



CITY COUNCIL REGULAR MEETING AGENDA SEPTEMBER 7, 2021

CLOSED SESSION: 6:00 P.M. – 7:00 pm
OPEN SESSION: 7:00 P.M.

NOTICE: IN ORDER TO MINIMIZE THE SPREAD OF THE COVID-19 VIRUS, THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-08-21, WHICH SUSPENDED CERTAIN REQUIREMENTS OF THE BROWN ACT.

WE ENCOURAGE ALL MEMBERS OF THE PUBLIC TO PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (605) 468-8002, ACCESS CODE NUMBER 156811#. ANY MEMBER OF THE PUBLIC PARTICIPATING VIA TELECONFERENCE WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

ADDITIONALLY, THE MEETING WILL BE STREAMED ON YOUTUBE LIVE
https://www.youtube.com/channel/UCB_ZmQZIHlH-ECEPZ2VwZq

IF YOU CHOOSE TO ATTEND THE COUNCIL MEETING IN PERSON, YOU WILL BE REQUIRED TO MAINTAIN APPROPRIATE SOCIAL DISTANCING, INCLUDING, MAINTAINING A SIX-FOOT DISTANCE BETWEEN YOURSELF AND OTHER INDIVIDUALS, AND WEAR A FACE COVERING. PLEASE NOTE, SEATING IS LIMITED.

(Some Councilmembers may be participating in the meeting remotely via teleconferencing consistent with the Governor's Executive Order N-08-21.)

Notice is hereby given that the City Council will hold a Regular Meeting on September 7, 2021, at the City Council Chambers, 663 Main Street, Livingston, California or conducted pursuant to the provisions of the Governor's Executive Order N-08-21. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the Deputy City Clerk at least 24 hours prior to this meeting at (209) 394-8041, Ext. 121. Any writings or documents pertaining to an Open Session

item provided to a majority of the members of the legislative body less than 72 hours prior to the meeting shall be made available for public inspection by email if requested. Public comments can be submitted via email at citycouncil@livingstoncity.com. Comments must be received by 2:00 p.m. on the day of the City Council meeting. 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.

CLOSED SESSION

1. Call to Order
2. Roll Call

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 1416 C 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, 1416 C Street, Livingston, California.*

3. Conference with Labor Negotiator
(Government Code Section 54957.6)
Labor Negotiator: Vanessa Portillo, Interim City Manager
Employee Organizations:
OE3 - Police Supervisory Employees Association
OE3- Livingston Police Officer Association
OE3- Management/Confidential Bargaining Unit
OE3- Clerical Bargaining Unit
AFSCME- Public Works and Park Unit
4. Conference with Legal Counsel – Potential Litigation- Significant Exposure to Litigation
(Government Code Section 54956.9(d) (2))
Number of Cases: 1

REGULAR MEETING

CALL TO ORDER

Pledge of Allegiance.

Next Resolution No.: 2021-55
Next Ordinance No.: 643

Moment of Silence – First Responders and Military Members.

Roll Call.

Closed Session Announcements.

Changes to the Agenda.

CITIZEN COMMENTS

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL WILL BE GIVEN THE SAME TIME ALLOTMENT FOR COMMENTS (3 MINUTES) AS NORMALLY ALLOWED FOR MEETINGS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER N-08-21

This section of the agenda allows members of the public to address the City Council on any item NOT otherwise 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. For items which are on the agenda this evening members of the public will be provided an opportunity to address the City Council as each item is brought up for discussion.

AWARDS, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Aguilar: UFW Foundation.

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.

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 the City Manager or City Council Member. There will be no separate discussion of these items unless members of the City Council or City Manager request that specific items be removed.

2. RATIFY CHECK WARRANTS
Ratify Warrant Register Dated August 31, 2021.
3. LANDSCAPING CONTRACT SERVICES WITH CVTL
Adopt Resolution Approving Award of Agreement for Landscaping Services to Central Valley Tree and Landscaping (CVTL).

4. PROFESSIONAL SERVICES AGREEMENT WITH NBS FOR CFD 2005-01 REVIEW
Adopt Resolution Approving Professional Services Agreement with NBS for CFD Review and Related Budget Amendment.
5. FY2021/22 STAFFING CHANGES AND REVISED JOB DESCRIPTION FOR PUBLIC SERVICES DIRECTOR
Adopt Resolution Approving Staffing Revisions for Fiscal Year 2021/22 and Revised Job Description for Public Services Director.
6. PURCHASE OF LIGHTS FOR MAX FOSTER AND JOSEPH GALLO PARKS
Adopt Resolution Authorizing the Purchase of Park Lights at Max Foster and Joseph Gallo Parks.
7. SEWER SERVER PURCHASE
Adopt Resolution Approving Contract with Tesco for Sewer Server Replacement and Related Budget Amendment
8. LIVINGSTON YOUTH FOOTBALL FEE WAIVER REQUEST
Adopt Resolution Approving the Livingston Youth Football Association Fe Waiver Request

PUBLIC HEARINGS

9. Resolution Approving the General Plan Amendment 2021-01 for the Tierrasanta Villas Apartment at 915 B Street (GPA 2021-01).

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

ADJOURNMENT



STAFF REPORT

AGENDA ITEM: Warrant Register dated August 31, 2021

MEETING DATE: September 7, 2021

PREPARED BY: Nancy Fuentes, Accounting Technician

REVIEWED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION:

Ratify the warrant register dated August 31, 2021

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:

August 12, 2021 – August 31, 2021

GENERAL WARRANTS.....\$	844,246.98	5085-5209
PAYROLL/WIRE WARRANTS.....\$	139,701.44	1710-1727
TOTAL WARRANTS.....\$	983,948.42	

ATTACHMENTS:

Warrant Register (summarized by date and check number)

Accounts Payable

Checks by Date - Summary by Check Date

User: nfuentes
Printed: 9/1/2021 5:02 PM



City of Livingston
1416 C Street
Livingston, CA 95334

Check No	Vendor No	Vendor Name	Check Date	Check Amount
5085	462	Fernando Carrillo	08/19/2021	200.00
5086	398	Central SanJoaquin Valley Risk Manageme	08/19/2021	245,136.00
5087	399	Central SanJoaquin Valley Risk Manageme	08/19/2021	86,107.00
5088	449	Fineline Striping	08/19/2021	9,775.00
5089	404	Merced County Clerk	08/19/2021	100.00
5090	608	Vision Service Plan- CA	08/19/2021	2,878.91
Total for 8/19/2021:				344,196.91
5091	612	Livingston Peace Officers Association	08/26/2021	4,543.00
5092	393	State of California	08/26/2021	635.83
Total for 8/26/2021:				5,178.83
5093	741	Audry Del Toro	08/31/2021	150.00
5094	604	Fastenal Company	08/31/2021	320.31
5095	400	In-Shape Health Clubs	08/31/2021	47.50
5096	302	Office Depot, Inc.	08/31/2021	91.56
5097	742	Ramon Pineda	08/31/2021	150.00
5098	405	Premier Access Insurance Company	08/31/2021	2,836.50
5099	743	Anacy Rojas	08/31/2021	150.00
5100	499	Safety-Kleen Systems, Inc.	08/31/2021	51.72
5101	412	State of California Department of Transport	08/31/2021	560.73
5102	530	Telstar Instruments	08/31/2021	983.25
5103	625	United Rentals	08/31/2021	11,873.20
5104	487	Albert Poukaldani Village Cleaners	08/31/2021	251.00
5105	745	JEG Livingston Ranches	08/31/2021	17,706.50
5106	746	Sigala,Inc	08/31/2021	17,706.50
5107	251	ABS Direct, Inc.	08/31/2021	115.80
5108	616	Adams Ashby Group, Inc.	08/31/2021	2,300.00
5109	395	Administrative Solution, Inc.	08/31/2021	75.00
5110	434	AFSCME District Council 57	08/31/2021	680.12
5111	UB*01960	JESUS AGUILAR	08/31/2021	252.84
5112	UB*01959	MONICA AGUILAR	08/31/2021	144.48
5113	250	Alhambra	08/31/2021	500.91
5114	747	All Star Elite Sports	08/31/2021	3,943.96
5115	736	ARA, Inc.	08/31/2021	1,542.40
5116	282	AT&T Mobility	08/31/2021	282.18
5117	454	Backflow Apparatus & Valve Co.	08/31/2021	695.28
5118	411	Harpreet Bains	08/31/2021	25.00
5119	748	Emma Barragan	08/31/2021	323.32
5120	162	Steve Bassi	08/31/2021	25.00
5121	538	Adanan Bath	08/31/2021	25.00
5122	417	Brenntag Pacific, Inc.	08/31/2021	3,315.60
5123	193	BSK Associates	08/31/2021	1,245.00
5124	192	Cal Traffic	08/31/2021	2,613.40
5125	168	Calaveras Materials, Inc.	08/31/2021	2,658.39

Check No	Vendor No	Vendor Name	Check Date	Check Amount
5126	660	Calgon Carbon Corporation	08/31/2021	1,216.73
5127	418	Central Valley Concrete	08/31/2021	1,201.41
5128	681	Central Valley Umpire Association	08/31/2021	420.00
5129	272	Charter Communications	08/31/2021	272.48
5130	291	City of Livingston c/o L & L District Irrigati	08/31/2021	17,878.25
5131	189	ComTech21 LLC	08/31/2021	79.37
5132	447	Conco West, Inc	08/31/2021	14,343.94
5133	369	Dustin Cunningham	08/31/2021	200.00
5134	293	Department of Justice Accounting Office	08/31/2021	269.00
5135	549	Vanessa Belen Echevarria	08/31/2021	868.00
5136	603	Far West Laboratories, Inc.	08/31/2021	320.00
5137	449	Fineline Striping	08/31/2021	19,887.00
5138	260	First Communications, LLC	08/31/2021	21.18
5139	420	Frantz Wholesale Nursery, LLC.	08/31/2021	28.05
5140	188	Frontier	08/31/2021	5,061.93
5141	387	Frontier Communications Corp Frontier Co	08/31/2021	151.32
5142	263	Galls, LLC	08/31/2021	349.79
5143	727	Garton Tractor, Inc	08/31/2021	136.06
5144	164	Garza Tire & Wheel, Inc	08/31/2021	1,201.09
5145	356	Gouveia Engineering, Inc.	08/31/2021	60,758.55
5146	264	Guardian Public Safety Background Investi	08/31/2021	1,400.00
5147	265	Jennifer Halpin	08/31/2021	750.75
5148	733	Hawk Analytics, Inc.	08/31/2021	2,995.00
5149	469	Hewlett Packard Financial Services Co.	08/31/2021	901.99
5150	358	Hilmar Ready Mix Rockery Nursery, LLC	08/31/2021	145.46
5151	359	Hinderliter, de Llamas & Associates	08/31/2021	991.10
5152	267	Hoffman Security	08/31/2021	550.90
5153	501	Hunt & Sons, Inc.	08/31/2021	7,634.50
5154	296	Image Source	08/31/2021	34.41
5155	400	In-Shape Health Clubs	08/31/2021	95.00
5156	552	J & F AG Welding Shop	08/31/2021	533.18
5157	464	Johnson Controls Fire Protection LP	08/31/2021	269.33
5158	476	Jorgensen Company	08/31/2021	58.47
5159	167	Kimball Midwest	08/31/2021	202.93
5160	318	La Rue Communications	08/31/2021	301.27
5161	734	Selene Marquez	08/31/2021	150.00
5162	UB*01961	ALEX McCABE	08/31/2021	85.82
5163	615	McClatchy Company LLC	08/31/2021	1,015.39
5164	750	Alexander Medrano	08/31/2021	150.00
5165	UB*01958	ANTONIO MENDOZA	08/31/2021	75.00
5166	278	Merced Irrigation District	08/31/2021	49,800.65
5167	269	Merced Pest Control	08/31/2021	80.00
5168	595	Metro Uniform Merced	08/31/2021	808.13
5169	226	Meyers Nave	08/31/2021	2,215.34
5170	731	Miceli-Watters, Staffing Partners, LLC	08/31/2021	20.00
5171	389	Mid Valley IT	08/31/2021	475.00
5172	740	Claudia Millan	08/31/2021	195.00
5173	170	MintierHarnish Planning Consulants	08/31/2021	9,755.35
5174	180	Mission Linen Service	08/31/2021	770.30
5175	270	Modern Air Mechanical	08/31/2021	24,823.00
5176	194	Modesto Welding Products	08/31/2021	21.00
5177	431	Monte Vista Small Animal Hospital	08/31/2021	151.36
5178	484	Municode	08/31/2021	2,900.00
5179	737	Nation and Badilla Investigations	08/31/2021	5,534.92
5180	751	Valley Diagnostic & Psychological Services	08/31/2021	1,100.00
5181	199	Northstar Chemical	08/31/2021	3,628.25
5182	302	Office Depot, Inc.	08/31/2021	1,329.69

Check No	Vendor No	Vendor Name	Check Date	Check Amount
5183	201	O'reilly Automotive, Inc.	08/31/2021	4,275.52
5184	205	Paramount Pest Services	08/31/2021	204.00
5185	UB*01962	BRIANNA MOORE & PEDRO MOLINA	08/31/2021	39.40
5186	203	PG&E	08/31/2021	80,483.31
5187	44	Alma Pina	08/31/2021	150.00
5188	405	Premier Access Insurance Company	08/31/2021	58.05
5189	303	Price Ford of Turlock	08/31/2021	1,753.53
5190	554	Alvaro Ramirez	08/31/2021	206.00
5191	365	Rolfe Construction Co.	08/31/2021	26,780.51
5192	535	Jason Roth	08/31/2021	25.00
5193	450	S & A Manufacturing	08/31/2021	28.66
5194	739	Self- Help Enterprises	08/31/2021	13,013.81
5195	439	Sharpening Shop	08/31/2021	793.55
5196	309	St. Francis Electric	08/31/2021	705.00
5197	598	Standard Insurance Company RB	08/31/2021	3,647.18
5198	732	The California Peace Officers' Association	08/31/2021	312.52
5199	735	The Guardian Agency, Inc.	08/31/2021	5,208.40
5200	472	Aqua-Metric Sales Company Thirkettle Co	08/31/2021	11,143.59
5201	738	TimeClock Plus, LLC	08/31/2021	1,268.25
5202	314	Valley Coffee	08/31/2021	170.80
5203	367	Verizon Wireless	08/31/2021	956.15
5204	752	Anna Villarreal	08/31/2021	150.00
5205	536	Robert Wallis	08/31/2021	25.00
5206	753	Warden's	08/31/2021	710.07
5207	287	West Coast Code Consultants, Inc.	08/31/2021	20,849.05
5208	210	WGR Southwest, Inc.	08/31/2021	1,562.50
5209	317	Zee Medical Service Co.	08/31/2021	96.30
Total for 8/31/2021:				494,871.24
Report Total (125 checks):				844,246.98

STAFF REPORT



AGENDA ITEM: Adopt Resolution Approving Award of Agreement for Landscaping Services to Central Valley Tree and Landscaping (CVTL)

MEETING DATE: September 7, 2021

PREPARED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution approving award of agreement for Landscaping Services to CVTL and authorize the City Manager to sign the agreement.

BACKGROUND

The City allocates funding for seasonal personnel during the summer months to maintain the Landscape and Maintenance District (LMD) areas. Hiring of personnel is a labor intensive task that can take several weeks to complete. Also, given the current post-pandemic labor market, seasonal workers are scarce.

Contracting landscaping services for the LMD areas is an efficient and cost-effective way to meet the City's needs and provide the services our residents deserve.

DISCUSSION

Quotes for landscaping services were requested from several qualified companies in the area. Two (2) providers submitted a quote for services as follows:

- Central Valley Tree and Landscaping: \$5,923 (monthly fee, 6-months commitment)
- Diaz and Flores Landscaping: \$16,900 (one-time clean up fee before a monthly service can be established)

The contract costs will be covered by budgeted salaries for seasonal personnel. Currently, it is estimated that one (1) seasonal worker (6-month assignment) costs the City approximately \$25 thousand. The City has budget approval for four (4) seasonal positions (2 vacant) totaling \$100 thousand.

Staff recommends contracting with CVTL for a period of 6-months to provide landscaping services, using savings from two (2) vacant seasonal worker positions, to six (6) main LMD areas for a contract total of \$35,538 (savings of approximately \$15 thousand). During the service period, CVTL will provide assessments of our irrigation system and conduct a comprehensive cleanup of the following areas: Winton Parkway, Dwight Street, Robin Avenue, Peach Street, Hammatt Avenue, and F Street.

FISCAL IMPACT

Seasonal personnel salary allocations will be redirected to cover the cost of landscaping services for the LMD areas. The Finance Department will make the necessary adjustments in the financial system to reflect this change.

ATTACHMENTS

1. Resolution

RESOLUTION NO. 2021-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE AWARD OF AGREEMENT FOR LANDSCAPING SERVICES TO
CENTRAL VALLEY TREE AND LANDSCAPING**

WHEREAS, the City of Livingston (the "City") allocates approximately \$100 thousand for four (4) seasonal personnel during the summer months to maintain the Landscape and Maintenance District (LMD) areas; and

WHEREAS, given the current post-pandemic labor market, seasonal workers are scarce; and

WHEREAS, Contracting landscaping services for the LMD areas is an efficient and cost-effective way to meet the City's needs and provide the services our residents deserve; and

WHEREAS, Central Valley Tree and Landscaping proposes a monthly fee of \$5,923 to service six (6) main LMD areas for a 6-month commitment totaling \$35,538; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livingston does hereby resolve, find and order as follows:

1. The above recitals are true and correct.
2. The City Manager of the City of Livingston is authorized to execute the Agreement and any and all documents necessary to effectuate the Agreement on behalf of the City.
3. This resolution is effective immediately upon adoption.

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 20th day of July, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

STAFF REPORT



AGENDA ITEM: Adopt Resolution Approving the Agreement with NBS for Community Facilities District (CFD) 2005-1 Review Services

MEETING DATE: September 7, 2021

PREPARED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution approving award of agreement for CFD 2005-1 Review to NBS and authorize the City Manager to execute the agreement.

BACKGROUND

The City formed CFD 2005-1 in May 2005 by adoption of Resolution 2005-52. CFD 2005-01 was formed to fund ongoing service-related costs for Police Services, Fire Protection, and Park Maintenance. CFD 2005-01 is expected to fund these services into perpetuity.

DISCUSSION

CFD 2005-1 was formed in May 2005 by the adoption of Resolution 2005-52. CFD 2005-1 funds ongoing costs for Police, Fire, and Park Maintenance.

The City collects funds from the CFD to provide specific services. The City needs assistance evaluating the services funded through the CFD and potentially expand those services to fully utilize the funds collected. Therefore, a CFD review will be performed to advise on the use of the CFD's funds.

NBS provides administration services for the many special assessment and special tax districts throughout California since 1997. Over the years, NBS has performed many Landscape Maintenance District (LMD) and CFD formations. CFD 2005-1 will be reviewed by NBS to help maximize the utilization of the CFD. NBS will help determine potential positive or negative fiscal impacts of the CFD and the areas where services could be maximized.

FISCAL IMPACT

A budget increase in the CFD 2005-1 Fund (Fund 1213) is necessary to cover the costs for the CFD review estimated at \$15,500. The Finance Department will make the necessary adjustments to the CFD 2005-1 budget (Fund 1213).

ATTACHMENTS

1. Resolution of the City Council of the City of Livingston Approving the Agreement with NBS for Community Facilities District (CFD) 2005-1 Review Services and Authorize the City Manager to Execute the Agreement.

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE AGREEMENT WITH NBS FOR COMMUNITY FACILITIES
DISTRICT (CFD) 2005-1 REVIEW SERVICES AND AUTHORIZE THE CITY
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Livingston (the "City") formed CFD 2005-1 in May 2005 by adoption of Resolution 2005-52; and

WHEREAS, CFD 2005-1 funds ongoing service-related costs for Police Services, Fire Protection, and Park Maintenance into perpetuity; and

WHEREAS, an evaluation of the services funded through the CFD is required to potentially create service expansions and maximizing the funds utilization; and

WHEREAS, NBS will perform such services for a fee of \$15,500 funded through the CFD 2005-1 fund (Fund 1213); and

WHEREAS, The Finance Department will make the necessary adjustments to the CFD 2005-1 budget (Fund 1213); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livingston does hereby resolve, find and order as follows:

1. The above recitals are true and correct.
2. The City Manager of the City of Livingston is authorized to execute the Agreement and any and all documents necessary to effectuate the Agreement on behalf of the City.
3. This resolution is effective immediately upon adoption.

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston



870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349

www.nbsgov.com

August 17, 2021

Vanessa Portillo
Finance Director
City of Livingston
1416 C Street
Livingston, CA 95334

RE: Proposal for CFD Review Services

Dear Ms. Portillo:

Thank you for the opportunity to discuss the City's needs for Community Facilities District (CFD) Review Services. As discussed, NBS will review the City's existing CFD, including the Fiscal Impact Analysis (FIA) that was used to establish the special tax rates, and we will advise the City of findings related to revenue, expenditures and sufficiency of special tax revenues. NBS will also provide a list of options to address the findings of the analysis.

SCOPE OF SERVICES

The following describes the proposed Work Plan for completion of this Scope of Services:

CFD Review Services

INTRODUCTION AND PROJECT SCHEDULE

NBS will coordinate with City staff and other interested parties to:

- Establish lines of communication for effective interaction of all involved parties
- Clarify the specific project goals and criteria needed to meet the City's preference
- Identify any special circumstances regarding the project, if any
- Develop a working schedule to achieve agreed upon project milestones

DATA COLLECTION AND RESEARCH

NBS will gather and review data relevant to the CFD and FIA including available CFD formation documents and FIA Report. Current parcel and special tax levy data for all parcels within the CFD will be obtained. Data will be obtained from various sources, including City records, County records, and, if applicable, developer documents related to the project area. NBS will conduct additional research, from secondary markets and data sources to aid in ascertaining assessed values, taxable sales, and other relevant data assumptions for the various land uses proposed in the project area.

SPECIAL TAX RATE CALCULATIONS

NBS will review and update the CFD special tax revenue to determine the special tax rates by land use category/benefit point, net of the property tax revenue contribution.

IDENTIFY REVENUES APPLICABLE TO PROJECT AREA DEVELOPMENT

NBS will calculate revenue estimates for taxes such as property tax.

IDENTIFY COSTS APPLICABLE TO PROJECT AREA DEVELOPMENT

NBS will review the current level of service costs and the City’s optimal level of service costs, if applicable, and calculate cost estimates for the project area.

