submit an application to CalRecycle for any and all grant and payment programs offered; and

**BE IT FURTHER RESOLVED** that the Interim City Manager, or their designee is hereby authorized and empowered to execute in the name of the City of Livingston all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved grant or payment project; and

**BE IT FURTHER RESOLVED** that these authorizations are effective for five years from the date of adoption.

I hereby certify that the foregoing Resolution No. 2024-\_\_\_ is a full, true, and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 6<sup>th</sup> day of February 2024, by the vote recorded as follows:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By: \_\_\_\_\_  
Jose A. Moran, Mayor  
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

**APPROVED AS TO LEGAL FORM**

Roy C. Santos, City Attorney



# STAFF REPORT

**AGENDA ITEM:** Resolution of the City Council of the City of Livingston Authorizing the Interim City Manager to Execute an Agreement with Public Opinion Strategies for Polling Research Regarding a Potential Livingston Sales Tax Measure

**MEETING DATES:** February 6, 2024

**PREPARED BY:** Christopher Lopez, Interim City Manager

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## **RECOMMENDATION**

City Council approve Resolution No. 2024- \_\_\_\_\_ "A Resolution of the City Council of the City of Livingston Authorizing the Interim City Manager to execute an agreement with Public Opinion Strategies for Polling Research Regarding a Potential Livingston Sales Tax Measure.

## **BACKGROUND:**

The City of Livingston has been advised by the County of Merced that they will need to increase staffing at its various stations to 2-0 staffing (two personnel on duty 24/hours a day and 7 days/week). Nine out of 19 County fire stations lack this minimum staffing level. As a result of 2-0 staffing, and of the shifts worked by CalFire personnel, there are three different shifts needed to provide adequate staffing at the 2-0 level. This staffing factor is identified as 3.0. Multiplying the two personnel for the three shifts requires six total personnel to staff the station at a 2-0 level.

In order to achieve the 2-0 staffing level, the County has advised the City that it will need to provide an additional \$750,000 to cover the increased cost for the additional staffing required. Since the City does not have \$750,000 in available revenue to support this request, the Council appointed Mayor Pro-Tem Gurpal Samra and Councilmember Jason Roth to an Ad-Hoc Committee to review a potential sales tax measure for the City of Livingston.

The Ad-Hoc Committee has met multiple times and reviewed preliminary information related to a potential sales tax measure and requested that staff reach out to various firms that could do public polling to learn the public's sentiment. The Ad-Hoc has requested this in order to make an informed recommendation to the entire Council, and the survey results will be used to identify the potential of such a measure being successful or unsuccessful in the City of Livingston. Two firms provided proposals to do this work, and the Ad-Hoc has recommended Public Opinion Strategies to do the polling for the community at a cost of approximately \$12,000.

The scope of their work includes the following:

1. Developing an approximately 30 question survey
2. Targeting 100-150 registered voters in the City of Livingston
3. Comprehensive analysis of the survey results and presentation of the data
4. Ongoing consultation regarding the implementation of the research



# STAFF REPORT

## DISCUSSION

The results of the survey will be used to make an overall recommendation to the City Council as to whether it would like to place an item on the November ballot asking voters to weigh in on a potential sales tax measure.

The Sales Tax Ad-Hoc Committee is recommending that the City Council approve an agreement with Public Opinion Strategies.

## FISCAL IMPACT

The note to exceed the contract amount is \$12,000 which will be funded by a new appropriation from uncommitted and available reserves.

## ALTERNATIVES

The Council can choose not to approve the agreement and provide alternative direction.

