



CITY COUNCIL SPECIAL AND REGULAR MEETING AGENDA AUGUST 20, 2024

SPECIAL MEETING: 6:00 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 August 20, 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. 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

Pledge of Allegiance.

Moment of Silence – First Responders and Military Members.

Roll Call.

Closed Session Announcement.

Changes to the Agenda.

Next Resolution No.: 2024-51
Next Ordinance No.: 656

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.

City Manager Announcements and Reports.

City Council Members' Announcements and Reports.

Mayor's Announcements and Reports.

Robert Wallis

- City Council Alternate Liaison - Livingston Planning Commission – **Robert Wallis**
- Merced Integrated Regional Water Management Plan (MIRWMA) – **Robert Wallis, Representative and Jason Roth, Alternate Representative.**

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) – **Robert Wallis, Representative and Jason Roth, Alternate Representative.**
- Merced County Mosquito Abatement District Board of Directors – **Gurpal Samra, Representative and Jason Roth, Alternate.**
- City Council Liaison - Parks, Recreation and Arts Commission – **Jose Moran and Alternate Liaison Jason Roth.**

Maria Soto

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

Gurpal Samra

- Merced County Mosquito Abatement District Board of Directors – **Gurpal Samra, Representative and Jason Roth, Alternate.**
- Special City Selection Committee of the San Joaquin Valley Air Pollution Control Board – **Jason Roth, Representative and Gurpal Samra, Alternative.**
- Merced County Association of Governments (MCAG) Governing Board – **Jose Moran, Representative and Gurpal Samra, Alternate.**
- Utility Stakeholders Committee – **Jose Moran and Gurpal Samra.**

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 and Alternate Liaison Jason Roth.**
- 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 August 15, 2024.
2. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on May 16, 2023.
3. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on June 6, 2023.
4. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on June 13, 2023.
5. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on June 20, 2023
6. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on July 5, 2023
7. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on July 18, 2023
8. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on August 1, 2023
9. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on August 7, 2023
10. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on August 15, 2023
11. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on September 19, 2023

12. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on October 3, 2023
13. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on October 17, 2023
14. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on November 7, 2023
15. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on December 5, 2023
16. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on December 19, 2023
17. Consideration of a Resolution Approving the Purchase of One (1) New 2024 Chevrolet Blazer EV From National Auto Fleet Group, in the Amount of \$54,766.04; and Authorizing the Interim City Manager to Execute all Required Documents. Staff Recommendation: Approve Resolution.
18. Consideration of a Resolution Approving the Purchase of One (1) New Backhoe Loader Tractor (John Deere 310 P-Tier) From Pape Machinery, in the Amount of \$127,162.14; and Authorize the Interim City Manager to Execute all Required Documents. Staff Recommendation: Approve Resolution.
19. Consideration of an Ordinance of the City Council of the City of Livingston Repealing and Replacing Chapter 2-4, of Title 3 of the Livingston Municipal Code Pertaining to Itinerant Vendor. Staff Recommendation: Waive the Second Reading of the Ordinance by Title Only, Open the Public Comments, Close the Public Comments and Adopt the Ordinance as Presented.

DISCUSSION AND POTENTIAL ACTION ITEMS

20. Discussion and Direction Regarding Recognition of Lupe and Aurora Garcia.
21. Discussion on 4th of July Event Report.
22. Discussion and Direction Regarding Notices of the Proposed Increased Solid Waste Fees and Rates for a Majority Protest Process in Accordance with Proposition 218.
23. Discussion and Direction for Use of Remaining American Rescue Plan Act (ARPA) Funds.
24. Discussion and Direction Regarding the Cancellation of Recruitment Services Agreement with Bob Murray & Associates for City Manager Recruitment Services.
25. Discussion and Direction on Itinerant Vendor Application and Permit Fee.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

ADJOURNMENT

STAFF REPORT



AGENDA ITEM: Warrant Register August 15, 2024
MEETING DATE: August 20, 2024
PREPARED BY: Nancy Fuentes, Accounting Technician
REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Ratify the warrant register dated August 15, 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:

July 19, 2024- Aug 15, 2024

GENERAL WARRANTS.....	\$	1,304,635.16	11587-11748
PAYROLL/WIRE WARRANTS.....	\$	392,861.04	3292-3314
TOTAL WARRANTS.....	\$	1,697,496.20	

ATTACHMENTS:

Warrant Register (detailed by date and check number)

Accounts Payable

Checks by Date - Summary by Check Date

User: nfuentes
 Printed: 8/16/2024 10:45 AM



City of Livingston
 1416 C Street
 Livingston, CA 95334

Check No	Vendor No	Vendor Name	Check Date	Check Amount
11587	251	ABS Direct, Inc.	07/31/2024	128.15
11588	1108	Fabian Aguilar	07/31/2024	200.00
11589	1513	All Precision Plumbing, Inc.	07/31/2024	150.00
11590	1260	Irma Alvarez	07/31/2024	100.00
11591	1534	Costa Dolores Amador	07/31/2024	100.00
11592	193	BSK Associates	07/31/2024	1,936.00
11593	192	Cal Traffic	07/31/2024	1,305.92
11594	1531	Elizabeth Cervantes	07/31/2024	150.00
11595	1239	Clark Pest Control of Stockton, Inc.	07/31/2024	92.00
11596	1523	Community Health Centers of America	07/31/2024	150.00
11597	1075	Carlos Cruz	07/31/2024	100.00
11598	787	Custom Weed Control Inc.	07/31/2024	400.00
11599	1527	Donaghy Sales, LLC	07/31/2024	1,111.70
11600	1525	Nydia Duenas	07/31/2024	100.00
11601	455	Ernest Packaging Solutions	07/31/2024	2,994.45
11602	260	First Communications, LLC	07/31/2024	16.84
11603	1535	Fresno City College Police Academy	07/31/2024	61.00
11604	188	Frontier	07/31/2024	2,468.80
11605	387	Frontier Communications Corp Frontier Co	07/31/2024	165.62
11606	1520	Gaby Fuentes	07/31/2024	100.00
11607	1526	Jana Gittings	07/31/2024	100.00
11608	1080	Patricia Gomez	07/31/2024	100.00
11609	1346	Marta Gonzalez	07/31/2024	100.00
11610	1347	Maria de Carmen Granados	07/31/2024	100.00
11611	799	Ahlam Gutierrez	07/31/2024	100.00
11612	1521	Cesar Hernandez	07/31/2024	100.00
11613	267	Hoffman Security	07/31/2024	36.95
11614	1528	Honda Kawasaki KTM of Modesto	07/31/2024	581.42
11615	501	Hunt & Sons, LLC	07/31/2024	5,033.09
11616	1130	Kellogg Supply	07/31/2024	129.89
11617	1536	La Mejor Maganize	07/31/2024	1,000.00
11618	402	Liebert Cassidy Whitmore	07/31/2024	2,865.00
11619	1255	Ashley Maciel	07/31/2024	250.00
11620	1265	Octavio Martinez	07/31/2024	100.00
11621	389	Mid Valley IT	07/31/2024	11,025.00
11622	1310	Miriam Millan	07/31/2024	150.00
11623	180	Mission Linen Service	07/31/2024	346.61
11624	459	Municipal Maintenance Equipment	07/31/2024	217.20
11625	199	Northstar Chemical	07/31/2024	7,018.18
11626	949	Nova Heating and Air Conditioning	07/31/2024	1,099.75
11627	302	Office Depot, Inc./ODP Business Solutions.	07/31/2024	595.38
11628	1519	Arturo Pineda	07/31/2024	100.00
11629	1262	Ruperto Reyes	07/31/2024	100.00
11630	1530	Cristian Rosales	07/31/2024	150.00
11631	407	San Joaquin Valley Air Pollution Control D	07/31/2024	475.00
11632	408	Sapien Family Trust	07/31/2024	1,000.00
11633	691	Seegers Printing	07/31/2024	124.49

Check No	Vendor No	Vendor Name	Check Date	Check Amount
11634	439	Sharpening Shop	07/31/2024	87.98
11635	307	Shred-It, C/O Stericycle, Inc.	07/31/2024	284.26
11636	1094	Graciela Silva	07/31/2024	100.00
11637	1095	Supreme Shield Corp.	07/31/2024	7,440.00
11638	1522	Adriana Valdovinos	07/31/2024	100.00
11639	314	Valley Coffee & Water	07/31/2024	56.85
11640	1518	Jerry Vue	07/31/2024	100.00
11641	287	West Coast Code Consultants, Inc.	07/31/2024	400.00
11642	409	Willdan Financial Services	07/31/2024	11,215.27
11643	286	Xerox Financial Services	07/31/2024	81.48
Total for 7/31/2024:				64,694.28
11644	282	AT&T Mobility	08/05/2024	2,047.00
11645	446	Belkorp Ag, LLC	08/05/2024	344.21
11646	193	BSK Associates	08/05/2024	5,357.25
11647	320	California Building Standards Commission	08/05/2024	66.60
11648	1308	CSG Consultants, Inc.	08/05/2024	19,753.00
11649	1089	DAHLIN GROUP	08/05/2024	4,820.00
11650	321	Department of Conservation Division of Ad	08/05/2024	90.82
11651	641	Ferguson Enterprises LCC #686	08/05/2024	482.46
11652	1410	FFP Fund VII TEI Partnership 1, LLC	08/05/2024	15,484.34
11653	449	Fineline Striping	08/05/2024	4,980.00
11654	356	Gouveia Engineering, Inc.	08/05/2024	42,353.02
11655	358	Hilmar Ready Mix Rockery Nursery, LLC	08/05/2024	204.73
11656	1014	Hunt Equipment DBA Donlee Pump Comp.	08/05/2024	141.15
11657	165	J L Analytical Services, Inc.	08/05/2024	490.00
11658	675	Lance, Soll & Lunghard, LLP	08/05/2024	58,757.78
11659	278	Merced Irrigation District	08/05/2024	64,637.52
11660	170	MintierHarnish Planning Consulants	08/05/2024	5,083.75
11661	194	Modesto Welding Products	08/05/2024	24.00
11662	459	Municipal Maintenance Equipment	08/05/2024	751.53
11663	199	Northstar Chemical	08/05/2024	5,307.73
11664	302	Office Depot, Inc./ODP Business Solutions.	08/05/2024	107.30
11665	1147	PAC Machine Company, INC.	08/05/2024	3,278.81
11666	203	PG&E	08/05/2024	395.72
11667	265	Resourceability	08/05/2024	1,337.00
11668	208	Saenz Pest Control, Inc.	08/05/2024	129.00
11669	561	Safe-T-Lite of Modesto, Inc.	08/05/2024	2,676.42
11670	499	Safety-Kleen Systems, Inc.	08/05/2024	840.59
11671	439	Sharpening Shop	08/05/2024	293.27
11672	309	St. Francis Electric	08/05/2024	400.00
11673	530	Telstar Instruments	08/05/2024	25,280.00
11674	692	Tesco Controls, Inc.	08/05/2024	9,280.49
11675	1150	Valley 29 Electric, LLC	08/05/2024	3,000.00
11676	1204	Valley Sanitation & Rentals LLC	08/05/2024	1,436.94
11677	210	WGR Southwest, Inc.	08/05/2024	1,240.00
Total for 8/5/2024:				280,872.43
11678	250	Alhambra	08/06/2024	201.34
11679	193	BSK Associates	08/06/2024	2,485.38
11680	1100	CAL FIRE	08/06/2024	1,135.40
11681	1537	Central Valley Toxicology, Inc	08/06/2024	36.00
11682	508	City of Livingston (Petty Cash)	08/06/2024	682.77
11683	568	Cummins Sales and Service	08/06/2024	2,869.66
11684	263	Galls, LLC	08/06/2024	6,813.45

Check No	Vendor No	Vendor Name	Check Date	Check Amount
11685	262	Gilton Solid Waste	08/06/2024	3,567.45
11686	482	Hi-Tech EVS, Inc,	08/06/2024	3,021.43
11687	501	Hunt & Sons, LLC	08/06/2024	21,347.56
11688	615	McClatchy Company LLC	08/06/2024	2,347.32
11689	362	Merced County Animal Control	08/06/2024	2,950.00
11690	578	Uline	08/06/2024	3,629.21
11691	366	USABlueBook	08/06/2024	437.52
11692	1204	Valley Sanitation & Rentals LLC	08/06/2024	92.00
11693	210	WGR Southwest, Inc.	08/06/2024	470.50
Total for 8/6/2024:				52,086.99
11694	445	Axon Enterprise, Inc.	08/07/2024	1,718.61
11695	1540	Maria Briones	08/07/2024	37.50
11696	193	BSK Associates	08/07/2024	1,118.40
11697	909	Canon Financial Services, Inc.	08/07/2024	331.89
11698	398	Central SanJoaquin Valley Risk Manageme	08/07/2024	531,570.00
11699	399	Central SanJoaquin Valley Risk Manageme	08/07/2024	106,640.00
11700	272	Charter Communications Holdings, LLC	08/07/2024	360.32
11701	UB*02083	AMARBIR CHATHA	08/07/2024	338.64
11702	291	City of Livingston c/o L & L District Irrigati	08/07/2024	19,241.04
11703	1239	Clark Pest Control of Stockton, Inc.	08/07/2024	41.00
11704	1547	Isidro Olivo Cortes	08/07/2024	150.00
11705	1543	Enrique Covarrubias	08/07/2024	150.00
11706	1544	Hermelando Cruz	08/07/2024	115.00
11707	1076	Julissa Del Toro	08/07/2024	150.00
11708	547	Don's Mobile Glass	08/07/2024	1,048.07
11709	1546	Maricela Duran	08/07/2024	150.00
11710	258	Ewing Irrigation Products, Inc.	08/07/2024	774.15
11711	188	Frontier	08/07/2024	1,369.14
11712	164	Garza Tire & Wheel, Inc	08/07/2024	774.18
11713	262	Gilton Solid Waste	08/07/2024	186,084.02
11714	501	Hunt & Sons, LLC	08/07/2024	4,039.60
11715	1033	Independent Investigations LLC	08/07/2024	3,528.33
11716	629	Ingraham Trophies	08/07/2024	238.13
11717	639	Livingston Explorers	08/07/2024	3,748.16
11718	269	Merced Pest Control	08/07/2024	80.00
11719	389	Mid Valley IT	08/07/2024	69.00
11720	180	Mission Linen Service	08/07/2024	483.76
11721	459	Municipal Maintenance Equipment	08/07/2024	238.54
11722	199	Northstar Chemical	08/07/2024	1,893.10
11723	UB*02084	YVETTE NUNEZ	08/07/2024	36.05
11724	1368	Elizabeth Osorio	08/07/2024	300.00
11725	303	Price Ford of Turlock	08/07/2024	110.70
11726	1545	Josue Ruiz	08/07/2024	80.00
11727	1283	Sacramento County Sheriff's Office	08/07/2024	475.00
11728	1330	James D Sanders	08/07/2024	150.00
11729	834	Speedy Bee Car Wash and Detail Center	08/07/2024	269.86
11730	313	U.S. Bank Equipment Finance	08/07/2024	512.38
11731	1105	United Rentals (North America), INC.	08/07/2024	462.25
11732	1541	Leticia Valencia	08/07/2024	65.00
11733	314	Valley Coffee & Water	08/07/2024	33.90
11734	1539	Eric Verdin	08/07/2024	32.50
11735	367	Verizon Wireless	08/07/2024	1,702.70
11736	597	Work Wellness	08/07/2024	486.00
Total for 8/7/2024:				871,196.92

Check No	Vendor No	Vendor Name	Check Date	Check Amount
11737	395	Administrative Solution, Inc.	08/09/2024	105.00
11738	434	AFSCME District Council 57	08/09/2024	762.30
11739	396	American Fidelity Assurance	08/09/2024	3,164.72
11740	397	American Fidelity Assurance Company	08/09/2024	1,103.32
11741	393	California State Disbursement Unit	08/09/2024	2,544.88
11742	612	Livingston Peace Officers Association	08/09/2024	1,849.50
11743	437	Operating Engineers Local 3	08/09/2024	477.00
11744	438	Operating Engineers Local Union No.3	08/09/2024	621.00
11745	405	Premier Access Insurance Company	08/09/2024	3,885.40
11746	1284	State of California	08/09/2024	130.16
11747	564	Texas Life Insurance	08/09/2024	275.28
Total for 8/9/2024:				14,918.56
11748	422	U.S. Bank Corporate Payment Systems	08/15/2024	20,865.98
Total for 8/15/2024:				20,865.98
Report Total (162 checks):				1,304,635.16



MEETING MINUTES

CLOSED SESSION/REGULAR MEETING LIVINGSTON CITY COUNCIL MAY 16, 2023

A Regular Meeting of the Livingston City Council was held on May 16, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:02 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:04 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

4. Public Employee Appointment
(Government Code Section 54957(b)(1))
Title: City Attorney
5. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d)
One (1) matter

REGULAR MEETING

Mayor Moran called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff on both closed session items.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:08 p.m.

Citizen Comments

Barbara Ratzlaff
Rodrigo Espinoza

Mayor Moran closed Citizen Comments at 7:12 p.m. as there were no further comments from the public.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing National Public Works Week

Mayor Moran presented this item. Mr. Moran read the proclamation recognizing National Public Works Week.

2. Presentation by Stephanie Fujimura, Principal and Senior Architect, Dahlin:
Livingston Rec Plex

Stephanie Fujimura from Dahlin presented this item. She gave a presentation on the company's background, Dahlin's services and responsibility, Proposition 68 submittal information, proposed site plan, building renovation conceptual plan, and project schedule.

Ms. Fujimura responded to council questions.

There was a brief discussion between staff and Council regarding the Livingston Rec Plex Project.

Mayor Moran opened and closed public comments at 7:41p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

County Supervisor Rodrigo Espinoza gave his report.

City Staff Announcements and Reports

None.

City Manager Announcements and Reports

- Interim City Manager Christopher Lopez

City Council Members' Announcements and Reports

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro-Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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**

RECEIVE AND FILE

3. City Treasurer’s Investment Report (this item is a placeholder for any future investment reports received by the City Treasurer).

There was a brief discussion on the background for having this item on the agenda.

Mayor Moran opened and closed public comments at 8:14 p.m. as there were no comments from the public.

CONSENT AGENDA

4. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
5. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated April 25, 2023
6. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated May 9, 2023
7. Resolution Initiating Proceedings and Ordering the Preliminary Engineer’s Report for the Annual Levy of Assessments for Fiscal Year 2023/2024 for the Citywide Consolidated Landscape Maintenance Assessment District No. 1, Approving the Engineer’s Report, Declaring the City’s Intention to Levy Annual Assessments for the District, and Appointing a Time and Place for a Public Hearing.
8. Resolution Initiating Proceedings and Ordering the Preliminary Engineer’s Report for the Annual Levy of Assessments for Fiscal Year 2023/2024 for the Livingston Benefit Assessment Districts, Approving the Engineer’s Report, Declaring the City’s Intention to Levy Annual Assessments Within Such Districts and Appointing a Time and Place for a Public Hearing.
9. Resolution Approving the Annual Local Transportation Fund (LTF) Claim to Be Filed with the Merced County Association of Governments (MCAG) for Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) Swap
10. Resolution to Approve a Contract with Pyro Spectaculars, Inc. for Pyrotechnic Services on July 4, 2023, July 4, 2024, and July 4, 2025, and Authorize the City Manager to Execute the Contract

Mayor Pro-Tem Samra noted that there was an amendment to the staff report.
11. Resolution Adopting City of Livingston Master Employee Salary Schedule for the Water/Wastewater Manager and Lifeguard Position

Motion: M/S Samra/Roth to approve the consent agenda items 4-11 with item 10 amended staff report. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.

NOES: Council Members: None
ABSENT: Council Members: None

PUBLIC HEARINGS

12. Resolution Approving Conditional Use Permit No. 2022-01 and Approve Site Plan and Design Review Application No. 2022-02, to Develop a Two-Story, Single-Family Dwelling on an Undersized Parcel in the R-2 Zoning District on Property Located at 1547 F Street, Livingston, CA (APN: 024-173-013)

Contract City Planner Miguel Galvez introduced this item and responded to council questions.

Jorge Maldonado and Juan Maldonado (applicant) responded to council questions.

Mayor Moran opened public comments at 8:36 p.m.

Citizen Comments:

Rodrigo Espinoza

Mayor Moran closed Public Comments at 8:40 p.m. as there were no further comments from the public.

Motion: M/S Samra/Moran to approve Resolution No. 2023-37, Approving Conditional Use Permit No. 2022-01 and Approve Resolution No. 2023-38, Approving Site Plan and Design Review Application No. 2022-02, to Develop a Two-Story, Single-Family Dwelling on an Undersized Parcel in the R-2 Zoning District on Property Located at 1547 F Street, Livingston, CA (APN: 024-173-013). The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

13. Waive the Second Reading and Adopt Ordinance No. of the City Council of the City of Livingston Amending Livingston Municipal Code, Section 1.4.3, General Criminal Penalties, of Chapter 4, General Penalties, of Title 1, Administrative; and Section 7.4.16, Administrative Penalties, of Chapter 7.4, Fireworks, of Title 7, Fire Regulations and Department of Public Safety to Establish Administrative Penalties For the Use of Illegal Aerial Fireworks.

Deputy City Attorney Christina Pritchard introduced this item and responded to council questions.

Mayor Moran opened and closed public comments at 8:45 p.m. as there were no comments from the public.

Motion: M/S Moran/Roth to Waive the Second Reading and Adopt Ordinance of the City Council of the City of Livingston Amending Livingston Municipal Code, Section 1.4.3, General Criminal Penalties, of Chapter 4, General Penalties, of Title 1, Administrative; and Section 7.4.16, Administrative Penalties, of Chapter 7.4, Fireworks, of Title 7, Fire Regulations and Department of Public Safety to Establish Administrative Penalties For the Use of Illegal Aerial Fireworks. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

DISCUSSION AND POTENTIAL ACTION ITEMS

14. Resolution Approving the Restated Joint Powers Agreement of the Merced County Association of Governments and Authorizing the City of Livingston Mayor to Sign the Agreement

Interim City Manager Christopher Lopez introduced this item.

Mayor Moran opened and closed public comments at 8:54 p.m. as there were no further comments from the public.

Mayor Pro-Tem Samra asked what the next steps would be if they didn't approve the agreement.

The Council was in consensus to table the item until the next meeting in order to obtain more information and get responses to their questions.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Joint meeting with Council and Planning Commission for a strategic planning session.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:29 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

AMENDED CLOSED SESSION/REGULAR MEETING LIVINGSTON CITY COUNCIL JUNE 6, 2023

A Regular Meeting of the Livingston City Council was held on June 6, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 5:05 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 5:06 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Public Employee Appointment
(Government Code Section 54957(b)(1))
Title: City Attorney
7. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9)
Name of Case: Jose Ramirez v. City of Livingston, et al., Superior Court of the State of California, County of Merced

REGULAR MEETING

Mayor Moran called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff on both closed session items.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:34 p.m.

Citizen Comments

Barbara Ratzlaff
Rodrigo Espinoza
Greg Padilla

Mayor Moran closed citizen comments at 7:38 p.m. as there were no further comments from the public.

Mayor Moran noted that he provided information to the City Manager and Police Department regarding some traffic concerns from a resident.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Aleshire & Wynder LLP: Introduction and Proposed Legal Services.

Roy C. Santos provided background on his firm and information on the proposed legal services. Mr. Santos then responded to Council questions.

Mayor Moran opened and closed public comments at 7:45 p.m. as there were no comments from the public.

2. Presentation by Costanzo & Associates PC: Introduction and Proposed Legal Services.

Neal Costanzo provided background on his firm and information on the proposed legal services. He then responded to Council questions.

Mayor Moran opened and closed public comments at 7:53 p.m. as there were no comments from the public.

3. Presentation by Shute, Mihaly & Weinberger LLP: Introduction and Proposed Legal Services.

Rene Ortega provided background on his firm and information on the proposed legal services. Mr. Ortega then responded to Council questions.

Mayor Moran opened and closed public comments at 7:56 p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

Supervisor Rodrigo Espinoza gave his report.

City Staff Announcements and Reports

No Report.

City Manager Announcements and Reports

No Report.

City Council Members' Announcements and Reports

- Council Member Mann
- Council Member Roth

Mayor's Announcements and Reports.

- Mayor Moran

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**

RECEIVE AND FILE

4. City Treasurer’s Investment Report (this item is a placeholder for any future investment reports received by the City Treasurer).

CONSENT AGENDA

5. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
6. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated May 23, 2023

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

Mayor Moran opened and closed Public Comments at 8:16 p.m. as there were no comments from the public.