DETERMINE PROJECT AREA DEVELOPMENT’S NET FISCAL IMPACTS

Based upon the revenue and cost findings, NBS will ascertain the potential positive or negative fiscal impacts that the project area’s proposed development and the potential adjustment to CFD special tax rates.

PREPARE FINAL FISCAL IMPACT REPORT

Based on the results of the aforementioned analysis and review, NBS will provide the City with a final report that discusses the fiscal impact findings, as well as any potential recommendations for further consideration. NBS will be available by conference call to present the fiscal impact findings identified in the report. Additionally, NBS may attend in-person meetings as requested by the City, subject to additional expenses for time and travel.

PROFESSIONAL FEES

CFD Review Services	\$14,500
Estimated Expenses	\$1,500

EXPENSES

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to travel, postage, telephone, reproduction, meals, etc.

TERMS

Consulting services will be invoiced monthly. Expenses will be itemized and included in the next regular invoice. Fees for all other services will be invoiced upon completion of the task. If the project is prematurely terminated by either party, Consultant shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days, simple interest will begin to accrue at the rate of 1.5% per month. Either party can cancel contracts with 30 days’ written notice.



Thank you again for considering NBS' qualifications for CFD Review Services for the City. Please feel free to reach out to me at any time with questions about our proposal or about preparation of a professional services agreement.

Sincerely,



Sara Mares
Director



STAFF REPORT

AGENDA ITEM: Adopt Resolution Approving Staffing Revisions for Fiscal Year 2021/22 and Revised Job Description for Public Services Director

MEETING DATE: September 7, 2021

PREPARED BY: Lam Silva, Human Resources Coordinator
Vanessa L. Portillo, Finance Director

REVIEWED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends that the City Council adopt the following:

1. A Resolution of the City Council of the City of Livingston Approving Staffing Revisions for Fiscal Year 2021/22 and Revised Job Description for Public Services Director

BACKGROUND

The City's Fiscal Year 2021/22 budget was approved on June 15, 2021. Staffing recommendations were made in anticipation of planned retirements in the Community Development Department. Also, with the recently vacancy of the Public Works Director position, it provides the City an opportunity to assess its administrative and leadership needs.

DISCUSSION

With the Fiscal Year (FY) 2021/22 Budget, staffing recommendations were approved in anticipation of the retirement of one (1) Senior Administrative Assistant in the Community Development Department. The FY 2021/22 Budget recommended unfunding the Senior Administrative Assistant position upon the individual's retirement in August 2021 and funding one (1) Senior Planner position. The City has been unsuccessful recruiting for the Senior Planner position due to lack of responses from qualified candidates. Despite the unsuccessful recruiting efforts, the City's commercial/industrial and residential projects still require dedicated personnel to process the clerical and administrative tasks to support the department's primary functions; therefore, staff recommends refunding the Senior Administrative Analyst position. The vacant Senior Planner position will be unfunded and assessed at a later time subject to funding sustainability.

Additionally, the recent vacancy of the Public Works Director position at the Public Works Department has provided the opportunity to assess the operational needs of the City. Although a full-service City, many City functions are contracted out to consultants leaving some operational voids within internal and external customers. It is proposed to revise the job description of the vacant Public Works Director position and rename it: Public Services Director with operational oversight of the Planning, Engineering, and Public Works functions.



STAFF REPORT

CITY COUNCIL REGULAR MEETING – SEPTEMBER 7, 2021 ADOPT RESOLUTION APPROVING STAFFING REVISIONS FOR FISCAL YEAR 2021/22 AND REVISED JOB DESCRIPTION FOR PUBLIC SERVICES DIRECTOR

FISCAL IMPACT

Funding the Senior Administrative Assistant – CD position in lieu of the Senior Planner position will create salary savings of approximately \$10 thousand. There are no fiscal impacts associated with the revised job description for the Public Services Director. The Finance Department will make the necessary budget adjustments to reflect the amendments.

ATTACHMENTS

1. A Resolution of the City Council of the City of Livingston Approving Staffing Revisions for Fiscal Year 2021/22 and Revised Job Description for Public Services Director

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON APROVING STAFFING REVISIONS FOR FISCAL YEAR 2021/22 AND REVISED JOB DESCRIPTION FOR PUBLIC SERVICES DIRECTOR

WHEREAS, on June 15, 2021, the City Council adopted the Operating and Capital Improvement Program Budgets for Fiscal Year 2021/22; and

WHEREAS, the Senior Administrative Analyst-CD position was converted to a Senior Planner upon the incumbent's retirement in August 2021; and

WHEREAS, the Senior Planner's recruitment have been unsuccessful and the department requires dedicated administrative and clerical support; and

WHEREAS, due to the recent vacancy of the Public Works Director position and after evaluating the operational needs of the City; and

WHEREAS, the recommended staffing revisions will produce salary savings of approximately \$10 thousand a year; and

WHEREAS, the Finance Department will make the necessary budget adjustments to reflect the amendments; and

WHEREAS, it is recommended to refund the Senior Administrative Analyst-CD position and unfund the vacant Senior Planner position and revised the job description (Exhibit A) for the vacant Public Works Director position; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livingston hereby amends the 2021/22 Position Control Budget with the adjustments below:

CITY OF LIVINGSTON FY 2021/22 POSITION CONTROL		
Position	Reduce	Increase
Senior Planner	(1)	
Senior Administrative Analyst-CD		1
Public Works Director	(1)	
Public Services Director		1

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston



EXHIBIT A

Job Description

Title: <u>Public Services</u> Director of <u>Public Works</u>	FLSA Status: Exempt	Created:
Supervisor: City Manager	Supervises: All <u>Applicable</u> Public Works <u>Employees and Community Development Staff</u>	Revised: <u>8/23/2021</u>
Job Family: Public Works	Bargaining Unit: <u>Contract Unrepresented</u>	Approved:

JOB SUMMARY:

~~Under the direction of the City Manager, plan, organize, control and direct Public Works operations and activities including the Water/Wastewater and Utilities and Maintenance operations; lead in the installation, maintenance and repair of streets, sidewalks, buildings and water, sewer and wastewater systems, treatments, distribution and equipment; coordinate and direct Public Works communications, projects, personnel and information to meet City needs; ensure smooth and efficient Department activities; supervise and evaluate the performance of assigned personnel.~~

Under general administrative direction of the City Manager, to serve as the principal administrative officer for the Public Works Department; to plan, direct, review, and manage Department activities and operations focused on providing a wide range of public services activities; and to perform other duties as required which will include planning, developing and building activities, functions and services.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Plan, organize, control and direct Public Works operations and activities including the monitoring Water/Wastewater and Utilities and Maintenance operations; lead and oversee the construction, installation, maintenance and repair of streets, sidewalks, buildings and in the treatment and distribution of water, sewer and wastewater systems and equipment; establish and maintain related time lines and priorities; ensure related activities comply with established laws, codes, regulations, ordinances, policies and procedures.
- Coordinate and direct resources, personnel and information to meet City needs and ensure smooth and efficient Department activities; oversee the development and implementation of Department programs, projects, functions, services, goals, objectives, systems and activities; ensure proper and timely resolution of related issues, conflicts and discrepancies; inspect projects in progress and upon completion to ensure compliance with established specifications, time lines and safety standards.
- Supervise and evaluate the performance of assigned personnel; interview and select employees and recommend transfers, reassignment, termination and disciplinary actions; coordinate subordinate work assignments and schedules, and review work to ensure compliance with established standards, requirements and procedures; ensure employee understanding of established requirements.
- ~~Direct and manage~~ Monitors the wastewater treatment plant and facilities operations and activities involved in maintaining safe and proper wastewater quality for the ~~City; monitor, adjust and test wastewater quality at City's wastewater treatment facilities; manage water system maintenance and operations projects, treatment processes and distribution system maintenance; ensure a safe and adequate supply of potable water to meet community needs; direct the collection, testing and analysis of wastewater samples to ensure safe and proper wastewater quality; ensure proper adjustments are made to meet wastewater quality standards as needed.~~ City.
- Estimate and ensure adequate personnel, materials and equipment needed for installation, construction, maintenance and repair projects and activities; compile and prepare cost estimates; monitor, assess and modify activities in response to project progress; monitor and ensure adequate equipment and supply levels; coordinate the purchase of equipment and supplies as appropriate.

- Plan, organize, control and direct the construction, maintenance and repair of City streets and related infrastructure; direct the building of new streets and ensure existing streets are maintained in proper condition; coordinate and direct the installation and maintenance of street and traffic safety lights, signals, signs and markers; ensure proper maintenance of culverts, drainage ditches, curbs and gutters.
- Coordinate and direct the installation, maintenance and repair of City water and sewer lines and systems; ensure proper cleaning, repair or replacement of related fixtures, parts and equipment; direct activities and projects to ensure smooth, efficient, healthy and safe water and sewer line flow, operations and services.
- Receive, prioritize and coordinate response to requests, customer service calls, work orders and public complaints concerning streets, sidewalks, buildings and water, sewer and wastewater systems and equipment; ensure proper and timely resolution of customer service issues and conflicts.
- Drive a vehicle to conduct work; plan, organize, control and direct the inspection, diagnosis, servicing, maintenance and repair of a variety of large and small vehicles and equipment; pick up and deliver supplies and equipment as needed.
- Develop and prepare the annual preliminary budget for the Public Works department; analyze and review budgetary and financial data; control and authorize expenditures in accordance with established limitations; monitor budget expenditures and initiate transfers as needed; assist with the preparation of grant applications as directed.
- Direct the preparation and maintenance of a variety of narrative and statistical records, files and reports related to Public Works programs, projects, budgets, services, systems, financial activity, personnel and assigned duties; review and respond to regulatory agency reports as needed; ensure utility systems and facilities meet State and Environmental Protection Agency requirements.
- Direct Public Works activities to ensure compliance with established safety standards and procedures; ensure proper utilization of flagging and traffic control activities to provide safety for workers during road construction work as needed.
- Provide technical information and assistance to the City Manager regarding Public Works projects, activities, needs and issues; assist in formulating and developing policies, procedures and programs; coordinate Public Works response to City Manager and City Council requests and concerns.
- Participate in the development and design of architectural and engineering construction specifications; coordinate Public Works projects with outside contractors as needed; inspect contractor work for accuracy and completeness.
- Direct the preparation and maintenance of various records and reports related to projects, work orders, inventory, personnel, wastewater, coliform and assigned activities; ensure mandated reports are submitted to appropriate governmental agency according to established time lines.
- Plan, organize, control and direct the operation of a variety of heavy and light equipment and hand and power tools; utilize standard office equipment including a computer and assigned software; directs the storage, care and maintenance of tools, equipment, materials and supplies.
- Communicate with personnel, administrators, contractors, outside organizations and the public to exchange information, coordinate activities and resolve issues or concerns
- Attend and conduct a variety of staff, project and safety meetings as assigned; attend and participate in City Council and various committee meetings as directed.

OTHER DUTIES:

- Perform related duties as assigned.

QUALIFICATIONS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. The work environment characteristics and physical demands described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Knowledge of:

- Planning, organization and direction of Public Works operations and activities including the construction, installation, maintenance and repair of streets, sidewalks, buildings and water, sewer and wastewater systems and equipment.
- Principles, techniques, practices and procedures involved in planning, scheduling, developing, implementing and inspecting construction, installation, maintenance and repair projects.
- Practices, procedures, methods and materials used in the construction, installation, maintenance and repair of streets, sidewalks, buildings and water, sewer and wastewater systems and equipment.
- Operation and use of a variety of heavy and light equipment.

- Health and safety regulations and procedures.
- Applicable laws, codes, rules, regulations, policies and procedures.
- Operation of a computer and assigned software.
- Policies and objectives of assigned programs and activities.
- Inventory practices and procedures.
- Budget preparation and control.
- Principles and practices of administration, supervision and training.
- Oral and written communication skills.
- Interpersonal skills using tact, patience and courtesy.

Ability to:

- Plan, organize, control and direct Public Works operations and activities including the construction, installation, maintenance and repair of streets, sidewalks, buildings and water, sewer and wastewater systems and equipment.
- Coordinate and direct Public Works communications, projects, personnel and information to meet City needs and ensure smooth and efficient Department activities.
- Supervise and evaluate the performance of assigned personnel.
- Plan, schedule, develop and implement construction, installation, maintenance and repair projects.
- Inspect projects for accuracy, completeness and compliance with established standards, requirements and procedures.
- Estimate and ensure adequate personnel, material and equipment levels needed for projects.
- Receive, prioritize and coordinate response to requests, customer service calls and work orders.
- Communicate effectively both orally and in writing.
- Interpret, apply and explain rules, regulations, policies and procedures.
- Establish and maintain cooperative and effective working relationships with others.
- Operate a computer and assigned office equipment.
- Analyze situations accurately and adopt an effective course of action.
- Meet schedules and time lines.
- Work independently with little direction.
- Plan and organize work.
- Direct the preparation and maintenance of a variety of reports, records and files.

Education and Experience:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities is:

- Bachelor's degree in public administration, engineering, construction management.
- Five years increasingly responsible professional Public Works experience with at least,
- Three years in a Public Works management or supervisory capacity.

Licenses, Certifications and other Requirements:

- Valid California Class C driver's license.
- ~~Grade T2 Water Treatment Certificate.~~
- ~~D3 Water Distribution Operators License.~~
- ~~Grade III Wastewater Treatment Plan Operator Certificate.~~
- ~~Grade IV (D4) Water Distribution Certificate (highly desirable).~~

WORKING CONDITIONS:

Work Environment:

- Indoor/outdoor work environment.
- Driving a vehicle to conduct work.

Physical Demands:

- Hearing and speaking to exchange information.
- Dexterity of hands and fingers to operate a computer keyboard.
- Seeing to inspect projects and read a variety of materials.
- Sitting for extended periods of time.
- Walking to inspect projects.

The information contained in this job description is for compliance with the Americans with Disabilities Act (A.D.A.) and is not an exhaustive list of the duties performed.



STAFF REPORT

AGENDA ITEM: Adopt Resolution Approving the Purchase of Two (2) Light Poles from Potential Electric Inc. for Joseph Gallo Park and Max Foster Sports Complex

MEETING DATE: September 7, 2021

PREPARED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution authorizing the purchase of two (2) 20' light fixtures for Joseph Gallo Park and Max Foster Sports Complex.

BACKGROUND

City's parks are used by residents for many activities such as walking or sports during the evening hours. Joseph Park and Max Foster Sports Complex have been identified as City facilities with high usage. Therefore, it is recommended to install permanent lighting fixtures to accommodate evening usage.

DISCUSSION

Joseph Park and Max Foster Sports Complex have been identified as City facilities with frequent usage for evening sports or leisure activities by residents. Therefore, staff recommends installing permanent lighting fixtures to accommodate their usage during evening hours.

Staff reached out to three (3) vendors to request quotes. Two (2) vendors returned quotes for the lighting poles as follows:

Vendor	Total Quote
Potential Electric Inc.	\$32,769
Best Electric	\$40,368

Potential Electric submitted the lowest responsible bid. Therefore, staff recommends purchasing the light fixtures through Potential Electric Inc. The fixtures will be purchased using funds from the benefitting Landscape and Maintenance Districts (LMD's).

FISCAL IMPACT

The fixtures will be funded by the benefitting LMD's and funds have been appropriated in the FY 2021/22 budget.

ATTACHMENTS

1. Resolution of the City Council of the City of Livingston Approving the Purchase of Two (2) Light Poles from Potential Electric Inc. for Joseph Gallo Park and Max Foster Sports Complex
2. Quotes

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE PURCHASE OF TWO (2) LIGHT POLES FROM POTENTIAL
ELECTRIC INC FOR JOSEPH GALLO PARK AND MAX FOSTER SPORTS
COMPLEX**

WHEREAS, Joseph Park and Max Foster Sports Complex have been identified as City facilities with frequent usage for evening sports or leisure activities by residents; and

WHEREAS, staff recommends installing permanent lighting fixtures to accommodate evening usage; and

WHEREAS, staff received two (2) cost proposals to furnish and install new light fixtures; and

WHEREAS, staff recommends purchasing the light fixtures through Potential Electric Inc. as the lowest responsible bidder; and

WHEREAS, total cost for the new light fixtures is estimated at \$32,769; and

WHEREAS, the fixtures will be funded by the benefitting LMD's and funds have been appropriated in the FY 2021/22 budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON, THAT:

1. The above recitals are true and correct.
2. The City Manager of the City of Livingston is authorized to execute any purchase agreements and any and all documents necessary to effectuate the purchase on behalf of the City.
3. This resolution is effective immediately upon adoption.

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston



LICENSE#1021821
potentialelectricca@gmail.com

Bid Proposal

AUGUST 13, 2021

Submitted by: Potential Electric Inc.

Job Name: Joseph Gallo Park
1201 Parkside Way,
Livingston, Ca 95334

Submitted to: City Of Livingston
ATTN: Anthony Chavarria

We hereby propose to furnish the materials and perform the necessary labor for the completion of electrical work according to codes in accordance with CEC 2018 and NEC 2020.

Scope of Work:

1. INSTALL TWO 20' POLE WITH TWO 400 WATTS LED LIGTH.
2. CITY OF LIVINGSTON HAS AGREE TO DIG THE TRENCHES FOR THE THREE LIGTH POLES.
3. ELECTRICAL CONTRACTOR WILL CLEAN TRENCHES AND INSTALLED PVC CONDUCT AND BACK FILLED THE TRENCH.
4. ELECTRICAL CONTRACTOR WILL MAKE BASES FOR THE LIGHT POLES.
5. CITY OF LIVINGSTON WILL PROVIDED CONCRETE FOR BASES 24'X5' DEEP.

NOTE: PRICE SUBJECT TO CHANGE UP TO 15% DUE TO MATERIAL COST INCREASE.

This proposal is only valid for Seven business days.

Total Job Cost: \$14,559.00 (Fourteen thousand, five hundred fifty-nine)

ACCEPTANCE OF CONTRACT

The above prices, specifications, conditions are satisfactory and are hereby accepted by the Engineered Structures. Signatures below authorize the Electrical sub-contractor, Potential Electric, to do work as specified in blueprints at the location mentioned above. Payments will be made as outlined.

City Of Livingston: Anthony Chavarria _____

Date:

Potential Electric Inc. President: _____ **Date:**



LICENSE#1021821
potentialelectricca@gmail.com

Bid Proposal

AUGUST 13, 2021

Submitted by: Potential Electric Inc.

Job Name: Max Foster Sports Complex
Walnut St, Livingston Ca 95334

Submitted to: City Of Livingston
ATTN: Anthony Chavarria

We hereby propose to furnish the materials and perform the necessary labor for the completion of electrical work according to codes in accordance with CEC 2018 and NEC 2020.

Scope of Work:

1. INSTALL THREE 20' POLE WITH TWO 400 WATTS LED LIGTH.
2. CITY OF LIVINGSTON HAS AGREE TO DIG THE TRENCHES FOR THE THREE LIGTH POLES.
3. ELECTRICAL CONTRACTOR WILL CLEAN TRENCHES AND INSTALLED PVC CONDUCT AND BACK FILLED THE TRENCH.
4. ELECTRICAL CONTRACTOR WILL MAKE BASES FOR THE LIGHT POLES.
5. CITY OF LIVINGSTON WILL PROVIDED CONCRETE FOR BASES 24'X5' DEEP.

NOTE: PRICE SUBJECT TO CHANGE UP TO 15% DUE TO MATERIAL COST INCREASE.

This proposal is only valid for Seven business days.

Total Job Cost: \$18,210.00 (eighteen thousand, two hundred ten)

ACCEPTANCE OF CONTRACT

The above prices, specifications, conditions are satisfactory and are hereby accepted by the Engineered Structures. Signatures below authorize the Electrical sub-contractor, Potential Electric, to do work as specified in blueprints at the location mentioned above. Payments will be made as outlined.

City Of Livingston: Anthony Chavarria _____

Date:

Potential Electric Inc. President: _____

Date:



Proposal

2160 Wardrobe Ave.
 Merced, CA 95341
 (209) 723-2061
 Fax (209) 723-9870
 Lic. # 392737

1322 7th Street
 Modesto, CA 95354
 (209) 569-0120
 Fax (209) 569-0125

Submitted
 To: City of Livingston

Attention: Tony Avina
 Phone: 2093948044
 Cell: 2095647510
 Fax: 2093947296
 Date: 8/26/21

In the State of California: Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the Registrar of the board whose address is:

Contractors' State License Board
 9835 Groethe Road, Sacramento, CA 95827
 P.O. Box 26000, Sacramento, CA 95826

Email: tavina@livingstoncity.com
 Job Name: Joseph Gallo
 Location: 1201 Parkside Way Livingston
 Architect: _____ Date on plans: _____

Best Electric will supply all materials, labor, supervision, tools, and equipment to perform the electrical work for the above project per the following clarifications.

GENERAL DESCRIPTION OF WORK:

- Supply and install (2) 20' poles with (2) LED fixtures on each pole.
- Supply and install (2) 30" pole base set up minus concrete pour, strip and clean up
- Supply and install conduit and conductors in ditch provided by others.

GENERAL CONDITIONS:

- * Best Electric shall not be held liable for errors or omissions in designs by others, nor inadequacies of materials and equipment specified or supplied by others.
- * Equipment and materials supplied by Best Electric are warranted only to the extent that the same are warranted by the manufacturer.
- * Best Electric shall not be liable for indirect loss or damage. Unless included in this proposal, all bonding and/or special insurance requirements are supplied at additional cost.
- * If a formal contract is required, its conditions must not deviate from this proposal without our written permission. Anything (verbal or written) expressed or implied elsewhere, which is contrary to these conditions shall be null and void. It is understood that this scope letter becomes part and parcel of any issued contract.
- * Price is valid for a period of 30 days from the above date.

Yes	No	
	X	As per plans
	X	As per specifications
X		As per verbal instructions
X		Prevailing Wages
	X	Bonds
X		Sales Tax
X		Permits and Fees
	X	15% deposit required
X		PO# Required

Included	Excluded	
	X	Temporary Power
	X	Temporary Lighting
	X	Fire Alarm
	X	Seismic Wires
	X	Saw cut and Patch
	X	Sheet rock repair and replacement
	X	Trench and backfill
	X	Smoke Detectors
	X	Carbon Monoxide Detectors

GENERAL INCLUSIONS:

- * Work to be performed on straight time only. Monday - Friday 7:00am - 3:30pm
- * Clean up of electrical debris to provided container.
- * Coordination and Safety.
- * Single point of connection to equipment

GENERAL EXCLUSIONS:

- * Utility upgrades and/or fees if required
- * Concealed conditions.
- * Wall patching and field painting.
- * Working in and/or around hazardous materials.
- * Premium time labor.
- * Troubleshooting of existing wiring and controls
- * Stucco replacement and/or repair
- * Sheetrock replacement and/or repair
- * **Engineered drawings if required**
- * Landscaping replacement or repair
- * Replace or repair of any underground structure damaged during the course of performing work for this project.