## ATTACHMENTS

1. Resolution
2. Public Opinion Strategies Proposal
3. Bold Decision Proposal
4. Merced County Fire Proposal

**RESOLUTION NO. 2024-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON  
AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT  
WITH PUBLIC OPINION STRATEGIES FOR POLLING RESEARCH REGARDING A  
POTENTIAL LIVINGSTON SALES TAX MEASURE**

**WHEREAS**, the City Council desires to have specialized research conducted into the public sentiment regarding a potential sales tax measure in the City of Livingston;

**WHEREAS**, the City Council has appointed two Council members to serve on an Ad-Hoc Committee to review the viability of a potential sales tax measure;

**WHEREAS**, the Ad-Hoc Committee has recommended the use of Public Opinion Strategies to conduct voter research and polling of Livingston registered voters.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Livingston as follows:

Section 1. The City Council authorizes the Interim City Manager to execute an agreement with Public Opinion Strategies for voter research and polling.

Section 2. That the Finance Department is authorized to make an additional appropriation of ~~\$12,000~~ \$13,000 of uncommitted reserved funds to the FY 23/24 Budget.

Section 3. That the Finance Department is authorized to take any and all actions necessary to carry out the above mentioned actions.

I hereby certify that the foregoing Resolution No. 2024-\_\_\_ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 6<sup>th</sup> Day of February, by the vote recorded as follows:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By: \_\_\_\_\_  
Jose A. Moran, Mayor  
of City of Livingston

ATTEST

\_\_\_\_\_  
Monica Cisneros, Deputy City Clerk



**APPROVED AS TO LEGAL FORM**

---

Roy C. Santos, City Attorney

## MEMORANDUM

**TO:** Christopher Lopez, City of Livingston  
**FROM:** George Nassar, Public Opinion Strategies  
**RE:** City of Livingston Research Proposal  
**DATE:** January 25, 2024

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On behalf of Public Opinion Strategies, we are pleased to propose research in the city of Livingston, California. We believe that our experience conducting both political and public affairs research across the country, as well as our background in California, positions us well to aid in your efforts.

## RESEARCH PROPOSAL

### Livingston, California Survey:

Audience:	100-150 Registered Voters in the City of Livingston
Survey Length:	Approximately 30 Questions 12 Minutes
Language:	The survey will be offered in both English and Spanish.
Cost:	\$12,000-\$13,000 depending on the final number of completes

If the survey is longer or shorter, the costs will be incrementally higher or lower as appropriate; all costs would be agreed to prior to fielding.

## SURVEY DELIVERABLES

Following the completion of each survey, we will provide:

- A questionnaire with the results of the survey for easy reference;
- A complete set of crosstabs;
- A comprehensive analysis of survey results and presentation of the data; and,
- All ongoing consultation regarding the implementation of the research in your efforts.

## CLOSING THOUGHTS

Public Opinion Strategies does not charge an hourly rate for our services, nor do we operate on retainer. The prices listed in this proposal are inclusive of time spent consulting with the client, writing and developing questionnaires, fielding the surveys, and analyzing the results. We also provide ongoing consultation as you work to integrate the survey findings into your communications and strategic efforts.

*After you have had a chance to review this proposal, let's arrange a time to talk and discuss how best to proceed from here. In the meantime, please do not hesitate to call (901-550-1557) or email ([george@pos.org](mailto:george@pos.org)) with any questions or if we can be of any assistance.*

TO Christopher Lopez, City of Livingston  
FROM Adam Rosenblatt, Bold Decision  
DATE January 7, 2024  
RE Livingston Tax Ballot Measure Research



## PROPOSAL

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Bold Decision is pleased to present this proposal to conduct trustworthy voter opinion research regarding a tax measure that may appear on the ballot in the future in the City of Livingston. We bring proven experience of conducting accurate, winning research on some of the most complicated political, business, and public affairs issues in California and across the nation.

## PHASE 1: BASELINE POLL

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A trustworthy baseline poll of voters is an essential first step in any political campaign. This is especially true for ballot measure effort. Unlike a conventional candidate election that is defined by competing politicians and their personalities, a ballot measure affords proponents the opportunity to define an issue in different ways to different people.

The path to victory begins with a trustworthy examination of the landscape based on a statistically valid examination of attitudes and opinions of likely voters in Livingston. At a minimum, we must measure public sentiment and establish a baseline of support for the potential tax measure. We recommend a custom-designed voter opinion study to:

- ✓ Assess current perceptions about local issues, direction of Livingston, and taxes
- ✓ Simulate how the proposed tax measure would fare on November 2024 ballot
- ✓ Develop & test messaging in support of the tax (for example, what would they want this tax spent on: recreation, public safety, etc.)

