



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA FEBRUARY 21, 2024 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

ASHLEY HERNANDEZ, MAYOR
NANCY SANTANA, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- **Remote Viewing:**

- Members of the public can view a livestream of the meeting online at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
- Members of the public can access the Zoom webinar as follows:
 - **Join by Electronic Device:**
<https://us02web.zoom.us/j/83695567563>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 836 9556 7563

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
 - **Public Attendance:** Members of the public who attend in person may make comments from the Council Chamber podium.

- **Live Remote Public Comment:** Members of the public can submit a live remote public comment by:
 - *Joining the virtual Council meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

<https://us02web.zoom.us/j/83695567563>
 - *Joining the virtual Council meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 836 9556 7563
 - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.
 - **eComment Feature:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.
-

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE AND INVOCATION****CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY****PRESENTATIONS AND RECOGNITIONS****PUBLIC COMMENT**

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
Recommendation: Approve the February 7, 2024, City Council Special Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. City Council Meeting Minutes
Recommendation: Approve the February 7, 2024, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
3. City Council Meeting Minutes
Recommendation: Approve the February 13, 2024, City Council Special Meeting minutes.
(Clarissa Menchaca, City Clerk)
4. City Project Updates
Recommendation: Receive and file.
(Luis Cibrian, Parks and Recreation Director)

BUSINESS ITEMS

5. Council Discussion and Possible Action to Adopt Resolution Authorizing the Procurement of Necessary Equipment, Services, and Supplies, Without Giving Notice for Bids to Let Contracts
Recommendation: Adopt resolution authorizing the procurement of necessary equipment, services, and supplies, without giving notice for bids to let contracts.
(Scott Rolls, City Engineer)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION**UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER****COUNCILMEMBER COMMENTS**

CLOSED SESSION

6. Public Employee Appointment: City Manager, Pursuant to California Government Code Section 54957(b)

ADJOURNMENT



**City of Live Oak
Report to City Council**

Meeting Date: February 21, 2024

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 7, 2024, City Council Special Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

SPECIAL MEETING MINUTES FEBRUARY 7, 2024 5:30 PM

MEMBERS OF THE COUNCIL

ASHLEY HERNANDEZ, MAYOR
NANCY SANTANA, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

CALL TO ORDER

Meeting called to order by Mayor Hernandez at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 5:41 pm.

ROLL CALL

Present: Councilmembers Woten, Chapdelaine, Ghag, Vice Mayor Santana, and Mayor Hernandez

CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release Pursuant to California Government Code Section 54954.5

BUSINESS ITEMS

2. Possible Action on City Manager's Contract

*Clerk's Note: This item was not acted upon.

CLOSED SESSION REPORT

No reportable action.

ADJOURNMENT

Mayor Hernandez adjourned the meeting at 6:40 pm.

Ashley Hernandez, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



**City of Live Oak
Report to City Council**

Meeting Date: February 21, 2024

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 7, 2024, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
FEBRUARY 7, 2024
6:00 PM

MEMBERS OF THE COUNCIL

ASHLEY HERNANDEZ, MAYOR
NANCY SANTANA, VICE MAYOR
JERAMY CHAPDELAIN, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
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CALL TO ORDER

Meeting called to order by Mayor Hernandez at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:41 pm.

ROLL CALL

Present: Councilmembers Woten, Chapdelaine, Ghag, Vice Mayor Santana, and Mayor Hernandez

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Hernandez led the Pledge of Allegiance. Vice Mayor Santana delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections and/or changes to the agenda.

PRESENTATIONS AND RECOGNITIONS

There were no presentations and/or recognitions.

PUBLIC COMMENT

The following member of the public submitted a written public comment: Dale Carlson.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: January 17, 2024, City Council Regular Meeting minutes approved.

2. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: January 24, 2024, City Council Special Meeting minutes approved.

BUSINESS ITEMS

3. Write-Off of Past Due Water and Sewer Accounts Collections
James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT RESOLUTION.
(MOTION: SANTANA; SECOND: GHAG)

VOTE: MOTION PASSED UNANIMOUSLY

Reference Resolution No. 01-2024.

4. Annual Audited Financial Statements – Year Ended June 30, 2023
James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ACCEPT AND FILE ANNUAL FINANCIAL STATEMENTS.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

5. Budget Amendment
James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT RESOLUTION.
(MOTION: GHAG; SECOND: HERNANDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

Reference Resolution No. 02-2024.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, highlighted the following Parks and Recreation youth programs: Mighty Mite's Basketball Camp and Youth Basketball. Mr. Palmer also informed staff have begun prepping the pool for summer.