- * Trenching and backfilling
- * Concrete work on any kind
- * Conduit under sidewalk

GENERAL CLARIFICATIONS:

Best Electric will supply conduit, Customer to get conduit under side walk.

**Please be advised, vendors are reporting shortages in products due to pandemic.
 Please expect 5-7 weeks to receive materials once signed proposal and PO# are returned to Best Electric offices
 Gathering of materials may take longer than usual to obtain.
Delays in construction are possible.**

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Dollars (\$) \$ 20,576.00

Payment to be made as follows: (circle one) CASH CHECK CREDIT CARD PO# _____

All material is guaranteed to be as specified. All work to be completed in workmanlike manner according to the standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Authorized Signature: 

 Jason Paper Special Projects

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature: _____

Date: _____

Print: _____



Proposal

2160 Wardrobe Ave.
 Merced, CA 95341
 (209) 723-2061
 Fax (209) 723-9870
 Lic. # 392737

1322 7th Street
 Modesto, CA 95354
 (209) 569-0120
 Fax (209) 569-0125

Submitted
 To: City of Livingston

In the State of California: Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the Registrar of the board whose address is:

Contractors' State License Board
 9835 Groethe Road, Sacramento, CA 95827
 P.O. Box 26000, Sacramento, CA 95826

Attention: Tony Avina
 Phone: 2093948044
 Cell: 2095647510
 Fax: 2093947296
 Date: 8/26/21
 Email: tavina@livingstoncity.com
 Job Name: Max Foster Sports Center Pole Lights
 Location: Walnut St. Livingston
 Architect: _____ Date on plans: _____

Best Electric will supply all materials, labor, supervision, tools, and equipment to perform the electrical work for the above project per the following clarifications.

GENERAL DESCRIPTION OF WORK:

- Supply and install (3) 20' poles with (2) LED fixtures on each pole.
- Supply and install (3) 30" pole base set up minus concrete pour, strip and clean up
- Supply and install conduit and conductors in ditch provided by others.
- Supply and install lockable disconnect on existing panel for new lights.

GENERAL CONDITIONS:

- * Best Electric shall not be held liable for errors or omissions in designs by others, nor inadequacies of materials and equipment specified or supplied by others.
- * Equipment and materials supplied by Best Electric are warranted only to the extent that the same are warranted by the manufacturer.
- * Best Electric shall not be liable for indirect loss or damage. Unless included in this proposal, all bonding and/or special insurance requirements are supplied at additional cost.
- * If a formal contract is required, its conditions must not deviate from this proposal without our written permission. Anything (verbal or written) expressed or implied elsewhere, which is contrary to these conditions shall be null and void. It is understood that this scope letter becomes part and parcel of any issued contract.
- * Price is valid for a period of 30 days from the above date.

Yes	No	
	X	As per plans
	X	As per specifications
X		As per verbal instructions
X		Prevailing Wages
	X	Bonds
X		Sales Tax
X		Permits and Fees
	X	15% deposit required
X		PO# Required

Included	Excluded	
	X	Temporary Power
	X	Temporary Lighting
	X	Fire Alarm
	X	Seismic Wires
	X	Saw cut and Patch
	X	Sheet rock repair and replacement
	X	Trench and backfill
	X	Smoke Detectors
	X	Carbon Monoxide Detectors

GENERAL INCLUSIONS:

- * Work to be performed on straight time only. Monday - Friday 7:00am - 3:30pm
- * Clean up of electrical debris to provided container.
- * Coordination and Safety.
- * Single point of connection to equipment

GENERAL EXCLUSIONS:

- * Utility upgrades and/or fees if required
- * Concealed conditions.
- * Wall patching and field painting.
- * Working in and/or around hazardous materials.
- * Premium time labor.
- * Troubleshooting of existing wiring and controls
- * Stucco replacement and/or repair
- * Sheetrock replacement and/or repair
- * **Engineered drawings if required**
- * Landscaping replacement or repair
- * Replace or repair of any underground structure damaged during the course of performing work for this project.

- * Trenching and backfilling
- * Concrete work on any kind

GENERAL CLARIFICATIONS:


Please be advised, vendors are reporting shortages in products due to pandemic.
 Please expect 5-7 weeks to receive materials once signed proposal and PO# are returned to Best Electric offices
 Gathering of materials may take longer than usual to obtain.
Delays in construction are possible.

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Dollars (\$) \$ 19,792.00

Payment to be made as follows: (circle one) CASH CHECK CREDIT CARD PO# _____

All material is guaranteed to be as specified. All work to be completed in workmanlike manner according to the standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Authorized Signature: 
 Jason Paper Special Projects

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature: _____

Date: _____

Print: _____



STAFF REPORT

AGENDA ITEM: Adopt Resolution Approving the Purchase of a Server Replacement for the Sewer Treatment Facility from Tesco Controls Inc. and Related Budget Amendment

MEETING DATE: September 7, 2021

PREPARED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution approving the purchase of a server replacement for the Sewer Treatment Facility from Tesco Controls Inc. (TESCO) and related budget amendment.

BACKGROUND

The City's Sewer Treatment Facility's server is deemed obsolete and became inoperative. A functional server is crucial in order to maintain the communications systems operating in the Sewer Treatment Facility. A server replacement needs to be purchased to ensure system functionality.

DISCUSSION

The City's Sewer Treatment Facility's server became inoperative prompting system's interruptions. As a temporary solution, a loaner unit was installed in order to keep service continuity in the Sewer Treatment Facility. However, a replacement unit needs to be purchased in order to ensure the Sewer Treatment Facility's systems (SCADA) remain in operation. The SCADA system collects, monitors, and analyze data coming from the Sewer Treatment Facility in real-time, allowing staff to monitor and control operations with greater visibility.

TESCO is the system supplier and equipment manufacturer for the City's control system. Therefore, TESCO is deemed to be the City's sole source vendor for the server replacement purchase. The server replacement cost is estimated at approximately \$65 thousand.

FISCAL IMPACT

A budget increase in the Sewer Fund (Fund 2101) is necessary to cover the costs for the server replacement which is estimated at approximately \$65 thousand. The Finance Department will make the necessary adjustments to the Sewer budget (Fund 2101).

ATTACHMENTS

1. Resolution of the City Council of the City of Livingston Approving the Purchase of a Server Replacement for the Sewer Treatment Facility from Tesco Controls Inc. and Related Budget Amendment
2. TESCO Quote
3. TESCO Sole Source Letter

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE PURCHASE OF A SERVER REPLACEMENT FOR THE SEWER
TREATMENT FACILITY FROM TESCO CONTROLS INC (TESCO) AND RELATED
BUDGET AMENDMENT**

WHEREAS, the City's Sewer Treatment Facility Server became inoperative and is now deemed obsolete; and

WHEREAS, a replacement unit needs to be purchased to ensure service continuity of the Sewer Treatment Facility's SCADA system; and

WHEREAS, TESCO is the system supplier and equipment manufacturer for the City's control system; and

WHEREAS, TESCO is deemed to be the City's sole source vendor for the server replacement purchase; and

WHEREAS, the server replacement cost is estimated at approximately \$65 thousand and a budget amendment needs to be made to increase the Sewer Fund's (Fund 2101) appropriations; and

WHEREAS, The Finance Department will make the necessary adjustments to the Sewer budget (Fund 2101); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON, THAT:

1. The above recitals are true and correct.
2. The City Manager of the City of Livingston is authorized to execute the purchase agreement and any and all documents necessary to effectuate the purchase on behalf of the City.
3. This resolution is effective immediately upon adoption.

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

To: City of Livingston
Attn: Tommy Mejia
Re: City of Livingston
WWTP SCADA Replacement

Quote Date: 7/6/2021
Quote No.: 21F144Q02

Dear Tommy:

Thank you for your continued interest in TESCO products, services, and solutions. We are pleased to quote the following scope of work pertaining to the above-referenced project.

Project Background

The City of Livingston has recently experienced a server hardware failure on their WWTP SCADA system. To help the City's SCADA system get back up, Tesco Controls, Inc. provided a rental server as a temporary solution. The permanent solution will require a new server. This quotation is for the parts and services required to upgrade to a new server.

Tesco supplied the existing SCADA system for the City of Livingston WWTP under Tesco job number T-44397. This system runs a Rockwell Factory Talk application on a Windows 7 operating system.

Scope of Work

Tesco will provide the equipment and services required to get the City's SCADA system up and running with a new server. The old server was running Windows 7 OS which is no longer supported. The new server will need an updated and supported operating system. Newer operating systems running older software can be problematic. Because of this, the FactoryTalk licenses will need to be upgraded to the most recent, supported versions.

The City is working directly with Rexel to reinstate their Rockwell support contract for the SCADA licenses. Once the support is reinstated, the upgraded version of the licenses will be available within the support contract. This upgrade will require the support contract to be current.

Tesco will upgrade the firewall and implement a Demilitarized Zone (DMZ) workstation for more secure remote access and network segregation.

The current system utilizes Win911 for alarm notification. The new Windows Operating system does not support TAPI Modems and therefore is problematic. To remedy this situation, Tesco will provide TopView as the alarm notification software.

Tesco will configure the new server and workstation for the system. Tesco will upgrade the existing licenses to the newest version of FactoryTalk (through the support contract) and perform the programming and configuration required to upgrade the application. A Tesco SCADA Programming Engineer will perform the programming required to convert the current Win911 alarms to TopView and configure the new software.

A Networking and Telemetry Engineer will perform the configuration required on the new firewall. The Engineer will also set up the DMZ workstation for secure remote access to the system. This workstation will require an additional FactoryTalk Client license which Tesco will provide and configure.

Tesco will also be providing a Network Attached Storage (NAS) device. Tesco will configure this device for application and historical data backups.

Once programming and configuration is complete, Tesco will retrofit the new equipment at the WWTP. This will include the new server, firewall, and workstation. Once the equipment is set up, Tesco will perform startup on the upgraded system. This will include function checks, testing, and commissioning the new system.

Once this quotation is approved, the rental of the temporary server will max out at 1-month of rental fee for the duration of the rental. After the new system is commissioned, Tesco will remove and retain the rental server.

Scope of Supply

Item	Qty	Description	
1	Lot	New SCADA Computers to Include: <ul style="list-style-type: none"> ▪ Tower Server ▪ Tower Workstation w/ Monitor ▪ Includes Operating Systems, Microsoft Office, and Required Software 	\$8,545.00
2	Lot	New Networking Equipment to Include: <ul style="list-style-type: none"> ▪ Firewall ▪ 2-Bay NAS Device w/ Hard Drives ▪ Voice Modem for Alarm Callouts 	\$6,575.00
3	Lot	New Software to Include: <ul style="list-style-type: none"> ▪ FactoryTalk Client License ▪ TopView Alarm Notification Software 	\$10,600.00
4	Lot	Professional Services: <ul style="list-style-type: none"> ▪ Project Management ▪ Engineering – engineered submittals, technical data, as-built documentation, and project records ▪ SCADA Programming – setup SCADA server and workstation, install and configure required operating systems and supporting software, configure TopView and convert alarms, configure upgraded FactoryTalk licenses, configure new FactoryTalk client license, testing, and commissioning ▪ Networking/Communications/Telemetry – configure firewall, configure remote access, configure voice modem, configure DMZ ▪ Product Startup Services – product quality review, retrofit of supplied hardware, product programming, software upload/download as required, product/equipment reconfiguration as required, product function checks, and product startup. ▪ Onsite Training 	\$38,730.00
TOTAL (including applicable sales tax):			\$64,450.00

Project Clarifications

- Unless otherwise indicated by the Scope of Work above, quote is to **furnish only** and does not include any trade labor, trade work, construction work, site improvement, contractor services, or any trade installation services. Any trade labor and/or related trade work shall be performed by others/contractor.
- Unless otherwise indicated by the Scope of Work above, the following is **not** included within this quotation:
 - Conduit, field wire, tubing, or basic trade installation materials (brackets, screws, bolts, j-box, stanchions, pull-box, etc.)
 - Instrumentation mounting components, brackets, stanchions, sunshields, etc.
 - Local control stations and/or field mounted disconnects.
 - Instrumentation, devices, components, or equipment not specifically identified in the above quotation.

- Fiber optic patch panels, cable, splicing or terminations.
- Networking infrastructure or architecture modifications to existing facilities.
- Any 3rd party testing, harmonic testing/analysis, protective device coordination study, short-circuit analysis, or Arc-Flash Risk Assessment (AFRA) services.
- Electrical interconnection diagrams for equipment not furnished by TESCO
- ISA process control loop diagrams.
- Signal loop diagrams for equipment not furnished by TESCO.
- PLC Programming
- OIT Programming

Clauses, Terms and Conditions

- Quote is firm for 45 days unless otherwise stated.
- Intellectual Property and Confidentiality Notice: The scope of work and price quotation shall not be construed as a formal design or recommendations on design for the related project. All content contained within this quotation is the intellectual property under the proprietorship of Tesco Controls, Inc. and is subject to applicable copyright laws. Such intellectual property shall not be duplicated, replicated, copied, or shared without explicit written consent from Tesco Controls, Inc., as it contains confidential information and work product developed exclusively for use by Tesco Controls, Inc.
- Submittals: to be provided approximately **8-12** weeks after receipt of purchase order, written notice of intent, or notice to proceed.
- Delivery: to be scheduled approximately **20-24** weeks minimum after submittal approval. Delivery lead time is dependent on availability and lead time of new server. Current computer chip shortages have impacted lead times.
- Unless otherwise stated above, price does not include any sales tax, use tax, or applicable fees; please apply any taxes and/or fees as appropriate. Please note that all invoices will include sales tax where applicable.
- TESCO price is FOB factory, full freight allowed.
- TESCO warranties against defect in design, workmanship, and materials for a period of one year from date of installation; and does not exceed 18 months from the date of shipment from the factory.
- TESCO carries liability insurance, with full workman's compensation coverage.
- Terms are net 30 days on approved credit accounts.
- Interest will be applied to all past due invoices.
- All merchandise sold is subject to lien laws.
- Final retention to be paid within 10 days after the project notice of completion.

Please feel free to contact us at (916) 395-8800 to discuss any questions or comments you may have regarding this quotation.

Sincerely,

TESCO CONTROLS, INC.



Caleb Ernst
Technical Sales Estimator
cernst@tescocontrols.com

August 31, 2021

Mr. Anthony Chavarria
City of Livingston
2238 Walnut Avenue
Livingston, CA 95334
(209) 394-8044

Re: City of Livingston
Wastewater Automation & Telemetry Control Systems
Exclusivity Letter

Dear Mr. Anthony Chavarria,

Tesco Controls, Inc. (TESCO) is the system supplier and equipment manufacturer for the City of Livingston's control system installed at various wastewater sites, including: Remote Telemetry Units (RTUs) / Programmable Logic Controllers (PLCs), communication systems, hardware, software, and programming. These systems are comprised of TESCO-brand products, which are interconnected to orchestrate system controls and SCADA data monitoring, and incorporate custom, **site-specific software and programming specifically developed by TESCO for the City's systems and automation/control needs. The technology deployed incorporate the integration of hardware, software, communication protocols, and programs with aspects of these systems being proprietary in nature.**

The products installed at the numerous sites within the City of Livingston's system communicate between one another via radio telemetry. In order to leverage lighter "over-the-air" payloads and enhanced communications management the system is deployed using a proprietary data telemetry protocol to orchestrate controls and automation. Such protocols are specific to RTU/PLC equipment, which are **TESCO-brand products specifically manufactured and sourced solely by Tesco Controls, Inc.**

TESCO remains committed to provide products, service, integration, and support services to the City of Livingston and its control system. We actively maintain the City's control strategy documentation and programming code for these systems. TESCO possesses the experience, intimate knowledge, and understanding of the City's automation equipment to service and support the City's systems and City's needs. This makes **TESCO the most cost effective and ideal solution provider for continued support, services and product builds, while also preserving uniformity throughout the City's system relating to standards, maintenance, operations, training, and spare parts.**

We hope this information helps identify the importance of maintaining City's pre-established standards, which will **manage costs, downtime, consistency, training, and support for the City's infrastructure.** If you have any questions, comments, or need additional information, please feel free to contact us.

Best regards,

TESCO CONTROLS, INC.



Delven Diaz
Sales Manager
ddiaz@tescocontrols.com



STAFF REPORT

AGENDA ITEM: 2021/22 Request for Fee Waiver for the Livingston Youth Football Association

MEETING DATE: September 7, 2021

PREPARED BY: Jacquie Benoit, Recreation Superintendent

REVIEWED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION

Staff recommends Council to adopt a Resolution approving the Facility Fee Waiver Request from the Livingston Youth Football Association.

BACKGROUND AND DISCUSSION:

On August 13, 2021, the Livingston Youth Football Association submitted a Facility Use Form to use Alvernaz Ball Field and Memorial Park for football and cheer programs. Use would start August 31, 2021 and would end on October 28, 2021. The Livingston Youth Football Association has used the field for the past several years. Customarily, facility usage fees have been waived for the Livingston Youth Football Association. The Livingston Youth Football Association has agreed to pay for the usage of electricity (due to late practices, and lights usage). A key is provided and Livingston Youth Football Association keeps track of light usage and pay at the end of each month.

The Livingston Youth Football Association has asked for a fee waiver for field use with an agreement to pay for the lights only. Per the Facility Fee Policy, fee waivers are approved by City Council.

FISCAL IMPACT:

The Livingston Youth Football Association is comprised of more than 75% local residents according to the roster submitted at the end of 2019. They are categorized as a Class II user group. The fee waiver request for the Livingston Youth Football Association will represent a fiscal impact of \$1,260 due to uncollected fees. Given that the football season started August 31st, the Livingston Youth Football Association is currently using the field contingent to Council's fee waiver approval.

ATTACHMENTS:

1. Resolution to Approve the Livingston Youth Football Association Fee Waiver Request
2. Packet - Facility Use Request Form, Request for Fee Waiver, Use Calendar, and Cencal's Page from Secretary of State

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING A FACILITY FEE WAIVER REQUEST FROM THE LIVINGSTON YOUTH
FOOTBALL ASSOCIATION FOR USE OF CITY FACILITIES TOTALING \$1,260**

WHEREAS, the Livingston Youth Football Association has requested the use of City Facilities;

WHEREAS, the City Council finds that this request provides a public benefit to the community, that the amount of the request is de minimis in nature and not subsidized from other facility fees; and

WHEREAS, an evaluation of the services funded through the CFD is required to potentially create service expansions and maximizing the funds utilization; and

NOW, THEREFORE, BE IT RESOLVED that the Council finds direct public benefit will be provided by the Livingston Youth Football Association to the City of Livingston. The City Council of the City of Livingston does hereby authorize waiving facility fees for the use of City Facilities in the amount of \$1,260.

Passed and adopted this 7th day of September, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

✓ Alvarnez Baseball



Arakelian Park Memorial Park Memorial Park Stage Memorial Park Kitchen Max Foster Sports Complex

Rental Requests must be made a minimum of 7 days prior to usage with payment in Full. NO EXCEPTIONS

Rental Date ~~Aug 31st~~ Tues, Wed, Thurs Time 5:00 am pm to 8:15 am pm

Renter's Name/Organization: Livingston Youth Football & Cheer Organization

Address P.O. Box 187 Livingston 95334

Telephone _____ Work _____ City _____ Cell (209) 761-4453 Zip 95334

Additional Contact Person Chris Farinelli Phone 769-4481

What will facility be used for? Football practice (BB field) Cheer (picnic area) your Activity open to the public? Yes No
Number of People expected? (including players and spectators) ~200 Will concessions or merchandise be sold? Yes No
Will alcoholic beverages be sold or made available to participants? Yes No Is extra insurance needed? Yes No if yes attach policy to this agreement

READ BEFORE SIGNING

1. The group or organization using the facility will comply with the laws of the State of California, the City of Livingston and the codes and rules established by the Livingston Recreation Department.
2. The rental group will be responsible for all persons in the group or organization and liability for all persons in attendance.
3. The rental group must assume liability for any damages done to the facility or equipment, and will leave the facility in the satisfactory condition. Groups leaving the facility without cleaning satisfactorily will lose their deposit.
4. The rental group will be responsible to see that no one in attendance to the facility during their rental is under the influence of or has in their possession, alcoholic beverages or drugs. (Please note that should any alcohol or drugs be found on the premises, the rental will be terminated and NO money will be refunded!!)
5. The group will vacate the facility at the time designated on this application. RENTAL TIME INCLUDES SET UP AND CLEAN UP.
6. All activity shall be under control and shall be operated and supervised to the satisfaction of the Recreation Department. If the activity is not operated or supervised to the satisfaction of the Recreation Department Staff, it may result in the loss of consideration of future requests from the sponsoring organization and /or cancellation of the activity at that time.
7. The Recreation Department reserves the right to shift activities to other facilities if available and necessary. Renter shall not sublet reservation booking to any other party. Renter must have a copy of a use permit in their possession during reservation hours.

Insurance: Insurance will be required for fundraising events and all events that are open to the public or that have an anticipated attendance of over 500 people (whether public or private). Insurance may be provided by a private carrier in the form of a Certificate of Insurance. Proof of insurance must be provided at least thirty (30) working days prior to an event or the event is subject to cancellation. Policy must state the following: This insurance policy will not be cancelled without thirty (30) days prior written notice to the City of Livingston. The City of Livingston is not liable for the payment of any premium or assessments on this policy. The City of Livingston is named as additionally insured. Name and date(s) of events being covered. GENERAL LIABILITY: Policy showing limits of \$1,000,000 comprehensive general liability insurance, and \$50,000 damage to property. PRODUCTS LIABILITY INSURANCE ENDORSEMENT (Food or beverage sold or given away). HOST Liquor Liability Endorsement. Liquor Liability Insurance Endorsement (Alcoholic beverage sold or given away).

Permits and Licenses: Permits and Licenses should be obtained 30 days prior to events. Health Permit - (Food, beverage or commodity sold to the public) Merced County Health Department. Sales Permit - (Any commodity sold to the public). State Board of Equalization. Liquor License - (Alcoholic Beverages Sold) ABC Commission. Livingston Business License - (Conducting business within City Limits) Event/Dance/Alcohol Permit - Livingston Police Department - This permit requires security at event of 50 or more. If Security can not be obtained event can not be held.