Both messages and messengers have a major influence on voters during a campaign. While there are likely several arguments that could be made in support of the tax measure, our research will help distinguish which are most compelling. It is ***essential to develop messaging that resonates with Livingston likely voters who are undecided and/or persuadable.***

We are confident there are some voters in Livingston who are naturally inclined to support the tax as well as some who might passionately oppose it. Our mission is not limited to simply measuring how large or small these subgroups are, nor is the mission merely to define what they look like demographically. To achieve victory at the ballot box in November, we need to uncover the ***words, phrases, and messages that effectively connect with the voters in the middle*** in order to build a winning coalition.

Given the relatively small size of the City of Livingston, we aim to complete N=250 live telephone interviews among Livingston likely voters, sampled from the voter file. This sample size will yield credible findings with an overall margin of error of +/-6.12% at the 95% confidence level. During an ~8 minute survey, we aim to understand how voters view the proposed tax and what messaging is most effective to generate support.

We recommend conducting the research in early 2024 to ensure proponents are developing and implementing a strategy that utilizes the very best possible arguments for a November vote. We estimate 4-5 days for questionnaire development, approximately 7-10 days for fieldwork, and 2-3 days for analysis / reporting.

## **PHASE 2: REFINEMENT / TRACKING SURVEY**

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The Phase 1 Benchmark Survey will guide the initial strategy and messaging of supporters, though elections do not take place in a vacuum, and it is critical to reassess sentiment and messaging to see how attitudes shift as November draws near.

Building upon the learnings from the Phase 1 Benchmark Survey, we recommend conducting a Phase 2 Refinement / Tracking Survey later in 2024 while there is still ample time to influence voters and adjust communications strategies and tactics. Successful campaigns are dynamic – not static – and it will be highly beneficial to re-examine the issue environment, track voter sentiment regarding the tax, and uncover ways to implement appropriate course corrections.

The Refinement / Tracking Survey will provide deeper insight on voter segments, persuadability, and the path to victory. Plain and simple: there are better and worse ways to communicate why voters should be interested in the proposed tax in Livingston and why they should vote yes if it were on the ballot. The Phase 2 Refinement / Tracking Survey – which would almost certainly take place after the March primary – would follow a similar speedy timeframe to the Phase 1 Baseline Survey.

## **TIMING, METHODOLOGY, INVESTMENT**

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We recommend conducting the research via live telephone in English and Spanish, including landline & cell interviews. Live telephone research sampled from California's high quality voter file remains the gold standard for accurate political polling.

The all-inclusive total cost to conduct this survey in Livingston, California is \$25,000. We are confident that with our normal timeline and approach we can achieve at least N=200 interviews, though after assessing the progress of fieldwork and response rates, we will advise if N=250 is feasible. The costs shown are all-inclusive (per poll): questionnaire design, translation, programming, sample, fieldwork, analysis, and reporting. Pre-approved travel (not anticipated) would be additional and billed at cost. Any changes to the sample size, sample audience, or study design may affect the cost.

## ABOUT BOLD DECISION

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**Bold Decision** is a boutique research firm specializing in custom local, state, and national-level political and public affairs research projects. Our founding partners, Adam Rosenblatt and Matt Lien, have over 30 years of combined experience working directly with the nation's leading corporations, nonprofits, trade associations, and political campaigns in order to design, implement, field, and analyze impactful research projects.

The Bold Decision team has extensive experience working on local ballot measure campaigns in the Sacramento region and statewide. We have proven expertise designing and implementing various research techniques related to ballot campaigns including but not limited to:

- ✓ Viability Polling
- ✓ Benchmark / Baseline Surveys
- ✓ Voter Segmentation Analysis
- ✓ Message / Messenger / Visual Testing
- ✓ Qualitative / Focus Groups Research
- ✓ Ad / Mail / Communications Testing
- ✓ Tracking Polling
- ✓ Person-Level Predictive Analytics

Our founding partners work directly with our clients to design custom projects based on their strategic priorities – which include achieving desired outcomes in electoral campaigns, gaining positive headlines in earned media, establishing thought leadership on key issues and emerging trends, and leveraging research to demonstrate strategic voter support for policy priorities.

