



**CITY COUNCIL SPECIAL AND REGULAR MEETING
AGENDA
APRIL 2, 2024**

SPECIAL MEETING: 5:30 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

Notice is hereby given that the City Council will hold a Special and Regular Meeting on April 2, 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 email at 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

EDUCATIONAL WORKSHOP

6. Status on Current and Future Water Projects.

REGULAR MEETING

CALL TO ORDER

**Next Resolution No.: 2024-15
Next Ordinance No.: 653**

Pledge of Allegiance.

Moment of Silence – First Responders and Military Members.

Roll Call.

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.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing Dolores Huerta Day.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

City Staff Announcements and Reports.

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.

2. City Treasurer's Investment Report for the Month Ending February 29, 2024.
3. Consideration of a Resolution Accepting Completion for the I Street Waterline Project, Authorizing the City Clerk to File a Notice of Completion with Merced County, and Authorizing the Interim City Manager to Make Final Payment of Retention Monies to TBS Contractors. Staff Recommendation: Approve Resolution.

PUBLIC HEARINGS

4. Consideration of an Ordinance of the City Council of the City of Livingston Repealing Chapter 3, Underground Utility Districts, of Title 9 and Replacing it with Chapter 3, Underground, Utilities, of Title 9 of the City of Livingston Municipal Code. Staff Recommendation: Waive the First Reading of the Ordinance by Title Only, Open the Public Hearing, Close the Public Hearing and Approve the Ordinance as Presented.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

ADJOURNMENT



WATER SYSTEM UPDATE CITY COUNCIL PRESENTATION

APRIL 2, 2024



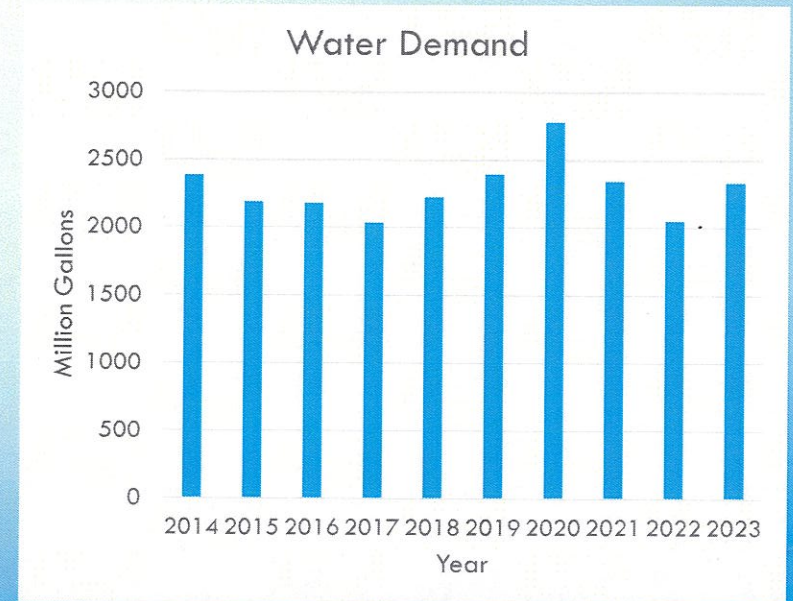
GOUVEIA ENGINEERING, INC.

AGENDA

1. WATER SUPPLY UPDATE
2. WATER SYSTEM CAPACITY ASSESSMENT
3. 1,2,3 – TRICHLOROPROPANE (TCP) PROGRESS
4. NEW WELLS
5. WATER LINE REPLACEMENTS
6. PROJECT SUMMARY
7. QUESTIONS

WATER SUPPLY UPDATE - OVERVIEW

- WATER SUPPLY
 - WELLS NOS. 8, 9, 11, 12, 13, 14, 16, & 17 ARE OPERATIONAL
 - WELL NO. 15 IS ON STANDBY STATUS
 - FIRM PRODUCTION CAPACITY 7,200 GALLONS PER MINUTE (GPM) WHICH IS APPROXIMATELY THE SAME AS THE MDD (7,222 GPM)
 - CURRENT CAPACITY IS NOT ADEQUATE TO MEET PROJECTED MDD (7,455 GPM) AND PHD BASED ON CURRENT PROPOSED DEVELOPMENT PROJECTS.
 - NEW WELL SOURCES ARE PROPOSED TO BE CONSTRUCTED.
- WATER DEMAND
 - WATER DEMAND INCREASED 36 PERCENT FROM 2017 TO 2020
 - WATER DEMAND DECREASED 26 PERCENT FROM 2020 TO 2022
 - WATER DEMAND INCREASED 14 PERCENT FROM 2022 TO 2023



The background of the slide is a blue gradient, transitioning from a lighter blue at the top to a darker blue at the bottom. Several realistic water droplets of various sizes are scattered across the surface, with some appearing to be on the surface and others slightly blurred as if in motion.

WATER SYSTEM CAPACITY UPDATE (NOVEMBER 17, 2023)

TECHNICAL MEMORANDUM

TO: Christopher Lopez, Interim City Manager
FROM: Mario Gouveia, PE, City Engineer
SUBJECT: City of Livingston – Water System Capacity Assessment
DATE: November 17, 2023

This Technical Memorandum (TM) provides an assessment of the capacity of the City of Livingston's (City) municipal water supply. The purpose of this TM is to determine if the City's water supply wells have adequate capacity to meet the City's maximum day demand (MDD) and peak hour demand (PHD) under current and future supply conditions.

WATER SUPPLY SOURCES

The City's sole source of water supply is the underlying groundwater. The City currently extracts groundwater from nine active wells, Wells Nos. 8, 9, 11B, 12, 13, 14, 15, 16 and 17. The production capacity of the wells has decreased over time as a consequence of declining groundwater levels, and aging of the wells. Well 15 is a standby well. As a "standby source", it is only used for emergency purposes pursuant to §64414 of the California Water Code (CWC) and will not be included in this capacity assessment. The following table displays the nominal capacity, in gallons per minute (gpm), of each well obtained from regulatory inspection reports included in the City of Livingston Water Supply Permit dated August 2023 and the maximum current production obtained from each well.

Well No.	Flowrate (gpm)
8	1,000
9	1,100
11B	600
12	1,100
13	1,100
14	1,100
16	1,200
17	2,000
Total	9,200

The City also has a 1.0 MG welded steel storage tank for water storage. Three 50-hp, 1,000 gpm centrifugal booster pumps draw water from the tank and discharge it into the distribution system. Two booster pumps operate at any given time for a maximum pump station supply of 2,000-gpm. The booster pumps operate to meet PHD.

For planning purposes, firm source capacity is equal to total capacity, minus the capacity of the largest well (Well No. 17). The City's firm source capacity based on actual production is 7,200-gpm (9,200-gpm - 2,000-gpm). The City's firm capacity is available to meet MDD. The City's capacity to meet PHD is 9,200-gpm (7,200-gpm + 2,000-gpm).