Other Conditions: A dumpster key and if applicable a key to the Electric Box must be picked up Friday prior to your rental. If the key is not picked up and the on call personnel is dispatched \$70 will be deducted from your deposit. There will be a \$25 fee on all returned checks. Any activities or special arrangements not specifically authorized on your rental agreement/use permit are prohibited. Applicants agree to abide by all rules and regulations of the facility/field rented. All fees must be paid seven(7) days in advance of event. No glass container allowed in any Park or Recreation Facility. Alcohol is allowed only at Memorial Park Only provide the required permits and insurance is provided. No vehicles are allowed in any Park Facility. The dumpster and electric box must be locked when your rental is over. Keys must be returned to City Hall the next business day after the rental. Deposits will be kept if keys are not returned.

Keys checked out to Chris Farinelli CA

HOLD HARMLESS AGREEMENT - The applicant is an authorized agent of the group submitting this application. The applicant (and/or his/her) organization making this application understand and agree to assume all risk for loss, damage, liability, injury, cost or expense that may arise during or be caused in any way by such use or occupancy of the facilities of the City of Livingston. The applicant further agrees that in consideration of being permitted to use said facilities, HE/SHE AND THE GROUP WILL DEFEND, INDEMNIFY AND HOLD THE CITY OF LIVINGSTON, RECREATION DEPARTMENT AND THEIR AGENTS AND EMPLOYEES HARMLESS FROM ANY LOSS, CLAIMS AND LIABILITY OR DAMAGES AND/OR INJURIES TO PERSONS AND PROPERTY that in any way may be caused by the applicant's use or occupancy of the facilities. To be reimbursed on any and all deposits, the original deposit receipt must be submitted to City Hall after the event. Once submitted a check will be mailed within 30 days from the day the receipt was submitted, less any damage or cleaning costs incurred as a result of your event.

I/We, the undersigned, have read the above information and agreement and agree to comply with the terms of this agreement.

Signature [Signature] Date Aug 13th, 2021

Asked for fee waiver.

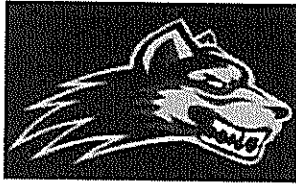
Date Request Taken:	<u>8/13/21</u>	By:	<u>am</u>	User Class	<u>2</u>	Fee Due in Full by:	_____
Request Approved by:	_____	Request Denied/reason	_____	Date:	_____	_____	_____
Fee:	_____	Date/PD.	_____	Deposit Amt.	_____	Date/PD.	_____
STAFF ASSIGNED:	Additional Permits required: _____						
Special Instructions:	<u>Keys checked out on 8-25-2021 - to Chris Farinelli</u>						
<u>Resident Team - Will pay for Any Light usage</u>							
<u>* pay for lights per month. Total cost to be waived \$1344.00</u>							

2021 SEPTEMBER

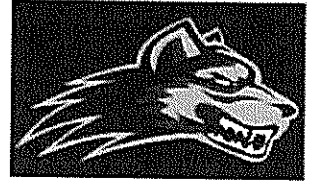
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
	* 46.67 per day we fee lights \$20.00 per hour min			5-8:15pm		
5 * board 15 x 46.67 = staff - 18 HR x 3.25 = \$58.50 15 x \$8.50 = \$127.50	6 700.65	7 5pm-8:15pm	8	9	10	11
12	13	14 5pm-8:15pm	15	16 5pm-8:15pm	17	18
i give charge city will lose - \$177.45		21 5pm-8:15pm	22	23 5pm-8:15pm	24	25
19	20	21	22	23	24	25
26	27	28 5pm-8:15pm	29	30 5pm-8:15pm		
		5pm-8:15pm		5pm-8:15pm		

2021 OCTOBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	* \$46.67 per day - use the lights \$20 ML min				1	2
3 * wainer	4	5	6	7	8	9
12 day X 46.67 = 560.04 staff \$18 ML X 3.25 = \$58.50 12 day X 58.50 = \$702.00						
10	11	12	13	14	15	16
if we charge dirty will lose \$44.96		5pm-8:15p		5pm-8:15pm		
17	18	19	20	21	22	23
		5pm-8:15p		5pm-8:15pm		
24	25	26	27	28	29	30
		5pm-8:15pm		5pm-8:15pm		
31		5pm-8:15pm		5pm-8:15pm		



LIVINGSTON YOUTH FOOTBALL



P.O. Box 187 Livingston, CA 95334

August 11th, 2021

Jacquie Benoit/Recreation Department
City of Livingston
1416 C Street
Livingston, CA 95334

Dear Jacquie;

The Livingston Wolves Youth Football & Cheer Organization would like to request the fees be waived for the use of Alvarnez Field for the 2021 season. We understand that we are responsible for the cost of lighting during the use of the baseball field. Thank you for your support, every bit helps our organization keep costs low for our young athletes.

Respectfully,

Maria Soto

Maria Soto, Secretary
Livingston Youth Football & Cheer Organization
209-761-4453

Dr. Shirley N. Weber
California Secretary of State

Step Three: Confirm the Entity and Select the Filing for Submission

C4616587 - CENCAL YOUTH SPORTS

Jurisdiction:	CALIFORNIA
Status:	ACTIVE
Registration Date:	07/08/2020
Agent for Service of Process:	NATHAN DALENA 39661 RD 33 KINGSBURG CA 93631
Entity Address:	39661 RD 33 KINGSBURG CA 93631
Entity Mailing Address:	39661 RD 33 KINGSBURG CA 93631

IMPORTANT NOTICE REGARDING ONLINE FILING

By checking this box, I understand it is my responsibility to select the correct entity, and modifying the record of an incorrect entity may result in civil or criminal liability. I confirm that I have reviewed the Entity Detail Information and I have the authority to modify the above entity record.*

[Modify Search](#)

[New Search](#)

[Back to Search Results](#)

*This is Cen Cal and not
the proper form proving
non-profit*

J. Benoit



CERTIFICATE OF LIABILITY INSURANCE

COPY

DATE (MM/DD/YYYY)
07/16/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Player's Health Cover USA Inc. 718 Washington Ave. North, Minneapolis, MN, 55401	CONTACT NAME: PHONE (A/C No. Ext): 8722026258 FAX (A/C No): E-MAIL ADDRESS: tyrre@playershealth.com PRODUCER CUSTOMER ID :	
	INSURER(S) AFFORDING COVERAGE	
INSURED SSEI Program Management Inc. Livingston Wolves 1024 Newcastle Drive Livingston, CA, 95334	INSURER A : HDI Global Specialty SE NAIC # AA1340041	
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** A-SP-SU-21-07-12-235827 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	Y	N	HDGL19000413	07/16/2021	07/15/2022	EACH OCCURRENCE \$ 1,000,000.00	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GENERAL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						DAMAGE TO PREMISES RENTED (Any one premises) \$ 300,000.00 MED EXP (any one person) \$ 5,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 3,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> NON-OWNED AUTO <input type="checkbox"/> SCHEDULED AUTOS						UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below						WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
A	OTHER Abuse/Molestation	Y		HDGL19000413	07/16/2021	07/15/2022	Each Occurrence: \$ 25,000.00	Aggregate: \$ 50,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Liability Policy Deductible: \$ 0.00 per each bodily injury or property damage claim. ISO Occurrence form CG 00 01 04 13 and company's specific forms. Coverage for Participant Legal Liability requires that every participant signs a waiver/release. The certificate holder is named as Additional Insured with respect to negligent acts or omissions of the Named Insured and only with respect to the Operations of the Insured during the coverage period. RE: Registered Tackle Football participants: 07/16/2021 - 07/15/2022; Registered Cheerleading participants: 07/16/2021 - 07/15/2022.

CERTIFICATE HOLDER

of Livingston Parks and Recreation
 C Street
 Livingston, CA, 95334

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mark Di Perno

STAFF REPORT

AGENDA ITEM: Public Hearing – Tierrasanta Villas Apartments: General Plan Amendment GPA 2021-01; Rezone 2021-01; Site Plan and Design Review 2020-05; and associated Environmental Documents for the construction of an 80 unit multi-family housing development at 915 B Street; APN#: 022-010-026

MEETING DATE: September 7, 2021

PREPARED BY: Randy Hatch, Contract City Planner

REVIEWED BY: Vanessa Portillo, Interim City Manager

RECOMMENDATION:

Council adopt a Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring / Reporting Program for the Tierrasanta Villas Apartment Project. Adopt a Resolution approving General Plan Amendment GPA 2021-01 changing the General Plan designation for the subject area from (SC) Service Commercial to (HD), High Density Residential. Introduce and have the first reading of an Ordinance Rezoning the area from Highway Service Commercial (C-3) to High Density Residential (R-3). Adopt a Resolution approving Site Plan and Design Review 2021-03 for the construction of a new 80 unit multi-family housing development at 915 B Street, (APN #: 022-010-026).

BACKGROUND AND DISCUSSION:

The project proposes to construct an apartment complex (Tierrasanta Villas) consisting of six buildings on a 3.98 acre undeveloped site in the City of Livingston. Five buildings would have a total of 80 apartment units affordable to lower-income households. The sixth building would be a community center for apartment residents with space for staff and leasing offices, a child care facility and other activities. Additional project components include parking spaces, landscaping, and utility improvements. Figure A-1 shows the project site plan. Table 1 below summarizes the proposed project construction.

**TABLE 1
PROPOSED PROJECT CONSTRUCTION**

Building	No. of 2-Bedroom Units	No. of 3-Bedroom Units	Total Floor Area (square feet)
<i>Apartment Buildings</i>			
Building A	8	8	17,000
Building A1 (2)	24	24	51,000
Building B (2)	16	-	15,120
<i>Subtotal</i>	48	32	83,120
Community Center	-	-	7,196

TOTAL	48	32	90,316
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APARTMENT BUILDINGS:

The project proposes to construct two three-story apartment buildings (A-1), both approximately 39.75 feet in height. Figure A-5 shows the building elevations for these three-story buildings. Each three-story building would have a total of 24 units: 12 two-bedroom/one-bathroom units approximately 945 square feet in floor area, and 12 three-bedroom/two-bathroom units approximately 1,180 square feet in floor area. Three two-story apartment buildings would also be constructed. One of these buildings, designated Building A, would have 16 units: 8 two-bedroom/one-bathroom units and 8 three-bedroom/two-bathrooms. Figure A-2 shows the elevations for this apartment building. The other two buildings, designated as Building B on Figure A-1, would each have eight units, all two-bedroom/one-bathroom units. Figure A-8 shows the elevations for these apartment buildings. The two-bedroom and three-bedroom units in these two-story buildings would have the same floor area as described above for the units in the three-story buildings.

The apartment complex overall would have 48 two-bedroom units and 32 three-bedroom units, for a total of 80 units. One of the three-bedroom units would be occupied by an on-site manager. The other units are intended to be offered at a rent affordable to households making 30-50% of the local Area Median Income (AMI). The 30% AMI tier would be eligible for 16 units (9 two-bedroom and 7 three-bedroom). The 40% AMI tier would be eligible for 26 units (16 two-bedroom and 10 three-bedroom). The 50% AMI tier would be eligible for 37 units (23 two-bedroom and 14 three-bedroom).

For all apartment buildings, the upper stories would be accessed by stairs. Buildings A and A1 would have four stairwells; Building B would have two stairwells. All units would have an outdoor balcony or a patio area.

COMMUNITY CENTER:

In the southeastern corner of the project site, a one-story community center for apartment residents would be constructed. Figure A-11 shows the community center building elevations. The community center would be approximately 20.75 feet in height and would have approximately 7,196 square feet of floor area. Approximately 4,907 square feet of this space would have staff and leasing offices, a community room with a kitchen for events, and a Family Resource Center that includes computer workstations. A covered patio would be adjacent to the community room and another covered patio would be adjacent to the Family Resource Center. The remaining 2,289 square feet would be dedicated as a child care facility for residents. A covered patio adjacent to this facility would serve as a playground area. Storage rooms, restrooms, electrical rooms, and a janitor facility would be included. Behind the community building next to the enclosed covered patio described above would be a community patio space.

OTHER FEATURES:

The project proposes 142 parking spaces, located along the perimeter of the project site. These spaces would be available to residents and visitors. Of these spaces, six would be for handicapped individuals, six would be dedicated to electric vehicles, and 12 would be dedicated to “clean air” vehicles as defined by the California Air Resources Board (ARB). Access to the parking areas would be provided by two gate-controlled driveways off B Street. A few parking spaces would be available outside the driveway gates for visitors. A separate gate for public

pedestrian access would be provided off B Street in front of the community center building.

The project proposes a community patio space adjacent to and west of the community center, which may include a half-court for basketball. The patio space would be mostly hardscape, although five trees would be planted. Community open space would be at the center of the complex. The open space would be mostly lawn with 20 added trees.

Landscaping would be incorporated throughout the project site (Figure L-1). Plants proposed for use include large shade trees such as deodar cedar and live oak, medium shade trees such as chinese pistache and zelkova, narrow shade trees such as princeton sentry gingko, and small accent trees such as crape myrtle and saratoga laurel. Trees planted along B Street would be those recommended as street trees in the City guidelines. Plant selections are intended to be drawn from the lowest water-using category to foster a sustainable landscape. Where necessary, continuous root barriers would be installed to protect sidewalk and other flatwork from disruption.

It is anticipated that construction would be conducted in three phases. The first phase would be grading, excavation and site preparation, and establishment of utilities. The second phase would consist of construction of the interior and exterior of the buildings, and the third phase would be installation of internal access roads and other hardscape, access gates, perimeter fencing, and landscaping.

Frontage improvements along B Street, including curb, gutter, and sidewalk, would be installed in accordance with City specifications. The project would connect its water system to an existing 12-inch diameter water line beneath B Street at the project frontage. The sanitary sewer system would connect to an existing 27-inch diameter sewer line beneath B Street. The project proposes two options for the collection and disposal of onsite storm drainage. One option is to construct a storm water drainage line in B Street that would convey runoff westward to the existing storm drainage system west of Briarwood Drive. The other option is an onsite French drain retention system. As of this date, no option has been selected, so the IS/MND for this Project evaluates the potential environmental impacts of both options.

The project would connect to available electric and gas lines adjacent to the project site. The project applicant has indicated that the seller of the property is having its engineer coordinate the relocation, undergrounding, and/or removal of the existing overhead lines running through the project site. While this activity would occur in coordination with the project, it would occur independently from the project, so only limited discussion is provided in the IS/MND.

REQUIRED CITY APPROVALS:

The proposed project is not consistent with the current General Plan designation of Highway Service Commercial nor the current zoning C-3 (Service Commercial). Therefore, the project would require a General Plan Amendment and Rezoning of the site to designations that are consistent with the proposed project. The project proposes to change the General Plan designation of the project site to High Density Residential, and to rezone the site to R-3 (High Density Residential). These actions require approval from the City Council after consideration of the Planning Commission's recommendation. The City Code requires a project that has more than 25 units or a density of more than 24 units per gross acre to obtain a Conditional Use Permit. Since the project proposes more than 25 units, it must obtain a Conditional Use Permit, which must receive approval from the Livingston Planning Commission.

The project development would also require Site Plan / Design Review approval by the City

Council again after consideration of the Planning Commission's recommendation. Should the project be approved by the City, building and grading permits from the City would be required, along with an encroachment permit for work in City streets. The landscaping design would be required to conform to the City's Landscape Standards and recommended drought tolerant plants.

The developer notes that the design of the buildings and the exterior materials and color are of a Mediterranean style. All buildings will be clad in stucco in beige or off-white earth tone colors (summer hill or swiss coffee). Three accent stucco colors (roasted kona, texas heatwave, and ritzy) are proposed in darker tones to provide definition to the architecture. The roofing material is a fireproof shake in the dark (aged bark) color. A manufactured stone trim (pioneer el dorado stone mountain ledge) is also used on the first floor façade extending up to the second level. The combination of the stone trim and accent stucco provides a pleasing contrast and helps define the architectural features of the buildings.

Because this proposal includes actions by both the Planning Commission and the City Council, this proposal must go before both bodies.

ENVIRONMENTAL REVIEW:

The development of the Tierrasanta Apartment Complex is a "project," which is subject to review under the California Environmental Quality Act (CEQA). Under the supervision of City staff, the applicant retained the services of an environmental consultant (BaseCamp Environmental, Inc. or "BaseCamp") to prepare an environmental review document that meets CEQA requirements as they are administered by the City. BaseCamp prepared an Initial Study / Mitigated Negative Declaration (IS/MND) that analyzed the project in accordance with CEQA standards and significance criteria. The IS/MND determined that the project would result in "significant environmental effects," as defined, but that all of the significant effects would be avoided or reduced to a less-than-significant level with mitigation measures. All of the project's significant environmental effects, and the mitigation measures recommended to address them, are described in detail in the IS/MND.

A review draft of the ISMND was submitted to the City for administrative review and then edited by BaseCamp as directed by City staff. The resulting Public Review Draft IS/MND, therefore, represents the independent analysis and judgment of the City. The Public Review Draft IS/MND was circulated to various City departments, outside agencies, the State Clearinghouse, and the general public for review and comment, for a period of 30 days beginning May 11, 2021 and ending June 10, 2021.

The City received no written or any other comments on the Public Review Draft IS/MND. As a result, the entire Public Review Draft IS/MND is submitted to the City Council for adoption as the "Final" IS/MND for the project. Staff is not aware of any other project-related comments or information that would substantively change the analysis or conclusions of the IS/MND.

Accordingly, staff has prepared a Resolution which adopts the Final IS/MND for the project and incorporates all of the proposed mitigation measures into the project. As required by CEQA, staff has also prepared a Mitigation Monitoring / Reporting Plan for adoption which summarizes the environmental effects of the project and the associated mitigation measures and identifies who will be responsible for implementing, and for monitoring implementation of, each of the mitigation measures. The attached Resolution also provides for adoption of the Mitigation Monitoring / Reporting Plan.

ANALYSIS:

The property is vacant and is suitable for the proposed use. As is documented in the City's 2016 Housing Element, there is a need in the City for affordable rental units, particularly three bedroom units, for larger families. The changing of the General Plan designation and Rezoning the site is consistent with the property owners and City's plan for the area to the east of the Livingston Commons shopping center. The proposal will meet all City standards with regard to zoning and development standards. The proposal provides more than adequate parking for residents and visitors and provides handicap spaces, electric charging spaces, and "clean air" spaces. Exterior lighting, however, is not addressed leading staff to recommend a condition of approval to require lighting to be shielded and focused on the building and parking areas. The City has a Design Guide applicable to all new development. Staff has compared the proposed new building's design and colors (as described above) with the Design Guide. The overall design of the new building appears to be consistent with the Design Guide in terms of being compatible in scale with the surrounding area and providing visual interest.

The Project will increase traffic in the area but there will be mitigation conditions that will help address this traffic and contribute to needed street improvements in the area on a proportionate basis. The new 80 unit apartment Project will impact the both Fire and Police services. Accordingly, a Condition of Approve is for the Project is to annex into the City's 2018 Consolidated Community Facility District that levies annual fees that are used to address Fire and Police needs as well as traffic, park, and other City needs. For fiscal year 2018–19 the annual fee for new attached residential development within the District was \$651.00 per unit.

PLANNING COMMISSION ACTIONS AND RECOMMENDATION:

The Planning Commission held a Public Hearing on this request for a General Plan Amendment, Rezone, Conditional Use Permit, Site Plan and Design Review, and associated environmental documents on August 10, 2021. The Owner /Applicant's team appeared at the Hearing and presented their request and answered questions from the Commission. The Project team noted that the Project is very family oriented. They will hire locally for the live-in manager and for the maintenance staff. There were no questions from the public. The Commission voted unanimously to recommend approval by the City Council of the Environmental Documents, General Plan Amendment, Rezoning, and Site Plan / Design Review. Per the authority given the Planning Commission by the City Code, the Commission approved the Conditional Use Permit.

FISCAL IMPACT:

The Project would increase property taxes and assessments to the City and help fund City services via the CFD annual fees. More importantly, the Project would address the City's housing needs and demonstrate progress under the policies of the Livingston Housing Element.

RECOMMENDATION:

Staff is of the opinion that the proposed Project with its General Plan Amendment, Rezoning, Conditional Use Permit, and Site Plan / Design Review would be an asset to the area and beneficial in the City. Developing this vacant land helps to provide needed housing for the community and promotes additional development in the City. These apartments' rents would remain affordable (at the 30%, 40%, or 50% of the City median income) given the requirements of the State and Federal funding for the Project and the non-profit status of the developer (Visionary Home Builders of California). Visionary Home Builders is a well-known and respected builder, owner, and manager of affordable housing throughout the region. The apartment

management would verify resident income on a regular basis and insure that these apartment units continue to be occupied by income qualified tenants. Staff feels the site layout and buildings, as proposed and as conditioned, comply with all the requirements and standards applicable. The recommended conditions of approval for the Site Plan / Design Review allows staff to administratively review and approve the final lighting and landscaping as they develop in the construction of the Project, saving time and expense to Tierrasanta Villas while insuring a high quality development. Staff recommends the City Council: adopt Resolution 2021-____, adopting the Mitigated Negative Declaration with its Mitigation Monitoring / Reporting Program; adopt Resolution 2021-____, amending the General Plan; introduce and have the first reading of Ordinance ____ rezoning the property to allow for this Project; and adopt Resolution 2021-____, approving the Site Plan and Design Review 2020-05, based on the findings and Conditions of Approval contained in the attached resolutions.