Bold Decision blends its experience in campaigns, lobbying, public relations, and research to provide wise counsel alongside trustworthy quantitative and qualitative methods to precisely and accurately answer what matters, who to target, what to say, and how to win. This combination of sound data and proven practitioners allows our clients to confidently make bold decisions to achieve their goals.

Every Bold Decision engagement is unique and requires the intelligent application of research methodologies. In plain English, our approach is never cookie cutter. We thoughtfully design and employ appropriate primary research interviewing techniques tailored to specific situations.

The following is a select list of relevant clients & experience of the Bold Decision team:



## KEY BIOS

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**ADAM ROSENBLATT** is one of the nation's leading political consultants sought after for his ability to help clients achieve victory through effective research-based strategies and messaging. A founding Partner of Bold Decision, Adam designs and executes cutting-edge quantitative, qualitative, and data analytics programs for campaigns as well as non-political clients.

His work has been featured in the *New York Times*, the *Wall Street Journal*, the *Washington Post*, *Politico*, and many other top-tier publications. Adam was named a non-partisan "Rising Star" by *Campaigns & Elections* magazine and has been recognized with many of the highest industry honors including the Pollie Award, the Reed Award, the Telly Award, and the Goldie Award.

Prior to establishing Bold Decision, Adam served as President of the California-based opinion research and strategic messaging firm CODA, and previously was Senior Strategist and Vice President at the global research consultancy PSB. Adam has served as an Adjunct Professor of Research and Strategic Communications at American University, where he received a Master of Arts in Applied Politics.



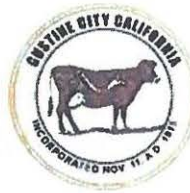
**MATT LIEN** is a research-driven political consultant with nearly a decade of experience leading major electoral and public affairs campaigns. A founding Partner of Bold Decision, Matt leverages experience winning races up and down the ballot to craft research strategies and precision messaging for political campaigns and non-political clients.

Matt has worked on candidate races and independent expenditure efforts in over a dozen states and DC, serving at all levels from field organizer to campaign manager. As a pollster and a general consultant, his in-depth experience understanding how campaigns run in the real-world ensures that research strategies are developed and deployed effectively to achieve victory.

In recent years, Matt has served as a research-based strategic consultant to many of the nation's largest trade associations, designing and executing quantitative, qualitative, and advanced analytics methods to advise policy, legislative affairs, political affairs, and public relations in the healthcare, real estate, entertainment, and retail sectors, among others. His guidance has helped these organizations address competitive communications channels by distilling complex legislative issues into messaging that moves voters and policymakers.

Matt received a Bachelor of Arts in Political Science from American University in Washington DC, where he graduated Magna Cum Laude, Phi Beta Kappa, and was a Frederick Douglass Distinguished Scholar.





# Fire Protection Service Proposal

## Introduction

The County of Merced established the Merced County Fire Department in 1855. While the department has been responding to emergencies since 1855, we have been doing it for the last several years with inadequate staffing levels. Paid-call firefighters were heavily relied on in the past, but due to state training requirements, conflicts with their employers, and time commitments, it has become harder to retain volunteers. Due to our current paid and volunteer staffing levels, it is essential that we assess the longer-term implications and wider consequences of the services we provide, as well as the safety of our staff, in order to deliver a better quality of service. Without sustainable funding for fire protection services, we lack adequate staffing levels, public safety, and preparedness.