PUBLIC HEARINGS

7. Resolution Amending and/or Approving the Engineer’s Report, For The Livingston Benefit Assessment Districts and the Levy and Collection of Annual Assessments Within Such Districts For Fiscal Year 2023/2024 and Confirming Diagrams and Assessments Pursuant to the Benefit Assessment Act of 1982 and As Provided by Article XIIIID of the California Constitution

Project Manager Susana Hernandez from Willdan Financial Services introduced this item.

Mayor Moran opened and closed the public hearing at 8:19 p.m. as there were no comments from the public.

Motion: M/S Samra/Mann to approve Resolution No. 2023-39, Amending and/or Approving the Engineer’s Report, For The Livingston Benefit Assessment Districts and the Levy and Collection of Annual Assessments Within Such Districts For Fiscal Year 2023/2024 and Confirming Diagrams and Assessments Pursuant to the Benefit Assessment Act of 1982 and As Provided by Article XIIIID of the California Constitution. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

8. Resolution Amending and/or Approving the Engineer’s Report for the Citywide Consolidated Landscape Maintenance Assessment District No. 1 and the Levy and Collection of Annual Assessments Within Such District for Fiscal Year 2023/2024 and Confirming Diagrams and Assessments Pursuant to the Provisions of Part 2 of Division 15 of the California Streets and Highways Code and as Provided by Article XIID of the California Constitution

Project Manager Susana Hernandez from Willdan Financial Services introduced this item.

Mayor Moran opened and closed the public hearing at 8:22 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Resolution No. 2023-40, Amending and/or Approving the Engineer’s Report for the Citywide Consolidated Landscape Maintenance Assessment District No. 1 and the Levy and Collection of Annual Assessments Within Such District for Fiscal Year 2023/2024 and Confirming Diagrams and Assessments Pursuant to the Provisions of Part 2 of Division 15 of the California Streets and Highways Code and as Provided by Article XIID of the California Constitution. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

DISCUSSION AND POTENTIAL ACTION ITEMS

9. Resolution Adopting the Annual Budget for Fiscal Year 2023/24; The GANN Appropriation Limit for Fiscal Year 2023/2024, and the Salary Schedule for 2023/2024.

Interim City Manager Christopher Lopez introduced this item and responded to Council questions.

Police Department Administrative Services Manager Soria, Public Works Director Chavarria, and Contract City Planner Galvez presented their department’s budget. Staff responded to Council questions.

Mayor Moran opened and closed public comments at 9:20 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Resolution No. 2023-41, Adopting the Annual Budget for Fiscal Year 2023/24; The GANN Appropriation Limit for Fiscal Year 2023/2024, and the Salary Schedule for 2023/2024. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:21 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL MEETING LIVINGSTON CITY COUNCIL JUNE 13, 2023

A Special Meeting of the Livingston City Council was held on June 13, 2023, in the Council of Chambers, with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:03 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann (Absent)

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened and closed Citizen Comments at 6:04 p.m. as there were no comments from the public.

CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d):
One (1) matter

2. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9)
Name of Case: Jose Ramirez v. City of Livingston, et al., Superior Court of the State of California, County of Merced

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff.

ADJOURNMENT

The special meeting was adjourned by consensus at 7:22pm.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor ProTempore

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MEETING MINUTES

CLOSED SESSION/REGULAR MEETING LIVINGSTON CITY COUNCIL JUNE 20, 2023

A Regular Meeting of the Livingston City Council was held on June 20, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 5:17 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra (Late Attendance)
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

Mayor Pro-Tem Samra entered the Council Chambers at 5:20 p.m. after roll call was taken.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened and closed the meeting for public comments at 5:20 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Public Employee Appointment
(Government Code Section 54957(b)(1))
Title: Special Counsel

7. Public Employee Appointment
(Government Code Section 54957(b)(1))
Title: City Attorney

8. Conference with Real Property Negotiators (Gov. Code, § 54956.8)
Property: APN 024-020-029
Agency Negotiator: City Manager
Negotiating Parties: City of Livingston and Foster Poultry Farms, LLC
Under Negotiation: Instruction to negotiator concerning price and terms of payment

REGULAR MEETING

Mayor Moran called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:06 p.m.

Citizen Comments via Teleconference

Ana Maria

Mayor Moran closed Citizen Comments at 7:10 p.m. as there were no further comments from public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

No Report.

City Staff Announcements and Reports

- Robert Wynn – Merced County Fire Department

City Manager Announcements and Reports

No Report.

City Council Members' Announcements and Reports

- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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**

RECEIVE AND FILE

1. City Treasurer's Investment Report for the Month Ending April 30, 2023

CONSENT AGENDA

2. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS

City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member

3. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated June 9, 2023
4. Resolution Approving the Cancellation of the First Regular Scheduled City Council Meeting in July in Observance of the 4th of July Holiday
5. Resolution Approving the City of Livingston Fiscal Year 2023/2024 List of Eligible Projects for Funding from the Road Maintenance and Rehabilitation Account (RMRA) Created by Senate Bill 1: Road Repair and Accountability Act of 2017, and Authorizing the City Manager to File with the California Transportation Commission the Project List and Annual Expenditure Report for Fiscal Year 2023/2024 RMRA Funding
6. Resolution Authorizing the Interim City Manager to Negotiate and Execute an Agreement, Approved as to Form by the City Attorney, with CSG Consultants or 4LEAF Inc. for On-Call Community Development Services

Mayor Moran opened and closed public comments at 7:32 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

PUBLIC HEARINGS

7. Resolution Approving Conditional Use Permit No. 2023-01 and Resolution Approving Site Plan and Design Review Application No. 2023-01, to Develop a Two-Story, 3,339 Square Foot Townhouse Triplex with a Seven-Space Parking lot in the Downtown Commercial (DTC) Zoning District on Property Located at 1222 B Street, Livingston, CA (APN No.: 024-123-003).

Contract City Planner Miguel Galvez introduced this item and responded to Council questions.

There was a brief discussion between the Council and staff on the overhead utility lines.

Mayor Moran opened public comments at 7:51 p.m.

Public Comments

Ernie Yoshino, Architect

Mayor Moran closed public comments at 7:54 p.m. as there were no further comments from the public.

Motion: M/S Samra/Mann to approve the Resolution No. 2023-45, Approving Conditional Use Permit No. 2023-01 and Resolution No. 2023-46, Approving Site Plan and Design Review Application No. 2023-01, to Develop a Two-Story, 3,339 Square Foot Townhouse Triplex with a Seven-Space Parking lot in the Downtown Commercial (DTC) Zoning District on Property

Located at 1222 B Street, Livingston, CA (APN No.: 024-123-003). The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

DISCUSSION AND POTENTIAL ACTION ITEMS

8. Resolution Approving a Professional Services Agreement with Bryant L. Jolley Certified Public Accountants and Approving an Amended Contract with Lance, Soll & Lunghard, LLP (LSL)

Senior Accountant Happy Bains introduced this item and responded to Council questions.

Mayor Moran opened and closed Public Comments at 8:03 p.m. as there were no comments from the public.

Motion: M/S Samra/Mann to approve Resolution No. 2023-47, Approving a Professional Services Agreement with Bryant L. Jolley Certified Public Accountants and Approving an Amended Contract with Lance, Soll & Lunghard, LLP (LSL). The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

9. Resolution Approving a Commitment of Permanent Local Housing Allocation (PLHA) Funds to the Self-Help Enterprises Livingston B Street Project

Betsy McGovern-Garcia, Director of Real Estate Development from Self Help Enterprises, introduced this item.

Mayor Moran opened and closed Public Comments at 8:12 p.m. as there were no comments from the public.

Motion: M/S Moran/Samra to approve Resolution No. 2023-48, Approving a Commitment of Permanent Local Housing Allocation (PLHA) Funds to the Self-Help Enterprises Livingston B Street Project. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

10. Consider and Discuss the City of Livingston City Council's Options for Filling the City Clerk Position Vacated by Leticia Vasquez-Zurita, and Take Action Related to Filling the Vacancy

Deputy City Attorney Christina Pritchard introduced this item.

There was a lengthy discussion between staff and Council regarding the City Clerk's duties and filling the City Clerk Position.

Mayor Moran opened and closed public comments at 8:33 p.m. as there were no comments from the public.

Mayor Moran opened public comments at 9:04 p.m.

Public Comments

Leticia Vasquez-Zurita

Mayor Moran closed public comments at 9:21 p.m. as there were no further comments from the public.

Motion: M/S Roth/Samra to bring back item number 10 on July 5, 2023. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran
NOES:	Council Members:	None
ABSENT:	Council Members:	None

11. Resolution Approving the Restated Joints Powers Agreement of the Merced County Association of Governments and Authorize the City of Livingston Mayor to Sign the Agreement

Interim City Manager Christopher Lopez introduced this item.

There was a discussion between the council and staff regarding the miscommunication between previous Council Members regarding the Joint Powers Agreement.

Mayor Moran opened and closed public comments at 9:41 p.m. as there were no comments from the public.

Motion: M/S Mann/Moran to approve Resolution No. 2023-49, Approving the Restated Joints Powers Agreement of the Merced County Association of Governments and Authorize the City of Livingston Mayor to Sign the Agreement. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran
NOES:	Council Members:	None
ABSENT:	Council Members:	None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Council Member Soto asked for clarification by email on the two-face part of the sidewalk project and solutions for the Fred Worden Basin.

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Assistance with the Veterans area in Memorial Park demarcation.
- Follow-up on the policy for Allways Towing

ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:55 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL MEETING LIVINGSTON CITY COUNCIL JULY 5, 2023

A Special Meeting of the Livingston City Council was held on July 5, 2023, in the Council of Chambers, with Mayor Moran presiding.

CALL TO ORDER

Acting Mayor Samra called the meeting to order at 6:01 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 6:03 p.m.

Citizen Comments:
Mario Mendoza

Attendee (did not state name)
Attendee (did not state name)

Mayor Moran closed Citizen Comments at 6:15 p.m. as there were no comments further comments from the public.

DISCUSSION AND POTENTIAL ACTION ITEMS

1. Consider and Discuss the City of Livingston City Council’s Options for Filling the City Clerk Position Vacated by Leticia Vasquez-Zurita, and Take Action Related to Filling the Vacancy

Interim City Manager Christopher Lopez introduced this item and responded to Council questions.

There was a lengthy discussion between Council and staff regarding City Clerk duties.

Mayor Moran opened Public Comments at 6:27 p.m.

Public Comments:

Attendee (did not state name)
Leticia Vasquez

Mayor Moran closed Public Comments 6:35 p.m. as there were no further comments from the public.

Mayor Moran opened public comments at 6:47 p.m.

Public Comment:

Leticia Vasquez
Attendee (did not state name)
Mario Mendoza

Mayor Closed public comments at 6:52 p.m. as there were no further comments from the public.

M/S: Motion Samra/Roth to initiate an open call for applications to all eligible persons in the City. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

Interim City Manager Christopher Lopez asked the Council if they were okay with the layout as described in the staff report and application.

2. Provide Direction on the Use of the Rec-Plex Facility for the 51FIFTY Fight Night Event

Interim City Manager Christopher Lopez introduced this item and responded to Council questions.

Julio Valadez responded to Mayor Moran's question regarding the event date.

Recreation Superintendent Jacquelyn Benoit responded to Council Member Soto's questions regarding facility hosting events.

Mayor Moran opened and closed public comments at 7:00 p.m. as there were no comments from public.

M/S: Motion Mann/Samra to allow 51 Fifty the right to use the Rec-Plex facility for a fight night event. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

CLOSED SESSION

1. Public Employee Appointment
(Government Code Section 54957(b)(1))
Title: City Attorney

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff

ADJOURNMENT

The special meeting was adjourned by consensus at 7:22 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

CLOSED SESSION/REGULAR MEETING LIVINGSTON CITY COUNCIL JULY 18, 2023

A Regular Meeting of the Livingston City Council was held on July 18, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:01 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro-Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:03 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Government Code Section 54957
Public Employee Appointment/Employment
Title: City Attorney

REGULAR MEETING

Mayor Moran called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

CLOSED SESSION ANNOUNCEMENTS

Roy Santos was selected as the proposed City Attorney by a unanimous decision 5-0-0.

CHANGES TO THE AGENDA

Council Member Soto had a question on Item 7 of the consent agenda.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:06 p.m.

Citizen Comments:

Christan Santos

Mayor Moran closed Citizen Comments at 7:10 p.m. as there were no further comments from the public.

DISCUSSION AND POTENTIAL ACTION ITEMS

1. Resolution Appointing Roy Santos as the City Attorney for the City of Livingston and Legal Counsel for the City of Livingston Successor Agency, the City of Livingston Planning Commission, the City of Livingston Public Financing Authority, and All Other City Boards and/or Commissions; and Approving a Legal Services Agreement with the Law Firm of Aleshire & Wynder, LLP to Provide City Attorney Legal Service for the City of Livingston

Interim City Manager Christopher Lopez introduced this item.

Mayor Moran opened and closed public comments at 7:11 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to appoint Roy Santos as the City Attorney for the City of Livingston as amended. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

AWARD, PRESENTATIONS, PROCLAMATIONS

2. Presentation by Stacie Guzman, Executive Director, Merced County Association of Governments (MCAG): Measure V 2023 Annual Report.

Executive Director for Merced County Association of Governments, Stacie Guzman introduced this item. Mrs. Guzman gave a PowerPoint presentation on the Measure V 2023 Annual Report and responded to council questions.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

- Merced County Supervisor Rodrigo Espinoza gave his report.

City Staff Announcements and Reports

- Robert Wynn, Fire Engineer – Fire Department Update

Mayor Moran opened and closed public comments at 8:09 p.m. as there were no further comments from the public.

City Manager Announcements and Reports

- Interim City Manager Lopez – Updates related to 4th of July Event

Staff responded to Council questions.

City Council Members' Announcements and Reports

- Council Member Jatinder Mann
- Council Member Maria Soto

Mayor's Announcements and Reports.

- Mayor Jose Moran

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**

RECEIVE AND FILE

3. City Treasurer’s Investment Report for the Month Ending May 31, 2023

CONSENT AGENDA

4. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
5. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated June 30, 2023
6. Resolution Authorizing the Interim City Manager to Negotiate and Execute a Professional Service Agreement with HF&H Consultants for Solid Waste Consulting Services.
8. Resolution Authorizing the Interim City Manager to File the Annual Local Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2022-2023
9. Resolution Adopting City of Livingston Master Employee Salary Schedule

Motion: M/S Samra/Roth to approve the consent agenda items 4,5,6,8 and 9. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

7. Resolution Approving and Prioritizing the City of Livingston Candidate Projects for the 2023 MCAG “Call for Projects” for the Measure V Regional Projects Funding Applications

Council Member Soto had questions on Priority Project 2, 3, and 4.

City Engineer Martinez responded to Ms. Soto’s question regarding Priority Projects.

There was a brief discussion between council and staff on prioritizing the City of Livingston Candidate Projects for the 2023 MCAG “Call for Projects” for the Measure V Regional Projects Funding Applications

Mayor Moran opened and closed public comments at 8:51 p.m. as there were no comments from the public.

Motion: M/S Samra/Moran to approve the consent agenda item number 7. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

PUBLIC HEARINGS

- 10. Resolution Approving Conditional Use Permit No. 2023-02 and Resolution Approving Site Plan and Design Review Application No. 2023-03, a Request to Develop a 950 Square Foot Drive-Thru coffee shop and an Eighty-Foot-High Freeway Oriented Sign on a 0.86-Acre Property located on the North Side of Joseph Gallo Court, East of Winton Parkway (APN No.: 022-020-010)

Contract City Planner Miguel Galvez introduced this item and responded to Council questions.

Mayor Moran opened public comments at 9:10 p.m.

Public Comments via Teleconference
Sandra Fox

Mayor Moran closed public comments at 9:12 p.m. as there were no further comments from the public.

Motion: M/S Moran/Roth to approve Resolution No. 2023-56, Approving Conditional Use Permit No. 2023-02 and Resolution No. 2023-57, Approving Site Plan and Design Review Application No. 2023-03, a Request to Develop a 950 Square Foot Drive-Thru coffee shop and an Eighty-Foot-High Freeway Oriented Sign on a 0.86-Acre Property located on the North Side of Joseph Gallo Court, East of Winton Parkway (APN No.: 022-020-010). The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.
NOES: Council Members: None
ABSENT: Council Members: None

DISCUSSION AND POTENTIAL ACTION ITEMS

- 11. Discussion and Direction on Waiving the Fee for Memorial Park Use for the Livingston High School All Class Reunion to be held on September 23, 2023

Recreation Superintendent Jacquelyn Benoit introduced this item.

Mayor Moran opened and closed public comments at 9:26 p.m. as there were no comments from the public.

Motion: M/S Soto/Samra to Waive the Fee for Memorial Park Use for the Livingston High School All Class Reunion to be held on September 23, 2023. The motion carried 3-2-0 by the following roll call vote:

AYES: Council Members: Roth, Soto, and Samra.
NOES: Council Members: Mann, and Moran.
ABSENT: Council Members: None

City Attorney Roy Santos and Interim City Manager Lopez recommended that the item be brought back with a resolution.

The Council received clarification that all future items be introduced with a resolution.

12. Council Discussion and Consideration of Appointing Two Council Members to an Ad-Hoc Committee for Discussions Related to the County Property and Sales Tax Agreement

Interim City Manager Christopher Lopez introduced this item and responded to council questions.

There was a brief discussion between council and staff on the appointment of two Council Members to an Ad-Hoc Committee for discussions related to the county property and sales tax agreement

Mayor Moran opened public comments at 9:47 p.m.

Public Comments

Diego Castillo

Mayor Moran closed public comments at 9:48 p.m. as there were no further comments from the public.

Motion: M/S Mann/Roth to appoint Mayor Moran and Mayor Pro-Tem Samra to the Ad-Hoc Committee for Discussions Related to the County Property and Sales Tax Agreement. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Bring back an Ad-Hoc Committee.
- Refine policy for construction.
- Discussion Cal-Fire and Volunteer roles.
- Recruitment of City Manager and Police Chief.
- Put money in the budget for facility waiver requests.
- Goal setting workshop with council and planning committee.
- Conversation on bringing back a Chamber of Commerce.
- Follow up on attendance report for planning and recreation.

Mayor Moran opened and closed public comments at 9:59 p.m. as there were no comments from the public.

CLOSED SESSION

- 13. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d)(2):
Two (2) matters

CLOSED SESSION ANNOUNCEMENTS

Direction was given to staff on both anticipated litigation matters.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:40 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL MEETING/REGULAR MEETING LIVINGSTON CITY COUNCIL AUGUST 1, 2023

A Special Meeting/Regular Meeting of the Livingston City Council was held on August 1, 2023, in the City Council Chambers with Mayor Moran presiding.

SPECIAL MEETING

Mayor Moran called the meeting to order at 6:01 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Aguilar opened the meeting for public comments at 6:03 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Conference with Legal Counsel – Potential Litigation Paragraph (2) of subdivision (d) of Section 54956.9 of the Government Code Number of Cases: One (1) Matter
7. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9) Name of

REGULAR MEETING

Mayor Moran called the meeting to order at 7:57 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened and closed Citizen Comments at 7:59 p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

No Report.

City Staff Announcements and Reports

No Report.

City Manager Announcements and Reports

No Report.

City Council Members' Announcements and Reports

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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**

RECEIVE AND FILE

1. City Treasurer's Investment Report for the Month Ending June 30, 2023.

CONSENT AGENDA

2. **WAIVING OF READING OF ORDINANCE AND RESOLUTIONS**
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
3. **RATIFY CHECK WARRANTS**
Ratify Warrant Register Dated July 27, 2023
4. Resolution Authorizing the Interim City Manager to Execute the Program Supplement Agreement No. F017 to the Administering Agency-State Agreement No. 10-5256F15, For the Livingston Pedestrian Improvements, Federal Project No. CML-5256(022), Authorizing the Interim City Manager to Act on Behalf of the City of Livingston and Authorizing the Finance Department to Make Adjustments to the Budget

5. Resolution Approving the Purchase of One (1) New Utility Truck (2024 Chevrolet Silverado 2500HD 2WD Reg Cab 142" Work Truck 8.2' Harbor Trademaster Service Body) from National Auto Fleet Group, in the Amount of \$59,608.54 and Authorizing the Interim City Manager to Execute All Required Documents
6. Resolution Authorizing the Interim City Manager to Execute the Purchase and Sale Agreement for the Purchase of 1.2 Acres Located at 619 Swan Street, Livingston, California from Foster Poultry Farms, LLC for the Construction of Well 8A

Mayor Moran opened and closed citizens' comments at 8:08 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

DISCUSSION AND POTENTIAL ACTION ITEMS

7. Resolution Approving the Purchase of One (1) New Vac-Con Model V311HE/1300 Combination Jet/Vacuum Sewer Cleaner From Municipal Maintenance Equipment in the Amount of \$622,256.51 and Authorizing the Interim City Manager to Execute All Required Documents.

Public Works Director Anthony Chavarria introduced this item and responded to Council questions.

Mayor Moran opened and closed citizen comments at 8:21 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Resolution No. 2023-61, Approving the Purchase of One (1) New Vac-Con Model V311HE/1300 Combination Jet/Vacuum Sewer Cleaner From Municipal Maintenance Equipment in the Amount of \$622,256.51 and Authorizing the Interim City Manager to Execute All Required Documents. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

8. Appointment of City Clerk.

City Attorney Roy Santos introduced this item.

There was discussion between the council and staff regarding allowing interested individuals to apply for the position.

City Attorney Santos informed the council that they would have to know of any potential individuals to be considered for appointment at least 24 hours before a special meeting.

Motion: M/S Samra/Soto to continue item number 8 to the special meeting scheduled on August 7th. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Follow-up on F&M Bank.
- Follow-up on Memorial Cornerstone.
- Workshop between Council and Planning Committee.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 8:42 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL MEETING LIVINGSTON CITY COUNCIL AUGUST 7, 2023

A Special Meeting of the Livingston City Council was held on August 7, 2023, in the Council of Chambers, with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:10 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

Moment of Silence – First Responders and Military Members.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened and closed Citizen Comments at 6:12 p.m. as there were no comments from the public.

DISCUSSION AND POTENTIAL ACTION ITEMS

1. Appointment of City Clerk

Interim City Manager Christopher Lopez introduced this item.

Mayor Moran noted that resident Mucio Vera was interested in the City Clerk position.

Mayor Moran opened and closed public comments at 6:24 p.m. as there were no comments from the public.

Applicant Candice Aguilar responded to council questions.

M/S: Motion Moran/Samra to appoint Mucio Vera as City Clerk. The motion carried 4-1-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Samra, and Moran.
NOES:	Council Members:	Soto
ABSENT:	Council Members:	None

ADJOURNMENT

The special meeting was adjourned by consensus at 6:35 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

REGULAR MEETING LIVINGSTON CITY COUNCIL AUGUST 15, 2023

A Regular Meeting of the Livingston City Council was held on August 15, 2023, in the City Council Chambers with Acting Mayor Samra presiding.

REGULAR MEETING

Acting Mayor Samra called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

ROLL CALL

- Mayor Jose A. Moran (Excused Absence)
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CHANGES TO THE AGENDA

Staff pulled agenda item number 3 since the fee was paid and no waiver is needed.

CITIZEN COMMENTS

Acting Mayor Samra opened and closed Citizen Comments at 7:03 p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.
No Report.

City Staff Announcements and Reports

- Recreation Superintendent Jacquie Benoit– Update on Pool

City Manager Announcements and Reports

No Report.

City Council Members Announcements and Reports

- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro Tem Gurpal Samra

Mayor’s Announcements and Reports

No Report.

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

1. **WAIVING OF READING OF ORDINANCE AND RESOLUTIONS**
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member

2. Resolution Approving an Agreement Between Merced County Association of Governments and the City of Livingston for the Administration of the Merced County Multijurisdictional Housing Elements Contract

Acting Mayor Samra opened and closed public comment at 7:13 p.m. as there were no comments from the public.

Motion: M/S Roth/Soto to approve the consent agenda. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Samra.
NOES:	Council Members:	None
ABSENT:	Council Members:	Moran

DISCUSSION AND POTENTIAL ACTION ITEMS

3. Discussion and Direction on Waiving the Parks and Recreation Fees to Pacific Coast Khalsa Diwan Society for the Use of Memorial Park Stage and Kitchen

Staff pulled agenda item number 3 since the fee was paid and no waiver is needed.

4. Discussion and Direction on Waiving the Parks and Recreation Fees to Livingston Wolves Youth Football for the Use of Alvernaz Field and Memorial Park

Recreation Superintendent Jacquie Benoit introduced this item.