ATTACHMENTS:

1. Mitigated Negative Declaration Resolution 2021-____
 Exhibit "A", Initial Study /Mitigated Negative Declaration
 Exhibit "B", Mitigation Monitoring / Reporting Program
2. Resolution 2021-____ Amending the General Plan
3. Ordinance Introduction and First Reading to Rezone the Site
4. Resolution Approving Site Plan / Design Review 2020-05 for the Tierrasanta Apartment Project
 Exhibit "A" Conditions of Approval
 Exhibit "B" City Engineer Memo Dated 7/23/21
5. Project Location and Zoning Map
6. Assessor's Map Book 22, Page 01
7. Plans – Tierrasanta Villas Apartments

RESOLUTION 2021-_____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LIVINGSTON ADOPTING THE MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING/REPORTING PROGRAM FOR THE TIERRASANTA
VILLAS APARTMENTS GENERAL PLAN AMENDMENT 2021-01, REZONING 2021-01, AND
SITE PLAN & DESIGN REVIEW 2020-05**

WHEREAS, pursuant to Livingston Municipal Code (“LMC”) section 5-6-2, Tierrasanta Villas L. P., owner and Visionary Home Builders of California, Inc., applicant, have applied for a General Plan Amendment, Rezoning, and Site Plan and Design Review approval to develop an 80-unit apartment complex and associated improvements known as Tierrasanta Villas Apartments (hereafter, “the Project”) on APN 22-010-26 at 915 B Street in the City of Livingston; and

WHEREAS, this proposed development is deemed a “Project” within the meaning of the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Livingston has caused to be prepared an Initial Study/Mitigated Negative Declaration (IS/MND) addressing the potential environmental effects of the project in accordance with the requirements of CEQA; and

WHEREAS, a Notice of Intent to Adopt the Mitigated Negative Declaration was published on May 11, 2021 in the Merced Sun-Star, posted with the Merced County Clerk and distributed to agencies and interested parties; and

WHEREAS, the Draft IS/MND was circulated for public and agency review and comment in accordance with the requirements of CEQA from May 11, 2021 through June 10, 2021; and

WHEREAS, no comments were received during the public and agency review period and therefore the Draft IS/MND has been retitled the Final IS/MND, which is attached hereto as Exhibit “A” and hereby incorporated by reference; and

WHEREAS, a Mitigation Monitoring/Reporting Program for the project has been prepared, attached hereto as Exhibit “B” and hereby incorporated by reference, and

WHEREAS, the City Council has reviewed and independently considered the analysis and conclusions of the Final IS/MND; and

WHEREAS, the City Council has reviewed and considered any and all comments on the Final IS/MND made at the public hearing; and

WHEREAS, the City Council has held a public hearing on the proposed project on September 7, 2021, which has been noticed by posting, a newspaper ad, and a mailing to adjacent properties within 300 feet of the site; and

NOW, THEREFORE, BE IT RESOLVED that the Livingston City Council hereby adopts the Final IS/MND for the project as contained within Exhibit “A” attached hereto; and

BE IT FURTHER RESOLVED that the Livingston City Council hereby adopts the Mitigation Monitoring/Reporting Program for the project as contained in Exhibit “B” attached hereto.

The foregoing resolution was introduced and moved for adoption on September 7, 2021, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Juan Aguilar, Mayor
of the City of Livingston

ATTEST:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted at a regular meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

RESOLUTION 2021-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE GENERAL PLAN AMENDMENT 2021-01 FOR THE TIERRASANTA
VILLAS APARTMENTS AT 915 B STREET (GPA 2021-01)**

WHEREAS, the owner Tierrasanta Villas L. P. and applicant, Visionary Home Builders of California, Inc., have submitted an application to the City of Livingston for a General Plan Amendment, for property located at 915 B Street, Livingston, CA (Assessor Parcel Number 022-010-026); and

WHEREAS, the applicants are requesting approval of a General Plan Amendment to designate approximately 3.98 acres from Service Commercial (SC) to High Density Residential (HD); and

WHEREAS, this proposed General Plan Amendment, and the entire Tierrasanta Villas Apartments are a "Project" within the meaning of the California Environment Quality Act (CEQA); and

WHEREAS, the City of Livingston has caused to be prepared an Initial Study / Mitigated Negative Declaration (IS/MND) addressing the potential environmental effects of the Project in accordance with the requirements of CEQA; and

WHEREAS, a Notice of Intent to Adopt the Mitigated Negative Declaration was published on May 11, 2021 in the Merced Sun-Star, posted with the Merced County Clerk, and distributed to agencies and interested parties; and

WHEREAS, the Draft IS/MND was circulated for public and agency review and comment in accordance with the requirements of CEQA from May 11, 2021 through June 10, 2021; and

WHEREAS, no comments were received during the public and agency review period and therefore the Draft IS/MND has been retitled the Final IS/MND, which is attached hereto as Exhibit "A" and hereby incorporated by reference; and

WHEREAS, a Mitigation Monitoring/Reporting Program for the project has been prepared, attached hereto as Exhibit "B" and hereby incorporated by reference, and

WHEREAS, the City Council has reviewed and independently considered the analysis and conclusions of the Final IS/MND, and the proposed change in General Plan designation; and

WHEREAS, the City Council has reviewed and considered any and all comments on the Final IS/MND and the General Plan Amendment made at the public hearing; and

WHEREAS, the City Council has held a public hearing on the proposed project on September 7, 2021, which has been noticed by posting, a newspaper ad, and a mailing to adjacent properties within 300 feet of the site; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts Resolution 2021-__, approving General Plan Amendment 2021-01.

The foregoing resolution was introduced and moved for adoption on September 7, 2021, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Juan Aguilar, Mayor
of the City of Livingston

ATTEST:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted at a regular meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON**

WHEREAS, the owner Tierrasanta Villas L.P., and applicant, Visionary Home Builders of California Inc., have submitted an application to the City of Livingston to Rezone an approximate 4 acre property located at 915 “B” Street, Livingston, Ca. (APN # 022-010-026) from the Highway Service Commercial (C-3) Zoning designation to the High Density Residential (R-3) Zoning designation; and

WHEREAS, this property has a General Plan designation of High Density Residential; and

WHEREAS, this proposed Rezoning, and the entire Tierrasanta Villas Apartments are a “Project: within the meaning of the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Livingston has caused to be prepared an Initial Study / Mitigated Negative Declaration (IS / MND) addressing the potential environmental effects of this Project in accordance with the requirements of CEQA; and

WHEREAS, a Notice of Intent to Adopt the Mitigated Negative Declaration was published on May 11, 2021 in the Merced Sun-Star, posted with the Merced County Clerk, and circulated for public and agency review and comment in accordance with the requirements of CEQA from May 11, 2021 through June 10, 2021; and

WHEREAS, no comments were received during the public and agency review period and therefore the Draft IS/MND has been retitled the Final IS/MND, which is hereby incorporated by reference: and

WHEREAS, a Mitigation Monitoring/Reporting Program for the project has been prepared, which is hereby incorporated by reference, and

WHEREAS, the City Council has reviewed and independently considered the analysis and conclusions of the Final IS/MND, and the proposed change in Zoning designation; and

WHEREAS, the City Council has reviewed and considered any and all comments on the Final IS/MND and the proposed change in Zoning designation made at the public hearing; and

WHEREAS, the City Council has held a public hearing on the proposed project on September 7, 2021, which has been noticed by posting, a newspaper ad, and a mailing to adjacent properties within 300 feet of the site.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVINGSTON, CALIFORNIA, DOES ORDAIN as follows:

SECTION 1. Recitals. The foregoing recitals are true and correct and made part of this Ordinance.

SECTION 2. Findings. The City Council hereby finds as follows:

- A. **CEQA Compliance.** The City has prepared an Initial Environmental Study consistent with CEQA which found the project could have significant impacts on the environment, however measures have been identified and incorporated into the project's conditions of approval that will mitigate these impacts to a level that is considered less than significant. Accordingly the City has prepared a Mitigated Negative Declaration and a Mitigation Monitoring / Reporting Program for the Project which the Council has adopted.
- B. **General Plan Consistency.** The amendment made to the Livingston zoning map pursuant to this Ordinance is consistent with the adopted 1999 General Plan, as amended. This Rezoning does not cause any conflict with the City's General Plan.
- C. The uses proposed will not be detrimental to the present and planned uses in the area.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise provided by law.

SECTION 4. Severability. If any provision of this ordinance or this application thereof to any person or circumstance is held invalid, such is invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of the ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of this invalidity of any particular portion thereof.

SECTION 5. Effective Date. This ordinance shall take effect and be in full force and effect thirty (30) days after its final passage and adoption.

Introduced: September 7, 2021
Passed and Adopted: _____

JUAN AGUILAR JR., Mayor
of the City of Livingston

ATTEST:

State of California)
County of Merced)
City of Livingston)

I hereby certify that the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of the City of Livingston on the 7th day of September 2021, and passed and adopted at the Regular Meeting of the City Council of the City of Livingston this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MONICA CISNEROS, Deputy City Clerk
of the City of Livingston

RESOLUTION 2021- _____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LIVINGSTON APPROVING THE
SITE PLAN AND DESIGN REVIEW 2020-05 FOR
TIERRASANTA VILLAS APARTMENTS**

WHEREAS, pursuant to Livingston Municipal Code (“LMC”) Section 5-6-7, Tierrasanta Villas L. P. owner and Visionary Home Builders of California, Inc., applicants, have applied for a Site Plan and Design Review approval for Tierrasanta Villas at 915 B Street (“the Project”) for 80 apartment units within 5 buildings on APN 022-010-026 in the City of Livingston; and

WHEREAS, the site has just been zoned R-3 (High Density Residential), and has just received a General Plan Amendment to a designation of High Density Residential according to the official Zoning Map of the City of Livingston and the 1999 Livingston General Plan, both as amended; and

WHEREAS, LMC Section 5-6-7 requires the approval of a Site Plan and Design Review for new structures within the R-3 district to assure compatibility, harmony in appearance in neighborhoods, reduction of negative impacts of non-aesthetic development, and orderly development of the community; and

WHEREAS, a public hearing for the proposed project has been noticed by posting, a newspaper ad and a mailing to adjacent properties within 300 feet of the site; and

WHEREAS, the City Council has considered the environmental effects of the project and has adopted a Mitigated Negative Declaration and a Mitigation Monitoring / Reporting Program; and

WHEREAS, Staff has reviewed the project with reference to the 1999 General Plan, the Zoning Ordinance (specifically Sections 5-6-7 “C” thru “E”) and the adopted Livingston Design Guidelines; and finds that, based on the evidence documented within the associated staff report and proceedings of the public hearing, the proposed use, its site plan and design, is consistent with the General Plan, complies with the Zoning Ordinance in that the site plan and design meets the zoning standard and requirements (including those specifically referenced above), and meets the intent and guidance of the Livingston Design Guidelines; and

WHEREAS, the City Council has reviewed and considered any and all comments on the Site Plan and Design Review made at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Livingston City Council hereby adopts Resolution 2021-____10, approving the Site Plan and Design of the subject new development.

BE IT FURTHER RESOLVED, that the Conditions of Approval within City Council Resolution 2021-____, Exhibit A, are hereby approved.

The foregoing resolution was introduced and moved for adoption on September 7, 2021, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Juan Aguilar, Mayor
of the City of Livingston

ATTEST:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted at a regular meeting of the City Council of the City of Livingston this 7th day of September, 2021.

Monica Cisneros, Deputy City Clerk
of the City of Livingston

Exhibit A Conditions of Approval

1. The Developer shall comply with all federal, state and local laws, policies, standards and requirements applicable to this use and obtain a building permit and all other permits applicable to this use and shall pay all fees and exactions applicable to such a use; and
2. The Developer shall annex this Project into the Community Facilities District CFD# 2017-1 prior to the issuance of the Certificate of Occupancy, including the payment of administrative costs associated with the annexation; and
3. The Developer shall comply with all 22 Conditions of Approval as contained within the memorandum to the Contract City Planner dated July 23, 2021 from the City Engineer (attached); and
4. The Developer shall be aware of the MID comments on the Project as listed in the letter dated June 9, 2021 from MID to the Contract City Planner, and comply with the 2 Conditions of Approval contained in that letter (attached); and
5. The Developer shall include residential sprinklers in the development consistent with the requirements of the Merced County Fire Department and shall comply with other Fire Department requirements and standards; and
6. The Developer shall insure that all connections to water and sewer systems shall be subject to the confirmation of availability capacity for each utility system, and per the requirements of the City; and
7. The Developer shall indemnify, defend and hold harmless the City and its officials, officers, employees, agents, and consultants from any and all legal or administrative actions or other proceedings challenging this approval or any subsequent approval associated with this project; and
8. The development of the site shall be consistent with approved plans, elevations, and colors. Minor variations from approved plans, elevations, and colors may be allowed at the review and approval of City staff; and
9. All exterior lighting fixtures shall be directed to areas on the subject property itself and shall avoid shining toward adjacent residential properties; and
10. The Developer and/or operator shall keep the site free from trash and debris and shall maintain the premises in a clean and orderly manner; and
11. The developer shall submit the plans for the trash enclosures for City staff review and approval after access to the enclosure has been approved by Gilton Solid Waste Management.

GOUVEIA ENGINEERING

MEMORANDUM

TO: Randy Hatch, Contract City Planner

FROM: Mario B. Gouveia, City Engineer

SUBJECT: Engineering Conditions of Approval for Tierrasanta Villas Residential Apartment Complex
SPDR 2020-05

DATE: July 23, 2021

CC:

These are the Engineering comments for Site Plan and Design Review 2020-05 for the Tierrasanta Villas Apartments Project in the City of Livingston.

1. All conditions of approval for the Parcel Map for JEG Livingston Ranches, LLC filed on Book 118 Page 44 of the Merced County Records are included by reference.
2. The developer/applicant shall prepare improvement plans (separate from the building plans) for all applicable site development including site grading and drainage, utilities, parking lot, street and site lighting, striping and signage, landscape, and offsite (street frontage) improvements.
3. Public improvements shall conform to the latest edition of the City Improvement Standards and Specifications and any modifications thereto approved by the City Engineer in place at the time of construction. The work shall comply with all other applicable State, Federal, and local laws and regulations.
4. All existing rights-of-way and easements shall be shown on the improvement plans.
5. Prepare a Storm Water Pollution Prevention Plan (SWPPP) pursuant to the California Water Resources Control Board Order No. 2009-0009-DWQ, NPDES No. CA000002 and the City of Livingston's MS4 Phase II Permit for construction activities. Prepare an Erosion Control Plan for storm water and construction BMPs. Applicant shall provide a WDID number prior to approval of the improvement plans.
6. Prepare and provide volumetric sizing calculations, low development impact (LID) measures, operation and maintenance plan (O&M), and statement of responsibility agreement for storm water management in accordance with the City of Livingston's Post-construction Standards Plan and pursuant to the City's Phase II MS4 Permit requirements.
7. Unless exempt, prepare a Dust Control Plan (DCP) and file the Plan with the San Joaquin Valley Air Pollution Control District for construction activities pursuant to Regulation VIII (Rules 8011-8081).
8. A soils report prepared by a California registered geotechnical engineer shall be submitted to the City Engineer as part of the improvement plans. The soils report shall include recommendations for the structural sections for roadways and parking lots, excavation, compaction, clearing and grubbing requirements, etc.

9. Prepare grading and encroachment permits for the project. Applicant shall pay the permit fee, plan check and inspection fees, and furnish improvement securities pursuant to the City's improvement standards, municipal code, and ordinances.
10. Applicant shall pay all applicable development impact fees for Municipal Facilities, Police, Fire Protection, Streets and Bridges, Water, Domestic Wastewater, Storm Drainage, and Parks.
11. Construct all proposed connections for dry utilities underground and within required easements by the respective utilities.
12. Any existing overhead lines including electric, communication and Cable TV within the public rights of way or easements, or within the project parcel shall be undergrounded within the street rights of way or relocated to acceptable easements as approved by the City of Livingston and the affected utility companies.
13. Provide street lighting on B Street in accordance with the City of Livingston Improvement Standards and as required by the City Engineer.
14. Provide on-site and off-site ADA accessible path for pedestrians and bicyclists.
15. On-site parking areas must be designed and constructed in accordance with City Standards and as required by the City Engineer.
16. Applicant shall cause the dedication of street right of way and public utility/pedestrian easement to the City of Livingston for the north half of B Street and construct street improvements pursuant to Minor Arterial standards (110-ft divided 4-Lane). Roadway pavement shall be widened to ultimate street width within the project frontage and transitioned to existing pavement as required. Curb, gutter, sidewalk, medians, striping, and other required street improvements shall extend the length of the property line. Construct all required frontage improvements per City standards or as approved by the City Engineer.
17. Collect storm runoff from on-site and off-site development and dispose to an on-site swale/basin/biofiltration basin as required and approved by the City of Livingston and Merced Irrigation District. Alternatively, the storm water may be collected on-site and conveyed to the nearest storm drain basin along easements or street rights-of-way as approved by the City Engineer.
18. Connect to the existing 12-inch water main on B Street for all proposed domestic, irrigation, and fire connections. Domestic and irrigation line shall have separate metered connections. Connections shall include shutoff valves, corporation stops, water meters, backflow preventers, post indicator valves, and fire department connections, as applicable.
19. Connect to the existing 27-inch sewer main on B Street for sanitary service. Sewer lateral shall gravity flow unless a privately-owned lift station is required due to topography restrictions or elevation conflicts with existing improvements. Sanitary sewer lateral connections shall include cleanouts, pre-treatment systems (i.e., grease interceptor, etc.), and backwater valves, as applicable.
20. Construct all required transportation improvements and pay the fair share cost for the implementation of all future traffic facilities required to mitigate the project impacts per the Transportation Impact Analysis dated April 16, 2021, prepared by KD Anderson & Associates for the Tierrasanta Villas Apartments.
21. Provide trash enclosure as approved by the City Planner and access as approved by City's waste management company.

Memorandum

Page 3

22. Repairs to any damaged City Facilities such as curb, gutter, sidewalk and driveways caused by construction and construction-related activities shall be completed at Developer's sole cost.

FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

FOR THE

TIERRASANTA VILLAS APARTMENTS

915 B Street, Livingston, CA

July 2021

<https://www.dropbox.com/s/lhyusbdqbt3skhf/Tierrasanta%20Final%20ISMND%20%26%20Appendix.pdf?dl=0>

Prepared for:

City of Livingston
1416 C Street
Livingston, CA 95334
209-394-8041

Prepared by:

BaseCamp Environmental, Inc.
802 W. Lodi Avenue
Lodi, CA 95240



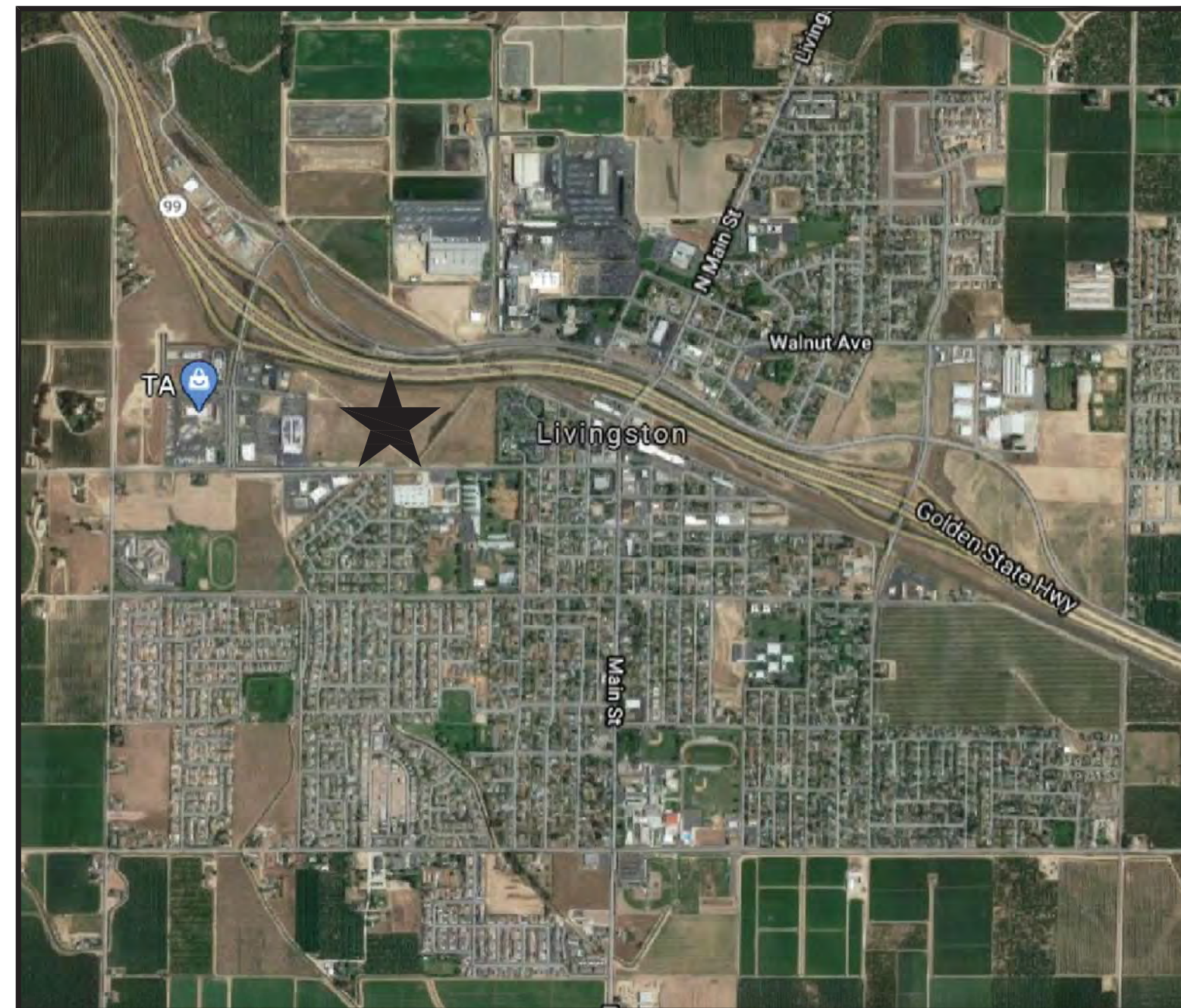
Conditional Use Permit/ Site Plan/ Design Review for Tierrasanta Villas Apartments

80 Unit Apartment Complex and Community/ Daycare Center
915 B Street, Livingston, CA 95334
APN: 118-P.M.-44 - Parcel 2

Sheet Index:

- C1 Cover Sheet
- A1 Site Plan
- A2 Building A: First Floor Plan/
Exterior Elevations
- A3 Building A: Second Floor/ Roof Plans
- A4 Building A: Exterior Elevs - Color
- A5 Building A1: First Floor Plan/
Exterior Elevations
- A6 Building A1: Second/Third Floors/
Roof Plans
- A7 Building A1: Exterior Elevs - Color
- A8 Building B: First/Second Floors/
Roof Plans/ Exterior Elevations
- A9 Building B: Exterior Elevs - Color
- A10 Building C: Floor/ Roof Plans
- A11 Building C: Exterior Elevations
- A12 Building C: Exterior Elevations - Color
- L1 Landscape Plan
- L2 Plant Palette & Narrative
- L3 Plant Palette

Vicinity Map



Consultants:

Architect:
Lee-Jagoe Architecture, Inc.
2291 West March Lane, Suite B200
Stockton, CA 95207
(209) 957-9254

Landscape Design:
The Office of Jeffrey Gamboni
3012 Pacific Avenue
Stockton, CA 95370
(209) 948-8335

Civil Engineer:
Northstar Engineering, Inc.
909 14th Street
Modesto, CA 95354
(209) 524-3525