WATER DEMAND

The City uses the eight active wells and the booster pump station at the storage tank to meet the system MDD and PHD. According to §64554(b) of the CWC, maximum daily demand (MDD) and peak hour demand (PHD) are calculated for highest water usage during the last ten years.

According to §64551(b(1)) of the CWC, if daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain PHD.

According to §64554(b(2)) of the CWC, if no daily water usage data are available and monthly water usage data are available:

- (A) Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;
- (B) To calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and
- (C) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

In the case of Livingston, data are available for both daily water usage and monthly water usage. Therefore, calculations for this assessment will be based on daily water usage data for the last 10 years. Appendix 1 of this TM includes daily and monthly water production data from 2013 to 2022.

The following table shows the total annual production, the average daily demand, the maximum month demand, the maximum daily demand, and peak hour demand over the past ten years.

Year	Max Month	Total Annual Production (MG)	Average Daily Demand, ADD (gpd)	Max Month Demand, MMD (gal)	Maximum Daily Demand MDD			Peak Hour Demand, PHD (gpm)
					Date	(MG)	(gpm)	
2022	June	2,049	5,613,686	212,753,367	Sept. 7	7.93	5,507	8,260
2021	May	2,175	5,957,836	257,227,667	Jan. 21	8.58	5,958	8,938
2020	July	2,779	7,615,057	289,093,016	July 16	9.30	6,458	9,687
2019	July	2,395	6,561,627	256,024,390	June 12	7.99	5,549	8,323
2018	July	2,224	6,093,102	267,180,750	Aug. 14	9.45	6,563	9,844
2017	August	2,037	5,582,170	215,617,627	Sept. 1	7.43	5,160	7,740
2016	July	2,191	6,003,535	235,689,000	Aug. 13	9.44	6,556	9,833
2015	July	2,190	5,998,647	235,036,000	Aug. 8	9.60	6,667	10,000
2014	August	2,386	6,537,378	254,049,000	Aug. 22	10.40	7,222	10,833
2013	August	2,481	6,796,932	255,253,000	June 13	10.16	7,056	10,583

The City's total annual production significantly decreased from 2013 to 2017 as the result of water conservation practices implemented by the City because of severe drought conditions in the State. Production increased between 2017 and 2020 and decreased significantly in 2021 and 2022. However, compliance with the CWC is based on the last ten years of consumption. Based on the information presented in the previous table, the maximum month usage occurred during July 2020 when 289 MG of water were used. In accordance with §64554(b(1)) of the CWC, the MDD occurred during August 2014 when 10,400,000 gallons were used in one day. That is a MDD of 7,222-gpm. Therefore, the calculated PHD is 10,833-gpm. The total residential water consumption based on available metered data from 2019 to 2022 is 25.32 percent of the total production (Appendix 2).

For reliability purposes, it is desirable to maintain a firm source capacity higher than the MDD. System demand in excess of MDD required for PHD or for fire flows can come from storage. The firm source capacity of the water system is virtually the same as the MDD (7,200-gpm \approx 7,222-gpm). The system's capacity is not adequate to meet PHD (9,200-gpm $<$ 10,883-gpm).

According to §64554(a(1)) of the CWC, systems with 1,000 or more service connections shall be able to meet four hours of peak hourly demand (PHD) with source capacity, storage capacity, and/or emergency source connections. The City's 1 MG storage tank has adequate capacity to supply in excess of 4 hours of PHD (1,000,000 gal/2,000-gpm=500 min or 8.3 hrs).

The City approved the following new projects (not yet constructed) that will have a significant impact on water demand:

- Tierrasanta Villas – 80 Residential Units
- The Villages at Main – 480 Residential Units
- ARCO AM/PM – Service Station
- SGM Moonglo – Truck Stop

The City's 2022 Population Estimate according to the Census Bureau is 14,760 (Appendix 3). Using the highest residential water consumption for the 10 year study period (2020 for Average Daily Demand and 2014 for Maximum Daily Demand), and based on 25.32% of the total water consumption, the following table contains the average day demand, maximum day demand and peak hour demand on a per capita basis:

	Value
Average Day Demand	131 gpcpd
Maximum Day Demand	179 gpcpd
Peak Hour Demand	0.19 gpcpm

Assuming an occupancy of 3 people per multifamily dwelling unit, the total additional population in the approved multifamily developments would be approximately 1,680 people. In terms of water demand from the two commercial developments, average day demand for ARCO was provided by the applicant at 1,330 gallons per day. Average day demand for Moonglo was estimated at 22,000 gallons per day based on consumption from similar facilities. The following table shows the estimated maximum water demands from these residential and commercial developments at full occupancy:

	Current Development	Multi-Family Development	Commercial Development	Total
Average Day Demand	7,615,057 gpd	220,080 gpd	23,330 gpd	7,858,467 gpd
Maximum Day Demand	10,400,000 gpd	300,720 gpd	34,995 gpd	10,735,715 gpd
Peak Hour Demand	10,833 gpm	319.2 gpm	37 gpm	11,189 gpm

The projected MDD and PHD would be 7,455-gpm and 11,189-gpm respectively. Based on these calculations, the City's water system would not have adequate capacity to meet the increased MDD from the new developments and would not have adequate capacity to meet the projected PHD based on the firm capacity. However, the current total capacity would be enough to meet MDD if projects were constructed today.

The City is currently working on a Corrective Action Plan (CAP) to address TCP Compliance. As part of the CAP, the City is proposing two additional wells and two centralized treatment facilities with storage tanks and booster pumps. Those improvements will significantly increase the City's MDD and PHD capacity. The following section describes the future supply conditions.

FUTURE SUPPLY CONDITIONS

The City is planning to construct two new wells, one of which (Well 19) will have well head TCP treatment, and two new centralized treatment facilities to remove TCP from the groundwater. The Centralized Facilities will also include water storage tanks and Booster Pumps. The following is a brief description of each facility:

1. Arakelian Park Centralized Treatment Facility

This facility will receive water from Well Nos. 12, 13 and 17 and treat it using GAC adsorption for the removal of TCP. Treated water will be discharged into a 1-million-gallon (MG) storage tank. A 6,000-gpm booster pump station will repressurize the treated water into the distribution system.

2. Well 8 Centralized Treatment Facility

This facility will receive water from the new Well No. 8A (Well 8 replacement) and from future Well No. 18. The production of these wells is still unknown. For purposes of this report, it is assumed that Well No. 18 will produce 1,500-gpm. Treated water will be discharged into a 1.5 MG storage tank. A 4,500-gpm booster pump station will repressurize the treated water into the distribution system.

3. Well 19 with Treatment Facility

This facility will consist of the new Well 19 with well head treatment for the removal of TCP. A booster pump station will repressurize the treated water into the distribution system.