Acting Mayor Samra opened and closed Citizen Comments at 7:17 p.m. as there were no comments from the public.

Motion: M/S Soto/Roth to approve Resolution No. 2023-63, Waiving the Parks and Recreation Fees to Livingston Wolves Youth Football for the Use of Alvernaz Field and Memorial Park. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Samra.
NOES:	Council Members:	None
ABSENT:	Council Members:	Moran

5. Discussion and Direction on Waiving the Parks and Recreation Fees to Central California United FC Soccer for the Use of Odi Ortiz Soccer Field.

Recreation Superintendent Jacquie Benoit introduced this item and responded to Council questions.

Acting Mayor Samra opened and closed Citizen Comments at 7:22 p.m. as there were no comments from the public.

Motion: M/S Roth/Mann to approve Resolution No. 2023-64, Waiving the Parks and Recreation Fees to Central California United FC Soccer for the Use of Odi Ortiz Soccer Field. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Samra.
NOES:	Council Members:	None

ABSENT: Council Members: Moran

6. Discussion and Direction on Appointing Two City Council Members to Attend the Merced County Multi-Jurisdictional Housing Element Update Community Workshop Scheduled for Tuesday, August 29, 2023 from 6:00 p.m. to 8:00 p.m. at the Livingston City Council Chambers, 1416 "C" Street, Livingston, California.

Interim City Manager Christopher Lopez introduced this item.

Acting Mayor Samra opened and closed Citizen Comments at 7:27 p.m. as there were no comments from the public.

Motion: M/S Samra/Mann to appoint Council Member Mann and Council Member Soto to attend the Merced County Multi-Jurisdictional Housing Element Update Community Workshop. The motion carried 4-0-1 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, and Samra.
NOES: Council Members: None
ABSENT: Council Members: Moran

7. Discussion and Direction on CMAQ Application Submission for the 2023 CMAQ Call for Projects

Clerk's Note: Acting Mayor Samra recused himself due to a conflict of interest. He left the Council Chambers at 7:29 p.m. before the item was discussed. Council Member Roth took over the meeting.

City Engineer Noe Martinez introduced this item and responded to Council questions.

Acting Mayor Roth opened and closed Citizen Comments at 7:40 p.m. as there were no comments from the public.

Motion: M/S Mann/Soto to approve CMAQ Application Submission for the 2023 CMAQ Call for Projects. The motion carried 3-0-1-1 by the following roll call vote:

AYES: Council Members: Roth, Mann, and Soto.
NOES: Council Members: None
ABSENT: Council Members: Moran
ABSTAIN: Council Members: Samra

Clerk's Note: Mayor Pro Tem Samra returned after the action was taken at 7:42 p.m.

8. Council Discussion and Consideration on Possibly Creating an Ad-Hoc Committee for Discussions Related to Sales Tax for Safety/Fire Services and Appointing Two Council Members to the Ad Hoc Committee.

Acting Mayor Samra introduced this item.

Acting Mayor Samra opened and closed Citizen Comments at 7:50 p.m. as there were no comments from the public.

Motion: M/S Mann/Roth to Create an Ad-Hoc Committee for Discussions Related to Sales Tax for Safety/Fire Services and Appointing Mayor Pro Tem Samra and Council Member Roth to the Committee until November 1, 2024. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Samra.
NOES:	Council Members:	None
ABSENT:	Council Members:	Moran.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 7:53 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL/REGULAR MEETING LIVINGSTON CITY COUNCIL SEPTEMBER 19, 2023

A Special/Regular Meeting of the Livingston City Council was held on September 19, 2023, in the Council of Chambers, with Mayor Moran presiding.

SPECIAL MEETING

Mayor Moran called the meeting to order at 6:03 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

Moment of Silence – First Responders and Military Members.

CITIZEN COMMENTS

Mayor Moran opened and closed Citizen Comments at 6:05 p.m. as there were no comments from the public.

CLOSED SESSION

6. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to
Gov. Code, § 54956.9(d): Two (2) matters

REGULAR MEETING

Mayor Moran called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

Moment of Silence – First Responders and Military Members.

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:34 p.m.

Citizen Comments:

Jose Ramirez

Bob Wallace

Julio Valadez

Mayor Moran closed Citizen Comments at 7:40 p.m. as there were no further comments from the public.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Dean Perry, Doug Walker, Greg Lisk, Mackenzie Darkow and Connor Secret from Trane Technologies: Trane Energy Services Company Project Updates.

Agenda Item number 1 will be scheduled for a future meeting.

2. Presentation by Mayor Moran: Proclamation Recognizing the Fresno Area Hispanic Foundation

Mayor Moran introduced this item. He read a proclamation recognizing the Fresno Area Hispanic Foundation.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

No report.

City Staff Announcements and Reports.

No report.

City Manager Announcements and Reports.

No report.

City Council Members' Announcements and Reports.

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro-Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

Julio Valadez responded to Council Member Soto's question.

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

2. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
3. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated August 31, 2023
4. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on December 8, 2022

5. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on January 23, 2023
6. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on January 23, 2023
7. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on January 27, 2023
8. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on February 7, 2023 (Special Meeting)
9. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on February 7, 2023 (Regular Meeting)
10. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on February 13, 2023
11. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on February 21, 2023 (Special Meeting)
12. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on February 21, 2023 (Regular Meeting)
13. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on March 7, 2023 (Special Meeting)
14. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on March 7, 2023 (Regular Meeting)
15. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on May 23, 2023
16. APPROVE MINUTES OF MEETING
Approval of Minutes of Meeting Held on September 5, 2023
17. Resolution Accepting the Bid and Awarding a Contract to Pavement Coatings Co. For the 2023 Slurry Seals Project and Authorizing the Interim City Manager to Execute the Agreement.
18. Resolution Approving Interim City Manager to Execute an Agreement with Baker Tilly to Develop a Long-Term Fiscal Model and Provide Sales Tax and Property Tax Analysis.
19. Resolution Authorizing the Interim City Manager to Execute An Agreement with LCW for Specialized Legal Services

Mayor Moran opened and closed Public Comments at 8:01 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Roth, Mann, Soto, Samra, and Moran.

NOES: Council Members: None
ABSENT: Council Members: None

DISCUSSION AND POTENTIAL ACTION ITEMS

20. Resolution Approving a Contract with F&M Bank for Banking Services or Alternative Council Direction.

Clerk' Notes: For transparency Council Member Mann recused himself and left the Council Chambers at 8:02 p.m. before the item was discussed.

Senior Accountant Happy Bains introduced this item.

Mayor Moran opened public comments at 8:06 p.m.

Public Comments

Stephanie Denberg from West of America Bank
Sukhraj Singh General Manager of West of America Bank
Barbara Ratzlaff

Mayor Moran closed public comments at 8:11 p.m. as there were no further comments from the public.

Gary Ericson from F&M Bank responded to Councils questions regarding F&M having a location in Livingston.

Mayor Moran opened public comments at 8:31 p.m.

Public Comments

Bob Wallace

Mayor Moran closed public comments at 8:32 p.m. as there were no further comments from the public.

Motion: M/S Samra/Roth to reject the contract with F&M Bank. The motion failed 2-2-0-1 by the following roll call vote:

AYES: Council Members: Roth and Samra
NOES: Council Members: Soto and Moran
ABSENT: Council Members: None
ABSTAIN: Council Members: Mann

Motion: M/S Moran/Soto to approve the Resolution Approving a Contract with F&M Bank for Banking Services. The motion failed 2-2-0-1 by the following roll call vote:

AYES: Council Members: Soto and Moran.
NOES: Council Members: Roth and Samra.
ABSENT: Council Members: None
ABSTAIN: Council Members: Mann

Mayor Moran recommended that the item be brought back at the next city council meeting.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Need more projects being awarded to infrastructure.
- Have an Ad-Hoc discussion regarding the 4th of July Committee.

ADJOURNMENT

The special meeting was adjourned by consensus at 8:45 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL/REGULAR MEETING LIVINGSTON CITY COUNCIL OCTOBER 3, 2023

A Special/Regular Meeting of the Livingston City Council was held on October 3, 2023, in the City Council Chambers with Mayor Moran presiding.

SPECIAL MEETING

Mayor Moran called the meeting to order at 6:02 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:04 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Conference with Legal Counsel – Existing Litigation (Gov. Code, § 54956.9) Name of Case: Jose Ramirez v. City of Livingston, et al., Superior Court of the State of California, County of Merced.

7. Conference with Legal Counsel regarding commencing litigation.
Pursuant to Government Code Section 54956.9.
Case: One (1).

REGULAR MEETING

Mayor Moran called the meeting to order at 7:23 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gural Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:26 p.m.

Citizen Comments via Teleconference
Attendee (name inaudible)

Citizen Comments
Mones Enriquez read a letter on behalf of Rev. Msgr. Harvey Fonseca

Mayor Moran closed Citizen Comments at 7:31 p.m. as there were no further comments from the public.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing Hispanic Heritage Month

Mayor Moran introduced this item. He presented a proclamation recognizing Hispanic Heritage Month.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

No Report.

City Staff Announcements and Reports

- Public Works Director Anthony Chavarria

City Manager Announcements and Reports

No Report.

City Council Members' Announcements and Reports

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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

- 2. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
- 3. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated September 13, 2023
- 4. City Treasurer’s Investment Report for the Month Ending August 31, 2023

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

DISCUSSION AND POTENTIAL ACTION ITEMS

- 5. Resolution Approving a Contract with F&M Bank for Banking Services or Alternative Council Direction.

Happy Bains introduced this item, and Interim City Manager Christopher Lopez provided further information on the item and responded to council questions.

Clerk’s Notes: Council Member Mann recused himself. He left the Council Chambers at 7:46 p.m. before this item was discussed.

Mayor Moran opened public comments at 8:00 p.m.

Public Comments via Teleconference

Katherine Schell Rodriguez

Public Comments

Brandon Friesen

Japjeet (did not state last name)

Mayor Moran closed public comments at 8:07 p.m. as there were no further comments from the public.

Gary Ericson from F&M Bank provided information on what their bank offers and community investments, compared their banks to other banks, and responded to council questions.

Stephanie Denberg from West of America Bank clarified the details of the evaluation criteria and services charges.

Jeff Ault from West of America Bank addressed community investments and provided information on what their bank offers.

Stephanie, Jeff, and Charlie responded to council questions.

Mayor Moran opened public comments at 8:58 p.m.

Public Comments

Attendee (did not state name)

Attendee (did not state name)

Mayor Moran closed public comments at 9:08 p.m. as there were no further comments from the public.

Motion: M/S Soto/Moran to Approve Resolution No. 2023-71, Approving a Contract with F&M Bank for Banking Services. The motion carried 3-1-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, and Moran
NOES:	Council Members:	Samra
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	Mann

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Workshop regarding a General Plan Update
- HDL report of taxes
- Ad Hoc Committee for the 4th of July Event
- Information on how to name streets
- Having Board of Supervisors spot on the agenda opened to all County Supervisors
- Proclamation on Breast Cancer Awareness Month and Domestic Violence
- Revisit the current City Motto

ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:30 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL/REGULAR MEETING LIVINGSTON CITY COUNCIL OCTOBER 17, 2023

A Special/Regular Meeting of the Livingston City Council was held on October 17, 2023, in the City Council Chambers with Mayor Moran presiding.

SPECIAL MEETING

Mayor Moran called the meeting to order at 6:04 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra (Late Attendance)
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann (Absent)

Mayor Pro-Tem Samra entered the Council Chambers at 6:27 p.m. after roll call was taken.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:05 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Conference with Legal Counsel – Liability Claims (Pursuant to Government Code Section 54956.95) Consideration of claim no. FR101594-22242, tort claim

alleging injury resulting from Zipper ride at the 2023 Sweat Potato Festival.

7. Conference with Legal Counsel regarding commencing litigation Pursuant to Government Code Section 54956.9. Case: One (1).
8. Public Employment, Pursuant to Government Code section 54957 Title: Community Development Director.

REGULAR MEETING

Mayor Moran called the meeting to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gural Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann (Absent)

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:12 p.m.

Citizen Comments

Christan Santos Representative of the Office of Congressman John Duarte

Mayor Moran closed Citizen Comments at 7:15 p.m. as there were no further comments from the public.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing National Breast Cancer Awareness

Mayor Moran presented a proclamation recognizing National Breast Cancer Awareness.

2. Presentation by Mayor Moran: Proclamation Recognizing National Domestic Violence Awareness

Mayor Moran presented a proclamation recognizing National Domestic Violence Awareness.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

- Merced County Supervisor Rodrigo Espinoza gave a report.

City Staff Announcements and Reports

No Report.

City Manager Announcements and Reports

- Interim City Manager Christopher Lopez – Update on Ace Train, Recreation Center, and TCP.

City Council Members' Announcements and Reports

- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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

3. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member
4. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated September 27, 2023
6. Resolution Approving the Creation of a New Position and Job Description for Grants Analyst Part-Time and Amending the Master Salary Schedule.
8. Resolution (1) Approving the Memorandum of Understanding Between the County of Merced and the City of Livingston for the Paving of Dwight Way from Autry Lane to Campbell Avenue, in the Amount of \$104,163.00; (2) Approval of a Supplemental from the Road Maintenance and Rehabilitation Fund for \$104,163.00; and (3) Authorize the Interim City Manager to Execute the Agreement.

Motion: M/S Samra/Roth to approve the consent agenda items 3,4,6 and 8. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

5. Resolution Authorizing the Interim City Manager to Execute an Agreement with Hansen Bridgett LLP for Specialized Legal Services.

Agenda item number 5 was pulled for further discussion.

Council Member Soto expressed her concerns that the agreement was not previously approved by council.

There was a brief discussion between council and staff regarding Agreement with Hansen Bridgett LLP for Specialized Legal Services.

Mayor Moran opened and closed public comments at 7:52 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Resolution No. 2023-74, Authorizing the Interim City Manager to Execute an Agreement with Hansen Bridgett LLP for Specialized Legal Services. The motion carried 3-1-1 by the following roll call vote:

AYES:	Council Members:	Roth, Samra, and Moran.
NOES:	Council Members:	Soto
ABSENT:	Council Members:	Mann

7. Resolution Authorizing the Interim City Manager to Execute a Lease Agreement Between Arakelian Farms and the City of Livingston.

Agenda item number 7 was pulled for further discussion.

Council Member Soto asked about the improvements of Rec-Plex Facility.

Mayor Moran opened and closed public comments at 7:57 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Resolution No. 2023-75, Authorizing the Interim City Manager to Execute a Lease Agreement Between Arakelian Farms and the City of Livingston. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

PUBLIC HEARINGS

9. General Plan Amendment Application No. GPA 2020-01 to Re-Designate the General Plan Designation from Industrial Reserve (IR) to Limited Industrial (LI), Tentative Subdivision Map Application No. TSM 2020-01- General Industrial Business Park, to Subdivide a 19.87 Acre Parcel into 22 Lots and a Storm Water Basin Lot on Property Located on West Side of Bird Street (APN 047-090-004) and the Green zone Industrial Business Park Mitigated Negative Declaration.

Mayor Moran reported that staff received a letter from the applicant to continue the item to the December 5, 2023 meeting.

Mayor Moran opened public comments at 7:59 p.m.

Public Comments

Eric Cabral

Yolanda Correa

Paul (did not state last name)

Mayor Moran closed public comments at 8:08 p.m. as there were no further comments from the public.

Motion: M/S Moran/Samra to continue agenda item number 9 to December 5, 2023. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

The council directed staff to notify all property owners near the location of the project as a precaution.

DISCUSSION AND POTENTIAL ACTION ITEMS

10. Designation of Delegates for the Merced County Association of Governments (MCAG) 2024 One Voice Trip.

Interim City Manager Christopher Lopez introduced this item.

Motion: M/S Samra/Moran to have Council Member Roth and Council Member Mann be the Delegates for the Merced County Association of Governments (MCAG) 2024 One Voice Trip. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Developing a committee assigned to organize the 4th of July carnival.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 8:19 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL/REGULAR MEETING LIVINGSTON CITY COUNCIL NOVEMBER 7, 2023

A Special/Regular Meeting of the Livingston City Council was held on November 7, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:03 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra (Absent)
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:05 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Gov. Code section 54956.9) Name of Case: Animal Legal Defense Fund v. Foster Poultry Farms, Merced County Superior Court Case No. 20CV-02493

7. Conference with Legal Counsel regarding commencing litigation.
Pursuant to Government Code Section 54956.9.
Case: One (1).
8. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Gov. Code, § 54956.9(d)(2):
One Matter

REGULAR MEETING

Mayor Moran called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra (Absent)
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

Motion: M/S Mann/Roth to move item to the next city council meeting (on November 21, 2023). The motion carried 3-1-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, and Moran.
NOES:	Council Members:	Soto
ABSENT:	Council Members:	Samra

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:07 p.m.

Citizen Comments

Japjeet (did not state last name)

Mario Mendoza

Parwinder (did not state last name)

Mayor Moran closed Citizen Comments at 7:15 p.m. as there were no further comments from the public.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing Sikh American Awareness & Appreciation Month.

Mayor Moran presented a Proclamation recognizing Sikh American Awareness & Appreciation Month.

2. Presentation by Dean Perry, Doug Walker, Mackenzie Darkow, and Connor Secrest from Trane Technologies: Trane Energy Services Company Project Updates.

Dean Perry, Doug Walker, Mackenzie Darkow, and Connor Secrest from Trane Technologies presented this item. They gave a presentation on Trane Energy Services Company Project Updates. Mr. Perry responded to Council questions.

Mayor Moran opened and closed public comments at 7:40 p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.
Merced County Supervisor Rodrigo Espinoza gave a report.

City Staff Announcements and Reports

- Public Works Superintendent Tony Avina – Public Works Department Updates.

City Manager Announcements and Reports

- Interim City Manager Christopher Lopez

City Council Members' Announcements and Reports

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto

Mayor's Announcements and Reports.

- Mayor Jose Moran

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, Alternate.**
- 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

3. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated October 23, 2023.
4. City Treasurer’s Investment Report for the Month Ending September 30, 2023.
5. Consideration of a Resolution Accepting the Proposal and Awarding a Contract to St. Francis Electric for the Traffic Signal Maintenance Services and Authorizing the Interim City Manager to Execute the Agreement. Staff Recommendation: Approve Resolution.
6. Consideration of a Resolution Authorizing Approval of Purchase of One (1) New Portable Diesel Generator (20Kw Prime Power/ 25 KVA Diesel Powered (Doosan D18) Tailer Mounted, Sounded Attenuated, Tier 4T from PAC Machine Company, in the Amount of \$33,602.22 and Authorizing the Interim City Manager to Execute All Required Documents. Staff Recommendation: Approve Resolution.

Mayor Moran opened and closed public comments at 8:21 p.m. as there were no comments from the public.

Motion: M/S Roth/Mann to approve the consent agenda. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Samra

PUBLIC HEARINGS

7. Consideration of an Ordinance of the City Council of the City of Livingston Amending Chapter 7, of Title 1, Establishing Section 1-7-6 City Clerk Responsibilities and Section 1-7-7 Deputy City Clerk Responsibilities. 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.

Motion: M/S Mann/Roth to move item to the next city council meeting (on November 21, 2023).
The motion carried 3-1-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, and Moran.
NOES:	Council Members:	Soto
ABSENT:	Council Members:	Samra

DISCUSSION AND POTENTIAL ACTION ITEMS

8. Consideration of a Resolution Approving a Second Amendment to a Professional Service Agreement with Mintier Harnish Planning Consultants for the Preparation of a General Plan Update and Accompanying Environmental Impact Report; Also Amending the Fiscal Year Budget and Approving a Supplemental Budget Adjustment to Fund the Update. Staff Recommendation: Approve Resolution.

Contract City Planner Miguel Galvez introduced this item and responded to council questions.

Mayor Moran opened public comments at 8:34 p.m.

Public Comments
Bob Wallis

Mayor Moran closed public comments at 8:35 p.m. as there were no further comments from the public.

Motion: M/S Moran/Roth to Approve Resolution No. 2023-78, Approving a Second Amendment to a Professional Service Agreement with Mintier Harnish Planning Consultants for the Preparation of a General Plan Update and Accompanying Environmental Impact Report; Also Amending the Fiscal Year Budget and Approving a Supplemental Budget Adjustment to Fund the Update. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Samra

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 8:38 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

SPECIAL/REGULAR MEETING LIVINGSTON CITY COUNCIL DECEMBER 5, 2023

A Special/Regular Meeting of the Livingston City Council was held on December 5, 2023, in the City Council Chambers with Mayor Moran presiding.

CALL TO ORDER

Mayor Moran called the meeting to order at 6:03 p.m.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann (Absent)

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

CLOSED SESSION

Mayor Moran opened the meeting for public comments at 6:04 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

6. Conference with Legal Counsel regarding commencing litigation.
Pursuant to Government Code Section 54956.9.
Case: One (1).

7. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to
Gov. Code, § 54956.9(d): One (1) matter

REGULAR MEETING

Mayor Moran called the meeting to order at 7:13 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited

MOMENT OF SILENCE

There was a moment of silence for First Responders and Military Members.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann (Absent)

CLOSED SESSION ANNOUNCEMENTS

No reportable action was taken.

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened Citizen Comments at 7:14 p.m.

Citizen Comments

Mario Mendoza
Yolanda Correia
Amer Paul Singh
Robert Wallis
Paul Smith
Areni (did not state last name)
Dr. Nadine Villafañá, Vice President of the Hispanic Chamber of Commerce
Brian Blue
Yolanda Correia
Amer Paul Singh
Mario Mendoza

The council and staff responded to citizen comments.

Mayor Moran closed citizen comments at 7:40 p.m. as there were no further comments from the public.

At 7:40 p.m. Mayor Moran called for a brief recess.

At 7:47 p.m. the meeting was reconvened.

Mayor Moran stepped out of the dais at 7:49p.m. and returned at 7:50 p.m.

ANNOUNCEMENTS AND REPORTS

City Staff Announcements and Reports

- Robert Wynne, Fire Apparatus Engineer – Fire Department Update.

Supervisor Rodrigo Espinoza Announcements and Reports.

- Merced County Supervisor Rodrigo Espinoza gave a report.

City Manager Announcements and Reports

No Report.

City Council Members' Announcements and Reports

- Council Member Jason Roth
- Mayor Pro-Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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

1. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated November 22, 2023.
2. City Treasurer’s Investment Report for the Month Ending October 31, 2023.
3. Consideration of a Resolution Authorizing Submittal of Individual Grant Applications to CalRecycle for All Grant Programs for Which the City of Livingston is Eligible and Authorizing the Interim City Manager to Execute all Required Documents: Staff Recommendation: Approve Resolution.
4. Consideration of a Resolution Accepting the Proposals From Calgon Carbon Corporation for the Replacement of Granulated Activated Carbon Media at Well No. 8 and Well No. 16 and Making Findings Supporting that the Procurement for these Materials and Services is Exempt from Competitive Bidding Requirements. Staff Recommendation: Approve Resolution.
5. Consideration of a Resolution Accepting the Fire Department Inspection Report in Compliance with Senate Bill 1205. Staff Recommendation: Approve Resolution.

Mayor Moran opened and closed Public Comments at 8:29 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

PUBLIC HEARINGS

6. Consideration of an Ordinance of the City Council of the City of Livingston Amending Chapter 7, of Title 1, Establishing Section 1-7-6 City Clerk Responsibilities and Section 1-7-7 Deputy City Clerk Responsibilities. 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.

Interim City Manager Christopher Lopez introduced this item.

Mayor Moran opened public comments at 8:35 p.m.

Public Hearing:

Deputy City Clerk Cisneros read a public comment email from Katherine Schell Rodriguez.

Mayor Moran closed public comments at 8:37 p.m. as there were no further comments from the public.

The Council discussed whether to continue the item since Council Member Mann was not in attendance.

The Council concurred with moving forward with the item.

Motion: M/S Samra/Roth to Approve Ordinance with Option 1 (which directs staff to explore the opportunity to go to an appointed City Clerk versus an elected City Clerk). The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

7. Consideration of a Resolution Declaring Its Intention to Annex Territory to a Community Facilities District and to Authorize the Levy of Special Taxes Therein, The City of Livingston Community Facilities District No. 2017-1 (Public Services) Annexation No. 3. Open the Public Hearing, Close the Public Hearing and Approve the Resolution as Presented.

Mayor Moran opened and closed public comments at 9:05 p.m. as there were no comments from the public.