Energy:
Ducttesters
615 13th Street
Modesto, CA 95354
(209) 579-5000

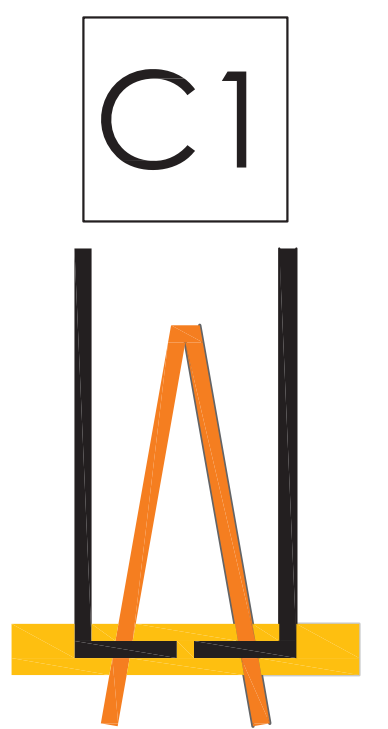
Owner:

Tierrasanta Villas, LP
315 North San Joaquin Street
Stockton, CA 95202
(209) 466-6811

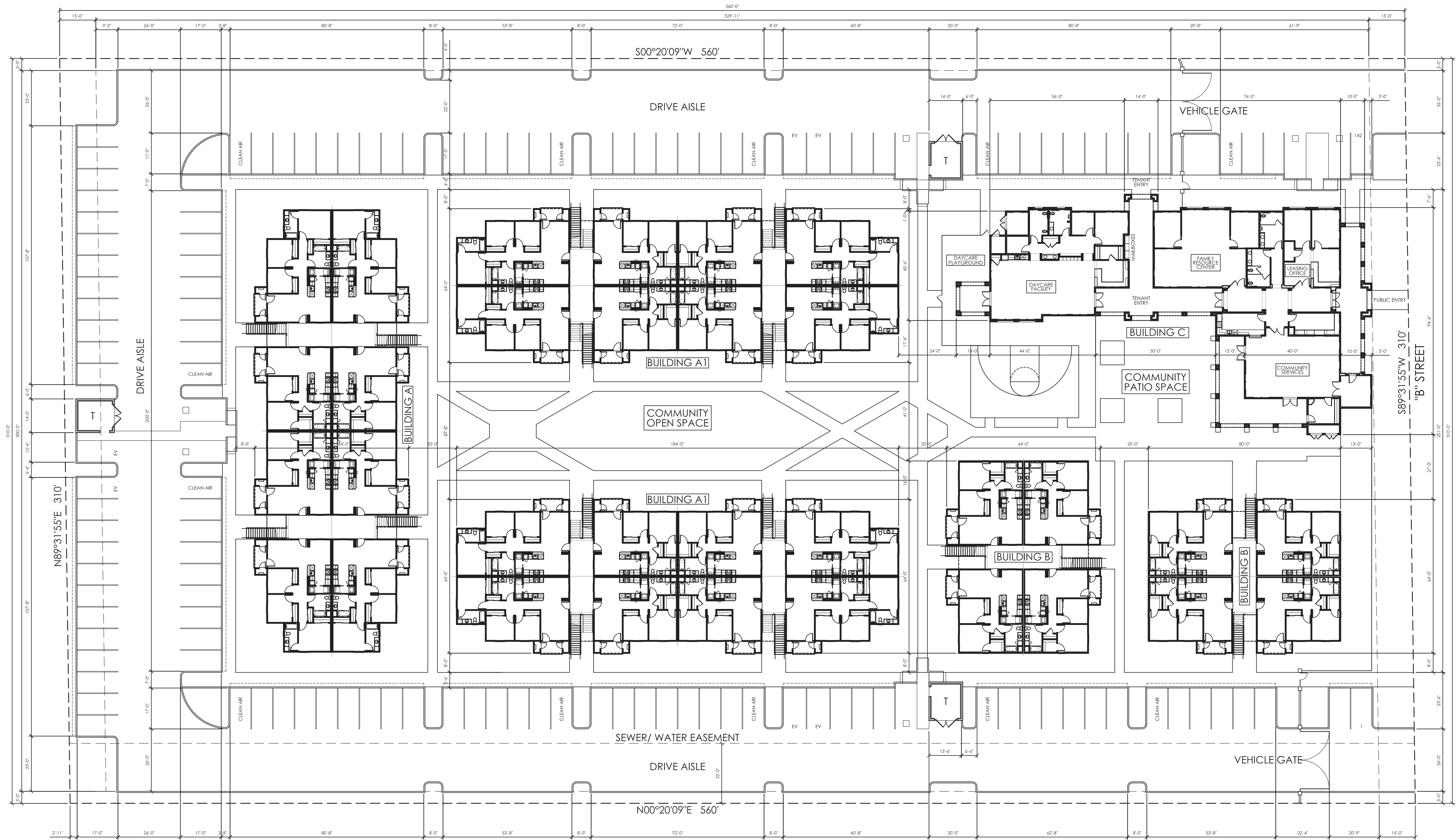
VHB

TIERRASANTA VILLAS
LIVINGSTON, CA

November 20, 2020

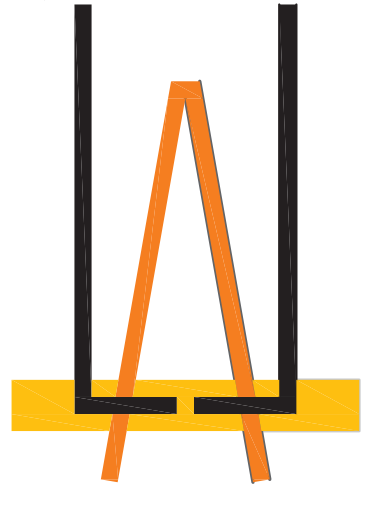


LEE JAGOE ARCHITECTURE
INCORPORATED



PRELIMINARY PROJECT DATA						
BUILDING DATA				LIVABLE SQUARE FOOTAGE		
TYPE	STORIES	TOTAL	UNITS	SG. FT./ FLOOR	TOTAL/ BUILDING	TOTAL/ TYPE
A	2	1	(8) TYPE 1/ (8) TYPE 2	8,500	17,000	17,000
A1	3	2	(12) TYPE 1/ (12) TYPE 2	8,500	25,500	51,000
B	2	2	(8) TYPE 1	3,780	7,560	15,120
C	1	1	COMM CNTR/ LEASING DAYCARE	4,907	4,907	4,907
				2,289	2,289	2,289
UNIT DATA				SITE DATA		
TYPE	UNITS	SG. FT.	TOTAL	3.984 ACRES		
1	2 BEDROOM/ 1 BATH	945	48	20.08 U/AC - GROSS		
2	3 BEDROOM/ 2 BATH	1,180	32			
TOTAL NUMBER OF UNITS				80		
PARKING DATA: PROVIDED				MINIMUM SPACES REQUIRED		
TYPE	TOTAL	80	1/UNIT			
STD 9' x 19'-0" STALLS: TOTAL	142	8	1/10 UNITS			
ACCESSIBLE (INCLUDED)	6	4	LEASING/SERVICES			
CLEAN AIR (INCLUDED)	12	6	DAYCARE			
EV CHARGING (INCLUDED)	6	98	TOTAL			
				VERIFY ACCESSIBLE/ C/A/ EV STALLS		

SCHEMATIC SITE PLAN TIERRASANTA VILLAS LIVINGSTON, CA



LEE JAGOE ARCHITECTURE
INCORPORATED

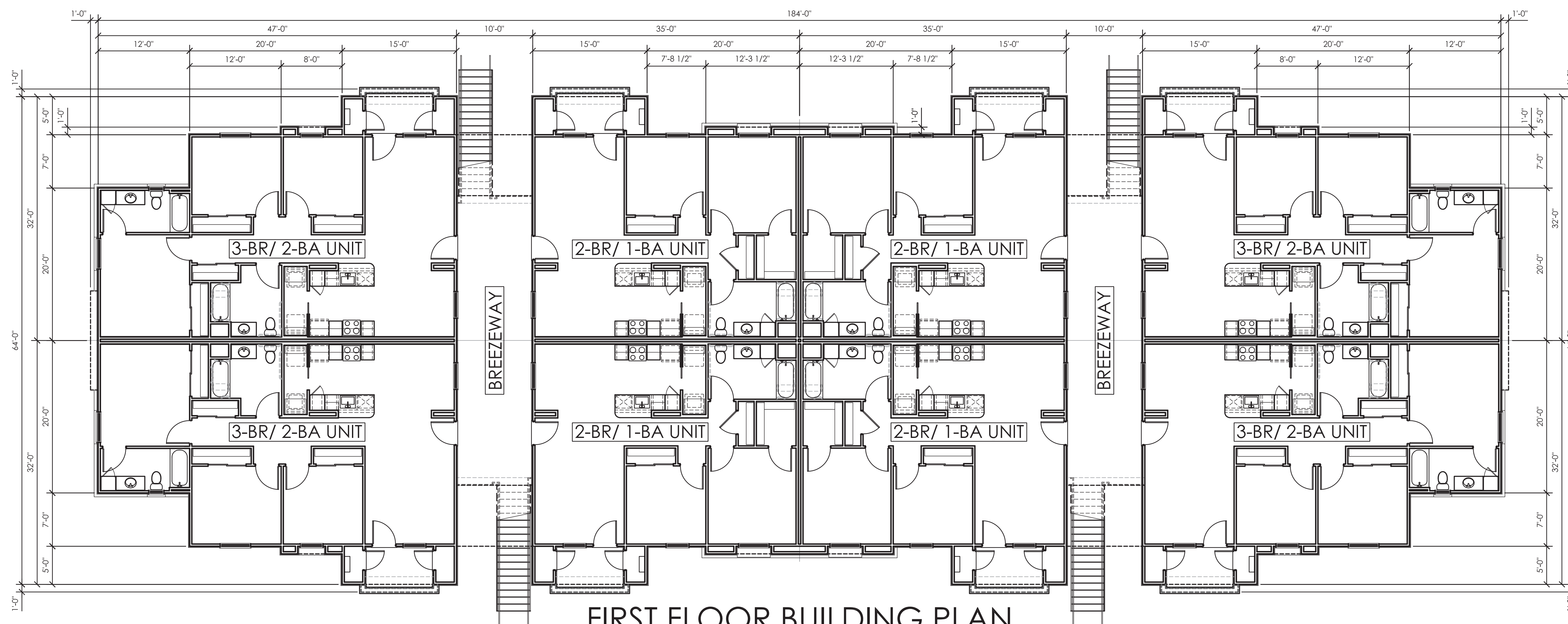
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November 20, 2020





BUILDING TYPE A: FRONT/REAR ELEVATION

BUILDING TYPE A: SIDE ELEVATION

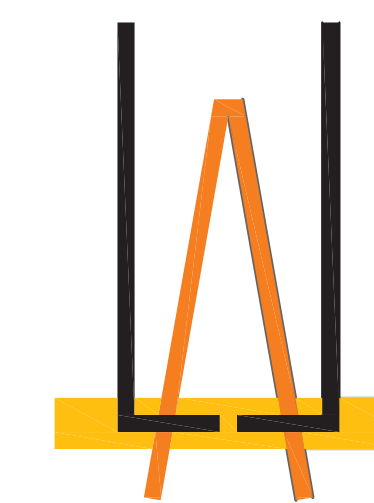


FIRST FLOOR BUILDING PLAN
ADAPTABLE UNITS

BUILDING A - 2 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

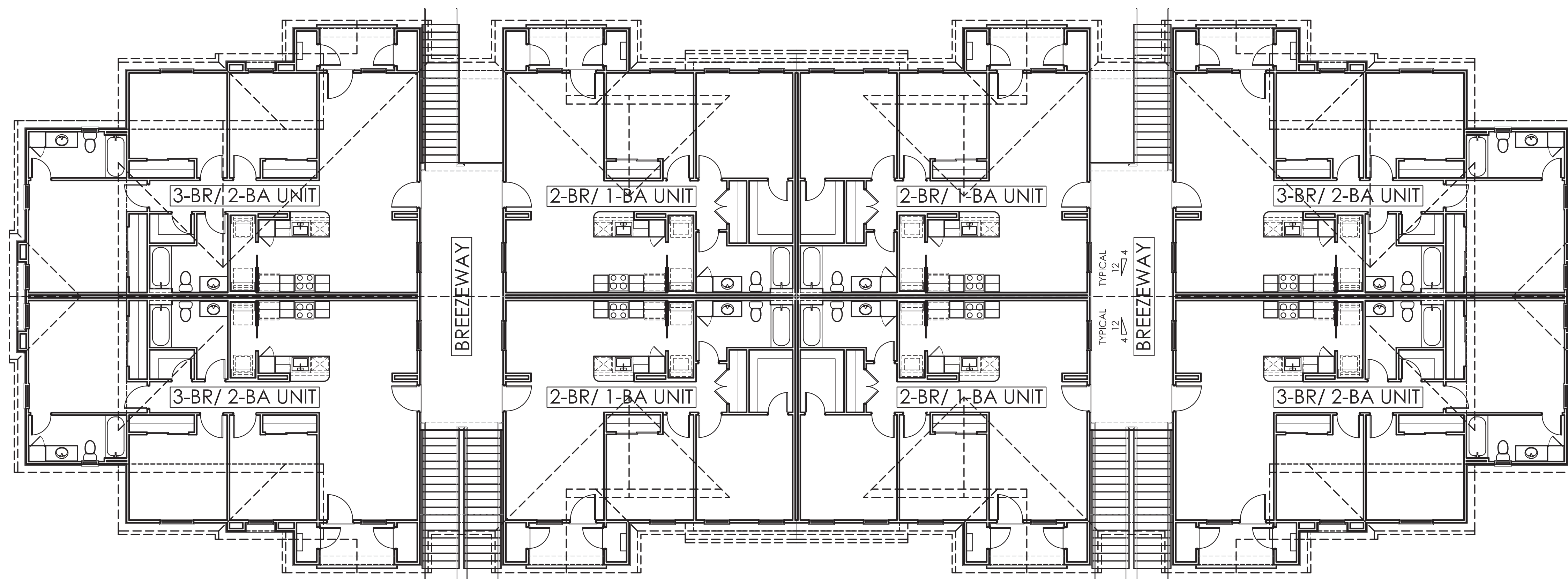
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November 20, 2020

A2



LEE JAGOE ARCHITECTURE
INCORPORATED

VHB

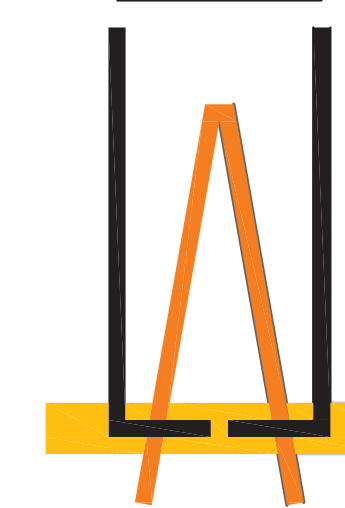


SECOND FLOOR BUILDING/ ROOF PLAN
STANDARD UNITS

BUILDING A - 2 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 1/8"=1'-0"
November 20, 2020

A3



LEE JAGOE ARCHITECTURE
INCORPORATED

VHB



BUILDING TYPE A: FRONT/REAR ELEVATION



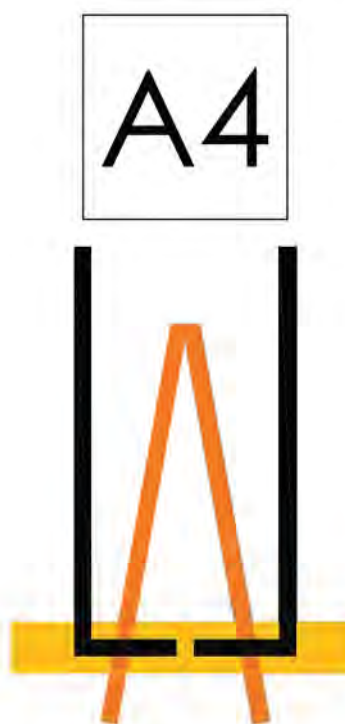
BUILDING TYPE A: SIDE ELEVATION

COLOR SCHEME			
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	MAIN STUCCO COLOR #2: SWISS COFFEE 23		STONE: COLOR: PIONEER EL DORADO STONE MOUNTAIN LEDGE
	ACCENT STUCCO COLOR #1: ROASTED KONA KMA69		ROOF: COLOR: AGED BARK CERTAINTED PRESIDENTIAL SHAKE
	ACCENT STUCCO COLOR #2: TEXAS HEATWAVE KM5421		

VHB

BUILDING A - 2 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 1/8"=1'-0"
November 10, 2020