Once these Centralized Treatment Facilities are in service, and the new Well Nos. 18 and 19 are in service, the City will place Well Nos. 9 and 11B on standby. Well 15 will remain on standby. The following table summarizes the City's future production capacity once the Centralized Treatment Facilities are constructed:

Well No. (or Site Name)	Flowrate (gpm)
8A	1,800
12	1,100
13	1,100
14	1,100
16	1,200
17	2,000
18	1,500
19	1,500
Existing Storage Tank Booster Pumps	2,000
Arakelian Park Booster Pumps	6,000
Well 8 Booster Pumps	4,500
Total Production Capacity	11,300 ⁽¹⁾
Total Firm Production Capacity	9,300 ⁽²⁾
Total PHD Capacity	16,300 ⁽³⁾

⁽¹⁾ Sum of production capacity of Well Nos. 8A, 12,13,14,16,17,18, and 19
⁽²⁾ Sum of production capacity of Well Nos. 8A, 12,13,14,16, 18, and 19
⁽³⁾ Sum of production capacity of well Nos. 14, 16, and 19, Existing Tank Booster Pumps, Arakelian Park Booster Pumps, and Well 8 Booster Pumps.

The City's total production capacity would be 11,300-gpm and the firm production capacity would be 9,300-gpm or 13.39 MGD. Therefore, the City would have adequate capacity to supply MDD to the new developments. With the new improvements, the City's PHD capacity would increase to 16,300-gpm which would also be adequate to supply the new developments.

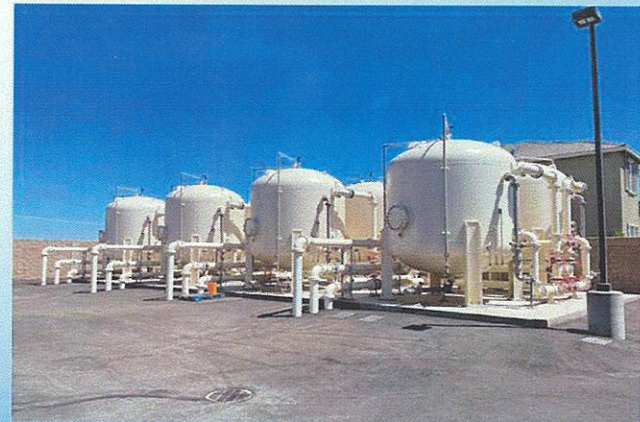
Once the new TCP improvements are completed, and based on the projected firm capacity of 9,300-gpm and 7,455-gpm MDD, the City would have approximately 25 percent remaining capacity for any future new developments beyond the presently entitled multifamily and commercial projects. The City would need to add more new wells and/or treated surface water to accommodate growth beyond that.

PROJECT SCHEDULE

The City TCP compliance project is currently under review by the State Water Resources Control Board. A funding agreement is expected in the first quarter of 2024 and completion of the projects is expected to be in the fourth quarter of 2026.