Motion: M/S Moran/Samra to approve the Resolution Declaring Its Intention to Annex Territory to a Community Facilities District and to Authorize the Levy of Special Taxes Therein, The City of Livingston Community Facilities District No. 2017-1 (Public Services) Annexation No. 3. Open the Public Hearing, Close the Public Hearing and Approve the Resolution as Presented. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

DISCUSSION AND POTENTIAL ACTION ITEMS

9. Discussion and Direction Regarding Municipal Code Section 3-2-8 Restaurant on Wheels.

Interim City Manager Christopher Lopez introduced this item.

Mayor Moran opened public comments at 9:07 p.m.

Public Comments

Areli Barajas

Mayor Moran closed public comments at 9:10 p.m. as there were no further comments from the public.

There was a brief discussion between staff and the council on the Municipal Code Section 3-2-8 Restaurant on Wheels.

Jen Barajas and Areli Barajas responded to council questions regarding their proposed business.

Interim City Manager Lopez confirmed with the Council whether they wanted to explore the item, bring back options, and update the ordinance section of sidewalk vending.

The Council suggested bringing back the item with options and an updated ordinance.

8. Consideration of a Resolution 1) Select the Desired SB-1383-Compliant Two Cart or Three Cart Collection System; and 2) Authorize the Interim City Manager to Negotiate a Franchise Agreement for Solid Waste, Recyclable Materials, and Organic Waste Collection Services with Gilton Solid Waste Management Inc.; and 3) Approve an Amendment to the Agreement with Gilton Solid Waste Inc. For an Additional Two (2) Months While Negotiating the Final Franchise Agreement; and 4) Authorize the Interim City Manager to Negotiate Minor Adjustments to the Contract Extension in Accordance with Legal Concurrence. Staff Recommendation: Approve Resolution.

The council was in consensus to move item 8 after item 9.

Public Works Director Anthony Chavarria introduced this item.

Philip Manolfi, with HF&H Consultants, gave a presentation on solid waste, recyclable materials, and organic waste collection services' procurement overview. Mr. Manolfi responded to Council questions.

Savannah Gilton responded to the council's question regarding how they determine how old the garbage containers are.

The council concurred on a two-cart collection service-option 2B of the proposal (which states, "Two-container collection and processing system (comingled solid waste/recyclable materials and organic waste) utilizing new collection containers for residential customers whose containers are older than two (2) years old)."

Mayor Moran opened and closed public comments at 10:09 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve Option 2B -a two (2) container collection and processing system (keeping old containers) and approve Resolution No. 2023-83, Authorizing the Interim City Manager to Negotiate a Franchise Agreement for Solid Waste, Recyclable Materials, and Organic Waste Collection Services with Gilton Solid Waste Management Inc.; and 3) Approve an Amendment to the Agreement with Gilton Solid Waste Inc. For an Additional Two (2) Months While Negotiating the Final Franchise Agreement; and 4) Authorize the Interim City Manager to Negotiate Minor Adjustments to the Contract Extension in Accordance with Legal Concurrence. The motion carried 4-0-1 by the following roll call vote:

AYES:	Council Members:	Roth, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	Mann

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 10:12 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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MEETING MINUTES

REGULAR MEETING LIVINGSTON CITY COUNCIL DECEMBER 19, 2023

A Regular Meeting of the Livingston City Council was held on December 19, 2023, in the City Council Chambers with Mayor Moran presiding.

REGULAR MEETING

Mayor Moran called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

ROLL CALL

- Mayor Jose A. Moran
- Mayor Pro Tem Gurpal Samra
- Council Member Maria Baptista-Soto
- Council Member Jason Roth
- Council Member Jatinder Mann

CHANGES TO THE AGENDA

None.

CITIZEN COMMENTS

Mayor Moran opened and closed Citizen Comments at 7:03 p.m. as there were no comments from the public.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

No Report.

City Staff Announcements and Reports

No Report.

City Manager Announcements and Reports

- Interim City Manager Christopher Lopez

City Council Members Announcements and Reports

- Council Member Jatinder Mann
- Council Member Jason Roth
- Council Member Maria Soto
- Mayor Pro-Tem Gurpal Samra

Mayor's Announcements and Reports.

- Mayor Jose Moran

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

1. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated November 15, 2023.

2. City Treasurer’s Investment Report for the Month Ending November 30, 2023.
3. Consideration of a Resolution Authorizing the Interim City Manager to Execute an Agreement with GovInvest, Inc. For Financial Modeling Software. Staff Recommendation: Approve Resolution.
4. Consideration of a Resolution Adopting the Master Salary Schedule Establishing the State Mandated Minimum Wage Increase for Employees Working Within the City of Livingston Effective January 1, 2024. Staff Recommendation: Approve Resolution.
5. Consideration of a Resolution Approving the Payment of Bonds for City Employees as Required by the Livingston Municipal Code. Staff Recommendation: Approve Resolution.
7. Consideration of a Resolution Authorizing the Interim City Manager to Execute a Professional Services Agreement with Bryant L. Jolley Certified Public Accountants and Approve a Supplemental Appropriation of \$40,000 Per Fiscal Year for Funding

Mayor Moran opened and closed public comments at 7:31 p.m.as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda items 1,2,3,4,5, and 7. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

6. Consideration of a Resolution Formalizing the Sister City Partnership Between the City of Jalostotitlan, Jalisco, Mexico and the City of Livingston, California, United States of America

Mayor Moran opened and closed public comment at 7:45 p.m. as there were no comments from the public.

Motion: M/S Samra/Roth to approve the consent agenda item 6. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

PUBLIC HEARINGS

8. Consideration of an Ordinance of the City Council of the City of Livingston Amending Chapter 7, of Title 1, Establishing Section 1-7-6 City Clerk Responsibilities and Section 1-7-7 Deputy City Clerk Responsibilities. Staff Recommendation: Waive the Second Reading and Adopt Ordinance by Title Only, Open the Public Hearing, Close the Public Hearing and Approve the Ordinance as Presented.

Interim City Manager Crhistopher Lopez introduced this item.

Mayor Moran opened and closed public hearing at 7:47 p.m. as there were no comments from the public.

Motion: M/S Moran/Samra to Waive the Second Reading and Adopt Ordinance by Title Only, Open the Public Hearing, Close the Public Hearing and Approve the Ordinance as Presented. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

DISCUSSION AND POTENTIAL ACTION ITEMS

9. Discussion and Direction Regarding the July 4th Celebration.

Interim City Manager Christopher Lopez introduced this item.

Motion: M/S Soto to Authorize the Interim City Manager to execute an agreement with Paul Maurer shows subject to review and concurrence from the City Attorney and Authorize the formation of the volunteer committee to plan and develop the plan for the larger 4th of July celebration.

Council Member Soto amended her motion.

Motion: M/S Soto/Samra to Authorize the Interim City Manager to execute an agreement with Paul Maurer shows subject to review and concurrence from the City Attorney and Authorize the formation of an Ad-Hoc Committee to plan and develop the plan for the larger 4th of July celebration.

Council Member Soto amended her motion.

City Attorney noted that committees must only have two or less council members.

Mayor Moran opened and closed public comment at 8:06 p.m. as there were no comments from the public.

Motion: M/S Soto/Samra to Authorize the Interim City Manager to execute an agreement with Paul Maurer shows subject to review and concurrence from the City Attorney and Authorize the formation of a Standing Committee to plan and develop the plan for the larger 4th of July celebration. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Roth, Mann, Soto, Samra, and Moran.
NOES:	Council Members:	None
ABSENT:	Council Members:	None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor, Council Members, and City Manager provided direction to add the following items to a future agenda:

- Supplemental water alternative (water basin) for the city
- Ordinance for synthetic grass

- Review of current landscape requirements.
- Explore the use of City Buildings (Child Development Center, Senior Center)
- Invite Livingston Youth Football and Cheer for a presentation.
- Add signage representing Veterans.
- Installing Centennial plaque.

ADJOURNMENT

The meeting was adjourned by consensus at approximately 8:12 p.m.

City Clerk of the City of Livingston

APPROVED:

Mayor or Mayor Pro Tempore

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STAFF REPORT

AGENDA ITEM: Resolution Approving the purchase of one (1) New 2024 Chevrolet Blazer EV (2024 Chevrolet Blazer EV, AWD 4dr LT) from National Auto Fleet Group, in the amount of \$54,766.04; and Authorizing the Interim City Manager to execute all required documents.

MEETING DATE: August 20, 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 of the City Council of the City of Livingston Approving the purchase of a New 2024 Chevrolet Blazer EV from National Auto Fleet Group, in the amount of \$54,766.04 and Authorizing the Interim City Manager to execute all required documents.

BACKGROUND:

The Public Works Department is seeking approval to purchase an electronic vehicle (EV) to enhance transportation capabilities while aligning with our commitment to sustainability. Transitioning to an EV will reduce our reliance on fossil fuels, decrease operational costs through lower fuel and maintenance expenses, fewer repairs related to engine wear, and minimize our environmental impact by reducing greenhouse emissions. Investing in EV prepares the department for future regulations and policies that may increasingly favor or mandate low-emission vehicles.

DISCUSSION:

City staff intends to use the procurement services from SourceWell to meet the City of Livingston Municipal Code Title 1, Chapter 11 for purchasing. SourceWell is a public agency that offers national, competitively solicited purchasing contracts that meet the California Government Code Section 6502 for cooperative purchasing agreements.

The new Chevrolet Blazer EV will be purchased through SourceWell's contract with National Auto Fleet Group. The quote for the Chevrolet Blazer EV is attached.

FISCAL IMPACT:

\$54,766.04 Expended from FY 2024-2025 approved budget from the Water and Wastewater Operations Fund.

ATTACHMENTS:

1. Resolution
2. Exhibit "A" Cost Proposal from National Auto Fleet Group for the amount of \$54,766.04

RESOLUTION NO. 2024-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON APPROVING
THE PURCHASE OF ONE (1) NEW 2024 CHEVROLET BLAZER EV FROM
NATIONAL AUTO FLEET GROUP, IN THE AMOUNT OF \$54,766.04; AND
AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ALL REQUIRED
DOCUMENTS**

WHEREAS, the Public Works Department is seeking approval to purchase an electronic vehicle (EV) to enhance transportation capabilities while aligning with our commitment to sustainability; and

WHEREAS, transitioning to an EV will reduce our reliance on fossil fuels, decrease operational costs through lower fuel and maintenance expenses, fewer repairs related to engine wear, and minimize our environmental impact by reducing greenhouse emissions; and

WHEREAS, investing in EV prepares the department for future regulations and policies that may increasingly favor or mandate low-emission vehicles.; and

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

Section 1. Adopt a Resolution of the City Council of the City of Livingston approving the purchase of one (1) New 2024 Chevrolet Blazer EV from National Auto Fleet Group, in the amount of \$54,766.04

Section 2. Authorize the Interim City Manager to execute all required documents

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 20th day of August 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



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

07/08/2024

Quote ID#29145

Anthony Chavarria

City of Livingston

1416 C St.

Livingston, CA 95334

Dear Anthony Chavarria,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2024 Chevrolet Blazer EV (1MC26) eAWD 4dr LT, VIN#RS201969),
each for

	(1) One Unit
Contract Price	\$ 50,494.00
Tax (7.75000%)	\$ 3,913.29
Delivery	\$ 350.00
Tire Fee	\$ 8.75
Total	\$ 54,766.04

-per your attached specifications:

This vehicle(s) is available under the Sourcewell Contract 091521-NAF. Please reference this Contract Number on all Purchase Orders to National Auto Fleet Group.

Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper

National Fleet Manager

Office (855) 289-6572



Purchase Order Instructions & Resources

In order to finalize your purchase please submit this purchase packet to your governing body for a purchase order approval and submit your purchase order in the following way:

Email: Fleet@NationalAutoFleetGroup.com

Fax: (831) 480-8497

Mail: National Auto Fleet Group

490 Auto Center Drive

Watsonville, CA 95076

We will send a courtesy confirmation for your order and a W-9 if needed.

Additional Resources

Learn how to track your vehicle: www.NAFGETA.com

Use the upfitter of your choice: www.NAFGpartner.com

Vehicle Status: ETA@NationalAutoFleetGroup.com

General Inquiries: Fleet@NationalAutoFleetGroup.com

For general questions or assistance please contact our main office at:

1-855-289-6572

Vehicle Configuration Options

EMISSIONS	
Code	Description
FE9	Emissions, Federal requirements
ENGINE	
Code	Description
EN0	Engine, none, (STD)
TRANSMISSION	
Code	Description
MF1	Transmission, none (electric drive unit), (STD)
PREFERRED EQUIPMENT GROUP	
Code	Description
2LT	LT Preferred Equipment Group, includes standard equipment
WHEELS	
Code	Description
RT9	Wheels, 19" (48.3 cm) machined-face aluminum, (STD)
PAINT	
Code	Description
GXD	Sterling Gray Metallic
SEAT TYPE	
Code	Description
AR9	Seats, front bucket, (STD)
SEAT TRIM	
Code	Description
H9F	Black, Evotex seat trim
CHARGING CORD	
Code	Description
PSC	Dual Level Charge Cord, dual-mode, portable, (STD)
ADDITIONAL EQUIPMENT	
Code	Description

ZFT	Comfort and Convenience Package, includes (A2X) driver 8-way power seat adjuster, (AL9) driver 2-way power lumbar seat adjuster, (A7J) front passenger 6-way power seat adjuster, (AT9) front passenger 2-way power lumbar seat adjuster, (KAG) heated driver and front passenger seats, (H9F) Black Evotex interior, (K7A) wireless phone charging, (N53) wrapped steering wheel, (KI3) heated steering wheel, (DD8) auto-dimming inside rearview mirror, (DMA) outside heated, power-adjustable, power-folding, driver-side auto-dimming mirrors, (TCP) AutoSense Power Liftgate, (V6K) satin aluminum finish roof rails, (CTT) Hitch Guidance, (PZ8) Hitch View and (V92) wiring trailering provisions.
WPN	Convenience and Driver Confidence Package, includes (KSG) Adaptive Cruise Control, (UKK) Rear Pedestrian Alert, (UOW) Side Bicyclist Alert, (UV2) HD Surround Vision, (UGN) Enhanced Automatic Emergency Braking, (CTB) Intersection Automatic Emergency Braking and (UVZ) Reverse Automatic Braking
V92	Trailering provisions, wiring
CTT	Hitch Guidance
PZ8	Hitch View
V6K	Roof rails, satin aluminum finish
DMA	Mirrors, outside heated, power-adjustable, power-folding, driver-side auto-dimming
TCP	AutoSense Power Liftgate programmable, hands free
K7A	Wireless Phone Charging
KAG	Seats, heated driver and front passenger cushion and seatback
A2X	Seat adjuster, driver 8-way power
AL9	Seat adjuster, driver 2-way power lumbar
A7J	Seat adjuster, front passenger 6-way power
AT9	Seat adjuster, front passenger 2-way power lumbar
N53	Steering wheel, wrapped
KI3	Steering wheel, heated
KSG	Adaptive Cruise Control
DD8	Mirror, inside rearview auto-dimming
UGN	Enhanced Automatic Emergency Braking
CTB	Intersection Automatic Emergency Braking
UVZ	Reverse Automatic Braking
UKK	Rear Pedestrian Alert
UV2	HD Surround Vision
UOW	Side Bicyclist Alert
RAV	Mobile Service Plus., MobileService+ is a suite of service conveniences for 3 years - Mobile Service, Pick-up & Delivery with loaner, Loaner with Drop off and One Touch Support. MobileService+ van will come to your home to perform select services or pick up your vehicle and return it once the service is completed at the dealership. Cost of part and labor are not included.
OPTION DISCOUNT	
Code	Description
___	Option/Package Discount

2024 Fleet/Non-Retail Chevrolet Blazer EV eAWD 4dr LT

WINDOW STICKER

2024 Chevrolet Blazer EV eAWD 4dr LT

CODE	MODEL	MSRP
1MC26	2024 Chevrolet Blazer EV eAWD 4dr LT	\$48,800.00
OPTIONS		
FE9	Emissions, Federal requirements	\$0.00
EN0	Engine, none, (STD)	\$0.00
MF1	Transmission, none (electric drive unit), (STD)	\$0.00
2LT	LT Preferred Equipment Group, includes standard equipment	\$0.00
RT9	Wheels, 19" (48.3 cm) machined-face aluminum, (STD)	\$0.00
GXD	Sterling Gray Metallic	\$0.00
AR9	Seats, front bucket, (STD)	\$0.00
H9F	Black, Evotex seat trim	INC
PSC	Dual Level Charge Cord, dual-mode, portable, (STD)	\$0.00
ZFT	Comfort and Convenience Package, includes (A2X) driver 8-way power seat adjuster, (AL9) driver 2-way power lumbar seat adjuster, (A7J) front passenger 6-way power seat adjuster, (AT9) front passenger 2-way power lumbar seat adjuster, (KAG) heated driver and front passenger seats, (H9F) Black Evotex interior, (K7A) wireless phone charging, (N53) wrapped steering wheel, (K13) heated steering wheel, (DD8) auto-dimming inside rearview mirror, (DMA) outside heated, power-adjustable, power-folding, driver-side auto-dimming mirrors, (TCP) AutoSense Power Liftgate, (V6K) satin aluminum finish roof rails, (CTT) Hitch Guidance, (PZ8) Hitch View and (V92) wiring trairling provisions.	\$2,295.00
WPN	Convenience and Driver Confidence Package, includes (KSG) Adaptive Cruise Control, (UKK) Rear Pedestrian Alert, (UOW) Side Bicyclist Alert, (UV2) HD Surround Vision, (UGN) Enhanced Automatic Emergency Braking, (CTB) Intersection Automatic Emergency Braking and (UVZ) Reverse Automatic Braking	\$1,225.00
V92	Trairling provisions, wiring	INC
CTT	Hitch Guidance	INC
PZ8	Hitch View	INC
V6K	Roof rails, satin aluminum finish	INC
DMA	Mirrors, outside heated, power-adjustable, power-folding, driver-side auto-dimming	INC
TCP	AutoSense Power Liftgate programmable, hands free	INC
K7A	Wireless Phone Charging	INC
KAG	Seats, heated driver and front passenger cushion and seatback	INC
A2X	Seat adjuster, driver 8-way power	INC
AL9	Seat adjuster, driver 2-way power lumbar	INC
A7J	Seat adjuster, front passenger 6-way power	INC
AT9	Seat adjuster, front passenger 2-way power lumbar	INC
N53	Steering wheel, wrapped	INC
K13	Steering wheel, heated	INC

KSG	Adaptive Cruise Control	INC
DD8	Mirror, inside rearview auto-dimming	INC
UGN	Enhanced Automatic Emergency Braking	INC
CTB	Intersection Automatic Emergency Braking	INC
UVZ	Reverse Automatic Braking	INC
UKK	Rear Pedestrian Alert	INC
UV2	HD Surround Vision	INC
UOW	Side Bicyclist Alert	INC
R9V	Mobile Service Plus., MobileService+ is a suite of service conveniences for 3 years - Mobile Service, Pick-up & Delivery with loaner, Loaner with Drop off and One Touch Support. MobileService+ van will come to your home to perform select services or pick up your vehicle and return it once the service is completed at the dealership. Cost of part and labor are not included.	\$599.00
—	Option/Package Discount	(\$3,520.00)

Please note selected options override standard equipment

SUBTOTAL	\$49,399.00
Advert/ Adjustments	\$0.00
Manufacturer Destination Charge	\$1,395.00
TOTAL PRICE	\$50,794.00

Est City: 18 (2023) MPG
 Est Highway: 23 (2023) MPG
 Est Highway Cruising Range: 492.20 mi

Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

Notes

Standard Equipment

MECHANICAL

Engine, none (STD)
Dual Level Charge Cord, dual-mode, portable 120-volt (1.4 kW) and 240-volt (7.7 kW) capability, swappable NEMA 5-15 and NEMA 14-50 plugs with SAE J1772 vehicle connection (STD)
Transmission, none (electric drive unit) (STD)

EXTERIOR

Wheels, 19" (48.3 cm) machined-face aluminum with painted pockets (STD)

INTERIOR

Seats, front bucket (STD)

TIRES

Tires, 255/60R19 all-season blackwall includes (KTI) tire inflator kit
--

ADDITIONAL EQUIPMENT

Chevy Safety Assist includes Automatic Emergency Braking, (UKT) Front Pedestrian Braking, (UKM) Lane Keep Assist with Lane Departure Warning, (UEU) Forward Collision Alert and (TQ5) IntelliBeam
Battery, Ultium Propulsion, 85 kWh Battery Rated Energy. 150 kW DC fast charging capable
Battery, 12V/60AH, 680 ENCCA
AC Charging, 11.5 kW capable
Propulsion, electric two-motor all-wheel drive (eAWD)
Electronic Precision Shift
Emission system zero emission vehicle (ZEV)
GVWR, 6504 lbs. (2950 kg)
Suspension, Ride and Handling
Steering, power, non-variable ratio, electric
Brakes, 4-wheel antilock disc
Brake rotor, FNC
Brake lining, non-asbestos, organic
Tire, spare, none
Tire inflator kit (Included and only available with (QBX) 255/60R19 all-season blackwall tires.)
Moldings, door upper, low gloss Black
Grille, body color

Headlamp control, automatic on and off
Headlamps, LED
IntelliBeam, auto high beam
Mirror caps, body-color
Glass, acoustic, laminated windshield
Glass, rear, deep tint
Wipers, front intermittent
Wiper, rear intermittent
License plate front mounting package
Door handles, body-color
Recovery hook, front
Recovery hook, rear
Audio System, 17.7" diagonal advanced color LCD display with Google built-in compatibility (select service plan required, terms and limitations apply), including navigation capability, connected apps, personalized profiles for each driver's settings, Natural Voice Recognition
Audio system feature, 6-speaker system
SiriusXM with 360L includes a trial subscription to the Platinum Plan. Experience more channels in the vehicle, a more personalized experience and easier navigation. (IMPORTANT: The SiriusXM trial package is not provided on vehicles that are ordered for Fleet Daily Rental ("FDR") use. Trial subscription subject to the SiriusXM Customer Agreement and privacy policy, visit siriusxm.com which includes full terms and how to cancel. All fees, content, features, and availability are subject to change. Some features require GM connected vehicle services.)
5G Wi-Fi Hotspot capable (Terms and limitations apply. See onstar.com or dealer for details.)
Bluetooth for phone connectivity to vehicle infotainment system
Google Automotive Services capable
Antenna, roof-mounted shark fin
Seat trim, Evotex
Seat, rear 60/40-split, fold-flat
Headrest, rear center
Armrest, rear center
Floor mats, front, carpeted
Floor mats, rear, carpeted
Steering column, tilt and telescopic
Steering wheel controls, audio Driver Information Center and phone interface controls
Compass display
Window, power, driver, express up and down
Window, power, front passenger with express down
Windows, power rear, express down
Remote Start, key fob
Remote Start, smartphone app
Remote panic alarm
Keyless Open

Theft-deterrent system, immobilizer
Theft-deterrent system, unauthorized entry
USB ports, 2 type-C, located forward of cupholders
USB port, type-C, located within the center console armrest bin
USB ports, 2 type-C, located on back of center console, charge-only
Power outlet, 12-volt, located in center console compartment
Air conditioning, single-zone automatic climate control
Air filter, pollutant
Sensor, cabin humidity and windshield temperature
Vent, rear console, air
Defogger, rear-window electric
Glovebox
Driver Information Center, 11" diagonal display
Visors, driver and front passenger illuminated sliding vanity mirrors, covered
Lighting, interior, front, courtesy and dual reading lights
Lighting, interior, roof, rear courtesy and dual reading lights
Map pocket, front passenger seatback
Door locks, power
Console, floor, with armrest
Cargo tie-downs
Rear Cross Traffic Braking
Front Pedestrian and Bicyclist Braking
StabiliTrak, stability control system
Traction control, electronic
Daytime Running Lamps
Airbags, frontal knee and seat-mounted side-impact for driver and front passenger, and roof-rail mounted head-curtain for outboard seating positions. Includes Passenger Sensing System for front passenger (Always use seat belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)
OnStar and Chevrolet connected services capable (Terms and limitations apply. See onstar.com or dealer for details.)
Rear Park Assist
Forward Collision Alert
Following Distance Indicator
Lane Keep Assist with Lane Departure Warning
Blind Zone Steering Assist
LED Reflective Windshield Collision Alert
Safety Alert Seat
Seat belt indicators, driver, front passenger and rear passengers
Seat belts, 3-point, all positions, includes front and rear seat belt pretensioners
Buckle to Drive prevents vehicle from being shifted out of Park until driver seat belt is fastened; times out after 20 seconds and encourages seat belt use

Teen Driver a configurable feature that lets you activate customizable vehicle settings associated with a key fob, to help encourage safe driving behavior. It can limit certain available vehicle features, and it prevents certain safety systems from being turned off. It includes the Buckle-to-Drive feature which prevents the driver from shifting from Park for up to 20 seconds if the driver's seat belt is not buckled. An in-vehicle report card gives you information on driving habits and helps you to continue to coach your new driver

LATCH system (Lower Anchors and Tethers for CHildren), for child restraint seats

Rear Seat Reminder

Door locks, rear child security

Tire Fill Alert

Tire Pressure Monitor System, auto learn

8 Years of OnStar Remote Access. The OnStar Remote Access Plan gives you simplified remote control of your properly equipped vehicle and unlocks a variety of great features in your myChevrolet mobile app. See dealer for details. (OnStar Remote Access Plan does not include emergency or security services. Fleet customers will get Fleet Remote Access through OnStar Vehicle Insights. See onstar.com for details and limitations. Available on select Apple and Android devices. Service availability, features and functionality vary by vehicle, device, and the plan you are enrolled in. Terms apply. Device data connection required.)