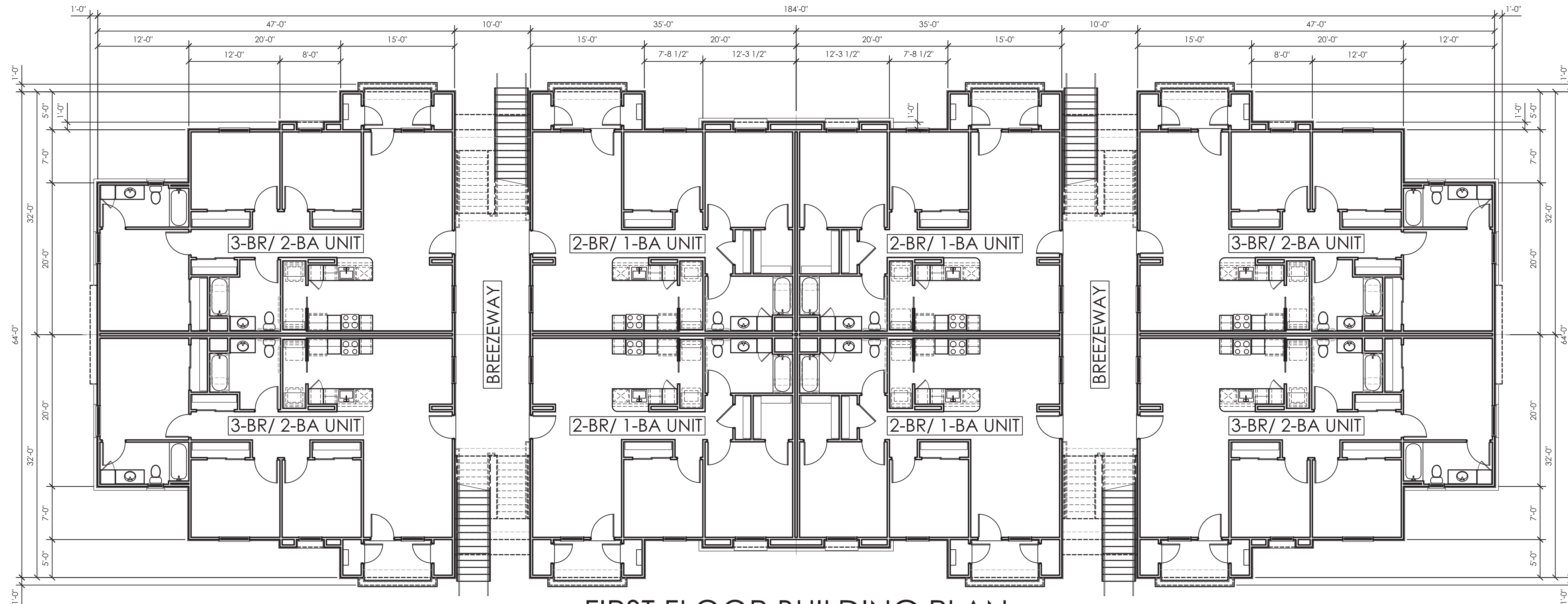


LEE JAGOE ARCHITECTURE
INCORPORATED



BUILDING TYPE A1: FRONT/REAR ELEVATION

BUILDING TYPE A1: SIDE ELEVATION

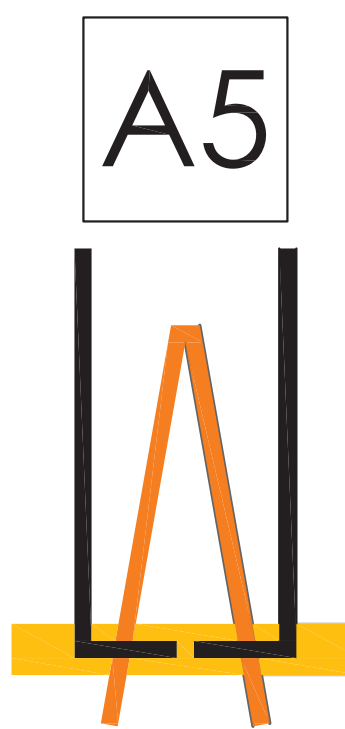


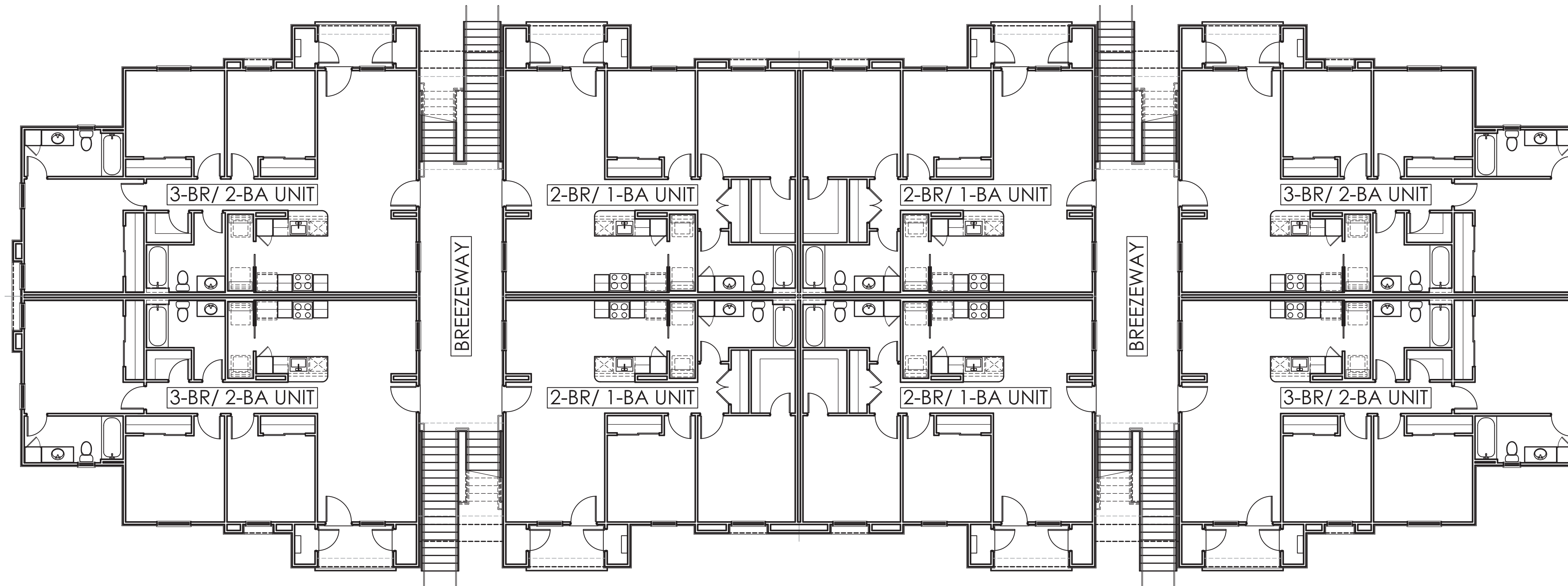
FIRST FLOOR BUILDING PLAN
ADAPTABLE UNITS

BUILDING A1 - 3 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

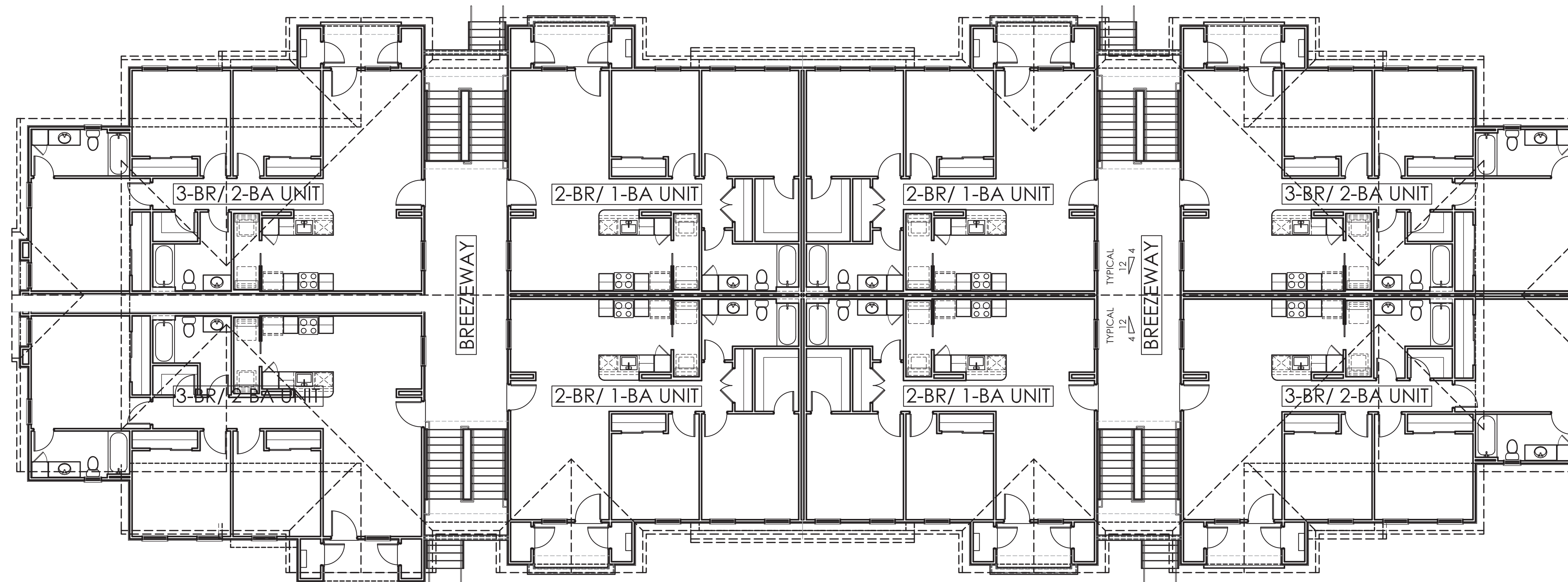
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November 20, 2020

VHB





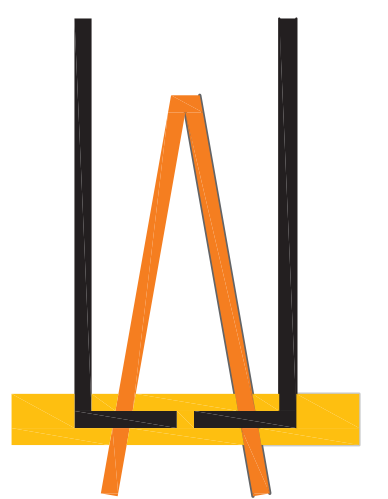
SECOND FLOOR BUILDING PLAN
STANDARD UNITS



THIRD FLOOR BUILDING/ ROOF PLAN
STANDARD UNITS

BUILDING A1 - 3 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

A6



LEE JAGOE ARCHITECTURE
INCORPORATED

Scale 1/8"=1'-0"
November 20, 2020








VHB



BUILDING TYPE A1: FRONT/REAR ELEVATION



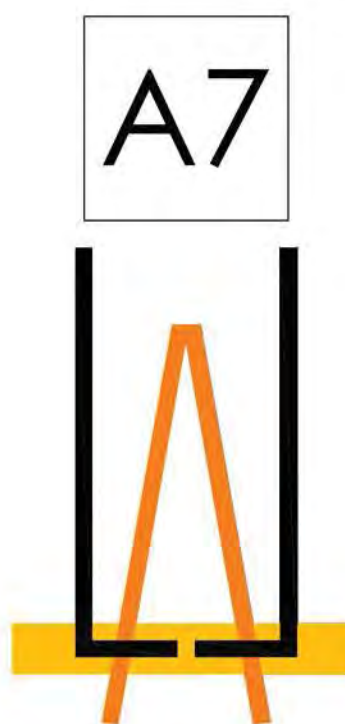
BUILDING TYPE A1: SIDE ELEVATION

COLOR SCHEME			
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	MAIN STUCCO COLOR #2: SWISS COFFEE 23		STONE: COLOR: PIONEER EL DORADO STONE MOUNTAIN LEDGE
	ACCENT STUCCO COLOR #1: ROASTED KONA KMA69		ROOF: COLOR: AGED BARK CERTAINTeed PRESIDENTIAL SHAKE
	ACCENT STUCCO COLOR #2: TEXAS HEATWAVE KM5421		

BUILDING A1 - 3 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 1/8"=1'-0"
November 10, 2020

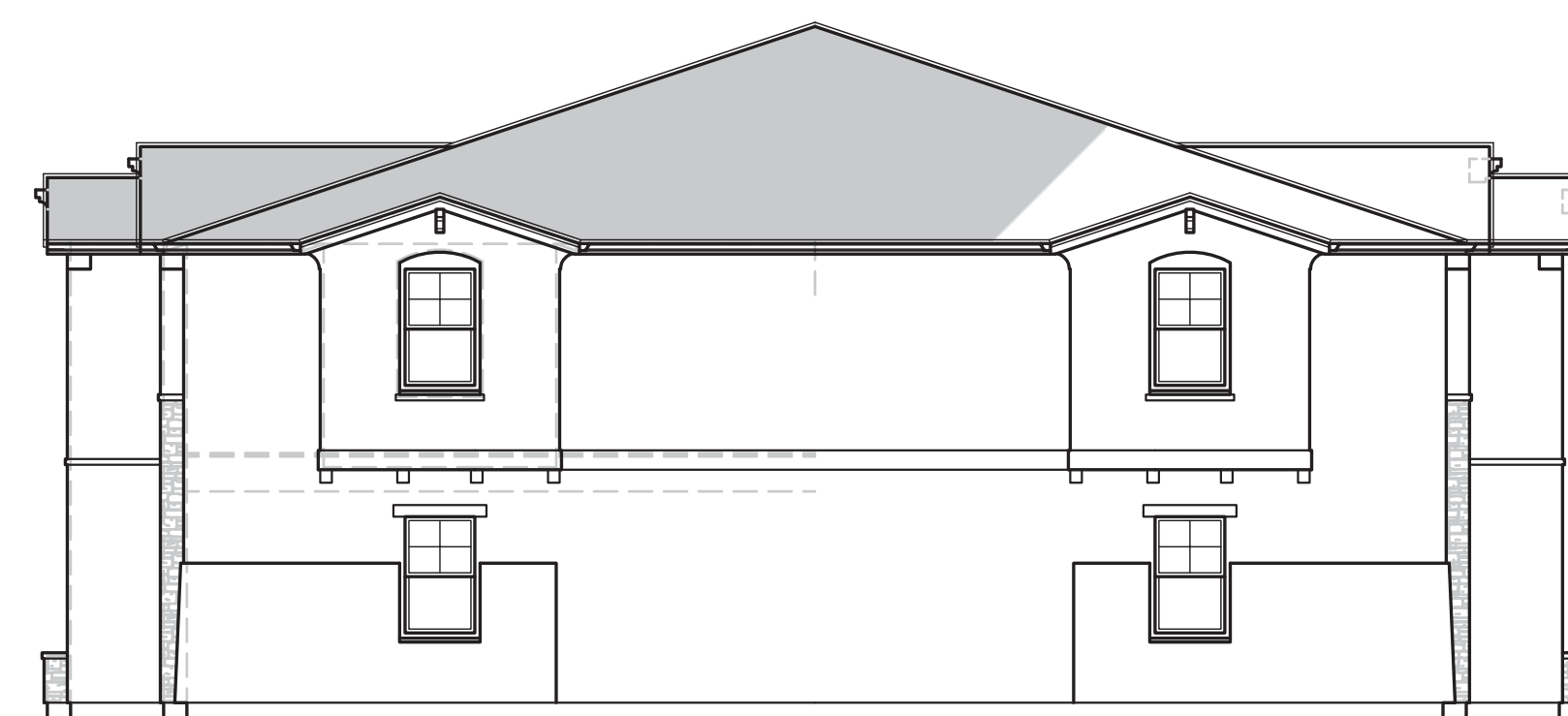
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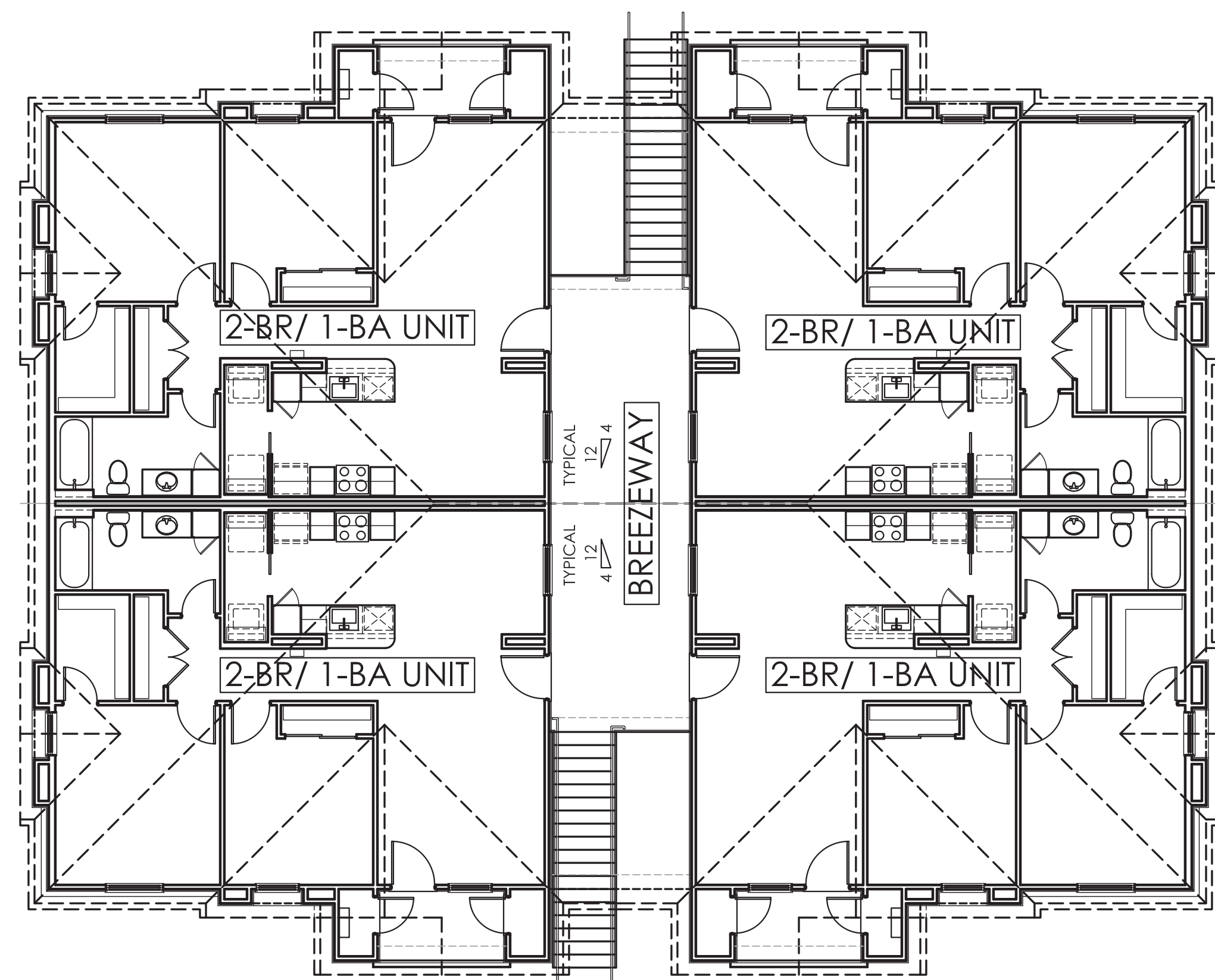
LEE JAGOE ARCHITECTURE
INCORPORATED



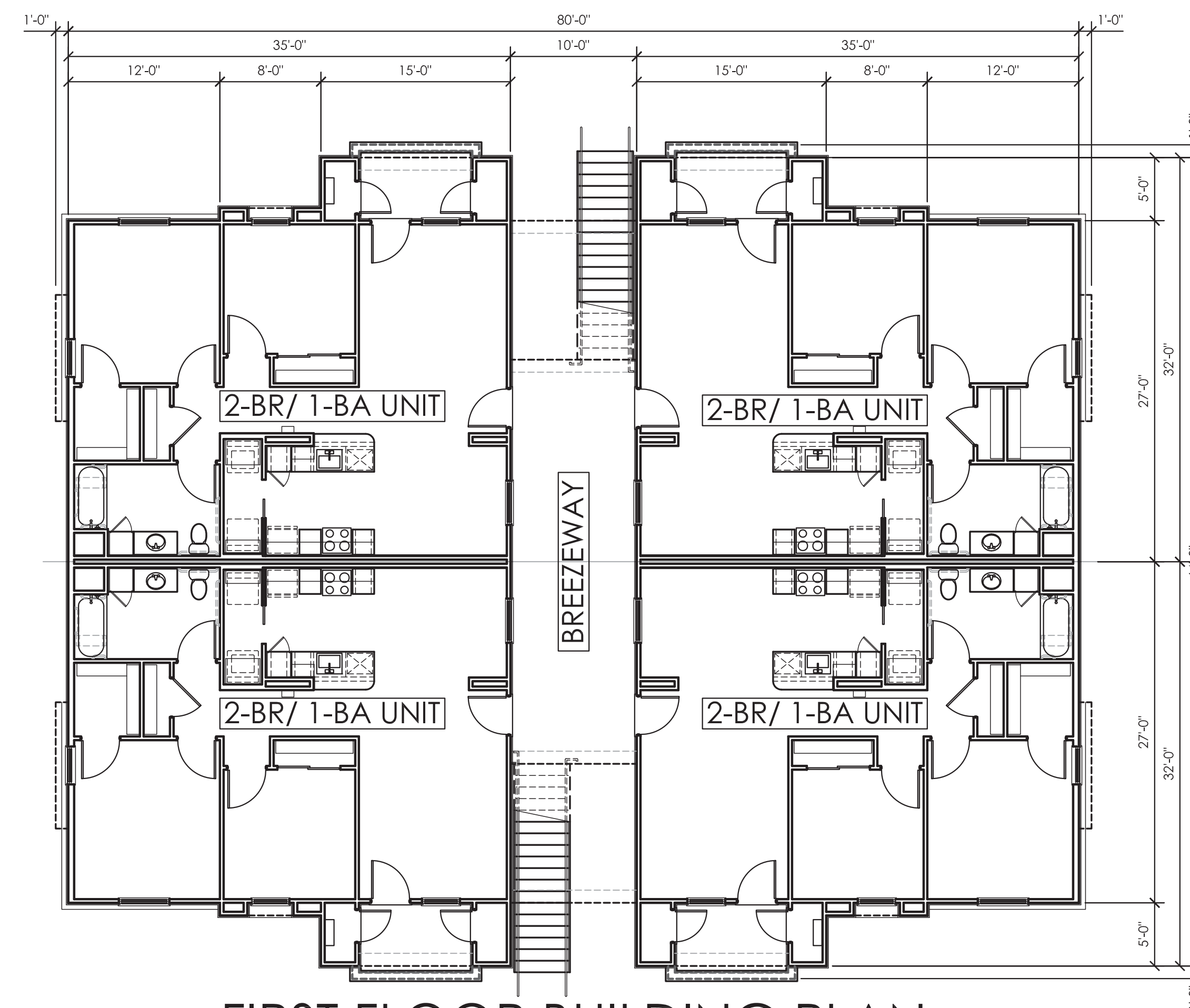
BUILDING TYPE B: FRONT/REAR ELEVATION



BUILDING TYPE B: SIDE ELEVATION



SECOND FLOOR BUILDING/ ROOF PLAN
STANDARD UNITS

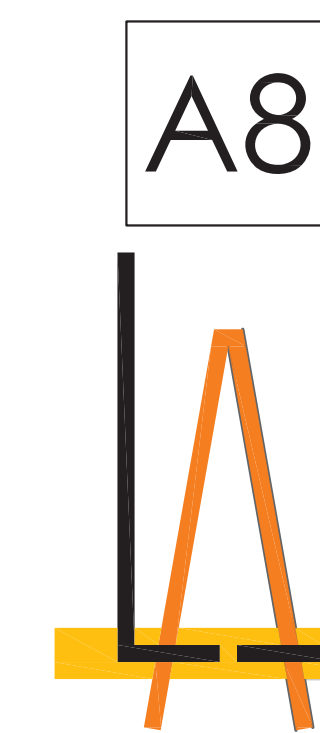


FIRST FLOOR BUILDING PLAN
ADAPTABLE UNITS

BUILDING B - 2 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

VHB




Scale 1/8"=1'-0"
November 20, 2020



LEE JAGOE ARCHITECTURE
INCORPORATED



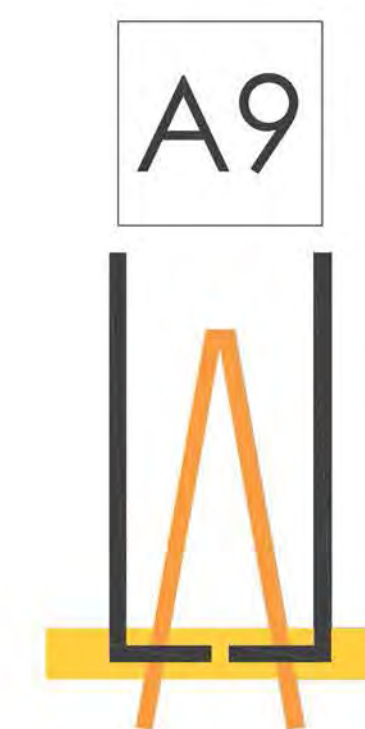
COLOR SCHEME

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	MAIN STUCCO COLOR #2: SWISS COFFEE 23		STONE: COLOR: PIONEER EL DORADO STONE MOUNTAIN LEDGE
	ACCENT STUCCO COLOR #1: ROASTED KONA KMA69		ROOF: COLOR: AGED BARK CERTAINTED PRESIDENTIAL SHAKE
	ACCENT STUCCO COLOR #2: TEXAS HEATWAVE KMS421		

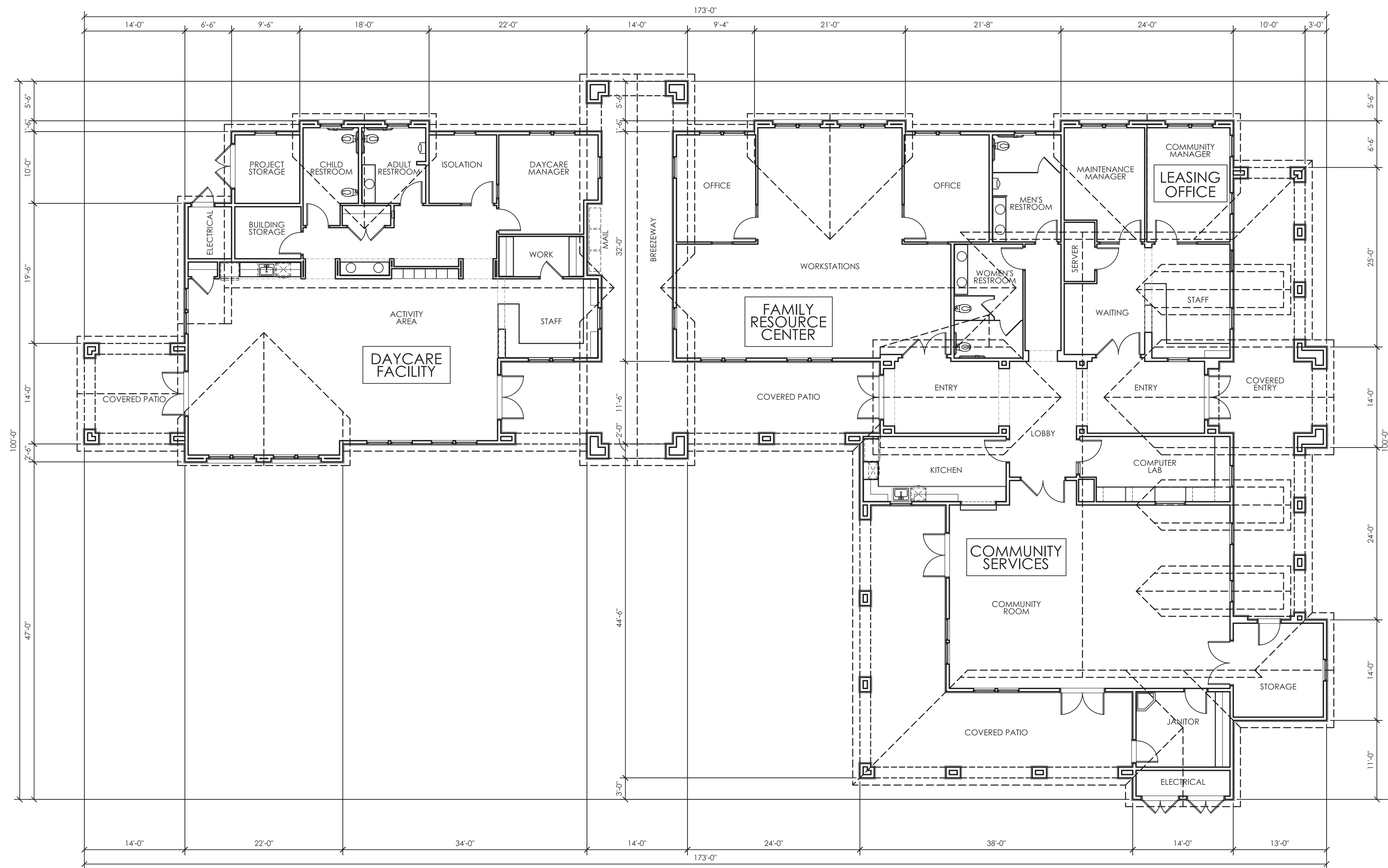
VHB

BUILDING B - 2 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 3/16"=1'-0"
November 10, 2020