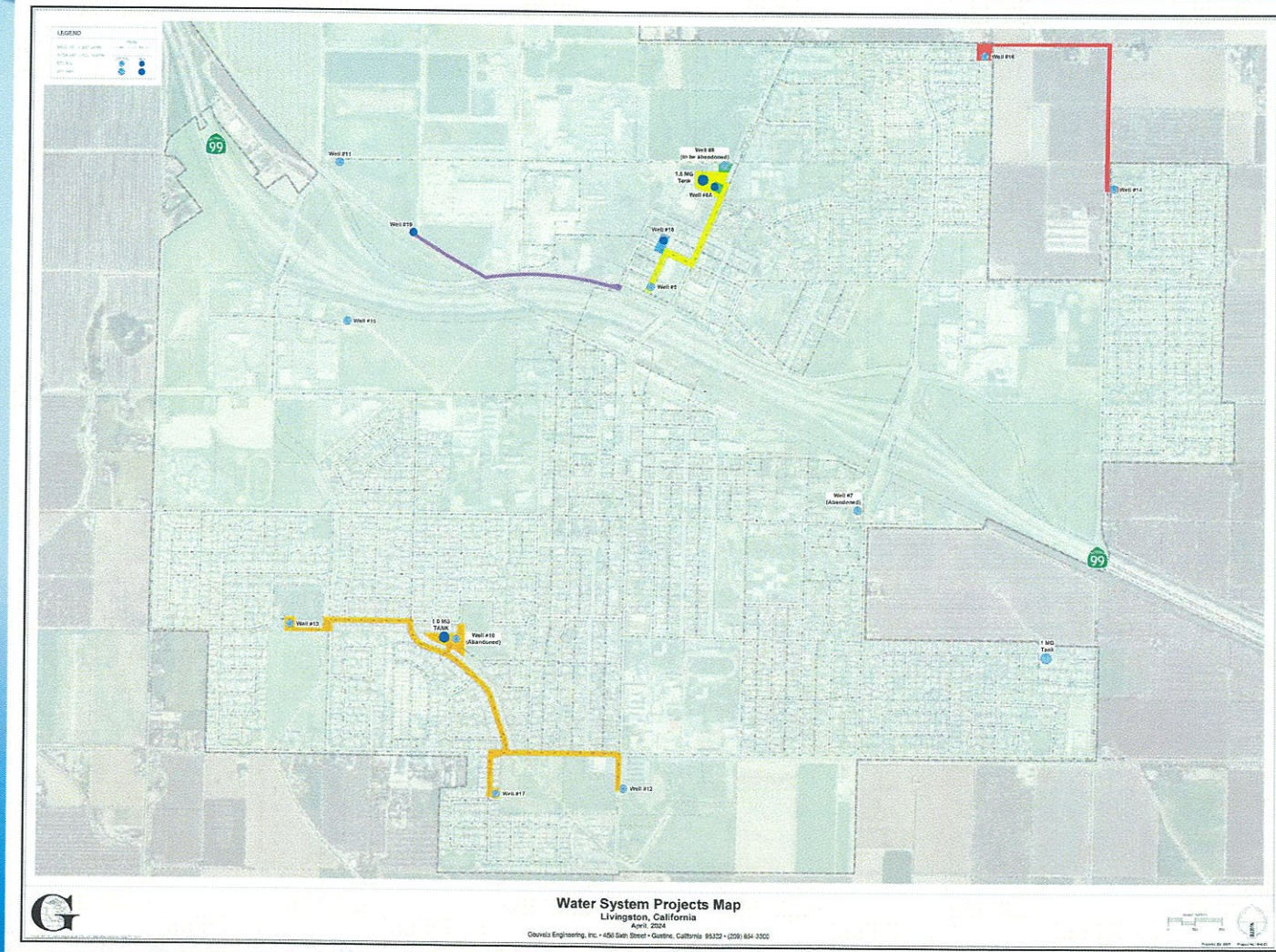
1,2,3- TRICHLOROPROPANE (TCP) PROGRESS

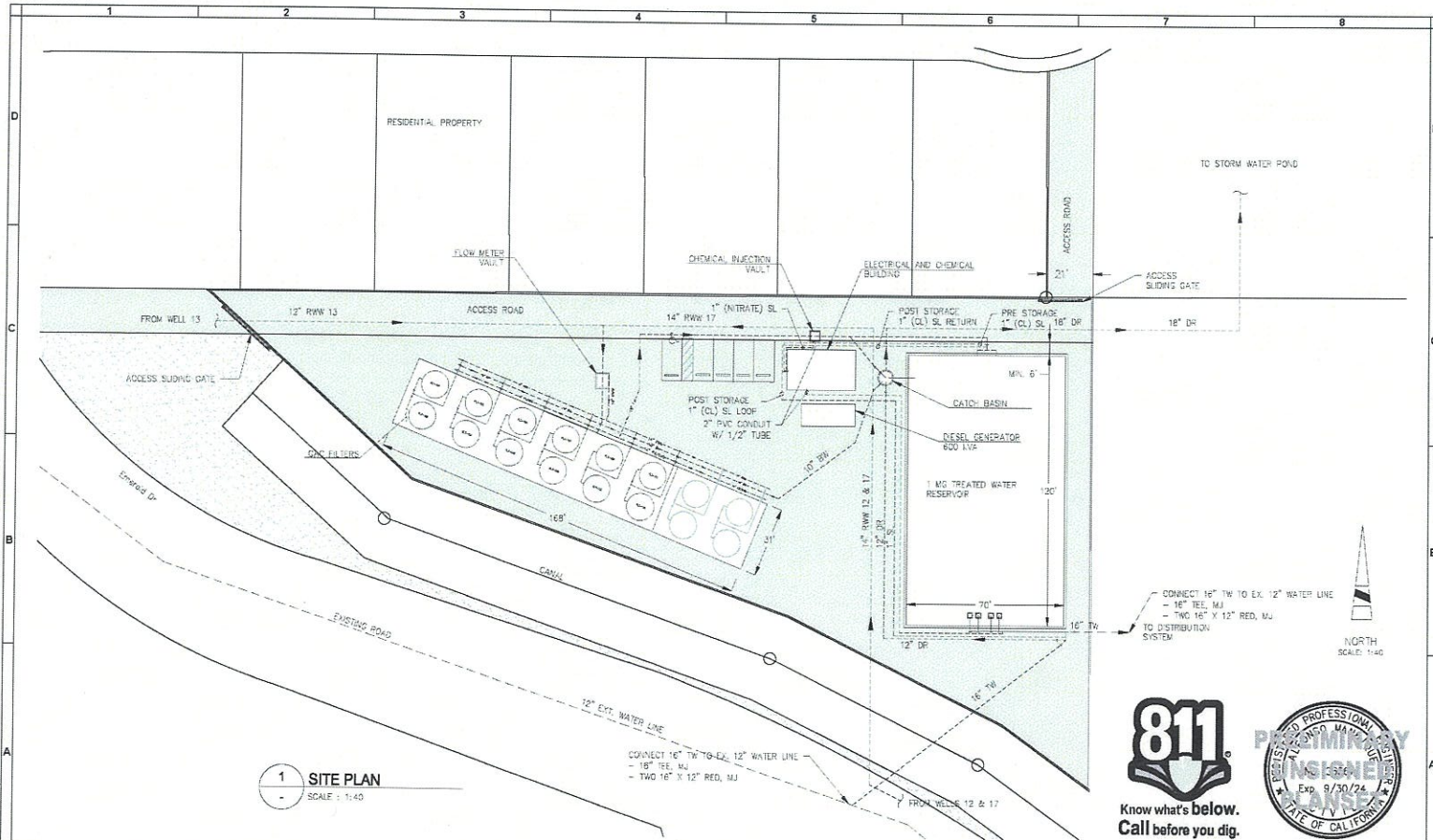
- PROJECT #1 – WELL NO. 16 AND WELL NO. 14
CENTRALIZED TREATMENT
 - CITY RECEIVED FUNDING AGREEMENT FOR EXECUTION ON SEPTEMBER 13, 2018 FOR \$4.0 MILLION
 - FINAL EXECUTION RECEIVED IN JANUARY 2019
 - COMPLETED IN 2021
 - LOAN REPAYMENT WAS INCLUDED IN NEW RATE STUDY



1,2,3-TCP PROGRESS

- PROJECT #2 – ARAKELIAN PARK CENTRALIZED TREATMENT [TCP TREATMENT FOR WELL NOS. 12, 13, AND 17, & 1.0 MILLION GALLON (MG) STORAGE TANK]
- PROJECT #3 – WELL 8A SITE EXPANDED CENTRALIZED TREATMENT [TCP TREATMENT FOR WELL NOS. 8A, 9, 18, & 1.5 MG STORAGE TANK]
- PROJECT #4 – WELL NO. 18
- PROJECT #5 – WELL NO. 19 WITH TCP WELL HEAD TREATMENT
 - ORIGINAL DRINKING WATER STATE REVOLVING FUND (DWSRF) APPLICATION WAS SUBMITTED ON DECEMBER 13, 2018
 - REVISED SCOPE SUBMITTED IN 2021 TO ADD WELL NOS. 12, 18, AND 19
 - FURTHER REVISIONS TO APPLICATION WERE SUBMITTED IN 2023 AND INCREASED FUNDING AMOUNT REQUESTED
 - LOAN FUNDING AGREEMENT EXPECTED IN LATE 2024
 - 75% GRANT 25% LOAN EXPECTED
 - COMPLETION IN 2027