STAFF REPORT

AGENDA ITEM: Resolution Approving the purchase of one (1) New Backhoe Loader Tractor (John Deere 310 P-Tier) from Pape Machinery, in the amount of \$127,162.14, and Authorizing the Interim City Manager to execute all required documents.

MEETING DATE: August 20, 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 of the City Council of the City of Livingston approving the purchase of one (1) New Backhoe Loader tractor from Pape Machinery, in the amount of \$127,162.14, and authorize the Interim City Manager to execute all required documents.

BACKGROUND:

The Public Works department utilizes a backhoe extensively for essential infrastructure tasks such as excavation, trenching and utility installation. From time to time, it is necessary to replace aging fleet equipment that has exceeded their life expectancy. The backhoe's versatility allows it to effectively handle diverse projects ranging from road repairs and drainage maintenance to landscaping and emergency response efforts.

By facilitating excavation for underground utilities and clearing debris the backhoe enhances operational efficiency, accelerates project timelines, and supports the departments mandate to maintain and improve public infrastructure effectively.

DISCUSSION:

City staff intends to use the procurement services from SourceWell to meet the City of Livingston Municipal Code Title 1, Chapter 11 for purchasing. SourceWell is a public agency that offers national, competitively solicited purchasing contracts that meet the California Government Code Section 6502 for cooperative purchasing agreements.

The new backhoe tractor will be purchased through SourceWell's contract with Pape Machinery. The quote for the backhoe is attached.

FISCAL IMPACT:

\$127,162.14 Expended from FY 2024-2025 approved budget from PW, Water, Sewer and LMDs.

Department	Account
Public Works	1100-105-7410
Water	2100-810-7410
Sewer	2101-815-7410
LMDs	1211-(301-326)-7410



ATTACHMENTS:

1. Resolution
2. Exhibit "A" Cost Proposal from Pepe Machinery for the amount of \$127,162.14

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON APPROVING THE PURCHASE OF ONE (1) NEW BACKHOE LOADER TRACTOR (JOHN DEERE 310 P-TIER) FROM PAPE MACHINERY, IN THE AMOUNT OF \$127,162.14; AND AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTS

WHEREAS, the Public Works department utilizes a backhoe extensively for essential infrastructure tasks such as excavation, trenching and utility installation; and

WHEREAS, from time to time, it is necessary to replace aging fleet equipment that has exceeded their life expectancy; and

WHEREAS, the backhoe's versatility allows it to effectively handle diverse projects ranging from road repairs and drainage maintenance to landscaping and emergency response efforts; and

WHEREAS, by facilitating excavation for underground utilities and clearing debris the backhoe enhances operational efficiency, accelerates project timelines, and supports the departments mandate to maintain and improve public infrastructure effectively; and

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

Section 1. Adopt a Resolution of the City Council of the City of Livingston approving the purchase of one (1) New Backhoe Loader tractor from Pape Machinery, in the amount of \$127,162.14

Section 2. Authorize the Interim City Manager to execute all required documents

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 20th day of August 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

Quote Id: 30404594

Prepared For:
CITY OF LIVINGSTON



Prepared By: **SCOTT HENDERSON**

Pape Machinery, Inc.
8621 S El Dorado Street
French Camp, CA 95231

Tel: 209-983-8122
Mobile Phone: 209-649-3004
Fax: 209-983-1105
Email: shenderson@papemachinery.com

Date: 20 February 2024

Offer Expires: 31 August 2024

Confidential



Quote Summary

Prepared For:
CITY OF LIVINGSTON
1418 C ST
LIVINGSTON, CA 95334
Business: 209-394-8041

Prepared By:
SCOTT HENDERSON
Pape Machinery, Inc.
8621 S El Dorado Street
French Camp, CA 95231
Phone: 209-983-8122
Mobile: 209-649-3004
shenderson@papemachinery.com

This sale is subject to Papé's Terms and Conditions of Sale effective on the date hereof, which are incorporated in full by this reference. The Terms and Conditions of Sale are available at www.pape.com/terms, and will also be sent by mail or e-mail to the purchaser upon request.

Quote Id: 30404594
Created On: 20 February 2024
Last Modified On: 11 July 2024
Expiration Date: 31 August 2024

Customer Sourcewell Account # 60833

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 310 P-Tier Backhoe Loader List Price	\$ 193,613.00	\$ 193,613.00 X	1 =	\$ 193,613.00
Sourcewell Discount 43% off List	\$ -83,253.59	\$ -83,253.59 X	1 =	\$ (83,253.59)
Non Sourcewell Items	\$ 7,650.00	\$ 7,650.00 X	1 =	\$ 7,650.00
Equipment Total				\$ 118,009.41

Quote Summary	
Equipment Total	\$ 118,009.41
California Tire Fee	\$ 7.00
SubTotal	\$ 118,016.41
Sales Tax - (7.75%)	\$ 9,145.73
Total	\$ 127,162.14
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 127,162.14

Salesperson : X _____

Accepted By : X _____



Selling Equipment



MACHINERY

Quote Id: 30404594

Customer: CITY OF LIVINGSTON

JOHN DEERE 310 P-Tier Backhoe Loader List Price

Hours:

Suggested List

Stock Number:

\$ 193,613.00

Selling Price

\$ 193,613.00

Code	Description	Qty	Unit	Extended
17B0T	310 P-tier Backhoe Loader	1	\$ 157,919.00	\$ 157,919.00
Standard Options - Per Unit				
10A1	Custom Code - Quarter Cab (Window in Front)	1	\$ 1,580.00	\$ 1,580.00
183E	JDLINK™	1	\$ 0.00	\$ 0.00
0202	United States	1	\$ 0.00	\$ 0.00
0259	English	1	\$ 0.00	\$ 0.00
0351	Translated Text Labels	1	\$ 0.00	\$ 0.00
3005	Powershift Transmission - Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential	1	\$ 1,055.00	\$ 1,055.00
4006	John Deere 4.5L - FT4/Stage IV	1	\$ 0.00	\$ 0.00
5245	Galaxy 19.5L-24 12PR Rear & 12.5/80-18 10PR Front	1	\$ 474.00	\$ 474.00
6154	Dual Batteries with Disconnect, Jump Post, and Engine Block Heater	1	\$ 494.00	\$ 494.00
6576	1000 lb. (454 kg.) Front Counterweight	1	\$ 1,515.00	\$ 1,515.00
6752	Extendible Dipperstick	1	\$ 10,434.00	\$ 10,434.00
7000	No Auxiliary	1	\$ 0.00	\$ 0.00
7028	Pilot Controls, Two Lever, with Pattern Selection	1	\$ 3,078.00	\$ 3,078.00
7037	Two-Function Loader Hydraulics, Single Lever	1	\$ 0.00	\$ 0.00
7705	Multi-Brand Quick Coupler - Less Thumb	1	\$ 1,985.00	\$ 1,985.00
7806	24 in. (611 mm.) Heavy-Duty Bucket, 6.9 cu. ft. (0.20 cu. m.)	1	\$ 2,286.00	\$ 2,286.00
7852	86 in. (2.18 m.) General Purpose Bucket, 1.13 cu. yd. (0.86 cu. m.)	1	\$ 4,389.00	\$ 4,389.00
8062	Backhoe Boom Protection Plate	1	\$ 648.00	\$ 648.00
8075	Diagnostic Oil Sampling Ports	1	\$ 450.00	\$ 450.00
8103	Premium Canopy Option - Headliner and Tilt Steering	1	\$ 1,167.00	\$ 1,167.00
8115	MFWD Driveshaft Guard	1	\$ 519.00	\$ 519.00
8126	Heavy-Duty Grille Frame	1	\$ 597.00	\$ 597.00
8142	LED Light Package	1	\$ 1,133.00	\$ 1,133.00
8146	Left Side Console Storage with Cup Holders	1	\$ 87.00	\$ 87.00



Selling Equipment



Quote Id: 30404594 Customer: CITY OF LIVINGSTON

8159	Machine Security	1	\$ 489.00	\$ 489.00
8202	Manual Ride Control	1	\$ 2,140.00	\$ 2,140.00
8209	Seat, Vinyl Air-Suspension	1	\$ 541.00	\$ 541.00
8226	Strobe Light with Magnetic Mount	1	\$ 633.00	\$ 633.00
Standard Options Total				\$ 35,694.00
Suggested Price				\$ 193,613.00
Customer Discounts				
Customer Discounts Total			\$ 0.00	\$ 0.00
Total Selling Price				\$ 193,613.00

Sourcewell Discount 43% off List				
Hours:	0			Suggested List
Stock Number:				\$ -83,253.59
				Selling Price
				\$ -83,253.59
Code	Description	Qty	Unit	Extended
Sourcewell	Sourcewell Discount 43% from List	1	\$ -83,253.59	\$ -83,253.59
Suggested Price				\$ -83,253.59
Customer Discounts				
Customer Discounts Total			\$ 0.00	\$ 0.00
Total Selling Price				\$ -83,253.59

Non Sourcewell Items				
Hours:	0			Suggested List
Stock Number:				\$ 7,650.00
				Selling Price
				\$ 7,650.00
Code	Description	Qty	Unit	Extended
Non Sourcewell	Non Sourcewell Items	1	\$ 0.00	\$ 0.00
Other Charges				
	Freight	1	\$ 5,000.00	\$ 5,000.00
	Deliver Charge	1	\$ 1,150.00	\$ 1,150.00
	Setup	1	\$ 1,500.00	\$ 1,500.00
Other Charges Total				\$ 7,650.00



Selling Equipment



MACHINERY

Quote Id: 30404594

Customer: CITY OF LIVINGSTON

Suggested Price		\$ 7,650.00
	Customer Discounts	
Customer Discounts Total	\$ 0.00	\$ 0.00
Total Selling Price		\$ 7,650.00

Notice: When operated in California, any off-road diesel vehicle may be subject to the California Air Resources Board In-Use Off-road Diesel Vehicle Regulation. It therefore could be subject to retrofit or accelerated turnover requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at:

<http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.



STAFF REPORT

AGENDA ITEM: Waive Second Reading of the Ordinance by Title Only and Adopt Ordinance of the City Council of the City of Livingston Repealing and Replacing Chapter 2-4, of Title 3 of the Livingston Municipal Code Pertaining to Itinerant Vendor.

MEETING DATE: August 20, 2024

PREPARED BY: Roy Santos, City Attorney

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Waive Second Reading of the Ordinance by Title Only and Adopt Ordinance of the City Council of the City of Livingston Repealing and Replacing Chapter 2-4, of Title 3 of the Livingston Municipal Code Pertaining to Itinerant Vendor.

BACKGROUND:

On December 5, 2023, the Mayor and City directed the City Attorney to update and revise the Municipal Code related to Restaurant on Wheels. During this discussion, small businesses stated that they were unable to operate in the City due to the restrictions in the Municipal Code.

The update addresses portable carts or motor vehicles for the purpose of selling any goods, wares, merchandise, fruits, or vegetables. The revised ordinance requires those who wish to engage in this type of activity to first obtain a business license and permit in accordance with the revised ordinance.

The permit application process is summarized below:

Applicants for vendor permits under this chapter shall file with the city clerk a sworn application in writing on a form to be furnished by the city, so a background check can be performed by the city. The application shall contain the following information:

- (1) Name, height, weight, eye color and hair color;
- (2) Date of birth, driver's license number, Social Security number, tax identification number or state of California identification card;
- (3) Permanent home address and telephone number;
- (4) Local address and telephone number;
- (5) A brief description of the business or activity to be conducted;
- (6) If employed, the name, address and telephone number of the employer, or if acting as agent, the name, address and telephone number of the principal who is being represented, with credentials establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (7) The length of time for which the permit is desired;

- (8) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, measuring two (2) inches by two (2) inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - (9) A statement as to whether or not the applicant has been convicted of any criminal offense, whether felony or misdemeanor within the last ten (10) years. Applicant shall provide information detailing any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty assessed therefore;
 - (10) Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter.
 - (11) If a vehicle is to be used, the application must include a description of each vehicle to be used, with license number, make and model.
- (b) Applicant shall be fingerprinted by the Livingston Police Department or via the California Department of Justice LiveScan system and agree to a criminal history records check conducted by the city based upon their fingerprints.
 - (c) Applicant shall sign an authorization form for the city to seek verification of the information contained within the application, including, but not limited to, the prospective permittee's criminal history.

All operational departments have reviewed the ordinance and no issues have been identified. One newly established business has provided their desire to have the code amended to allow for temporary food vendors as permitted under the proposed ordinance.

COUNCIL DIRECTION

Based on the language of the ordinance, Council can direct that staff develop the following:

- 1. Charge for an application fee and permit fee in one single charge
- 2. Charge a separate application fee and a separate permit fee

All fees should be reasonably proportionate to the cost of the services being provided; however, the fee can include administrative costs for processing the applications and enforcing the ordinance.

Based on Council direction, staff would bring back a proposed fee in the future which would be reviewed by the City Attorney to ensure compliance with all applicable laws.

ATTACHMENTS:

- 1. Municipal Code Section 3-2-8 Restaurant on Wheels (Existing)
- 2. Proposed Ordinance

§ 3-2-1 GENERALLY.

The rates of the license tax for the businesses, trades, occupations and employments named in this chapter are, and the same are fixed in and for the city, in accordance with this chapter and the same shall be paid by any person engaged in or about to engage in, or carrying on or about to carry on the same in the city. When a license can be measured by gross receipts as defined in § 3-2-2(B) of this chapter, the Finance Officer is authorized to license such business under § 3-2-2 of this chapter, whether or not such business is specifically set forth under a flat rate license section of this chapter.

(Ord. 284, passed 6-13-1985)

§ 3-2-2 GROSS RECEIPTS.

(A) *Generally.* Every person conducting, carrying on or managing a retail business from a fixed place of business within the city shall pay an annual registration tax of \$60, and in addition thereto shall pay a business license tax equal to one mil on each dollar of average monthly gross receipts, computed quarterly and payable quarterly on forms provided by the city.

(B) *Gross receipts defined.* For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GROSS RECEIPTS. The total amount of the sale price of all sales, the total amount charged or received for the performance of an act, service or employment of whatsoever nature it may be, whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not, for which a charge is made, including all receipts, cash credits and property of any kind or nature, without any deduction therefrom on account of the costs of the property sold, the costs of the material used, labor or service costs, interests paid or payable, losses or any other expenses whatsoever; provided, that cash discounts allowed or taken on sales shall not be included and this section shall not be construed to impose any tax upon any business or transaction which the city is not authorized to license or tax under any law of the state or the United States. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser, and such part of the sales price of any property previously sold returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given or taken as part payment on any property so accepted for resale, shall be deducted for the purpose of determining gross receipts under this section.

(Ord. 284, passed 6-13-1985; Ord. 405, passed 6-2-1992)

§ 3-2-3 LICENSE TAX; FLAT FEE.

(A) The following businesses will pay a flat fee license tax of \$60 per year:

1. Amusement rides;
2. Auctioneer;
3. Auto or horse races or similar type events;
4. Barbershop;
5. Beauty parlor;
6. Billiard or pool hall;
7. Billposting;
8. Boarders;
9. Bowling alley or bocce alley or handball court;
10. Brokers;
11. Campground or trailer court;
12. Cannery, packing house, manufacturing plant;
13. Christmas related merchandise;
14. Coin operated sound motion picture machines;
15. Concrete pipe laying;
16. Convalescent home;
17. Creamery;
18. Dances;
19. Directories;
20. Dry cleaning, laundry;
21. Feats or performances;
22. Finance or lending agency;
23. Hauling;
24. Home occupation;

25. Hospital;
26. Junk dealer, secondhand store;
27. Livery or feed stable;
28. Minstrels;
29. Newspaper;
30. Nursery;
31. Nursing home;
32. Parking lot;
33. Pawnshop;
34. Peddling sewing machines, organs and office equipment;
35. Phonographs or mechanical musical instruments;
36. Photographic studio;
37. Professions;
38. Radio broadcasting;
39. Real estate office;
40. Service station;
41. Shoeshining;
42. Shooting gallery or skating rink;
43. Shuffleboard;
44. Sideshow signs;
45. Supplying or distributing milk;
46. Tailor shop;
47. Tobacco store;
48. Tombstones;
49. Trained animals;
50. Traveling merchant;
51. Traveling photographer;
52. Undertaker;
53. Vending machines; and
54. Warehouse.

(B) The following businesses will pay a flat fee license tax as follows:

Carnival	\$600 per week
Circus	\$120 per day
Contractors	\$120 per year or \$40 per quarter
Fortune teller	\$100 per day
Restaurant on wheels	\$25 per quarter
Theaters/shows	\$54 per quarter, \$30 per day or \$120 per week if not a fixed place of business
Vending vehicles and pushcarts	\$15 per quarter per vehicle plus a \$25 registration fee

(Ord. 405, passed 6-2-1992; Ord. 430, passed 2-15-1994)

§ 3-2-4 ITINERANT VENDOR.

(A) Every person engaged in the business or occupation of itinerant vendor shall pay a license fee of \$100 per day.

(B) *ITINERANT VENDOR* means and includes all persons, both principal and agent, who engage in a temporary and transient business in the city, selling different articles of wearing apparel, dry goods, fancy foods, notions, jewelry, cutlery, groceries,

machinery, vehicles of all kinds and types, hardware, tinware, mill products or merchandise of any class or character, with the intention of continuing such business in the city for a period of not more than 120 days and who, for the purpose of carrying on such business, has no fixed place of business or hires, leases or occupies any room, building or structure therein for the exhibition or sale of such items and articles as set forth above, or from which room, building or structure the sales are to be made or business solicited by means of samples or delivery from house to house; any such person or firm so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

1. *License required.* No person, except a person having a fixed and permanent place of business in the city, and duly licensed to so engage in such business at such fixed and permanent place of business under the provisions of this chapter shall:

(a) Engage in the business of hawking, peddling or vending goods, wares, merchandise, periodicals, reading matter, pictures, foodstuffs, services, advertising or any other article or thing of any kind or nature whatsoever, from door to door, house to house, or building to building, or from or upon the streets, alleys, parks or other public places of the city, or from any hotel, motel, rooming house, trailer house, or other enclosure or place, on foot or from or in any vehicle of any nature whatsoever, either by sample or by taking or soliciting orders for immediate delivery or for delivery in the future;

(b) Engage in the business of photography, portraiture, photochromography, operating a photograph studio, taking pictures or any other branch of the photographic art whatsoever, or the rendering or performing of any other skill, profession or service, whether from door to door, house to house or building to building, or from or upon the streets, alleys or other public places of the city, or from any motel, hotel, rooming house, trailer house, enclosure or other place, on foot or from any type of vehicle whatsoever; or

(c) Engage in the business of soliciting orders for photographs, peddling tickets, certificates or other documents intended to apply in whole or in part payment for photographs, frames or other photographic merchandise, or other material or in any other manner whatsoever engage in the business of or soliciting orders for any branch of the photographic art in any respect, including copying, retouching, enlarging or coloring of photographs or photograph negatives and prints, or for the rendering or performing of any other skill, profession or service, without first having applied for a license to so engage in such businesses in conformity with the requirements of this chapter and without first having been issued the license to engage in such businesses pursuant to the application as provided for in subsection (B)2. of this section. No person shall be relieved from the provisions hereof or of any other section of this chapter by reason of associating temporarily with any local dealer, trader, merchant or auctioneer having a fixed place of business in the city, or by conducting a temporary, transient or itinerant business in connection with or as part of or in the name of any such local dealer, trader, merchant or auctioneer having a fixed place of business within the city.

2. *License, application.* All applicants for licenses under the provisions of the subsection (B)1. of this section must pay to the Finance Director an application fee of \$5 and must make application therefor to the Finance Director of the city upon forms provided by the city, which forms shall require the following information from the applicant:

(a) Full name, permanent business address, local business address and residence address of the applicant, if an individual, or its authorized representative, if other than an individual applicant; the nature of the applicant, the full names, ages, addresses and that is, whether individual, partnership, firm, corporation or otherwise; and occupations of each person who shall actually vend, solicit or otherwise engage in any act whatsoever within the city required by this chapter to be licensed on behalf of or for the applicant, whether as principal, agent, servant, employee, associate, partner, representative or otherwise; and

(b) A specific description of the article or service proposed to be sold, vended or performed, whether for immediate or future delivery or performance and the proposed method of delivery and performance, including information as to whether such sales will be made by quantity, weight, quality, package or otherwise and whether delivery or performance will be made personally or by mail or in what other manner.

3. *Documents to accompany application.* In the event any form, contract, order blank, warranty, agreement or other written or printed document is to be signed by the purchaser or person receiving the property or service or is involved in any manner otherwise in the business of the applicant for a license as an itinerant peddler, solicitor, vendor or photographer, the application form must be accompanied by a copy of such form, contract, order blank, warranty, agreement or other written or printed document.

4. *Photograph required.* Each application for a license as required by this chapter must be accompanied by two prints of a recent photograph of each individual person who shall actually engage in vending, selling, soliciting, peddling or doing any other act required under this chapter, to be licensed, whether as principal, agent, servant, employee, associate, partner, representative or otherwise, which photographs shall not exceed two inches square in size and shall be full front views of the face and head only of such persons.

5. *Cash deposit or bond required.* In each case where it appears that the applicant will or may demand, accept or receive payments or deposits of money or property in advance of final delivery or performance of services, the application shall be accompanied by a cash deposit of \$1,000 or by a bond to the city in the penal sum of \$1,000 issued by a surety company authorized to do business within the state. Such bond shall be conditioned for making final delivery of goods, wares or merchandise or for final performance of services to be performed in accordance with the order, agreement or contract entered into, and failing therein, the advance payment or deposit on such order shall be refunded or returned. Such cash deposit or bond, as the case may be, shall remain in full force and effect and be retained for a period of 90 days after the expiration of any such license or the termination of any action upon such bond or deposit of which the Finance Director shall have been notified, unless sooner released by the Finance Director.

6. *Fee.* Each application for a license shall be accompanied by such license fee as may be set forth in this chapter, unless exemption therefrom is approved by the city.

7. *Fingerprints required.* At the time of making the application for a license, as required by subsection (B)5. of this section, each individual person, whether as principal, agent, servant or employee who shall actually engage in selling, soliciting, vending or doing any other act covered under the provisions of the above mentioned subsection, shall present himself or herself at the office of the Chief of Police of the city for the purpose of being fingerprinted and supplying routine information required on the fingerprinting forms

provided without expense by the city, including the physical characteristics of each person, identifying marks or scars, age, name, address and signature. Such fingerprint records are to be taken in triplicate and each individual so presenting himself or herself is advised that the city reserves the right to retain one of such fingerprint records, to the Federal Bureau of Investigation of the Department of Justice at Washington, D.C., and to the Criminal Investigation Department of the California Department of Justice at Sacramento, California, for the purpose of filing. No fingerprint records will be returned in the event the license applied for is not issued or is subsequently suspended or revoked.