LEE JAGOE ARCHITECTURE
INCORPORATED

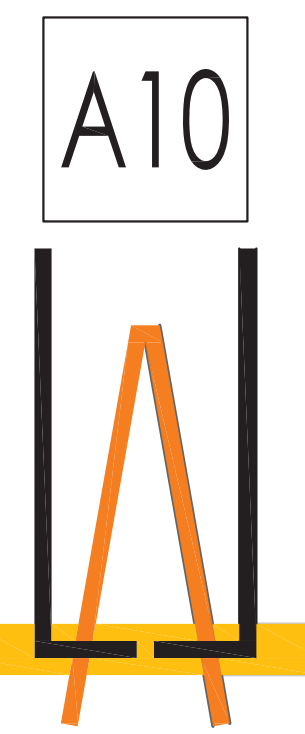


FIRST FLOOR BUILDING/ ROOF PLAN

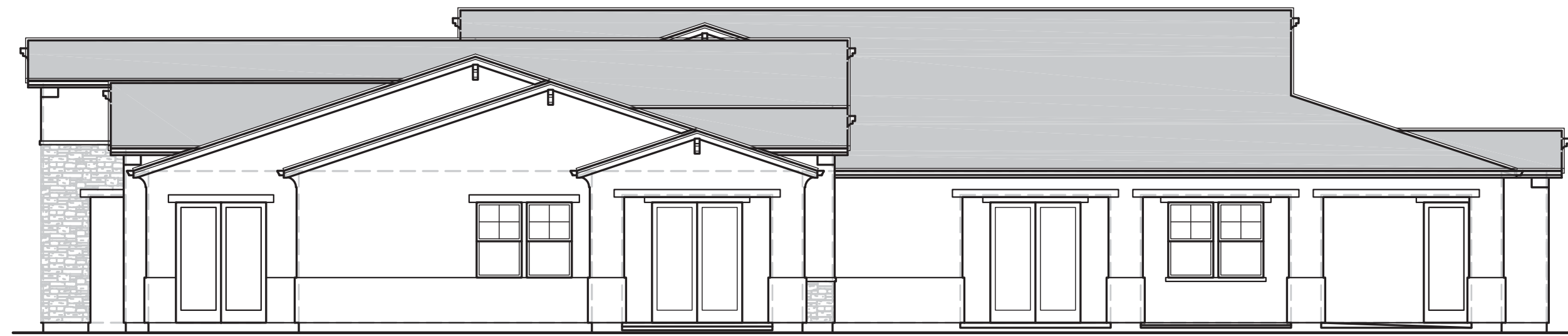
BUILDING C - 1 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 1/8"=1'-0"
November 20, 2020

VHB



LEE JAGOE ARCHITECTURE
INCORPORATED



BUILDING TYPE C: REAR/ WEST ELEVATION



BUILDING TYPE C: FRONT STREET/ EAST ELEVATION



BUILDING TYPE C: REAR/ SOUTH ELEVATION



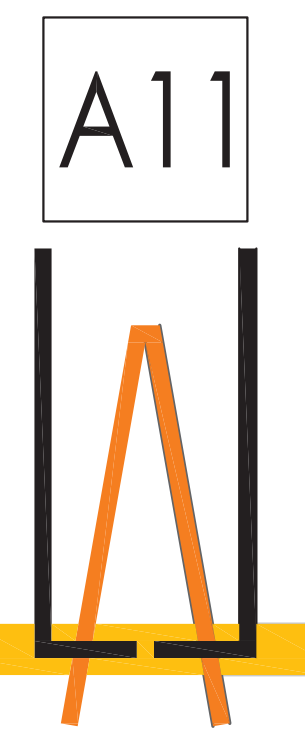
BUILDING TYPE C: SIDE ENTRY/ NORTH ELEVATION

VHB

2291 W. MARCH LANE, SUITE B200
 STOCKTON, CALIFORNIA 95207
 (209) 957-9254 FAX (209) 957-9347
 DJAGOE.LJARCH@GMAIL.COM

BUILDING C - 1 STORY
 TIERRASANTA VILLAS
 LIVINGSTON, CA








Scale 1/8"=1'-0"
 November 20, 2020



LEE JAGOE ARCHITECTURE
 INCORPORATED

P.O. BOX 1571
 PEBBLE BEACH, CALIFORNIA 93953
 (831) 392-7014 FAX (831) 241-6285
 MLEE.LJARCH@GMAIL.COM

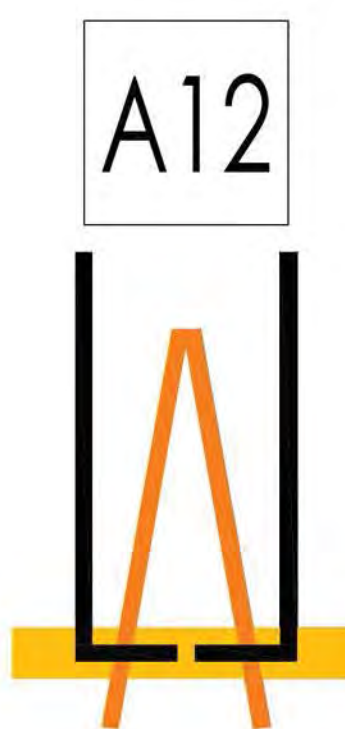


COLOR SCHEME			
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	MAIN STUCCO COLOR #2: SWISS COFFEE 23		STONE: COLOR: PIONEER EL DORADO STONE MOUNTAIN LEDGE
	ACCENT STUCCO COLOR #1: ROASTED KONA KMA69		ROOF: COLOR: AGED BARK CERTAINTED PRESIDENTIAL SHAKE
	ACCENT STUCCO COLOR #2: TEXAS HEATWAVE KMS421		

BUILDING C - 1 STORY
TIERRASANTA VILLAS
LIVINGSTON, CA

Scale 1/8"=1'-0"
November 10, 2020

VHB

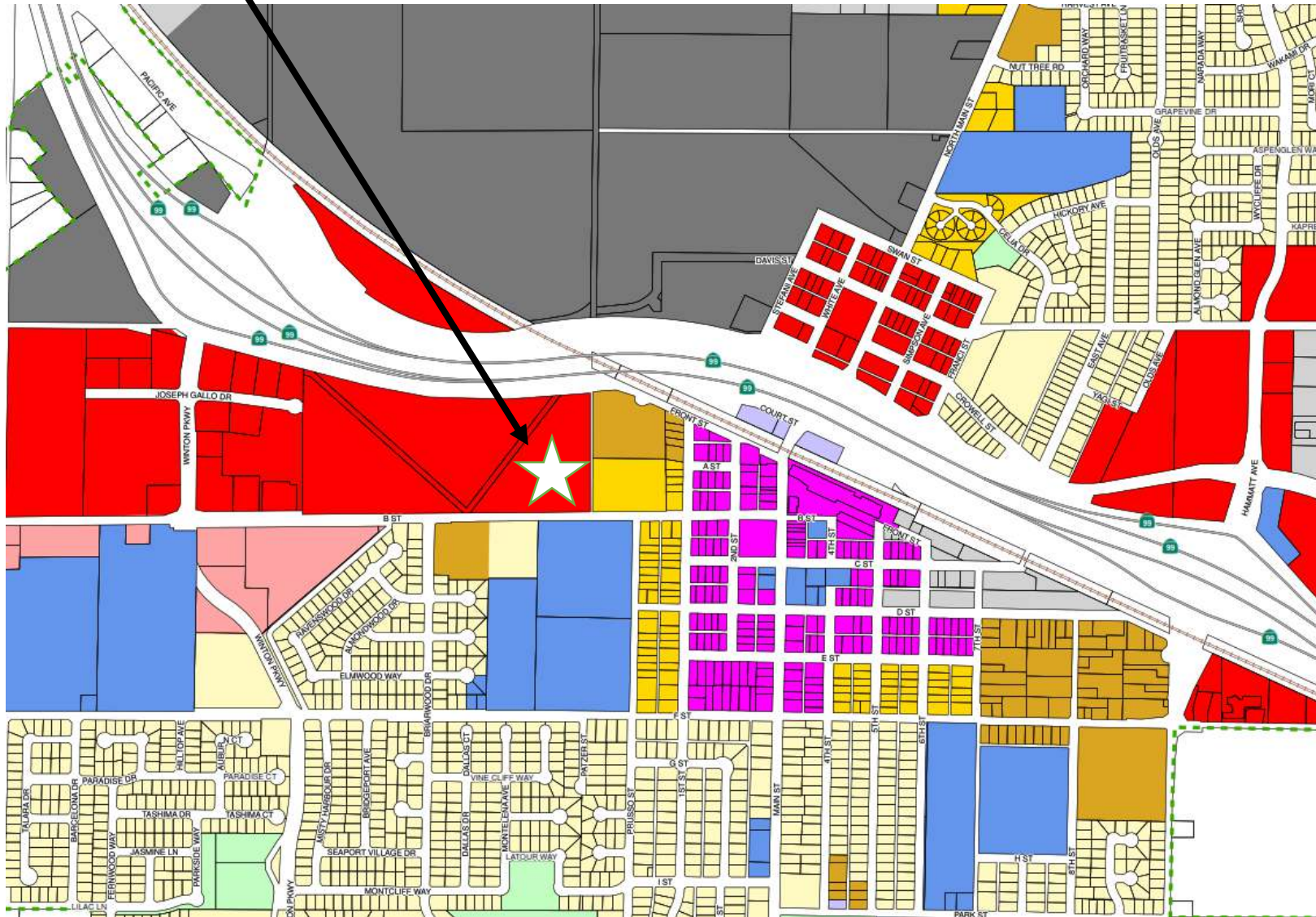


LEE JAGOE ARCHITECTURE
INCORPORATED

TIERRASANTA VILLAS APARTMENTS

B STREET, LIVINGSTON, CA

APN#: 022-010-026



FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

FOR THE

TIERRASANTA VILLAS APARTMENTS

915 B Street, Livingston, CA

July 2021

Prepared for:

City of Livingston
1416 C Street
Livingston, CA 95334
209-394-8041

Prepared by:

BaseCamp Environmental, Inc.
802 W. Lodi Avenue
Lodi, CA 95240

FINAL
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FOR THE

TIERRASANTA VILLAS APARTMENTS

915 B Street, Livingston, CA

July 2021

Prepared for:

CITY OF LIVINGSTON
1416 C Street
Livingston, CA 95334
209-394-8041

Prepared by:

BASECAMP ENVIRONMENTAL, INC.
802 W. Lodi Avenue
Lodi, CA 95240
209-224-8213
www.basecampenv.com

City of Livingston
1416 C Street
Livingston, CA 95334
Attn: Randy Hatch

FILED

2021 MAY 11 PM 3: 23

LIVINGSTON COUNTY CLERK
DEPUTY

NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION
AND NOTICE OF PUBLIC MEETING

Notice is hereby given that the City of Livingston has prepared an Initial Study (IS) of environmental effects and intends to adopt a Mitigated Negative Declaration (MND) for the Tierrasanta Villas Apartments project. The City of Livingston is the Lead Agency for this project under the California Environmental Quality Act (CEQA).

The project proposes to construct an 80-unit residential apartment complex consisting of six buildings on a 3.98 acre undeveloped lot. Two three-story buildings and three two-story buildings would have a total of 48 two-bedroom apartments and 32 three-bedroom apartments, all affordable for low-income households. The apartment complex would also include a one-story community center building for apartment residents with space for staff and leasing offices, a childcare facility, and other activities. A total of 142 parking spaces would be provided to serve residents and visitors.

The IS/MND analyzes the potential environmental effects of the project in the environmental issue areas specified in CEQA and the State CEQA Guidelines. On the basis of this analysis, the IS/MND finds that the project will not involve any significant environmental effects, provided that the mitigation measures described in the IS/MND are implemented. The project proponent has agreed to the mitigation measures, and these measures will be included in a Mitigation Monitoring/Reporting Plan to be adopted by the City of Livingston in conjunction with the IS/MND and approval of the project. There are no sites identified under Section 65962.5 of the Government Code located on or near the project site.

Copies of the IS/MND are available for public review at the City of Livingston Planning Department at the address shown above and at the City's website: <https://www.cityoflivingston.org>. The City will accept public and agency comments on the IS/MND during a 30-day review period that will begin on May 11, 2021, and end on June 10, 2021. Comments may be submitted by mail or e-mail to the City at the address shown above or to rhatch@livingstoncity.com and filo@livingstoncity.com.

In addition, notice is hereby given that the Livingston Planning Commission will consider the IS/MND and the Mitigation Monitoring/Reporting Plan at a public meeting scheduled for Tuesday, July 13, 2021, at 7:00 PM in the City Council Chambers, 1416 "C" Street, Livingston, California.



Randy Hatch, Contract City Planner
May 11, 2021

ORDER DETAILS

PREVIEW FOR AD NUMBER IPL0013114

Order Number:

Order Status:

Saved

Classification:

Legals & Public Notices

Package:

MER - Legal Ads 1x

Final Cost:

167.56

Payment Type:

User ID:

IPL0024456

SCHEDULE FOR AD NUMBER IPL0013114

May 11, 2021

Merced Sun-Star

City of Livingston
 1416 C Street
 Livingston, CA 95334
 Attn: Randy Hatch

NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC MEETING

Notice is hereby given that the City of Livingston has prepared an Initial Study (IS) of environmental effects and intends to adopt a Mitigated Negative Declaration (MND) for the Tiersanta Villas Apartments project. The City of Livingston is the Lead Agency for this project under the California Environmental Quality Act (CEQA). The project proposes to construct an 80-unit residential apartment complex consisting of six buildings on a 3.98 acre undeveloped lot. Two three-story buildings and three two-story buildings would have a total of 48 two-bedroom apartments and 32 three-bedroom apartments, all affordable for low-income households. The apartment complex would also include a one-story community center building for apartment residents with space for staff and leasing offices, a childcare facility, and other activities. A total of 142 parking spaces would be provided to serve residents and visitors. The IS/MND analyzes the potential environmental effects of the project in the environmental issue areas specified in CEQA and the State CEQA Guidelines. On the basis of this analysis, the IS/MND finds that the project will not involve any significant environmental effects, provided that the mitigation measures described in the IS/MND are implemented. The project proponent has agreed to the mitigation measures, and these measures will be included in a Mitigation Monitoring/Reporting Plan to be adopted by the City of Livingston in conjunction with the IS/MND and approval of the project. There are no sites identified under Section 65962.5 of the Government Code located on or near the project site. Copies of the IS/MND are available for public review at the City of Livingston Planning Department at the address shown above and at the City's website: <https://www.cityoflivingston.org>. The City will accept public and agency comments on the IS/MND during a 30-day review period that will begin on May 11, 2021 and end on June 10, 2021. Comments may be submitted by mail or e-mail to the City at the address shown above or to rhatch@livingston-city.com and filo@livingstoncity.com. In addition, notice is hereby given that the Livingston Planning Commission will consider the IS/MND and the Mitigation Monitoring/Reporting Plan at a public meeting scheduled for July 13 at 7:00 PM in the City Council Chambers, 1416 "C" Street, Livingston, California. Randy Hatch, Contract City Planner W00000000
 Publication Dates

Tierrasanta Villas Apartments

Summary

SCH Number

2021050180

Lead Agency

City of Livingston

Document Title

Tierrasanta Villas Apartments

Document Type

MND - Mitigated Negative Declaration

Received

5/10/2021

Present Land Use

Vacant / C-3 Highway Service Commercial/ SC- Service Commercial

Document Description

The City of Livingston proposes to construct an 80-unit residential apartment complex. The complex would consist of six buildings. Two three-story buildings and three two-story buildings would have a total of 48 two-bedroom apartments and 32 three-bedroom apartments, all affordable for low-income households. The complex would also include a one-story community center building for apartment residents with space for staff and leasing offices, a child care facility, and other activities. A total of 142 parking spaces would be provided to serve residents and visitors. Access to the site would be provided from driveways off B Street. The project would connect to existing adjacent City and private utilities. The proposed land uses would require a General Plan Amendment, rezoning, and Site Plan/Design Review approval by the City Council, and a Conditional Use Permit approved by the Planning Commission.

Contact Information

Name

Randy Hatch

Agency Name

Contract City Planner

Contact Types

Lead/Public Agency / Project Applicant

Address

1416 "C" St
Livingston, CA 95334

Phone

(209) 394-8041 ext. 123

Email

rhatch@livingstoncity.com

Location

Coordinates

37°23'9.6"N 120°43'40.8"W

Cities

Livingston

Counties

Merced

Regions

Citywide

Cross Streets

B Street/ Prusso St

Zip

95334

Total Acres

3.98

Parcel #

22-010-26

State Highways

99

Railways

Union Pacific

Airports

NA

Schools

LUSD

Township

6S

Range

11E

Section

26

Base

MDBM

Notice of Completion

Review Period Start

5/11/2021

Review Period End

6/10/2021

Development Types

Residential (Units 80, Acres 3.98)

Local Actions

Planned Unit Development

Project Issues

Aesthetics, Air Quality, Biological Resources, Cultural Resources, Drainage/Absorption, Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mandatory Findings of Significance, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities/Service Systems

Reviewing Agencies

California Air Resources Board (ARB), California Department of Fish and Wildlife, Central Region 4 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Housing and Community Development (HCD), California Department of Parks and Recreation, California Department of Transportation, District 10 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, Central Valley Fresno Region 5 (RWQCB), California State Lands Commission (SLC), Central Valley Flood Protection Board, Office of Historic Preservation, State Water Resources Control Board, Division of Water Quality

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

3041 NOI [PDF](#) [74 K](#)

SCH Summary Form [PDF](#) [584 K](#)

SCH Summary Page 2 [DOCX](#) [16 K](#)

Tierrasanta Admin ISMND & Appendix 4-22-21 [PDF](#) [26577 K](#)

Notice of Completion [NOC] Transmittal form

NOTICE OF COMPLETION 3041 [PDF](#) [235 K](#)

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LIST OF ACRONYMS AND ABBREVIATIONS USED IN THIS DOCUMENT

AB	Assembly Bill
AMI	annual median income
APN	Assessor's Parcel Number
ARB	California Air Resources Board
BMP	Best Management Practice
CalEEMod	California Emissions Estimator Model
CalEnviroScreen	California Communities Environmental Health Screening Tool
CalEPA	California Environmental Protection Agency
Cal Fire	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Data Base
CO	carbon monoxide
CO _{2e}	carbon dioxide equivalent
dB	decibel
dba	A-weighted decibel
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	U. S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
GHG	greenhouse gas
IS/MND	Initial Study/Mitigated Negative Declaration
kWh	kilowatt hours
L _{dn}	Day-Night Average Sound Level
L _{eq}	Equivalent Sound Level
LOS	Level of Service
LUSD	Livingston Union School District
MCAG	Merced County Association of Governments
mgd	million gallons per day
MID	Merced Irrigation District
MS4	Municipal Separate Storm Sewer System
MUHSD	Merced Union High School District
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
PM ₁₀	particulate matter 10 micrometers or less in diameter

PM _{2.5}	particulate matter 2.5 micrometers or less in diameter
ROG	reactive organic gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled

NEGATIVE DECLARATION

A. General Project Information

Project Title:	Tierrasanta Villas
Lead Agency Name and Address:	City of Livingston 1416 C Street Livingston, CA 95334
Contact Person and Phone Number:	Randy Hatch, Contract City Planner 209-394-8041, ext. 123
Project Location:	915 B Street, Livingston, California
Project Sponsor Name and Address:	Visionary Home Builders of California, Inc. 315 N. San Joaquin Street Stockton, CA 95202
General Plan Designation:	SC – Service Commercial
Zoning:	C-3 – Highway Service Commercial
Project Description:	The project proposes the development of an apartment complex with 80 units on a four-acre parcel adjacent to and north of B Street. The units would be in five residential buildings: three would be two stories in height, and the other two would be three stories. The project would also include a community center building for apartment residents. City approval of a General Plan Amendment to High Density Residential and rezoning to R-3 (High Density Residential) would be required, along with a Conditional Use Permit and Site Plan/Design Review.
Surrounding Land Uses and Setting:	The project site is within a vacant area of northwestern Livingston approximately bounded by B Street to the south, SR 99 to the north, and existing residential development to the east. A Livingston Union School District facility is located to the south, and a Sikh temple is located to the southwest. The Hammatt Lateral, a canal owned by the Merced Irrigation District, is west of the project site.

Other Public Agencies Whose Approval is Required: None

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun? No consultation requested.

B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” prior to mitigation, as indicated by the checklist on the following pages.

	Aesthetics		Agriculture/Forestry Resources		Air Quality
✓	Biological Resources	✓	Cultural Resources		Energy
✓	Geology/Soils		Greenhouse Gas Emissions	✓	Hazards/Hazardous Materials
✓	Hydrology/Water Quality		Land Use		Mineral Resources
	Noise		Population/Housing		Public Services
	Recreation	✓	Transportation		Tribal Cultural Resources
✓	Utilities/Service Systems	✓	Wildfire	✓	Mandatory Findings of Significance

C. Lead Agency Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- ✓ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CITY OF LIVINGSTON

Randy Hatch, Contract City Planner
Community Development Department

Date