In response to the evolving demands and critical responsibilities associated with fire protection services within Merced County, the Merced County Fire Department is presenting this proposal to the leadership of Merced County. Recognizing the vital role that the fire department plays within our community, we aim to address the pressing need for increased staffing. As our communities grow, so do the demands placed on our fire department to ensure public safety, employee safety, emergency response, and fire prevention. This proposal outlines essential requirements for additional funding to enhance our staffing levels. With your support, we can ensure the safety and well-being of community members.

## Merced County Fire/CAL FIRE's Current Staffing Situation

Nine out of our 19 fire stations lack a minimum staffing level of two personnel on duty and have a staffing factor of less than three. We must increase their staffing in order to comply with the required standards set by CAL FIRE. We use the term post to describe a staffing level for a position that requires coverage 24 hours a day, 7 days a week. For example, our fire engines are staffed with two people (commonly referred to as 2.0 staffing), and each of these positions is considered a post that must be covered. If an employee is on approved leave, assigned to an incident, or in training, it requires increased staffing to fill vacancies. To cover a post 24 hours a day, seven days a week, 3.0 personnel are required. To meet the requirement of 2.0 staffing per day with a staffing factor of 3.0, requires six personnel. In the next section, we will discuss the different options that include fire protection services.





**Option #1**

This option entails the full funding of all 19 fire facilities under the county’s jurisdiction, ensuring the continuity of essential fire protection services. These facilities are responsible for serving diverse communities, such as Dos Palos, Gustine, and Livingston, each with its own distinct characteristics and specific fire protection needs. By adopting this approach, the county acknowledges its commitment to strengthening the ability of these cities to offer comprehensive and sustained fire protection services. A cost-share discussion will need to be implemented moving forward.

Details

- 19 Stations requiring 114 positions
- Current positions: 87
- Positions needed: 27
- Additional position cost: \$6,900,000

**Option #2**

This option proposes the potential for operational optimization within the fire service through the consolidation of Station 92 located in Ballico and Station 64 situated in Cressey. As an essential element of this option, the staff at Station 85, located in McKee, will be redirected. This strategic consolidation aims to ensure the continued provision of essential firefighting and emergency response services while also reducing the need for additional personnel. By optimizing the allocation of resources and personnel, Option 2 seeks to enhance efficiency and cost-effectiveness in the delivery of critical services to these communities.

Details

- 17 Stations requiring 102 positions
- Current positions: 87
- Positions needed: 15
- Additional position cost: \$3,800,000

\*Saves the county 12 positions

**Ballico (#92) and Cressey (#64)**

Combine Station 92 in Ballico and Station 64 in Cressey into a single station. These two stations are in close proximity, with similar service areas and response times. By consolidating them into one location, we can improve efficiency while maintaining response times.



**Station 92 (Ballico):**

- Location: Northern end of Santa Fe Drive
- Total responses for 2023: 275
- 53 square miles : 10-12 minute response time
- Current staffing: One firefighter

**Station 64 (Cressey):**

- Location: Halfway between Ballico and Winton on Santa Fe Drive
- Total responses for 2023: 668
- 13 square miles: 10 minute response time
- Current staffing: One firefighter

The recommendation is to merge Station 92 in Ballico and Station 64 in Cressey into a single unified station. These two stations are in close proximity, situated within a distance of 3 to 4 miles from each other. Together, they collectively manage an annual average of 943 calls for service, primarily serving rural areas. Importantly, both stations maintain similar response times, making the consolidation operationally efficient. The proposed new station location will be strategically positioned between the existing stations, carefully calculated to minimize any adverse effects on response times and ensure continued effective service to the communities they serve.

**McKee (#85) Redirect Staffing**

To optimize resource allocation and meet personnel needs more efficiently across the county, it is recommended to consider reducing the operations of Station 85 in McKee. Stations 81 in Merced and 86 in Planada, which are in close proximity to the McKee area and have similar service areas and response times, would be responsible for fire protection services while a decision is made regarding the provision of fire services by the university. This strategic adjustment would help reallocate resources in a manner that benefits the entire county and ensures efficient fire service coverage.