8. *Fee exemption.* The following individual applicants shall be exempted from the payment of the license fees in this chapter, but must comply otherwise fully with the applicable requirements as to applications, fingerprinting, bonds and pictures:

(a) Every individual person exempted as an honorably discharged or honorably relieved soldier, sailor or marine under the provisions of Cal. Business and Professions Code § 16001. Such exemptions shall apply only to an individual applicant engaged in peddling, vending or soliciting for and by himself or herself alone, and shall not apply to any individual applicant, otherwise entitled to such exemption, who employs agents, servants or employees in such activities, nor apply to any other type of applicant, of which a person, otherwise entitled to such an exemption is an officer, member, agent or employee. All claims for such exemptions shall be referred to the veteran's service officer of the county for investigation and recommendation;

(b) Every individual person selling and vending farm fruits and vegetables grown and produced by his or her own labor on real property belonging to or possessed by him or her, or selling or vending on property, where the property owner has been granted a conditional use permit for the sale of farm fruits and vegetables;

(c) Every applicant claiming to be entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts a burden upon his or her right to engage in commerce with foreign nations or among the several states, or conflicts with the United States Constitution or the regulations of the United States Congress respecting interstate commerce or any other matter, shall file a verified statement with the Finance Director of the city disclosing the interstate or other character of his or her business entitled to such exemption. Such statement shall state the name and address of the company or firm or group for which the orders are to be solicited or secured or the sale made, the name of the nearest local or state manager, if any, and his or her address, the kind of goods, wares or merchandise to be delivered, the place from which the same are to be shipped or delivered, the method of solicitation or taking orders, the location of any warehouse, factory or plant in the state, the method of delivery, the name and address of the applicant and any other facts bearing on the issues of exemption. All claims for such exemptions shall be referred to the City Attorney for investigation and recommendation; and

(d) Any individual who presents his or her goods and/or services for sale at a residence, where the resident has specifically invited said vendor to his or her residence for said presentation for sale, except that such presentations for sale shall not exceed four times per year per residence.

9. *Identification card, issuance.*

(a) The character and fitness of every applicant shall first be investigated by the Police Department before any license or identification card shall be issued. After conducting such investigation, if the Police Department finds that the character, reputation or fitness of any such applicant is good, the Department shall notify the Finance Director, who shall issue the license and identification card in accordance with this section. If, after conducting such an investigation, the Police Department finds that the character, reputation or fitness of any such applicant is bad, then the Police Department shall recommend the denial of such license and identification card, which recommendation shall be transmitted to the Finance Director. The Finance Director shall thereupon notify the applicant of such fact.

(b) Upon the receipt of the application accompanied by the required documents, the approval of the Police Department and appropriate fees, if any, the Finance Director shall issue a business license to the applicant and individual identification cards to all persons who shall actually solicit for or on behalf of the applicant, whether as principal or otherwise. Such identification card shall have affixed to it one of the pictures filed by the applicant, and shall contain reference to the issuance of the license, a description of the individual to whom issued, date of expiration and the signature of the individual to whom issued. In case the applicant claims an exemption from the payment of license fees under the provisions of subsection (B)8. of this section, the Finance Director shall issue such license only after he or she has reviewed the reports and recommendation of the county veteran's service officer, the agricultural commissioner of the county or the City Attorney, as the case may be, and is satisfied therefrom that the applicant is entitled to the exemption.

10. *License and identification card to be carried on person.* Each applicant for a license, or if other than individual, its representative, must at all times retain in his or her possession the business license issued by the Finance Director and each person issued an identification card must retain the same in his or her personal possession at all times while engaged in the business so licensed within the city and must produce and show the same on the demand of any person solicited or of any police officer or official of the city. No license or person issued an identification card shall alter, remove or obliterate any entry made upon such license or card or deface such license or card in any way. Each license and card shall be personal and not assignable or transferable, nor shall any license or card be used by any person other than the licensee or the person for whom issued.

11. *Conditions and regulations applicable to license.* The following conditions and regulations shall also apply to the exercise of the privileges granted by licenses issued under the provisions of this chapter in addition to those set forth in other parts of this chapter or elsewhere in this code.

(a) *Shouting, horn blowing, calling wares.* No person acting under authority of any license issued pursuant to this chapter shall shout, blow horns or call his or her wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens in the city.

(b) *Identification by comparing signature with that on license.* Every licensee or holder of an identification card, upon the request of any police officer or other officer of the city, shall sign his or her name for comparison with the signature upon the license or card or the signature upon the license application.

(c) *Orders to be written in duplicate.* Any person acting under authority of any license issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered,

the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.

(d) *Loitering on streets, or private property.* No licensee or his or her agent, servant or employee shall stop or remain in any one place upon the streets, alleys, or public places in the city longer than necessary to make a sale to a customer wishing to buy, except by prior permission of the City Manager, nor shall any licensee or his or her agent, servant or employee stop or remain upon any private property within the city without the consent of the owner thereof or some person having authority to grant such permission.

12. *Revocation and suspension.* In the event that the Chief of Police of the city has reasonable cause to believe and does believe that any licensee or other person employed by or representing such licensee is violating any of the provisions of this chapter or any other law or ordinance relating to the business of the licensee, he or she shall have power to and shall be authorized to suspend such license and all identification cards so issued. If no written appeal is filed with the City Clerk protesting such suspension within two days of the date of such suspension, such suspension shall be deemed permanent and all such licenses or identification cards issued thereunder shall be deemed revoked.

13. *Appeals to City Council.* In the event that any applicant desires to appeal from any order, denial of exemption, order of suspension or any other ruling of the Finance Director, the Chief of Police or any other officer of the city, made under the provisions of this chapter dealing with itinerant peddlers, solicitors, vendors, photographers and others, such applicant or any other person aggrieved shall file written notice of such appeal with the City Clerk and such matters shall be heard at the next regular meeting of the City Council, at which time the City Council shall hear and receive evidence, written and oral upon all matters involved. The decision of the City Council shall be final upon all parties concerned.

14. *Solicitation unlawful where "No Peddlers" sign posted.* It is unlawful for any person described in this section to perform or attempt to perform the acts described in this section by ringing the doorbell or knocking at the door or otherwise calling attention to his or her presence of or at any residence, whereon a sign bearing the words "No Peddlers", or words of similar import is painted or affixed so as to be exposed to public view, and no such person described in this section shall perform or attempt to perform any of the acts described in this section in any building, structure or place of business whereon or wherein a sign bearing the words "No Peddlers" or words of similar import, is painted or affixed so as to be exposed to public view.

(Ord. 405, passed 6-2-1992)

§ 3-2-8 RESTAURANT ON WHEELS.

Restaurants on wheels shall be subject to the following rules, regulations and requirements:

(A) Restaurants on wheels are subject to § 3-2-4 of this chapter, with the exception that one for every 5,000 population is allowed at a fixed location upon obtaining a use permit; and

(B) Taco trucks are classified as restaurants on wheels.

(Ord. 429, passed 2-15-1994)

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
REPEALING AND REPLACING CHAPTER 2-4, OF TITLE 3 OF THE LIVINGSTON
MUNICIPAL CODE PERTAINING TO ITINERANT VENDOR**

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, in September of 2018 the State Legislature enacted SB 946 creating new statues governing the activities of sidewalk vendors and the permissible regulations which public agencies may codify by local ordinance and/or resolution; and

WHEREAS, pursuant to the City’s express statutory authority and its police power, the City desires to enact reasonable regulations for itinerant vendors, solicitors and peddlers; 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 itinerant vendors, solicitors and peddlers; and

WHEREAS, the City seeks to regulate itinerant vendor parking given the limited spacing for vehicle parking throughout the city limits, but especially surrounding the city’s local parks; and

WHEREAS, this Ordinance is intended to regulate itinerant vendor activities to ensure the health, safety and welfare of both the vendor’s and city residents utilizing the city parks, sidewalks and public common spaces; 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 relating to itinerant vendors, solicitors and peddlers which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulate itinerant vendors, solicitors and peddlers activities within the boundaries of the City.

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 2-4, of Title 3, of the Livingston Municipal Code is hereby repealed and replaced with the Sections specifically identified below to read as follows:

Chapter 2-4

ITINERANT VENDORS

Section 2-4.010 Definitions.

The following words and phrases shall, for purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

- (a) “Fixed place of business” means a fixed business place, location, building, room, stand or enclosure separate and distinct from any other business, in which goods, wares, merchandise, fruit or vegetables are kept, displayed or offered for sale to the public, regularly kept open with an agent in exclusive attendance for at least six hours per day, for at least five days per week.
- (b) “Itinerant vendor” means any person who sets up a temporary stand or place or uses a portable cart or motor vehicle as defined in the California Vehicle Code for the purpose of selling any goods, wares, merchandise, fruits or vegetables, or one who solicits orders for the sale of such goods, wares, merchandise, fruits or vegetables to be delivered at some future time or date. Itinerant vendor does not include a merchant having a fixed place of business within the city, or his or her employee, who sells or solicits orders for the sale of goods, wares, merchandise, services, fruits or vegetables, after a prior approval, either oral or written, from the vendee. Itinerant vendor does not include a merchant who sets up a temporary stand or place as part of an approved farmers market. Itinerant vendors who set up on private property must secure written permission from the property owner or person having control of said property and said written permission must be in the possession of the vendor. Further, “Itinerant vendor” includes the terms “sidewalk vendor,” “roaming vendor,” and “stationary sidewalk vendor” as defined within Government Code section 51036. Lastly, “Itinerant vendor” includes the terms “Mobile food facility” as defined within California Retail Food Code (Cal Code), Section 113831(a), which states any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.
- (c) “Peddler” means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes

deliveries to purchasers as part of the scheme to evade the provisions of this chapter.

- (d) "Person" means any person, firm, corporation, association, club, society, or other organization.
- (e) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, for the purpose of taking or soliciting orders for the sale of goods, wares, merchandise, or personal property of any nature for future delivery, or for services to be performed in the future.
- (f) Wherever the terms "selling" or "sales" are used herein, "buying" and "purchasing" shall be deemed included.

Section 2-4.020 Permits.

It is unlawful for any solicitor, peddler or itinerant vendor to engage in business within the city without first obtaining a business license and permit which complies with the provisions of this chapter, unless the activities of the solicitor, peddler or itinerant vendor are exempt from municipal regulation by state, federal or local law.

Section 2-4.030 Permit Application.

- (a) Applicants for vendor permits under this chapter shall file with the city clerk a sworn application in writing on a form to be furnished by the city, so a background check can be performed by the city. The application shall contain the following information:
 - (1) Name, height, weight, eye color and hair color;
 - (2) Date of birth, driver's license number, Social Security number, tax identification number or state of California identification card;
 - (3) Permanent home address and telephone number;
 - (4) Local address and telephone number;
 - (5) A brief description of the business or activity to be conducted;
 - (6) If employed, the name, address and telephone number of the employer, or if acting as agent, the name, address and telephone number of the principal who is being represented, with credentials establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
 - (7) The length of time for which the permit is desired;
 - (8) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, measuring

two (2) inches by two (2) inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner;

- (9) A statement as to whether or not the applicant has been convicted of any criminal offense, whether felony or misdemeanor within the last ten (10) years. Applicant shall provide information detailing any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty assessed therefore;
 - (10) Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter.
 - (11) If a vehicle is to be used, the application must include a description of each vehicle to be used, with license number, make and model.
- (b) Applicant shall be fingerprinted by the Livingston Police Department or via the California Department of Justice LiveScan system and agree to a criminal history records check conducted by the city based upon their fingerprints.
 - (c) Applicant shall sign an authorization form for the city to seek verification of the information contained within the application, including, but not limited to, the prospective permittee's criminal history.

Section 2-4.040 Permit Fee.

At the time the application is filed with the city clerk, the applicant shall provide the city with a non-refundable fee to process their application. The fee shall include an amount to cover the costs of fingerprinting, background checks as well as general review and processing of the application. In the alternative, the applicant may provide the city clerk with a completed background check performed by a third party vendor approved by the city. The amount of the fee shall be established, and from time to time may be amended by resolution of the city council.

Section 2-4.050 Permit - Investigation and Issuance.

- (a) The City Manager or his/her designee shall deny an application based upon any of the following grounds:
 - (1) The applicant has been issued a local or state permit or license to conduct itinerant vendor, solicitor or peddler activities at any other location within the state of California or another state and the permit or license was suspended or revoked, or the applicant has had disciplinary action relating to the permit or license.

- (2) The applicant has been convicted of a serious or violent offense as listed within California Penal Code Sections 667.5 and 1192.7(c).
 - (3) The applicant has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
 - (4) The applicant has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in the Act.
 - (5) The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the Livingston Municipal Code and/or state or federal law.
 - (6) The applicant is under the age of eighteen (18), or any age as may be set by state law.
- (b) Upon approval of an application, the city shall deliver the required permit to the applicant. Such permit shall contain the signature and seal of the city clerk and shall show the name, address and photograph of the permittee, the class of vendor permit issued, the kind of goods or services to be sold or delivered thereunder, the amount of the fee paid, the date of issuance, and the length of time the permit shall be operative. It shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued. The city clerk shall keep a record of all active permits.

Section 2-4.060 Permit - Expiration.

All permits issued under the provisions of this chapter shall expire one (1) year from date of issuance, unless an earlier expiration date is noted on the permit.

Section 2-4.070 Permit - Badges.

The city clerk shall issue to each permittee, at the time of delivery of his or her permit, a badge, which shall be worn continuously by the permittee in such a way as to be conspicuous at all times while the permittee is conducting business in the city pursuant to such permit. The badge shall bear the appropriate words, e.g., "Permitted Vendor" or "Permitted Peddler," the period for which the permit is issued and the number of the permit, in letters and figures clearly discernible.

Section 2-4.080 Permit - Transfer Prohibited.

No permit issued under the provisions of this chapter shall be used or worn at any time by any person other than the person to whom it was issued.

Section 2-4.090 Permit - Exhibition.

Every person required to be permitted under the provisions of this chapter shall exhibit his or her permit when requested to do so by any prospective customer or Livingston Police Department sworn officer or code enforcement officer.

Section 2-4.100 Entry Upon Signed Premises Unlawful.

It is unlawful for any person, while conducting the business of itinerant vendor, solicitor or peddler, whether permitted or unpermitted, to enter upon any residential premises in the city where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on said premises, a non-illuminated flat sign of not more than one square foot bearing the words "No Solicitors," or words of similar import.

Section 2-4.110 Hours of Solicitation.

It is unlawful for any person, while conducting the business of itinerant vendor, solicitor or peddler, whether permitted or unpermitted, to enter upon any residential or public premises between the hours of eight (8:00) P.M and eight (8:00) A.M. pacific standard time.

Section 2-4.115 Regulations Concerning Itinerant Vendors.

The following regulations shall apply to itinerant vendors as defined in Section 2-4.010:

- (a) No itinerant vendor shall park or stand on a public sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (b) Itinerant vendors shall not stand or park in any parking lot of any public park in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act. Vendors within a park shall only park their vehicle, including but not limited to personal vehicle or mobile food truck, adjacent to a public park in spaces designated by signage. The designations shall be made and posted from time to time by the city manager or designee, who may limit the number of spaces for itinerant vendors. Vendor vehicles, including but not limited to personal vehicle or mobile food truck, not parked within the designated parking spaces shall constitute a public nuisance and shall be subject to the provisions of the Livingston Municipal Code.
- (c) No chairs or tables are allowed to be placed on the sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (d) Vendors shall remove any debris from the sales, ensure a receptacle is available for the disposal of debris, and make sure that the area is kept clean.

- (e) School Zones. No itinerant vendor shall stand or park within three hundred feet of any school zone weekdays, Monday through Friday, from eight (8:00) A.M. to four (4:00) P.M. except for holidays and when school is not in session.
- (f) Public Streets. No itinerant vendor shall stand or park on any street in a commercial zone any truck, trailer, wagon or push cart in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (g) Private Property. Itinerant vendors shall be permitted on developed private property only in commercial, industrial and open space zoning districts. The area occupied by each itinerant vendor on private property shall not exceed nine hundred square feet and shall be located on hard surface paving. Itinerant vendors are prohibited in residential zoning districts.
- (h) Mobile Food Facility and/or Restaurant on Wheels. Itinerant vendors shall not be permitted to operate a mobile food facility and/or restaurant on wheels which remains at the same location, property or parcel for more than eight (8) hours or two (2) consecutive days.

Section 2-4.120 Enforcement Authority.

Any city police officer or code enforcement officer may require any itinerant vendor, solicitor or peddler, who is not known to such officer to be duly permitted to do so, to produce his or her permit, and to enforce the provisions of this chapter against any person found to be violating the same.

Section 2-4.130 Records.

City staff shall record any violations of this chapter on the permanent record of said permit kept pursuant to the provisions of subsection (d) of Section 2-4.050 of this chapter.

Section 2-4.140 Permit - Revocation.

Permits issued under the provisions of this chapter may be revoked by the city, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for permit;
- (b) Fraud, misrepresentation, or false statement made by the permittee in the course of carrying on the business of vendor, solicitor or peddler;
- (c) The violation of any provision of this chapter or the Livingston Municipal Code;

- (d) Conviction of any crime involving theft, dishonesty, fraud, narcotics sales, narcotic trafficking or as identified within California Penal Code Sections 667.5 and 1192.7(c) and the Federal Controlled Substance Act.;
- (e) Conducting the business of vendor, solicitor or peddler in such a manner as to constitute a breach of the peace or create a threat to the health, safety, or general welfare of the public.

Section 2-4.150 Notice of Hearing on Revocation.

Notice of the hearing for revocation of a license pursuant to the provisions of Section 2-4.140 of this chapter shall be given in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Said notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 2-4.160 Permit - Appeal Procedure.

Any person denied a permit or had a permit revoked under the provisions of this chapter shall have the right to appeal such action or decision to the city manager or his/her designee. Such appeal shall be taken by filing with the city clerk, within ten (10) days after notice of the action or decision complained of has been mailed to such person's address as shown on his or her permit application form, or to such person's last known address, a written statement setting forth the grounds for the appeal. The city clerk shall transmit the written statement to the city manager or his/her designee and the city manager or his/her designee shall set a time and place for a hearing on the appeal. Notice of the time and place of such hearing shall be given to the appellant in the same manner as is hereinabove in this section provided for the mailing of notice of action or decision. The decision of the city manager or his/her designee on such appeal shall be final and binding on all parties concerned. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 2-4.170 Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee as provided in Section 2-4.040 of this chapter, shall cite to the city clerk in statute or other legal authority under which exemption is claimed and shall present to the city clerk proof of qualification for such exemption.

Section 2-4.180 Penalty for Violations.

Any person who violates any of the provisions of this chapter shall be punished as follows:

- (a) With a permit:
 - (1) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

- (2) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
 - (3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.
 - (4) Upon a fourth (4) violation of this chapter, the permit shall be rescinded.
- (b) Without a permit:
- (1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
 - (2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
 - (3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
- (c) Failure to pay an administrative fine pursuant to section shall not be punishable as an infraction or misdemeanor.

Any other violation(s) of the Livingston Municipal Code shall be subject to the established enforcement and penalties of said municipal code.

SECTION 4: 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.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving the first reading, except by Title, at a regular meeting thereof held on the 6th day of August 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

APPROVED AS TO FORM:

By: _____
Roy C. Santos, City Attorney
Aleshire & Wynder, LLP

I, _____, 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.



STAFF REPORT

AGENDA ITEM: Discussion and Direction Regarding Recognition of Lupe and Aurora Garcia.

MEETING DATE: August 20, 2024

PREPARED BY: Christopher Lopez., Interim City Manager

DISCUSSION:

Council member Jason Roth and Mayor Jose Moran have requested this item be discussed to provide direction regarding the recognition of Lupe and Aurora Garcia.



STAFF REPORT

AGENDA ITEM: Discussion and Direction Regarding the 4th of July Event Summary, Future 4th of July Events, and Expenditures

MEETING DATES: August 20, 2024

PREPARED BY: Christopher Lopez, Interim City Manager

BACKGROUND:

On January 16, 2024, the Mayor and Council formed the 4th of July Standing Committee. The Council previously approved the schedule of events for the 4th of July event, and the details of the event have been included below for reference.

1. Fireworks show to be held on July 5, 2024 (Friday).
2. Schedule of events as follows:

Thursday— July 4, 2024	Friday—July 5, 2024	Saturday—July 6, 2024	Sunday—July 7, 2024
Carnival	Carnival	Carnival	Carnival
	Live music/ entertainment/DJ	Live music/ entertainment/DJ	Live music/ entertainment/ DJ (Headliner this day)
		Car show(s)	
	Fireworks		
			Jaripeo (Rodeo)
	Beer garden	Beer garden	Beer garden
Vendors	Vendors	Vendors	Vendors

The Ad-Hoc committee was formed with Councilmember Maria Soto and Jatinder Mann who eventually resigned from his Council seat. The Ad-Hoc Committee is scheduled to disband on August 4, 2024.

The 4th of July event was held, Exhibit A shows a summary of the projected vs actuals for the revenues and expenditures for the event.



STAFF REPORT

After the event was concluded, the Management Team met to debrief and discuss the event and gather feedback.

Public Works

1. The city restrooms were left almost unsanitary. The public was defecating on the floor, wiping feces on stall doors, not flushing the toilets, and leaving them in a state that was creating health and safety issues.
 - a. Public Works staff did close the restroom by the basketball court on Friday but opened them about 7 pm or 8 pm. This was due to a communication issue between PW management and staff. Staff closed the restrooms by the basketball court the next day (Saturday) but did open the restrooms by the patio. There was a lack of communication with the public informing them that the other restrooms were open.
 - i. During the next event there should be 4 to 5 units placed in the same area.
 - b. When the city restroom by the basketball court was closed on Saturday, everyone was using the one porta pottie by the basketball court, most likely because they didn't know the other restrooms were open by the patio or didn't want to walk to the other 20 porta potties that were placed around the event.
2. Public Works staff were called frequently to assist.
 - a. There was not enough staff to water as much as was being requested.
 - b. Public Works staff was needed to fuel the generator for the stage area.
3. During the fireworks show, the show stopped, and the public started to leave, and the line was backed up, so staff opened the Campbell and Dwight intersection. The fireworks started to go off again, resulting in vehicles being let out prior to the show concluding.
 - a. Recommendation to have better communication between staff and pyro-technician to prevent this issue in the future.
4. The carnival sleeping quarter trailers were set up in the wrong area. They were assigned and provided information to set up in the dirt parking lot but set up in the basin.
 - a. Their space zone was selected to minimize illegal dumping of grey water from their trailers, and to minimize broken sprinklers with all the heavy vehicles.
 - b. This also does not allow the carnival to be spaced out and congests the footprint.
5. A suggestion from staff was that we should think about having a female supply and monitor the women's restrooms because the guys had to try to shut them down before they could enter them and that created arguments from the public and the employees trying to stock the restrooms.

Police Department

1. The beer garden on Sunday was not separate from the other beer garden as the original site plan was designed. This was confusing for officers on scene, but they dealt with it.
2. There were issues with the carnival workers drinking and fighting prior to the carnival resulting in arrests.



STAFF REPORT

3. Organization and coordination with more lead time is a good opportunity for the planning of the event.
4. Some officers heard the public complaining about long lines to get in, lack of restrooms, and not letting people bring in sealed water bottles.