1 SITE PLAN
SCALE: 1:40

811
Know what's below.
Call before you dig.



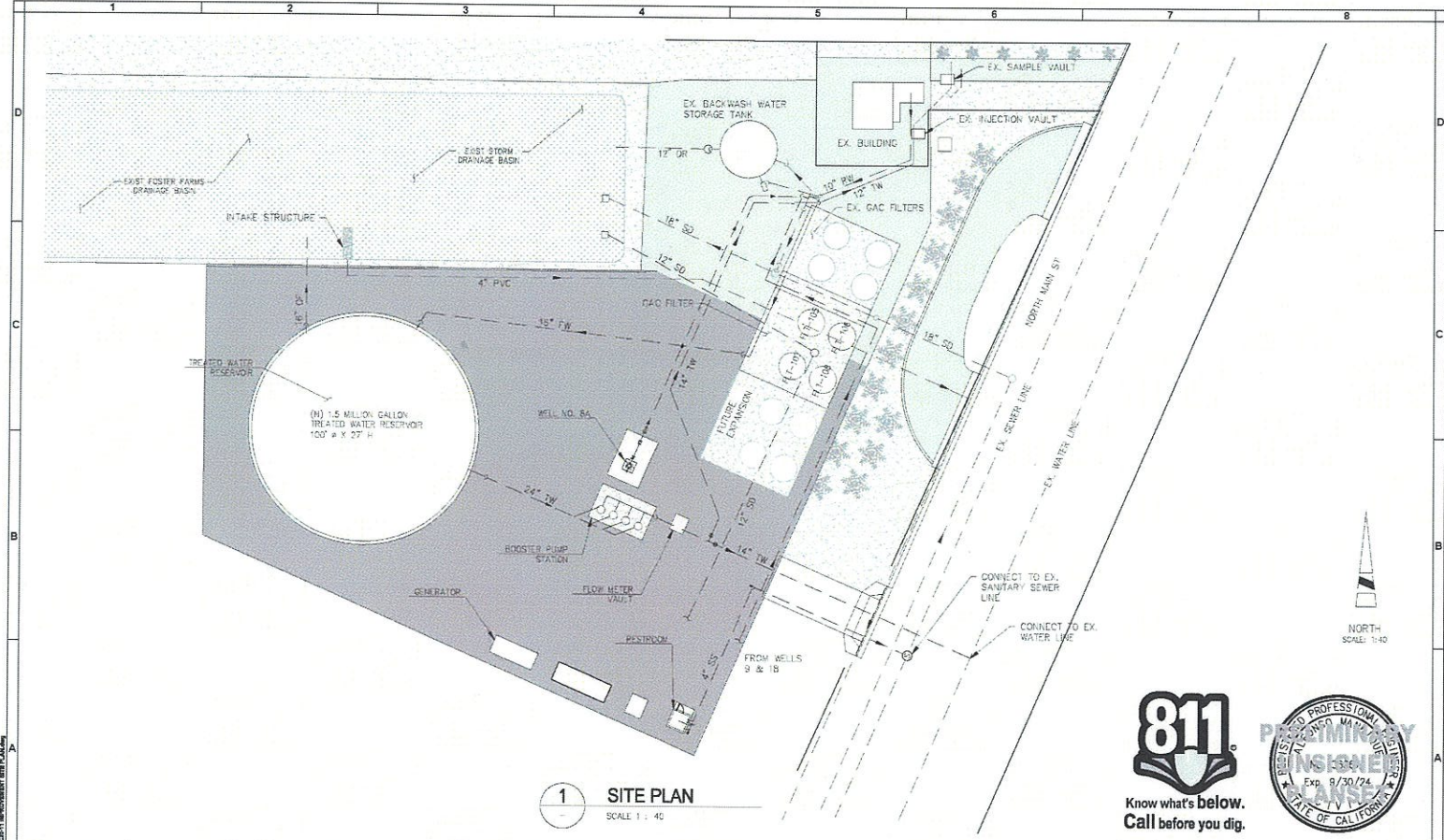
NO.	DATE	DESCRIPTION	BY

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CONSULTING ENGINEERS
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CITY OF LIVINGSTON - 1, 2, 3 TCP TREATMENT IMPROVEMENT
ARAKELIAN PARK CENTRALIZED TREATMENT
SITE PLAN

DESIGNED BY	DATE	SCALE	SHEET	TOTAL SHEETS
BY	02/00/00			
CHECKED BY	DATE	SCALE	APPROVED	
AU	02/00/00		DATE	
PM	02/00/00		SCALE	



1 SITE PLAN
SCALE 1 : 40



REV	DATE	DESCRIPTION	APPROV
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CITY OF LIVINGSTON - 1, 2, 3 TCP TREATMENT IMPROVEMENT
WELL #8 CENTRALIZED TREATMENT
SITE PLAN

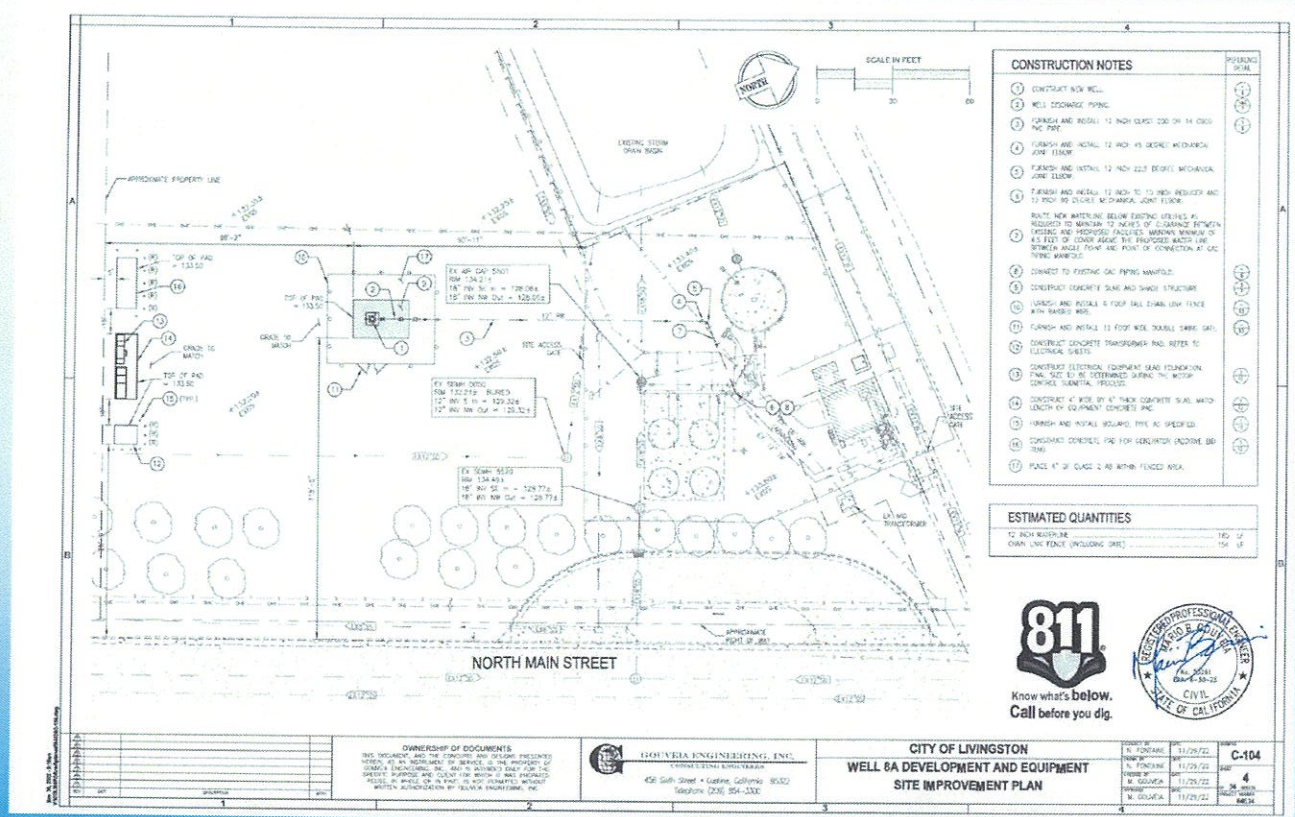
DESIGNED BY	DATE	SCALE
DRAWN BY	DATE	
CHECKED BY	DATE	
APPROVED BY	DATE	
SHEET NO. 23		PROJECT NO. C20-11
OF 30 SHEETS		
WATER NUMBER		

NEW WELLS

- WELL NO. 8A (REPLACEMENT FOR EXISTING WELL NO. 8)
- WELL NO. 18
- WELL NO. 19

WELL NO. 8A

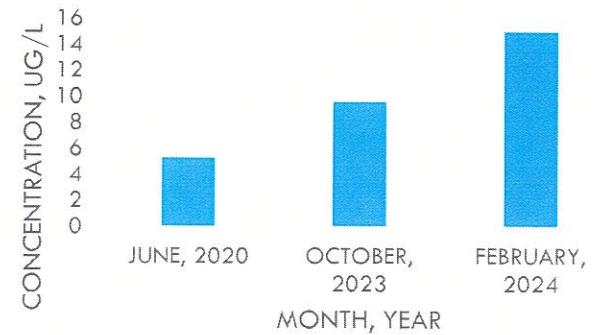
- WELL NO. 8A
 - CONSTRUCTION STARTED IN SEPTEMBER 2023 AND CONSTRUCTION IS ANTICIPATED TO BE COMPLETED LATE 2024.