**Station 85 (McKee):**

- Location: McKee Road in Merced City
- Total responses for 2023: 1166
- 75 square miles : 10-15 minute response time
- Current staffing: Two firefighters



**Option #3**

In addition to option #2, it is proposed to include redirecting staffing at the City of Livingston Station 96 and the City of Dos Palos Station 76. These two locations, although essential, can be serviced from outlined stations within the county with minor impacts to the affected areas. This decision aims to optimize resource allocation and ensure efficient coverage while addressing budget constraints. By consolidating and reducing services, the county can maintain vital services while mitigating the need for additional fire personnel. The goal is to maximize the utilization of existing resources and infrastructure to ensure the safety and well-being of the community.

Details

15 Stations requiring 90 positions

Current positions: 87

Positions needed: 3

Additional position cost: \$760,000

\*Saves the county 24 positions

**Dos Palos City (#76) and Dos Palos Wye (#75)**

Combine Station 76 in Dos Palos City and Station 75 in Dos Palos Wye into a single station. These two stations are in close proximity, with similar service areas and response times. By consolidating them into one location, we can improve efficiency while maintaining response times.

**Station 75 (Dos Palos Wye):**

- Location: Dairy Lane and Hwy 33, Dos Palos
- Total responses for 2023: 555
- 96 square miles : 10-15 minute response time
- Current staffing: Two firefighter

**Station 76 (Dos Palos City):**

- Location: Golden Gate Ave. and Blossom, Dos Palos City
- Total responses for 2023: 1373
- 56 square miles: 10-12 minute response time
- Current staffing: One firefighter

The recommendation would include merging Station 76 in Dos Palos City and Station 75 in Dos Palos Wye into a single unified station. These two stations are in close proximity, situated within a distance of 3 to 4 miles from each other. Together, they



collectively manage an annual average of 1928 calls for service, primarily serving rural areas. Importantly, both stations maintain similar response times, making the consolidation operationally efficient. The proposed new station location will be strategically positioned between the existing stations, carefully calculated to minimize any adverse effects on response times and ensure continued effective service to the communities they serve.

**Livingston (#96) Reduction**

To optimize resource allocation and meet personnel needs more efficiently across the county, it is recommended to consider reducing the operations of Station 96 in Livingston City. Stations 91 in Delhi and Station 64 in Cressey, which are in close proximity to the Livingston area and have similar service areas and response times, could continue their services while a decision is made regarding the provision of fire services by the City of Livingston. This strategic adjustment would help reallocate resources in a manner that benefits the entire county and ensures efficient fire service coverage.:

**Station 96 (Livingston):**

- Location: C Street in the City of Livingston
- Total responses for 2023: 2119
- 47 square miles: 10-12 minute response time
- Current staffing: One firefighter

**Summary**

Insufficient staffing within a fire department poses significant challenges, especially when confronted with large-scale incidents. This shortage can lead to delayed response times, putting lives and property at risk, as every second counts in emergencies. With limited personnel and resources, the ability to effectively control fires, perform rescues, and protect the community diminishes. Additionally, it's worth noting that the state has required a minimum staffing level of 2.0 and a 3.0 factor for all facilities within a CAL FIRE agreement, effective November 2024. This regulatory change underscores the urgency of addressing staffing issues to ensure the safety and well-being of our communities in the face of escalating fire threats.



**Direction Needed**

Option Selection

Timeframe for presentation to the Board of Supervisors

Effective date of execution (6/30/24)

**Quick Reference:**

Continue With Current Stations

27 positions needed

=\$6,900,000

Cressey/Ballico (consolidate 64/92)

-6 positions

=21 needed of 27

=\$5,400,000

Merced UC (reduction)

-6 positions

=15 needed of 27

=\$3,800,000

Livingston City (reduction)

-6 Positions

=9 needed of 27

=\$2,300,000

Dos Palos (consolidate 76/75)

-6 positions

=3 needed of 27

=\$760,000



# STAFF REPORT

**AGENDA ITEM:** Discussion and Direction Regarding Home Occupation Permits

**MEETING DATES:** February 6, 2024

**PREPARED BY:** Christopher Lopez, Interim City Manager

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## **RECOMMENDATION**

Staff recommends that the Council provide direction on changes to the Home Occupation Permits section of the Livingston Municipal Code.