DIRECTION

The following items are potential discussion items the Council may wish to discuss and provide direction on:

1. Whether it would like to continue using the Ad-Hoc model to oversee and manage the event
2. Whether the Council would like to enter into an agreement with Paul Maurer shows for a longer contract term
3. Approve the following items that the City does not have contracts for:
 - a. Estilo PM - \$1,000
 - b. Ricky Ricardo for Extoria Notena - \$600
 - c. Foster Love - \$3,598.43
 - i. Beer - \$1,111.70
 - ii. Alcohol License - \$225
 - iii. Supplies - \$192.41
 - iv. Sales Tax on Beer - \$670.92
 - v. 25% of total sales after expenses - \$1,398.40
4. Any other items

Attachments:

1. Proposed Budget provided to Council: June 2024
2. Summary of Expenses Compared to Budget
3. Estilo PM Invoice
4. Ricky Ricardo Invoice

4th of July Festival

July 5th -7th

Max Foster Sports Complex

PROJECTED ACTUAL IN-KIND

SUBTOTAL		EXPENSES	\$59,250.00	\$73,832.62	\$-	
REVENUE		REVENUE	\$45,800.00	\$61,743.00	\$2,500.00	
GRAND TOTAL		NET EVENT PROCEEDS	\$(13,450.00)	\$(12,089.62)	\$(2,500.00)	
Description	Vendor					Notes
VENUE/PERMITS/INSURANCE			\$ 2,750.00	\$ 4,744.00	\$ -	
Venue (Including Electrical)			\$ -	\$ -	\$ -	
Event Organizer Permit	Merced Co. Health		\$ -	\$ 1,064.00	\$ -	
Event Insurance	Winton Ireland		\$ 2,500.00	\$ 2,694.00	\$ -	
Rodeo Insurance	Jaime Fuentes Insurance		\$ -	\$ 761.00		
Permits	ABC Stockton/City of Livingston		\$ 250.00	\$ 225.00	\$ -	Part of Foster Love Reimbursement
MARKETING			\$ 5,000.00	\$ 3,500.00	\$ -	
Postcards			\$ -	\$ -	\$ -	
Poster 11X17				\$ -	\$ -	
Event Programs			\$ -	\$ -	\$ -	
Event T-Shirts				\$ -	\$ -	
Tickets 10,000	Eventbrite		\$ -	\$ -	\$ -	
Event Wristbands	24HourWristbands.com		\$ -	\$ -	\$ -	
Social Media			\$ 1,500.00	\$ -	\$ -	
Newspaper/Magazine	La Mejor		\$ 1,000.00	\$ 1,000.00	\$ -	
TV			\$ -	\$ -	\$ -	
Radio Merced			\$ 2,500.00	\$ 2,500.00	\$ -	
Cumulus Media Modesto/Stockton			\$ -	\$ -	\$ -	
Lazer			\$ -	\$ -	\$ -	
Billboard Ads			\$ -	\$ -	\$ -	
ENTERTAINMENT			\$ 21,500.00	\$ 17,700.00	\$ -	
Friday Entertainment			\$ 4,500.00	\$ -	\$ -	
	Rhythm Blender		\$ -	\$ 1,200.00	\$ -	
	Top Notch Talent		\$ -	\$ 3,000.00	\$ -	
Saturday Entertainment			\$ 1,500.00	\$ -	\$ -	
	Sound Remedy			\$ 1,000.00		
Sunday Entertainment			\$ 12,500.00	\$ -	\$ -	
	Ricky Ricardo			\$ 12,500.00		
Riders			\$ 1,500.00	\$ -	\$ -	
DJ/MC Main Stage			\$ 1,500.00	\$ -	\$ -	
FIREWORKS SHOW			\$ -	\$ -	\$ -	
Fireworks			\$ -	\$ -		
EQUIPMENT RENTAL			\$ 18,500.00	\$ 19,445.40	\$ -	
Carnival Rides			\$ -	\$ -	\$ -	
Stage, Sound, Lighting			\$ 8,500.00	\$ 8,500.00	\$ -	
Generators/Light Towers/Mu	Sunbelt Rentals		\$ -	\$ -	\$ -	
Cooling Fans			\$ -	\$ 432.11	\$ -	
Portable Water Truck/Tank			\$ -	\$ 462.25	\$ -	
Portable Restrooms/Fencing			\$ 7,500.00	\$ 6,973.74	\$ -	
Canopies, Tables, Chairs	Dora's		\$ 2,500.00	\$ 2,237.50	\$ -	
Margarita Machine	Happy Hour		\$ -	\$ -	\$ -	
Gilton - 2 -35 Yard Boxes (Received after agenda posting (Not Paid)			\$ -	\$ 839.80		
STAFFING			\$ 5,000.00	\$ 7,440.00	\$ -	

Security Guards		\$ 5,000.00	\$ 7,440.00	\$ -	
Flyer Handout		\$ -	\$ -	\$ -	
Set Up Crew Day Before		\$ -	\$ -	\$ -	
Event Crew		\$ -	\$ -	\$ -	
Tear Down Crew/Return Stuff		\$ -	\$ -	\$ -	
Set-up/Event Staff/Tear Down		\$ -	\$ -		
RAFFLE		\$ -	\$ 300.00	\$ -	
Raffle Prizes		\$ -	\$ -	\$ -	
50/50 Raffle Payout		\$ -	\$ -	\$ -	
Raffle Tickets		\$ -	\$ -	\$ -	
Gas Cards for the Car Show		\$ -	\$ 300.00	\$ -	
FOOD/DRINKS		\$ 5,500.00	\$ 677.87	\$ -	
Beer		\$ 3,500.00	\$ -	\$ -	
Water/Soda		\$ 1,000.00	\$ -	\$ -	
Ice		\$ 500.00	\$ -	\$ -	
Food for Bands/Volunteers		\$ 500.00	\$ 677.87	\$ -	
OTHER		\$ 1,000.00	\$ 641.26	\$ -	
Misc Supplies		\$ 1,000.00	\$ 641.26	\$ -	
Event Tools/Needs		\$ -	\$ -	\$ -	
FUEL		\$ -	\$ -	\$ -	
Fuel RV	\$0.65 Cents per Mile	\$ -	\$ -	\$ -	
FUEL Generators	RV/APPAREL/OTHER	\$ -	\$ -	\$ -	
Fuel for Trucks/Vans	Vehicle Fuel	\$ -	\$ -	\$ -	
Reimbursements			\$ 14,410.66	\$ -	
Explorer Program	Working the parking lot	\$ -	\$ 3,748.16	\$ -	
Ashley Macias	Took care of the vendors	\$ -	\$ 8,812.50	\$ -	
Vendors	Deposit Refunded	\$ -	\$ 1,850.00	\$ -	
Additional Expenses		\$ -	\$ 46,275.01	\$ -	
Fireworks Payment	Pyro	\$ -	\$ 25,920.00	\$ -	
Staffing	Public Works - OT	\$ -	\$ 5,107.65	\$ -	
Staffing	Police Department - OT	\$ -	\$ 15,247.36	\$ -	
NEED COUNCIL DIRECTION		\$ -	\$ 4,973.43	\$ -	
Entertainment	Estilo PM	\$ -	\$ 1,000.00	\$ -	
Entertainment	Extoria Notena	\$ -	\$ 600.00	\$ -	
Beer Booth	Foster Love	\$ -	\$ 3,373.43	\$ -	
SUBTOTAL	EXPENSES	\$ 59,250.00	\$ 120,107.63	\$ -	
Description	VENDOR				
SPONSORSHIPS		\$ 1,500.00	\$ -	\$ 1,500.00	
City of Livingston			\$ -	\$ -	
Donaghy		\$ 1,500.00	\$ -	\$ 1,500.00	
IN-KIND		\$ 1,000.00	\$ -	\$ 1,000.00	
La Mejor Magazine	Advertisment/Print Sponsorship	\$ 1,000.00	\$ -	\$ 1,000.00	
TICKET SALES		\$ -	\$ -	\$ -	
Ticket Sales	NONE	\$ -	\$ -	\$ -	
CONCESSIONS		\$ 5,300.00	\$ 8,657.00	\$ -	
Beer Booth	All Areas	\$ 5,000.00	\$ 8,657.00	\$ -	
Water Sales	All Areas	\$ 300.00	\$ -	\$ -	
Other			\$ -	\$ -	
VENDOR BOOTHS		\$ 38,000.00	\$ 48,735.00	\$ -	
Carnival	25% Advance, 30% Onsite	\$ 20,000.00	\$ 27,721.00	\$ -	
Vendor Fees		\$ 18,000.00	\$ 18,100.00	\$ -	
Vendor Late Fees/Deposits Kept		\$ -	\$ -	\$ -	
Vendor Health Care Permit Fee		\$ -	\$ 1,064.00	\$ -	

Vendor Deposits Reimbursements		\$ -	\$ 1,850.00	\$ -	
Parking Lot		\$ -	\$ 4,351.00	\$ -	
Parking Lot			\$ 4,351.00	\$ -	
SUBTOTAL	EXPENSES	\$59,250.00	\$73,832.62	\$-	
REVENUE		\$45,800.00	\$61,743.00	\$2,500.00	
GRAND TOTAL	NET EVENT PROCEEDS	\$(13,450.00)	\$(12,089.62)	\$2,500.00	
Additional Expenses not part of the \$60K	Fireworks payment and City Staff Overtime	\$-	\$46,275.01		

Payments to the Explorers and Ashley Macias were not part of the original budget

*****STAFF IS STILL RECEIVING INVOICES *****

City of Livingston
4th of July Festival
Max Foster July 5th - July 7th

Revenue

Description	Amount	Notes
Health Department Fee	\$1,064	
Vendor Deposits	\$1,850	
Vendor Fees	\$18,100	Journal Entry was done to move amounts from FY23/24 to FY24/25
Beer Booth	\$8,657	
Parking Lot	\$4,351	
Carnival Presale Tickets	\$27,035	
Paul Maurer Reconciliation	\$686	
Donation from Donaghy	\$1,500	Per Julio - Not received yet (Not Included in total)
Total	\$61,743	

Expenses

Expenses		
Venue/Permits/Insurance		
Merced County Health	\$1,064	
Insurance	\$2,694	
Rodeo Insurance	\$761	
Total - Venue/Permits/Insurance	\$4,519	
Marketing		
La Mejor Magazine	\$1,000	
Radio Merced	\$2,500	
Total - Marketing	\$3,500	
Entertainment		
Rhythm Blenders	\$1,200	
Sounds Remedy	\$1,000	
Top Notch Talent	\$3,000	
Ricky Ricardo	\$12,500	
Total - Entertainment	\$17,700	
Entertainment (No Contract - Not Paid) - Need Council Direction		
Estilo PM	\$1,000	
Exterior Nortena	\$600	
Total - Entertainment (Not Paid)	\$1,600	
Equipment Rental		
Stage, Sound, Lighting	\$8,500	
Portable Restrooms	\$4,060.08	
Fencing	\$2,913.66	
Canopies, Tables, Chairs	\$2,237.50	
Cooling Fans	\$432.11	
Portable Water Truck/Tank	\$462.25	
Total - Equipment Rental	\$18,605.60	
Staffing/Contracts		
Security Guards	\$7,440	
Exploreres Payment for working Parking Lot	\$3,748.16	
Ashley Macias - Took care of the vendors	\$8,812.50	
Foster Love - No Contract (Not Paid Yet) - Need Council Direction	\$3,598.43	\$225 - Alcohol License, \$1,111.70 - Beer, \$1,398.40 - 25% of total sales after expenses are paid, \$670.92 - sales tax, \$192.41 - supplies
Total - Staffing/Contracts	\$23,599.09	
Food/Drinks		
Food for Staff & Volunteers	\$677.87	
Total - Food/Drinks	\$677.87	
Misc/Other		
Parking Lot Supplies	\$140.59	
Banner	\$343.21	
Gas Gift Card for Car Show	\$300.00	
Caution Tape, Staples, Zip Ties	\$157.46	
Vendor Deposits Reimbursements	\$1,850.00	
Gilton - 2 -35 Yard Boxes (Received after agenda posting (Not Paid)	\$839.80	
Total - Misc/Other	\$3,631.06	
Additional Expenses Not Part Of The Budgeted \$60k		
Pyro Payment for Fireworks	\$25,920.00	
Public Works - OT	\$5,107.65	
Police Department - OT	\$15,247.36	
Total - Additional Expenses Not Part of the \$60k	\$46,275.01	
Budget	\$60,000	
Revenue	\$61,743	
Expenses	\$73,832.62	
Additional Expenses not part of the \$60k	\$46,275.01	

***STAFF IS STILL RECEIVING INVOICES ***

ESTILO PM

Ivan Iglesias
7448 BLUE JAY CT
WINTON, CA 95388

BILL TO

CITY OF LIVINGSTON
4TH OF JULY FESTIVAL

1416 C STREET
LIVINGSTON, CA 95334

INVOICE #

100

INVOICE DATE

07/16/2024

Invoice Total

\$1,000.00

DESCRIPTION

AMOUNT

1HR 7/5 music

500.00

1HR 7/6 music

500.00



STAFF REPORT

AGENDA ITEM: Discussion and Direction Regarding Notices of the Proposed Increased Solid Waste Fees and Rates for a Majority Protest Process in Accordance with Proposition 218.

MEETING DATE: August 20, 2024

FROM: Roy C. Santos, City Attorney

RECOMMENDATION:

This item was included for the City Council to have a discussion and provide direction regarding notices of the proposed increase to the administrative fee and solid waste collection rates for a majority protest process in accordance with Proposition 218.

PREVIOUS COUNCIL DISCUSSION:

The council continued this item on August 6, 2024.

BACKGROUND:

In April staff brought to Council for consideration a resolution establishing the new administrative fee for the City to provide solid waste collection support services, which included billing, account setup and management, customer services, and other ancillary task required to provide solid waste collection services. The administrative fee was prepared to be a reasonably proportionate estimate of the actual costs incurred by the City of Livingston to provide support services for solid waste collection. Council provided staff direction by motion to commence a Proposition 218 style rate setting process for the administrative fee. In addition, at the previous City Council meeting concerns were raised regarding performing a Proposition 218 rate setting hearing for the implementation of Gilton's newly provided rates for solid waste collection services. The City could save resources by including the issue regarding Gilton's solid waste collection service rates with the Proposition 218 process it already requested for the administrative fee for solid waste collection support services. As a result, this issue is being presented to Council for discussion and direction.

DISCUSSION:

Proposition 218 guidelines for the submission and tabulation of protest are as follows:

Submission of Protests:

There will be a hearing conducted in accordance with the provisions of Proposition 218 (California Constitution Art. XIID). Whether there is a majority protest will be determined in accordance with the following:

1. Count the protests against the total number of parcels subject to the fee [Based on APNs and/or ratepayer's regular billing].

2. Count one protest per parcel.
3. Where there are multiple parties with an interest in the parcel, protests rights are liberally construed so that a protest by any party counts as a full protest against that parcel. For example, one protest by a tenant, joint owner, a co-trustee of a trust which is the owner, one of multiple owners or a single owner – is sufficient. One tenant in a multifamily rental unit (regardless of the number of units) on one parcel will count as one protest. Condominiums consist of multiple parcels, so each gets a vote.
4. The written protest must meet the requirements set out in the notice, including that: protests must be (i) written, (ii) have a clear statement of protest, (iii) identify the legal interest of the person protesting, and (v) identify the address or assessor parcel number of the property. In order to be valid, a protest must bear the original signature of the party with an interest in the property identified on the protest. Protests not bearing the original signature shall not be counted.
5. Protests shall be submitted to the City Clerk, either by delivery (mail or personal) to the office of the City Clerk or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
6. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed fees.
7. Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
8. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time they are received.

Tabulation of Protests:

1. The City Manager shall determine the validity of all protests. The City Manager shall not accept as valid any protest if the City Manager determines that any of the following conditions exist:
 - a. The protest does not identify a property served by the City.
 - b. The protest does not bear an original signature of a record owner of the parcel identified on the protest.
 - c. The protest does not state its opposition to the proposed fees.
 - d. The protest was not received by the City Manager before the close of the public hearing on the proposed fees.

- e. A request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
2. The City Manager's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any internal appeal.
3. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of a majority of the properties subject to the proposed fee.

At the conclusion of the public hearing, the City Manager shall complete the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the City Manager may advise the City Council of the absence of a majority protest without determining the validity of all protests.



STAFF REPORT

AGENDA ITEM: Discussion and Direction for Use of Remaining American Rescue Plan Act (ARPA) Funds

MEETING DATE: August 20, 2024

PREPARED BY: Happy Bains, Acting Finance Director

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Staff is seeking direction from Council on the use of the remaining American Rescue Plan Act (ARPA) Funds totaling \$656,392.

BACKGROUND/DISCUSSION:

On March 11, 2021, President Joe Biden signed into law a nearly \$1.9 Trillion Coronavirus relief bill known as the American Rescue Plan Act of 2021 (ARPA). The law represents the sixth COVID-19 recovery measure that Congress has passed since March 2020. Local governments across the country received a total of \$130.2 Billion, including \$65.1 Billion to counties, and \$65.1 Billion to cities and towns. California counties received around \$7.67 Billion. California cities received around \$8.22 Billion.

Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), which is the local governments share under ARPA, must be used within certain limits prescribed in law and U.S. Department Treasury regulations. The funds must be obligated by December 31, 2024, and expended by December 31, 2026. The funds may not be spent on extraordinary pension deposits to pay prior obligations, may not be used to replenish rainy day funds or financial reserves, and may not be used for debt obligations or a non-federal match for other federal programs.

Eligible Uses for Funding:

- Responding to the public health and negative economic impacts of the pandemic
- Providing premium pay to essential workers
- Providing government services to the extent of revenue loss due to the pandemic
- Making necessary investments in water, sewer, and broadband infrastructure
- Disaster Relief
- Surface transportation
- Community Development Block Grants

The City of Livingston was allocated \$3,563,440 in ARPA funds and has already spent or allocated the funds as follows:

- New Water Well - \$2,000,000
- Employee Stipends - \$343,916
- Ripper/Tractor - \$188,132
- Wastewater Repairs - \$375,000

Staff is requesting the Council to provide direction on the preferred use of funds.



STAFF REPORT

AGENDA ITEM: Discussion and Direction Regarding the Cancellation of Recruitment Services Agreement with Bob Murray & Associates for City Manager Recruitment Services

MEETING DATE: August 20, 2024

PREPARED BY: Jose A. Moran

DISCUSSION:

Mayor Jose Moran requested this item be discussed to provide direction regarding the cancellation of recruitment services agreement with Bob Murray & Associates for City Manager Recruitment Services.



STAFF REPORT

AGENDA ITEM: Discussion and Direction on Itinerant Vendor Application and Permit Fee

MEETING DATE: August 20, 2024

PREPARED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Discussion and Direction on Itinerant Vendor Application and Permit Fee.

BACKGROUND:

On December 5, 2023, the Mayor and City directed the City Attorney to update and revise the Municipal Code related to Restaurant on Wheels. During this discussion, small businesses stated that they were unable to operate in the City due to the restrictions in the Municipal Code.

The update addresses portable carts or motor vehicles for the purpose of selling any goods, wares, merchandise, fruits, or vegetables. The revised ordinance requires those who wish to engage in this type of activity to first obtain a business license and permit in accordance with the revised ordinance.

The permit application process is summarized below:

Applicants for vendor permits under this chapter shall file with the city clerk a sworn application in writing on a form to be furnished by the city, so a background check can be performed by the city. The application shall contain the following information:

- (1) Name, height, weight, eye color and hair color;
- (2) Date of birth, driver's license number, Social Security number, tax identification number or state of California identification card;
- (3) Permanent home address and telephone number;
- (4) Local address and telephone number;
- (5) A brief description of the business or activity to be conducted;
- (6) If employed, the name, address and telephone number of the employer, or if acting as agent, the name, address and telephone number of the principal who is being represented, with credentials establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (7) The length of time for which the permit is desired;
- (8) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, measuring two (2) inches by two (2) inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (9) A statement as to whether or not the applicant has been convicted of any criminal offense, whether felony or misdemeanor within the

- last ten (10) years. Applicant shall provide information detailing any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty assessed therefore;
- (10) Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter.
 - (11) If a vehicle is to be used, the application must include a description of each vehicle to be used, with license number, make and model.
- (b) Applicant shall be fingerprinted by the Livingston Police Department or via the California Department of Justice LiveScan system and agree to a criminal history records check conducted by the city based upon their fingerprints.
 - (c) Applicant shall sign an authorization form for the city to seek verification of the information contained within the application, including, but not limited to, the prospective permittee's criminal history.

All operational departments have reviewed the ordinance and no issues have been identified. One newly established business has provided their desire to have the code amended to allow for temporary food vendors as permitted under the proposed ordinance.

COUNCIL DIRECTION

Based on the language of the ordinance, Council can direct that staff develop the following:

1. Charge for an application fee and permit fee in one single charge
2. Charge a separate application fee and a separate permit fee

All fees should be reasonably proportionate to the cost of the services being provided; however, the fee can include administrative costs for processing the applications and enforcing the ordinance.

Based on Council direction, staff would bring back a proposed fee in the future which would be reviewed by the City Attorney to ensure compliance with all applicable laws.

ATTACHMENTS:

1. Municipal Code Section 3-2-8 Restaurant on Wheels (Existing)
2. Proposed Ordinance

§ 3-2-1 GENERALLY.

The rates of the license tax for the businesses, trades, occupations and employments named in this chapter are, and the same are fixed in and for the city, in accordance with this chapter and the same shall be paid by any person engaged in or about to engage in, or carrying on or about to carry on the same in the city. When a license can be measured by gross receipts as defined in § 3-2-2(B) of this chapter, the Finance Officer is authorized to license such business under § 3-2-2 of this chapter, whether or not such business is specifically set forth under a flat rate license section of this chapter.

(Ord. 284, passed 6-13-1985)

§ 3-2-2 GROSS RECEIPTS.

(A) *Generally.* Every person conducting, carrying on or managing a retail business from a fixed place of business within the city shall pay an annual registration tax of \$60, and in addition thereto shall pay a business license tax equal to one mil on each dollar of average monthly gross receipts, computed quarterly and payable quarterly on forms provided by the city.

(B) *Gross receipts defined.* For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GROSS RECEIPTS. The total amount of the sale price of all sales, the total amount charged or received for the performance of an act, service or employment of whatsoever nature it may be, whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not, for which a charge is made, including all receipts, cash credits and property of any kind or nature, without any deduction therefrom on account of the costs of the property sold, the costs of the material used, labor or service costs, interests paid or payable, losses or any other expenses whatsoever; provided, that cash discounts allowed or taken on sales shall not be included and this section shall not be construed to impose any tax upon any business or transaction which the city is not authorized to license or tax under any law of the state or the United States. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser, and such part of the sales price of any property previously sold returned by the purchaser to the seller which is refunded by the seller by way of cash or credit allowances given or taken as part payment on any property so accepted for resale, shall be deducted for the purpose of determining gross receipts under this section.

(Ord. 284, passed 6-13-1985; Ord. 405, passed 6-2-1992)

§ 3-2-3 LICENSE TAX; FLAT FEE.

(A) The following businesses will pay a flat fee license tax of \$60 per year:

1. Amusement rides;
2. Auctioneer;
3. Auto or horse races or similar type events;
4. Barbershop;
5. Beauty parlor;
6. Billiard or pool hall;
7. Billposting;
8. Boarders;
9. Bowling alley or bocce alley or handball court;
10. Brokers;
11. Campground or trailer court;
12. Cannery, packing house, manufacturing plant;
13. Christmas related merchandise;
14. Coin operated sound motion picture machines;
15. Concrete pipe laying;
16. Convalescent home;
17. Creamery;
18. Dances;
19. Directories;
20. Dry cleaning, laundry;
21. Feats or performances;
22. Finance or lending agency;
23. Hauling;
24. Home occupation;

25. Hospital;
26. Junk dealer, secondhand store;
27. Livery or feed stable;
28. Minstrels;
29. Newspaper;
30. Nursery;
31. Nursing home;
32. Parking lot;
33. Pawnshop;
34. Peddling sewing machines, organs and office equipment;
35. Phonographs or mechanical musical instruments;
36. Photographic studio;
37. Professions;
38. Radio broadcasting;
39. Real estate office;
40. Service station;
41. Shoeshining;
42. Shooting gallery or skating rink;
43. Shuffleboard;
44. Sideshow signs;
45. Supplying or distributing milk;
46. Tailor shop;
47. Tobacco store;
48. Tombstones;
49. Trained animals;
50. Traveling merchant;
51. Traveling photographer;
52. Undertaker;
53. Vending machines; and
54. Warehouse.

(B) The following businesses will pay a flat fee license tax as follows:

Carnival	\$600 per week
Circus	\$120 per day
Contractors	\$120 per year or \$40 per quarter
Fortune teller	\$100 per day
Restaurant on wheels	\$25 per quarter
Theaters/shows	\$54 per quarter, \$30 per day or \$120 per week if not a fixed place of business
Vending vehicles and pushcarts	\$15 per quarter per vehicle plus a \$25 registration fee

(Ord. 405, passed 6-2-1992; Ord. 430, passed 2-15-1994)

§ 3-2-4 ITINERANT VENDOR.

(A) Every person engaged in the business or occupation of itinerant vendor shall pay a license fee of \$100 per day.