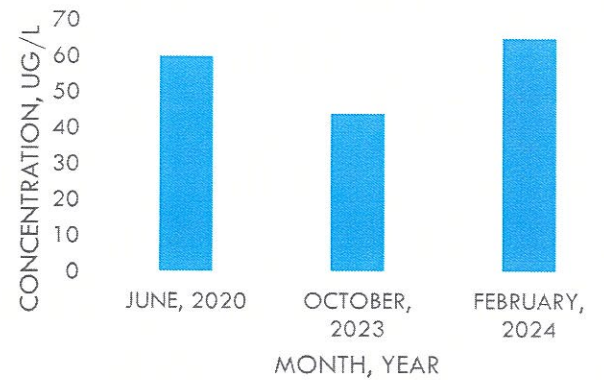
WELL NO. 8A

- WELL NO. 8A
 - TEST WELL WAS CONSTRUCTED JUNE 2020.
 - SAMPLE COLLECTED BETWEEN 158-168': ARSENIC RESULTED IN NON-DETECTED.
 - SAMPLE COLLECTED BETWEEN 270-280': ARSENIC RESULTED IN 7.5 UG/L.
 - SAMPLE COLLECTED BETWEEN 323-333': ARSENIC RESULTED IN 3.1 UG/L.
 - SAMPLE COLLECTED BETWEEN 409-419': ARSENIC RESULTED IN 39 UG/L.
 - MCL FOR ARSENIC IS 10 UG/L AND 50 UG/L FOR MANGANESE.
 - ARSENIC CONCENTRATION FOR SAMPLE COLLECTED AT 335'.
 - 3.1 UG/L IN JUNE 2020.
 - 33 UG/L IN FEBRUARY 2024
 - ARSENIC AT EXISTING WELL NO. 8 DISCHARGE WAS 3.0 UG/L IN MARCH 2024.

ARSENIC, OVERALL DISCHARGE – WELL NO. 8A

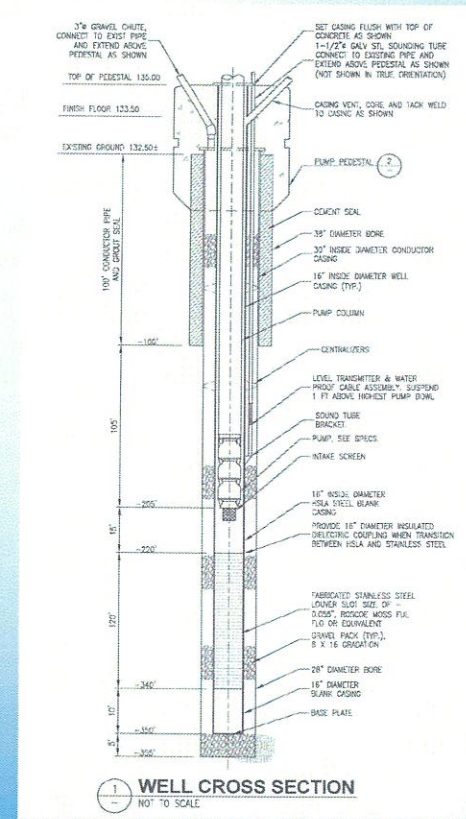


MANGANESE



WELL NO. 8A

- POSSIBLE SOLUTIONS TO REMEDIATE ELEVATED LEVELS OF ARSENIC
 - CONDUCT ADDITIONAL SAMPLE TESTING
 - REDUCE OVERALL DEPTH OF WELL OR BLANKING SCREENED SECTIONS, POTENTIALLY REDUCING PRODUCTION CAPACITY.
 - ADDING ARSENIC TREATMENT, APPROXIMATELY \$1.5-2.0M TO CONSTRUCT
 - MAY BE ABLE TO EXPAND SCOPE IN CURRENT DWSRF APPLICATION TO INCLUDE ARSENIC TREATMENT
 - CHANGES TO SCOPE MAY RESULT IN ADDITIONAL DELAY FOR RECEIVING DWSRF FUNDING
 - SHORT TERM SOLUTIONS
 - BLENDING WITH DISTRIBUTION WATER
 - BLENDING WITH WELL NO. 8



WELL NO. 18

- WELL NO. 18
 - RAW WATER WILL BE TREATED AT WELL NO. 8A CENTRALIZED TREATMENT PLANT FOR REMOVAL OF TCP.
 - TEST WELL PENDING, CONTRACT IN PLACE THROUGH FOSTER FARMS.
 - PROPERTY ACQUISITION BY CITY STILL NEEDS TO TAKE PLACE.
 - PROJECT WILL INCLUDE NEW WELL, BUILDING, EMERGENCY BACKUP GENERATOR AND SITE SURFACE IMPROVEMENTS.