## **BACKGROUND:**

Staff have received emails from Council members regarding concerns about the City's Municipal Code as it relates to Home Occupation Permits. Staff are seeking formal Council direction should the Council desire changes to the existing code as well as direction on what items they would like to see changed and/or addressed.

## **FISCAL IMPACT**

There will be Attorney's costs associated with the development and modification of the applicable code.

## **ALTERNATIVES**

The Council can choose to leave the Municipal Code as is and/or provide alternative direction.

## **ATTACHMENTS**

1. Home Occupation Ordinance
2. Email from Gary Miller

**§ 5-5-2 HOME OCCUPATIONS.**

The conduct of a home occupation shall be subject to securing a home occupation permit from the Planning Department in accordance with the provisions of this section.

(A) *Regulations.* Home occupations shall comply with each of the following regulations.

1. The home occupation use shall be confined to one room within the dwelling unit or accessory building.
2. Such occupations shall not require use of mechanical equipment not customarily found in dwellings and in no case shall employ power driven equipment using motors of more than one horsepower capacity.
3. The use shall not generate vehicular or pedestrian traffic beyond that normal to the residential use of the structure.
4. There shall be no excessive or unsightly storage of materials and/or supplies indoor or outdoor.
5. There shall be no external alteration of appearances of the dwelling in which the home occupation is conducted which would reflect the existence of said home occupation, and there shall be no exterior sign except a nameplate flat mounted against the wall of the building on the parcel; such nameplate shall not exceed two square feet in surface area.
6. Such occupation shall be conducted entirely by resident occupants; and no person not a resident of the premises shall be employed in connection therewith.
7. No more than one home occupation shall be granted per dwelling unit.
8. No home occupation permit shall be issued which involves food handling, processing or packing.
9. There shall be no addition, alteration or remodeling permitted in connection with any home occupation.
10. No home occupation permit shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated.
11. All home occupations shall comply with all federal, state, county and local regulations, statutes and provisions.
12. No home occupation shall be permitted which will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the persons conducting said home occupation.
13. The home occupation shall be clearly incidental to the use of a structure as a dwelling. The floor area used for such occupation shall not exceed one-fourth of the floor area of the main residence, and shall not be more than 400 square feet in any case.
14. There shall be no sales or display of products not produced on the premises in connection with such home occupation, and there shall be no window display to attract customers.
15. All commercial advertising includes the words: "by telephone appointment only" and which shall be prominently emphasized in said advertisement.
16. Any instruction permitted under this section shall be restricted to a one on one basis.

(B) *Exception to regulations.* Notwithstanding the limitations outlined in subsection (A) of this section, any person who is severely impaired or handicapped as defined in the Cal. Welfare and Institutions Code § 12304 may be allowed in the following, provided a home occupation is otherwise approved:

1. Employment of a maximum of one person who does not reside in the dwelling unit; and
2. Use of more than one room in the dwelling.

(C) *Prohibited uses.* The following uses are not permitted as home occupations:

1. Beauty parlors, barbershops or any similar service enterprise;
2. Body art establishments, medical, dental and chiropractic clinics and offices and medicinal marijuana dispensaries;
3. Commercial photography studios;
4. Music, dancing, business, sewing or other school, which do not comply with subsection (A)16. of this section;
5. Real estate, astrology and palm reading offices or enterprises;
6. Repair or conditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment, and lawn mowers, including all small engine repair;
7. Sale of firearms or ammunition;
8. Uses that do not meet regulations of subsection (A) of this section;
9. Uses that entail the repair, manufacture, processing or alteration of goods, materials or objects, including upholstering;
10. Uses that involve the harboring, training or raising of dogs, cats, birds or other animals; and
11. Uses which involve vehicle painting, repair and/or body and fender work.