(B) **ITINERANT VENDOR** means and includes all persons, both principal and agent, who engage in a temporary and transient business in the city, selling different articles of wearing apparel, dry goods, fancy foods, notions, jewelry, cutlery, groceries,

machinery, vehicles of all kinds and types, hardware, tinware, mill products or merchandise of any class or character, with the intention of continuing such business in the city for a period of not more than 120 days and who, for the purpose of carrying on such business, has no fixed place of business or hires, leases or occupies any room, building or structure therein for the exhibition or sale of such items and articles as set forth above, or from which room, building or structure the sales are to be made or business solicited by means of samples or delivery from house to house; any such person or firm so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

1. *License required.* No person, except a person having a fixed and permanent place of business in the city, and duly licensed to so engage in such business at such fixed and permanent place of business under the provisions of this chapter shall:

(a) Engage in the business of hawking, peddling or vending goods, wares, merchandise, periodicals, reading matter, pictures, foodstuffs, services, advertising or any other article or thing of any kind or nature whatsoever, from door to door, house to house, or building to building, or from or upon the streets, alleys, parks or other public places of the city, or from any hotel, motel, rooming house, trailer house, or other enclosure or place, on foot or from or in any vehicle of any nature whatsoever, either by sample or by taking or soliciting orders for immediate delivery or for delivery in the future;

(b) Engage in the business of photography, portraiture, photochromography, operating a photograph studio, taking pictures or any other branch of the photographic art whatsoever, or the rendering or performing of any other skill, profession or service, whether from door to door, house to house or building to building, or from or upon the streets, alleys or other public places of the city, or from any motel, hotel, rooming house, trailer house, enclosure or other place, on foot or from any type of vehicle whatsoever; or

(c) Engage in the business of soliciting orders for photographs, peddling tickets, certificates or other documents intended to apply in whole or in part payment for photographs, frames or other photographic merchandise, or other material or in any other manner whatsoever engage in the business of or soliciting orders for any branch of the photographic art in any respect, including copying, retouching, enlarging or coloring of photographs or photograph negatives and prints, or for the rendering or performing of any other skill, profession or service, without first having applied for a license to so engage in such businesses in conformity with the requirements of this chapter and without first having been issued the license to engage in such businesses pursuant to the application as provided for in subsection (B)2. of this section. No person shall be relieved from the provisions hereof or of any other section of this chapter by reason of associating temporarily with any local dealer, trader, merchant or auctioneer having a fixed place of business in the city, or by conducting a temporary, transient or itinerant business in connection with or as part of or in the name of any such local dealer, trader, merchant or auctioneer having a fixed place of business within the city.

2. *License, application.* All applicants for licenses under the provisions of the subsection (B)1. of this section must pay to the Finance Director an application fee of \$5 and must make application therefor to the Finance Director of the city upon forms provided by the city, which forms shall require the following information from the applicant:

(a) Full name, permanent business address, local business address and residence address of the applicant, if an individual, or its authorized representative, if other than an individual applicant; the nature of the applicant, the full names, ages, addresses and that is, whether individual, partnership, firm, corporation or otherwise; and occupations of each person who shall actually vend, solicit or otherwise engage in any act whatsoever within the city required by this chapter to be licensed on behalf of or for the applicant, whether as principal, agent, servant, employee, associate, partner, representative or otherwise; and

(b) A specific description of the article or service proposed to be sold, vended or performed, whether for immediate or future delivery or performance and the proposed method of delivery and performance, including information as to whether such sales will be made by quantity, weight, quality, package or otherwise and whether delivery or performance will be made personally or by mail or in what other manner.

3. *Documents to accompany application.* In the event any form, contract, order blank, warranty, agreement or other written or printed document is to be signed by the purchaser or person receiving the property or service or is involved in any manner otherwise in the business of the applicant for a license as an itinerant peddler, solicitor, vendor or photographer, the application form must be accompanied by a copy of such form, contract, order blank, warranty, agreement or other written or printed document.

4. *Photograph required.* Each application for a license as required by this chapter must be accompanied by two prints of a recent photograph of each individual person who shall actually engage in vending, selling, soliciting, peddling or doing any other act required under this chapter, to be licensed, whether as principal, agent, servant, employee, associate, partner, representative or otherwise, which photographs shall not exceed two inches square in size and shall be full front views of the face and head only of such persons.

5. *Cash deposit or bond required.* In each case where it appears that the applicant will or may demand, accept or receive payments or deposits of money or property in advance of final delivery or performance of services, the application shall be accompanied by a cash deposit of \$1,000 or by a bond to the city in the penal sum of \$1,000 issued by a surety company authorized to do business within the state. Such bond shall be conditioned for making final delivery of goods, wares or merchandise or for final performance of services to be performed in accordance with the order, agreement or contract entered into, and failing therein, the advance payment or deposit on such order shall be refunded or returned. Such cash deposit or bond, as the case may be, shall remain in full force and effect and be retained for a period of 90 days after the expiration of any such license or the termination of any action upon such bond or deposit of which the Finance Director shall have been notified, unless sooner released by the Finance Director.

6. *Fee.* Each application for a license shall be accompanied by such license fee as may be set forth in this chapter, unless exemption therefrom is approved by the city.

7. *Fingerprints required.* At the time of making the application for a license, as required by subsection (B)5. of this section, each individual person, whether as principal, agent, servant or employee who shall actually engage in selling, soliciting, vending or doing any other act covered under the provisions of the above mentioned subsection, shall present himself or herself at the office of the Chief of Police of the city for the purpose of being fingerprinted and supplying routine information required on the fingerprinting forms

provided without expense by the city, including the physical characteristics of each person, identifying marks or scars, age, name, address and signature. Such fingerprint records are to be taken in triplicate and each individual so presenting himself or herself is advised that the city reserves the right to retain one of such fingerprint records, to the Federal Bureau of Investigation of the Department of Justice at Washington, D.C., and to the Criminal Investigation Department of the California Department of Justice at Sacramento, California, for the purpose of filing. No fingerprint records will be returned in the event the license applied for is not issued or is subsequently suspended or revoked.

8. *Fee exemption.* The following individual applicants shall be exempted from the payment of the license fees in this chapter, but must comply otherwise fully with the applicable requirements as to applications, fingerprinting, bonds and pictures:

(a) Every individual person exempted as an honorably discharged or honorably relieved soldier, sailor or marine under the provisions of Cal. Business and Professions Code § 16001. Such exemptions shall apply only to an individual applicant engaged in peddling, vending or soliciting for and by himself or herself alone, and shall not apply to any individual applicant, otherwise entitled to such exemption, who employs agents, servants or employees in such activities, nor apply to any other type of applicant, of which a person, otherwise entitled to such an exemption is an officer, member, agent or employee. All claims for such exemptions shall be referred to the veteran's service officer of the county for investigation and recommendation;

(b) Every individual person selling and vending farm fruits and vegetables grown and produced by his or her own labor on real property belonging to or possessed by him or her, or selling or vending on property, where the property owner has been granted a conditional use permit for the sale of farm fruits and vegetables;

(c) Every applicant claiming to be entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts a burden upon his or her right to engage in commerce with foreign nations or among the several states, or conflicts with the United States Constitution or the regulations of the United States Congress respecting interstate commerce or any other matter, shall file a verified statement with the Finance Director of the city disclosing the interstate or other character of his or her business entitled to such exemption. Such statement shall state the name and address of the company or firm or group for which the orders are to be solicited or secured or the sale made, the name of the nearest local or state manager, if any, and his or her address, the kind of goods, wares or merchandise to be delivered, the place from which the same are to be shipped or delivered, the method of solicitation or taking orders, the location of any warehouse, factory or plant in the state, the method of delivery, the name and address of the applicant and any other facts bearing on the issues of exemption. All claims for such exemptions shall be referred to the City Attorney for investigation and recommendation; and

(d) Any individual who presents his or her goods and/or services for sale at a residence, where the resident has specifically invited said vendor to his or her residence for said presentation for sale, except that such presentations for sale shall not exceed four times per year per residence.

9. *Identification card, issuance.*

(a) The character and fitness of every applicant shall first be investigated by the Police Department before any license or identification card shall be issued. After conducting such investigation, if the Police Department finds that the character, reputation or fitness of any such applicant is good, the Department shall notify the Finance Director, who shall issue the license and identification card in accordance with this section. If, after conducting such an investigation, the Police Department finds that the character, reputation or fitness of any such applicant is bad, then the Police Department shall recommend the denial of such license and identification card, which recommendation shall be transmitted to the Finance Director. The Finance Director shall thereupon notify the applicant of such fact.

(b) Upon the receipt of the application accompanied by the required documents, the approval of the Police Department and appropriate fees, if any, the Finance Director shall issue a business license to the applicant and individual identification cards to all persons who shall actually solicit for or on behalf of the applicant, whether as principal or otherwise. Such identification card shall have affixed to it one of the pictures filed by the applicant, and shall contain reference to the issuance of the license, a description of the individual to whom issued, date of expiration and the signature of the individual to whom issued. In case the applicant claims an exemption from the payment of license fees under the provisions of subsection (B)8. of this section, the Finance Director shall issue such license only after he or she has reviewed the reports and recommendation of the county veteran's service officer, the agricultural commissioner of the county or the City Attorney, as the case may be, and is satisfied therefrom that the applicant is entitled to the exemption.

10. *License and identification card to be carried on person.* Each applicant for a license, or if other than individual, its representative, must at all times retain in his or her possession the business license issued by the Finance Director and each person issued an identification card must retain the same in his or her personal possession at all times while engaged in the business so licensed within the city and must produce and show the same on the demand of any person solicited or of any police officer or official of the city. No license or person issued an identification card shall alter, remove or obliterate any entry made upon such license or card or deface such license or card in any way. Each license and card shall be personal and not assignable or transferable, nor shall any license or card be used by any person other than the licensee or the person for whom issued.

11. *Conditions and regulations applicable to license.* The following conditions and regulations shall also apply to the exercise of the privileges granted by licenses issued under the provisions of this chapter in addition to those set forth in other parts of this chapter or elsewhere in this code.

(a) *Shouting, horn blowing, calling wares.* No person acting under authority of any license issued pursuant to this chapter shall shout, blow horns or call his or her wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens in the city.

(b) *Identification by comparing signature with that on license.* Every licensee or holder of an identification card, upon the request of any police officer or other officer of the city, shall sign his or her name for comparison with the signature upon the license or card or the signature upon the license application.

(c) *Orders to be written in duplicate.* Any person acting under authority of any license issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered,

the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.

(d) *Loitering on streets, or private property.* No licensee or his or her agent, servant or employee shall stop or remain in any one place upon the streets, alleys, or public places in the city longer than necessary to make a sale to a customer wishing to buy, except by prior permission of the City Manager, nor shall any licensee or his or her agent, servant or employee stop or remain upon any private property within the city without the consent of the owner thereof or some person having authority to grant such permission.

12. *Revocation and suspension.* In the event that the Chief of Police of the city has reasonable cause to believe and does believe that any licensee or other person employed by or representing such licensee is violating any of the provisions of this chapter or any other law or ordinance relating to the business of the licensee, he or she shall have power to and shall be authorized to suspend such license and all identification cards so issued. If no written appeal is filed with the City Clerk protesting such suspension within two days of the date of such suspension, such suspension shall be deemed permanent and all such licenses or identification cards issued thereunder shall be deemed revoked.

13. *Appeals to City Council.* In the event that any applicant desires to appeal from any order, denial of exemption, order of suspension or any other ruling of the Finance Director, the Chief of Police or any other officer of the city, made under the provisions of this chapter dealing with itinerant peddlers, solicitors, vendors, photographers and others, such applicant or any other person aggrieved shall file written notice of such appeal with the City Clerk and such matters shall be heard at the next regular meeting of the City Council, at which time the City Council shall hear and receive evidence, written and oral upon all matters involved. The decision of the City Council shall be final upon all parties concerned.

14. *Solicitation unlawful where "No Peddlers" sign posted.* It is unlawful for any person described in this section to perform or attempt to perform the acts described in this section by ringing the doorbell or knocking at the door or otherwise calling attention to his or her presence of or at any residence, whereon a sign bearing the words "No Peddlers", or words of similar import is painted or affixed so as to be exposed to public view, and no such person described in this section shall perform or attempt to perform any of the acts described in this section in any building, structure or place of business whereon or wherein a sign bearing the words "No Peddlers" or words of similar import, is painted or affixed so as to be exposed to public view.

(Ord. 405, passed 6-2-1992)

§ 3-2-8 RESTAURANT ON WHEELS.

Restaurants on wheels shall be subject to the following rules, regulations and requirements:

(A) Restaurants on wheels are subject to § 3-2-4 of this chapter, with the exception that one for every 5,000 population is allowed at a fixed location upon obtaining a use permit; and

(B) Taco trucks are classified as restaurants on wheels.

(Ord. 429, passed 2-15-1994)

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
REPEALING AND REPLACING CHAPTER 2-4, OF TITLE 3 OF THE LIVINGSTON
MUNICIPAL CODE PERTAINING TO ITINERANT VENDOR**

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, in September of 2018 the State Legislature enacted SB 946 creating new statutes governing the activities of sidewalk vendors and the permissible regulations which public agencies may codify by local ordinance and/or resolution; and

WHEREAS, pursuant to the City’s express statutory authority and its police power, the City desires to enact reasonable regulations for itinerant vendors, solicitors and peddlers; 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 itinerant vendors, solicitors and peddlers; and

WHEREAS, the City seeks to regulate itinerant vendor parking given the limited spacing for vehicle parking throughout the city limits, but especially surrounding the city’s local parks; and

WHEREAS, this Ordinance is intended to regulate itinerant vendor activities to ensure the health, safety and welfare of both the vendor’s and city residents utilizing the city parks, sidewalks and public common spaces; 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 relating to itinerant vendors, solicitors and peddlers which is illegal under state or federal law; and

WHEREAS, it is the intent of the City to regulate itinerant vendors, solicitors and peddlers activities within the boundaries of the City.

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 2-4, of Title 3, of the Livingston Municipal Code is hereby repealed and replaced with the Sections specifically identified below to read as follows:

Chapter 2-4

ITINERANT VENDORS

Section 2-4.010 Definitions.

The following words and phrases shall, for purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

- (a) “Fixed place of business” means a fixed business place, location, building, room, stand or enclosure separate and distinct from any other business, in which goods, wares, merchandise, fruit or vegetables are kept, displayed or offered for sale to the public, regularly kept open with an agent in exclusive attendance for at least six hours per day, for at least five days per week.
- (b) “Itinerant vendor” means any person who sets up a temporary stand or place or uses a portable cart or motor vehicle as defined in the California Vehicle Code for the purpose of selling any goods, wares, merchandise, fruits or vegetables, or one who solicits orders for the sale of such goods, wares, merchandise, fruits or vegetables to be delivered at some future time or date. Itinerant vendor does not include a merchant having a fixed place of business within the city, or his or her employee, who sells or solicits orders for the sale of goods, wares, merchandise, services, fruits or vegetables, after a prior approval, either oral or written, from the vendee. Itinerant vendor does not include a merchant who sets up a temporary stand or place as part of an approved farmers market. Itinerant vendors who set up on private property must secure written permission from the property owner or person having control of said property and said written permission must be in the possession of the vendor. Further, “Itinerant vendor” includes the terms “sidewalk vendor,” “roaming vendor,” and “stationary sidewalk vendor” as defined within Government Code section 51036. Lastly, “Itinerant vendor” includes the terms “Mobile food facility” as defined within California Retail Food Code (Cal Code), Section 113831(a), which states any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.
- (c) “Peddler” means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes

deliveries to purchasers as part of the scheme to evade the provisions of this chapter.

- (d) “Person” means any person, firm, corporation, association, club, society, or other organization.
- (e) “Solicitor” means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, for the purpose of taking or soliciting orders for the sale of goods, wares, merchandise, or personal property of any nature for future delivery, or for services to be performed in the future.
- (f) Wherever the terms “selling” or “sales” are used herein, “buying” and “purchasing” shall be deemed included.

Section 2-4.020 Permits.

It is unlawful for any solicitor, peddler or itinerant vendor to engage in business within the city without first obtaining a business license and permit which complies with the provisions of this chapter, unless the activities of the solicitor, peddler or itinerant vendor are exempt from municipal regulation by state, federal or local law.

Section 2-4.030 Permit Application.

- (a) Applicants for vendor permits under this chapter shall file with the city clerk a sworn application in writing on a form to be furnished by the city, so a background check can be performed by the city. The application shall contain the following information:
 - (1) Name, height, weight, eye color and hair color;
 - (2) Date of birth, driver’s license number, Social Security number, tax identification number or state of California identification card;
 - (3) Permanent home address and telephone number;
 - (4) Local address and telephone number;
 - (5) A brief description of the business or activity to be conducted;
 - (6) If employed, the name, address and telephone number of the employer, or if acting as agent, the name, address and telephone number of the principal who is being represented, with credentials establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
 - (7) The length of time for which the permit is desired;
 - (8) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, measuring

two (2) inches by two (2) inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner;

- (9) A statement as to whether or not the applicant has been convicted of any criminal offense, whether felony or misdemeanor within the last ten (10) years. Applicant shall provide information detailing any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty assessed therefore;
 - (10) Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter.
 - (11) If a vehicle is to be used, the application must include a description of each vehicle to be used, with license number, make and model.
- (b) Applicant shall be fingerprinted by the Livingston Police Department or via the California Department of Justice LiveScan system and agree to a criminal history records check conducted by the city based upon their fingerprints.
 - (c) Applicant shall sign an authorization form for the city to seek verification of the information contained within the application, including, but not limited to, the prospective permittee's criminal history.

Section 2-4.040 Permit Fee.

At the time the application is filed with the city clerk, the applicant shall provide the city with a non-refundable fee to process their application. The fee shall include an amount to cover the costs of fingerprinting, background checks as well as general review and processing of the application. In the alternative, the applicant may provide the city clerk with a completed background check performed by a third party vendor approved by the city. The amount of the fee shall be established, and from time to time may be amended by resolution of the city council.

Section 2-4.050 Permit - Investigation and Issuance.

- (a) The City Manager or his/her designee shall deny an application based upon any of the following grounds:
 - (1) The applicant has been issued a local or state permit or license to conduct itinerant vendor, solicitor or peddler activities at any other location within the state of California or another state and the permit or license was suspended or revoked, or the applicant has had disciplinary action relating to the permit or license.

- (2) The applicant has been convicted of a serious or violent offense as listed within California Penal Code Sections 667.5 and 1192.7(c).
 - (3) The applicant has been convicted of a misdemeanor involving theft, dishonesty, fraud, narcotics sales or narcotic trafficking within the five (5) years preceding the date of the application.
 - (4) The applicant has been convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined within the Federal Controlled Substance Act, unless the applicant received a Certificate of Rehabilitation as defined in the Act.
 - (5) The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business practices as defined by the Livingston Municipal Code and/or state or federal law.
 - (6) The applicant is under the age of eighteen (18), or any age as may be set by state law.
- (b) Upon approval of an application, the city shall deliver the required permit to the applicant. Such permit shall contain the signature and seal of the city clerk and shall show the name, address and photograph of the permittee, the class of vendor permit issued, the kind of goods or services to be sold or delivered thereunder, the amount of the fee paid, the date of issuance, and the length of time the permit shall be operative. It shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued. The city clerk shall keep a record of all active permits.

Section 2-4.060 Permit - Expiration.

All permits issued under the provisions of this chapter shall expire one (1) year from date of issuance, unless an earlier expiration date is noted on the permit.

Section 2-4.070 Permit - Badges.

The city clerk shall issue to each permittee, at the time of delivery of his or her permit, a badge, which shall be worn continuously by the permittee in such a way as to be conspicuous at all times while the permittee is conducting business in the city pursuant to such permit. The badge shall bear the appropriate words, e.g., “Permitted Vendor” or “Permitted Peddler,” the period for which the permit is issued and the number of the permit, in letters and figures clearly discernible.

Section 2-4.080 Permit - Transfer Prohibited.

No permit issued under the provisions of this chapter shall be used or worn at any time by any person other than the person to whom it was issued.

Section 2-4.090 Permit - Exhibition.

Every person required to be permitted under the provisions of this chapter shall exhibit his or her permit when requested to do so by any prospective customer or Livingston Police Department sworn officer or code enforcement officer.

Section 2-4.100 Entry Upon Signed Premises Unlawful.

It is unlawful for any person, while conducting the business of itinerant vendor, solicitor or peddler, whether permitted or unpermitted, to enter upon any residential premises in the city where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on said premises, a non-illuminated flat sign of not more than one square foot bearing the words “No Solicitors,” or words of similar import.

Section 2-4.110 Hours of Solicitation.

It is unlawful for any person, while conducting the business of itinerant vendor, solicitor or peddler, whether permitted or unpermitted, to enter upon any residential or public premises between the hours of eight (8:00) P.M and eight (8:00) A.M. pacific standard time.

Section 2-4.115 Regulations Concerning Itinerant Vendors.

The following regulations shall apply to itinerant vendors as defined in Section 2-4.010:

- (a) No itinerant vendor shall park or stand on a public sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (b) Itinerant vendors shall not stand or park in any parking lot of any public park in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act. Vendors within a park shall only park their vehicle, including but not limited to personal vehicle or mobile food truck, adjacent to a public park in spaces designated by signage. The designations shall be made and posted from time to time by the city manager or designee, who may limit the number of spaces for itinerant vendors. Vendor vehicles, including but not limited to personal vehicle or mobile food truck, not parked within the designated parking spaces shall constitute a public nuisance and shall be subject to the provisions of the Livingston Municipal Code.
- (c) No chairs or tables are allowed to be placed on the sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (d) Vendors shall remove any debris from the sales, ensure a receptacle is available for the disposal of debris, and make sure that the area is kept clean.

- (e) School Zones. No itinerant vendor shall stand or park within three hundred feet of any school zone weekdays, Monday through Friday, from eight (8:00) A.M. to four (4:00) P.M. except for holidays and when school is not in session.
- (f) Public Streets. No itinerant vendor shall stand or park on any street in a commercial zone any truck, trailer, wagon or push cart in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disability Act or California Disabled Persons Act.
- (g) Private Property. Itinerant vendors shall be permitted on developed private property only in commercial, industrial and open space zoning districts. The area occupied by each itinerant vendor on private property shall not exceed nine hundred square feet and shall be located on hard surface paving. Itinerant vendors are prohibited in residential zoning districts.
- (h) Mobile Food Facility and/or Restaurant on Wheels. Itinerant vendors shall not be permitted to operate a mobile food facility and/or restaurant on wheels which remains at the same location, property or parcel for more than eight (8) hours or two (2) consecutive days.

Section 2-4.120 Enforcement Authority.

Any city police officer or code enforcement officer may require any itinerant vendor, solicitor or peddler, who is not known to such officer to be duly permitted to do so, to produce his or her permit, and to enforce the provisions of this chapter against any person found to be violating the same.

Section 2-4.130 Records.

City staff shall record any violations of this chapter on the permanent record of said permit kept pursuant to the provisions of subsection (d) of Section 2-4.050 of this chapter.

Section 2-4.140 Permit - Revocation.

Permits issued under the provisions of this chapter may be revoked by the city, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for permit;
- (b) Fraud, misrepresentation, or false statement made by the permittee in the course of carrying on the business of vendor, solicitor or peddler;
- (c) The violation of any provision of this chapter or the Livingston Municipal Code;

- (d) Conviction of any crime involving theft, dishonesty, fraud, narcotics sales, narcotic trafficking or as identified within California Penal Code Sections 667.5 and 1192.7(c) and the Federal Controlled Substance Act.;
- (e) Conducting the business of vendor, solicitor or peddler in such a manner as to constitute a breach of the peace or create a threat to the health, safety, or general welfare of the public.

Section 2-4.150 Notice of Hearing on Revocation.

Notice of the hearing for revocation of a license pursuant to the provisions of Section 2-4.140 of this chapter shall be given in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Said notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 2-4.160 Permit - Appeal Procedure.

Any person denied a permit or had a permit revoked under the provisions of this chapter shall have the right to appeal such action or decision to the city manager or his/her designee. Such appeal shall be taken by filing with the city clerk, within ten (10) days after notice of the action or decision complained of has been mailed to such person's address as shown on his or her permit application form, or to such person's last known address, a written statement setting forth the grounds for the appeal. The city clerk shall transmit the written statement to the city manager or his/her designee and the city manager or his/her designee shall set a time and place for a hearing on the appeal. Notice of the time and place of such hearing shall be given to the appellant in the same manner as is hereinabove in this section provided for the mailing of notice of action or decision. The decision of the city manager or his/her designee on such appeal shall be final and binding on all parties concerned. Unless the governing ordinance or statute provides otherwise, if the appellant seeks further relief, the appellant shall file a petition for writ of mandate in superior court pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6 within ninety (90) calendar days of the date of the decision.

Section 2-4.170 Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee as provided in Section 2-4.040 of this chapter, shall cite to the city clerk in statute or other legal authority under which exemption is claimed and shall present to the city clerk proof of qualification for such exemption.

Section 2-4.180 Penalty for Violations.

Any person who violates any of the provisions of this chapter shall be punished as follows:

- (a) With a permit:
 - (1) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

- (2) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
 - (3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.
 - (4) Upon a fourth (4) violation of this chapter, the permit shall be rescinded.
- (b) Without a permit:
- (1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
 - (2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
 - (3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
- (c) Failure to pay an administrative fine pursuant to section shall not be punishable as an infraction or misdemeanor.

Any other violation(s) of the Livingston Municipal Code shall be subject to the established enforcement and penalties of said municipal code.

SECTION 4: 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.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving the first reading, except by Title, at a regular meeting thereof held on the 6th day of August 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

APPROVED AS TO FORM:

By: _____
Roy C. Santos, City Attorney
Aleshire & Wynder, LLP

I, _____, 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.