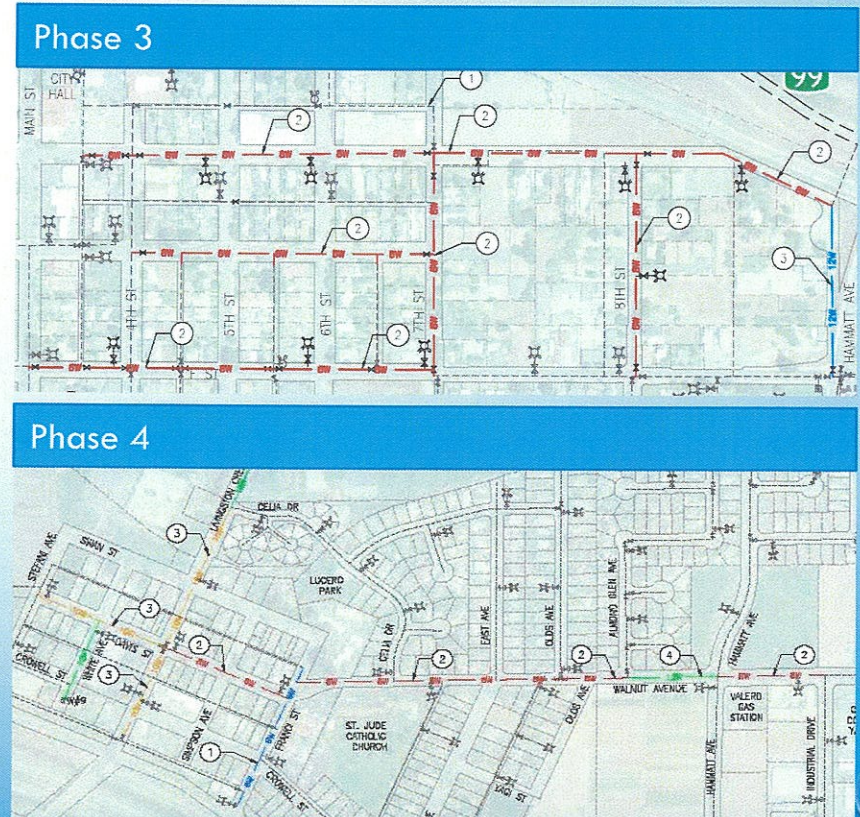
WELL NO. 19

- WELL NO. 19
 - PROJECT WILL INCLUDE NEW WELL, WELL BUILDING, TCP REMOVAL TREATMENT FACILITIES, EMERGENCY BACKUP GENERATOR AND SITE SURFACE IMPROVEMENTS.
 - TEST WELL COMPLETED IN 2022.
 - PROPERTY ACQUISITION BY CITY STILL NEEDS TO TAKE PLACE.









WATER LINE REPLACEMENTS

- GOALS:
 - IMPROVE PRESSURE
 - REDUCE WATER LOSSES – LEAKY PIPES
- PHASE 3
 - FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
 - GRANT AMOUNT: 1.4 MILLION
 - STATUS: COMPLETED 2019
- PHASE 4
 - STATUS: ON HOLD
 - ESTIMATED COST: 2.5 MILLION



PROJECT SUMMARY

Map Color	Project	Cost (\$ Million)	Funding Source	Anticipated Completion
	TCP1 – Well Nos. 16 & 14	\$4.0	DWSRF Loan	Completed 2021
	TCP2 – Arakelian – Well Nos. 12, 13, & 17, plus Tank	\$8.5 (Original) \$15.5 (Revised)	DWSRF – \$8.5 Loan \$3.9 Loan, \$11.6 Grant	2026
	TCP3 – Expanded Well No. 8 – Well Nos. 8A, 9, 18, & 19 plus Tank	\$3.5 (Original) \$11.0 (Revised)	DWSRF – \$3.5 Loan \$2.9 Loan \$8.6 Grant	2027
	Well No. 8A – Replacement for Well No. 8	\$4.0	City Funded	2024
	Well No. 18 – New Well with raw water line	\$5.5	DWSRF Loan/Grant/City Funded	2027
	Well No. 19 – New Well with well head treatment	\$10.0	DWSRF Loan/Grant Foster Farms	2026

- TCP2 + TCP3 + WELL 18 + WELL 19 = \$42.0M

QUESTIONS?



ELECTED OFFICIAL'S REPORT

AGENDA ITEM: Treasurer's Report: February 2024
MEETING DATE: April 2, 2024
PREPARED BY: Katherine Schell Rodriguez – Elected City Treasurer

RECOMMENDATION:

Receive and File Treasurer's Report for the month ending February 29th, 2024.

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 \$42,528,395.31 and represents a 6.09% increase 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:

February 29th, 2024, Treasurer's Report with signature



TREASURER'S REPORT

Bank Statement Period Ending
 Report Date
 Meeting Date

Feb. 29, 2024
 March 20, 2024
 April 02, 2024

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

Institution	Acct#	Investment Type	Average Monthly Yield %	Balance FEBRUARY
State of California LAIF (Local Agency Investment Fund)	xx-xx-463	Pooled	4.122%	39,457,578.36
Non Interest Bearing Items				
Farmers & Merchants Bank	xxxxxx5801	Operating Account	N/A	2,896,375.58
Farmers & Merchants Bank	xxxxxx6601	Payroll Account	N/A	7,436.72
Farmers & Merchants Bank	xxxxxx8201	Web Payments Account	N/A	167,004.65
Subtotal F&M Bank			Subtotal	3,070,816.95
Total Cash & Investments			Totals	42,528,395.31

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 \$6,963,092.41 per statements

Prepared By:

Katherine Schell-Rodriguez
 Katherine Schell-Rodriguez City Treasurer



STAFF REPORT

AGENDA ITEM: Resolution Accepting Completion for the I Street Waterline Project, Authorizing the City Clerk to file a Notice of Completion with Merced County, and Authorizing the Interim City Manager to make Final Payment of Retention Monies to TBS Contractors.

MEETING DATE: April 2, 2024

PREPARED BY: Mario Gouveia, City Engineer

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

1. Accept the work as complete.
2. Authorize the City Clerk to file a Notice of Completion with Merced County.
3. Authorize the Interim City Manager to make final payment of retention monies to Pavement Coatings Co. following the expiration of 35 days from the date of recordation of the Notice of Completion.

BACKGROUND AND DISCUSSION:

The City of Livingston identified a waterline in need of replacement on I Street between 1st Street and the alley to the east of 1st Street. January 16, 2024, the City awarded a contract to TBS Contractors in the amount of \$34,041.42 and entered into an Agreement on January 17, 2024.

The project's construction phase started February 26, 2024, and the major work consisted of replacing approximately 100 linear feet of waterline with new PVC C900 waterline and included surface repairs.

The Contractor completed all work, and a final inspection has been performed and the work was found to be in compliance with the plans and specifications. Therefore, the work should be accepted as complete, and a Notice of Completion filed with Merced County. If no claims are filed within 35 days after recordation, the retention in the amount of \$1,702.07 should be paid to TBS Contractors.

FISCAL IMPACT:

The final construction contract cost inclusive of all authorized work was \$34,041.42. Funding for this project was approved for Fiscal Year 2023/2024 Budget.

ATTACHMENTS:

1. Resolution
2. Notice of Completion

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON ACCEPTING COMPLETION FOR THE I STREET WATERLINE PROJECT, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH MERCED COUNTY, AND AUTHORIZING THE INTERIM CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO TBS CONTRACTORS

WHEREAS, the City of Livingston advertised the I Street Waterline Project on November 15, 2023; and

WHEREAS, the City of Livingston received and publicly opened bids on December 5, 2023; and

WHEREAS, the City of Livingston awarded a contract to TBS Contractors in the amount of \$34,041.42 on January 16, 2024; and

WHEREAS, the Public Works Department and City Engineer have completed a final inspection of the Project and recommend the final acceptance; and

WHEREAS, upon approval of the final acceptance of the Project by the City Council, the City Clerk will file a Notice of Completion with Merced County and the Interim City Manager will release the retention monies due to the Contractor 35 days after the recording date.

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

Section 1. Adopts a Resolution accepting I Street Waterline Replacement Project as complete.

Section 2. Authorizes the City Clerk to file a Notice of Completion with Merced County.

Section 3. Authorizes the Interim City Manager to make a final payment of retention monies to TBS Contractors 35 days after the recording date.