(D) *Application procedure.* Home occupation permit applications shall be filed by the person responsible for the conduct of the occupation for which the permit is sought on forms furnished by the Planning Department.

(E) *Issuance of permit.* No home occupation use in a dwelling shall be established or continued unless and until a home occupation permit shall have been issued by the Planning Director. The Planning Director shall not issue a home occupation permit unless the use applied for meets each and every one of the standards and conditions set forth in subsection (A) of this section.

(F) *Duration.* Each home occupation permit shall be issued for a period not to exceed one year.

(G) *Renewal procedure.* Renewal of a home occupation permit shall be treated as a new application.

(H) *Revocation.*

1. Upon a violation of any applicable provisions of subsection (A) of this section or of any requirement or requirements imposed as a condition of issuance of any home occupation permit, such permit shall be suspended automatically and the holder of the permit so notified by the Planning Director. All operations authorized by the terms of the permit shall cease during the time it is suspended.

2. If the holder of the permit does not, within 30 days, satisfy the Planning Director that all requirements, conditions and regulations will be complied with, the Planning Director shall revoke the permit.

(I) *Appeal.* Following the denial or revocation of a home occupation permit by the Planning Director, the applicant may appeal to the Planning Commission.

(Ord. 533, passed 8-16-2005; Ord. 541, passed 4-18-2006)



**From:** [Jose Moran](#)  
**To:** [Christopher Lopez](#)  
**Subject:** Fwd: Request to update Home Occupation permits  
**Date:** Sunday, January 21, 2024 6:21:32 PM

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FYI

Respectfully,  
José Morán  
Mayor  
City of Livingston

Sent from my iPhone

Begin forwarded message:

**From:** Gary Miller <[REDACTED]>  
**Date:** January 21, 2024 at 5:40:01 PM PST  
**To:** Jose Moran <jmoran@livingstoncity.com>, Maria Baptista-Soto <msoto@livingstoncity.com>, Jason Roth <jroth@livingstoncity.com>, Jatinder Mann <jmann@livingstoncity.com>, "Mucio Vera Jr." <mvera@livingstoncity.com>  
**Subject:** Request to update Home Occupation permits

Dear Mayor Moran & City Council Members,

I have left multiple messages concerning this issue and have yet to receive a response; I am writing you today to please update the current cottage industry permit procedure and acceptance within our city. Cottage industries refer to small-scale businesses operated out of residential property, such as baking, sewing, woodworking, and other crafts.

Many individuals in our community are passionate about creating unique and handmade products but need help turning their hobbies into businesses. Within our city, as the current ordinance states (5-5-02-A-8: No home occupation permit shall be issued which involves food handling, processing or packing)

This subsection affects many budding and developing small business owners who only wish to showcase their passion. Right now, a taxpayer can go to the county of Merced and be given a cottage license permit package and told they need a health safety certificate for safe food handling to procure this. They have to get a home occupation permit from our city, and at this point, we run into a significant issue; since they can not use their own home for the creation of their product, they are told they will need to get a Commercial Space to work out of but.

Obtaining a commercial space can be expensive and complicated, especially for those just starting. Cottage industries provide a viable option for these individuals to pursue their passions and generate income without spending much money to

get started.

The city should not punish people for wanting to follow their dreams; it is also strange that we have a farmer's market where people sell bread and other homemade goods. But with this in place, these vendors would need to be outside the city because they are not allowed to create these products in their homes, so it is just another way.

Allowing cottage industry permits can also positively impact our local economy. These businesses often source their materials from local suppliers, which can help to boost the economy and support other small businesses. They can also create job opportunities for others in the community. Moreover, allowing cottage industry permits can help to preserve our city's cultural and artistic heritage. Many small-scale businesses specialize in traditional crafts and techniques passed down through generations.

By supporting cottage industries, we can ensure that these traditions continue to thrive and be passed on to future generations. In conclusion, please consider updating our city's cottage industry permits.

By doing so, you can support local entrepreneurs, boost our local economy, and help to preserve our cultural heritage.

Thank you for your time and consideration.

Sincerely,  
Gary Miller