Section 4. 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 2nd day of April, 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
Of the City of Livingston

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

RECORDING REQUESTED BY:

City Clerk
City of Livingston

WHEN RECORDED RETURN TO:

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

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. That the interest of estate stated in paragraph 3 below in the real property hereinafter described is owned by the following:

NAME	STREET AND NO.	CITY	STATE
City of Livingston	1416 "C" Street	Livingston	California

(if more than one owner of the interest stated, the name and address of each must be inserted)

2. That the full name and address of the owner of said interest or estate, if there is only one owner, and the full names and addresses of all the co-owners who own said interest or estate as joint tenants, as tenants in common or otherwise, if there is more than one owner, are set forth in the preceding paragraph.
3. That the nature of the title of said owner, or if more than one, then of said owner and co-owner is: **In Fee.**
4. That on the 2nd day of February, 2024 a work of improvement on the real property hereinafter described was completed.
5. That the name of the original contractor, if any for such work of improvement was:
TBS Contractors
 (If no contractor for work of improvement as a whole, insert "No Contractor")
6. That the real property herein referred to is situated in the City of Livingston, County of Merced, State of California, and is described as follows:

I Street, Livingston, CA

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

April 2, 2024
Date

By: _____
Signature of Owner

Christopher Lopez, Interim City Manager
City of Livingston
Print Name

VERIFICATION

I understand, state:

I am the person who signed the foregoing notice. I have read the above notice and know its contents, and the facts stated therein are true of my own knowledge.

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

Executed at Livingston, California
This 2nd day of April, 2024.

City of Livingston
Owner

By: _____
Christopher Lopez, Interim City Manager
City of Livingston



STAFF REPORT

AGENDA ITEM: Consideration of an Ordinance of the City Council of the City of Livingston Repealing Chapter 3, Underground Utility Districts, of Title 9 and Replacing it with Chapter 3, Underground, Utilities, of Title 9 of the City of Livingston Municipal Code.

MEETING DATE: April 2, 2024

PREPARED BY: Roy Santos, City Attorney

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Waive the First Reading of the Ordinance by Title Only, Open the Public Hearing, Close the Public Hearing and Approve the Ordinance as Presented.

BACKGROUND AND DISCUSSION:

In 2023, the Mayor and City Council directed the City Attorney's Office to amend the Municipal Code relating to Underground Utilities. The Council directed this item to comply with updated state laws as well as the previous code requiring undergrounding of utilities for infill lots, or in the event of rebuilding due to fire or other events outside of the control of the property owner. This requirement had the effect of adding substantial costs for infill development and for those projects in neighborhoods in which underground utilities were not previously done.

The revised code requires new developments to underground utilities rather than by the use of poles and overhead lines while also in accordance with the California Public Utilities Commission rules and regulations. The requirement applies to electrical and telecommunications connections between utility company distribution lines and all proposed structures on a site, and all new installations that distribution utilities within a site.

Exceptions to the undergrounding requirements apply to the following:

1. New structures on parcels of five acres or larger, or requiring uninterrupted utility runs of five hundred feet or more;
2. Public utility distribution service to the edge of the lot, except in an underground utility district or where seventy-five (75%) percent of the lots on the street within one thousand (1,000ft) feet of the site area already developed, and have overhead service from the utility company distribution source to the residences;
3. Where underground installation may cause a substantial adverse environmental impact, as determined by the City; and
4. Temporary overhead extensions for use during construction and/or for the purpose of testing the power supply.

If the Council chooses not to adopt the proposed ordinance, applicants would be required to adhere to the existing ordinance which is attached as a reference.

Additional options for the Council to consider include the following:

1. Not approving this ordinance. Applicants would be required to underground utilities per the existing ordinance.
2. Directing the Attorney's Office to modify the proposed ordinance and bring back with modification.
3. Other direction as provided by the Council.

FISCAL IMPACT:

There is no fiscal impact with the adoption of the ordinance.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 3 OF TITLE 9 OF THE
LIVINGSTON MUNICIPAL CODE PERTAINING TO UNDERGROUND UTILITIES**

WHEREAS, the City of Livingston (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, the City wishes to enact regulations governing undergrounding of utilities at this time; and

WHEREAS, absent clear regulation there is a potential threat to the public peace, health, and safety, and, unless the City takes action to regulate it, the secondary impacts; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City by regulating underground utilities; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity which is illegal under state or federal law.

NOW THEREFORE, the City Council of the City of Livingston does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of unregulated cannabis cultivation. (CEQA Guidelines §§ 15307 and 15308.)

SECTION 3. Chapter 3, of Title 9, of the Livingston Municipal Code is repealed in its entirety and shall read as follows:

Chapter 3

UNDERGROUND UTILITIES

Section 9-3-1 Underground Utilities.

Utilities serving new development shall be installed underground rather than by the use of poles and overhead lines, and where applicable shall be installed in accordance with California Public Utilities Commission rules and regulation. This requirement applies to electrical service and telecommunications (including cable TV, telephone and data transmission) connections

between utility company distribution lines and all proposed structures on a site, and all new installations that distribute utilities within a site. This section does not apply to the following:

- (a) New structures on parcels of five acres or larger, or requiring uninterrupted utility runs of five hundred feet or more;
- (b) Public utility distribution service to the edge of the lot, except in an underground utility district or where seventy-five (75%) percent of the lots on the street within one thousand (1,000ft) feet of the site area already developed, and have overhead service from the utility company distribution source to the residences;
- (c) Where underground installation may cause a substantial adverse environmental impact, as determined by the City;
- (d) Temporary overhead extensions for use during construction and/or for the purpose of testing the power supply.

This section may require an applicant to underground utilities from the utility company distribution source to the site, as well as on the site itself. The utility service provider should be contacted for information on the Public Utility Commission's rules and regulations regarding the undergrounding of utilities. Poles and overhead lines other than those allowed by this section are allowable subject to Minor Use Permit approval, provided that the City first finds that either topographical, soil or similar physical conditions or the distance to the utility company distribution source make the use of underground utilities unreasonable or impractical.

Section 9-3-2 Administrative Penalties.

- (a) The administrative citation penalty for all violations of this chapter, within a rolling twelve-month period, deemed misdemeanors under the Livingston Municipal Code shall be as follows:
 - (1) First administrative citation: two hundred fifty dollars per violation;
 - (2) Second administrative citation: five hundred dollars per violation;
 - (3) Third administrative citation: one thousand dollars per violation; and
 - (4) One thousand dollars per violation for each subsequent administrative citation.
- (b) The administrative citation penalty for all violations of this chapter, within a rolling twelve-month period, deemed infractions under the Livingston Municipal Code shall be as follows:
 - (1) First administrative citation: one hundred dollars per violation;
 - (2) Second administrative citation: two hundred dollars per violation;
 - (3) Third administrative citation: five hundred dollars per violation; and
 - (4) Five hundred dollars per violation for each subsequent administrative citation.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2024, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2024, by the following roll call vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST

Monica Cisneros, Deputy City Clerk

CITY OF LIVINGSTON

By: _____
Jose Moran, Mayor
of City of Livingston

APPROVED AS TO FORM

By: _____
Roy C. Santos, City Attorney

I, _____, Deputy City Clerk of the City of Livingston, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Livingston on the date and by the vote indicated herein.