COUNCILMEMBER COMMENTS

Councilmember Woten touched on the damage caused by the recent storm.

Councilmember Chapdelaine highlighted his attendance at the Sutter Animal Services Authority meeting.

Councilmember Ghag discussed his attendance at the Feather River Air Quality Management District meeting and Sacramento Area Council of Governments Transportation Committee meeting. Councilmember Ghag touched on the damage caused by the recent storm.

Vice Mayor Santana provided a brief update on the dog park project and requested the Council initiate a local hero awards recognition program. Vice Mayor Santana discussed animal control issues in Live Oak and requested the meeting be closed in memory of Hailey Bartell and Karina Figueroa.

Mayor Hernandez highlighted some of the business facelifts happening around the City.

ADJOURNMENT

Mayor Hernandez adjourned the meeting at 8:24 pm in memory of Hailey Bartell and Karina Figueroa.

Ashley Hernandez, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



**City of Live Oak
Report to City Council**

Meeting Date: February 21, 2024

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 13, 2024, City Council Special Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

SPECIAL MEETING MINUTES FEBRUARY 13, 2024 6:00 PM

MEMBERS OF THE COUNCIL

ASHLEY HERNANDEZ, MAYOR
NANCY SANTANA, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

CALL TO ORDER

Meeting called to order by Mayor Hernandez at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:02 pm.

ROLL CALL

Present: Councilmembers Woten, Chapdelaine, Ghag, Vice Mayor Santana, and Mayor Hernandez

CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release Pursuant to California Government Code Section 54954.5

*Clerk's Note: Council returned from Closed Session at 6:38 pm.

CLOSED SESSION REPORT

The Council agreed to enter into a separation agreement with the City Manager.

BUSINESS ITEMS

2. Possible Action on City Manager's Contract

MOTION: APPROVE THE SEPARATION AGREEMENT WITH THE CITY MANAGER.
(MOTION: HERNANDEZ; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

ADJOURNMENT

Mayor Hernandez adjourned the meeting at 6:39 pm.

Ashley Hernandez, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date:	February 21, 2024
Title:	City Project Updates
Contact Information:	Luis Cibrian, Parks and Recreation Director
Location:	City wide.
Background:	1. Pennington Road - West Project: Staff is working with the construction management and construction contractor teams to close out the project. 2. Pennington - East Project: The contract is executed. 3. P Street Lift Station Improvement Project: Staff will update as funds become available. 4. Wastewater Treatment Plant Solar Project: The design team has sent a new proposal which the city's legal department is reviewing. 5. Wastewater Treatment Plant Headworks Rehabilitation Project: Staff will update as funds become available. 6. Well 7 and Well 4 Generator Grant Project: Staff will update as funds become available. 7. OneView (Customer Complaint Project): Granicus is working on the mobile app configurations. OneView Admin training is scheduled for March 1, 2024. One Meeting (agenda management): Granicus is working on configuration and anticipates having a demo by February 22, 2024. 8. Welcome to Live Oak Signs: City staff has received an updated package from Arrow Sign Co. Staff will continue working on the project as time allows, but this project is fourth in line behind three other projects. 9. Streets Master Plan: Staff will update as funds become available. 10. The Public Works Department installed 50 registers and has 50 remaining for installation. 11. The City backhoe is out for repairs and should be repaired by the end of the month. 12. Fence post have been installed at the dog park. We are currently waiting for better weather. 13. Milkweed project on the recreation trail has a tentative date of March 23, 2024. 100 plants will be planted. 14. Live Oak Clean-up Day will be on April 6, 2024.
Fiscal Impacts:	None.
Recommendation:	Receive and file.



**City of Live Oak
Report to City Council**

Meeting Date: February 21, 2024

Title: Council Discussion and Possible Action to Adopt Resolution Authorizing the Procurement of Necessary Equipment, Services, and Supplies, Without Giving Notice for Bids to Let Contracts

Contact Information: Scott Rolls, City Engineer

Location: Archer Avenue, east of K Street at Live Oak Lateral

Background:

Beginning in August of 2022, a sink hole developed in the eastbound lane of Archer Avenue, east of K Street at the Butte Water District Live Oak Lateral crossing indicating a potential breach of the District crossing pipe. City staff notified the District of the issue and encouraged repair of the crossing during the winter 2022 off-season. No repair work was done.

During the 2023 irrigation season, the sink hole size increased and at one point water was being forced through the street plates covering the sink hole. The District was notified of the advancing problem and water flow in the lateral was reduced. Again, the District was encouraged to repair the crossing.

The attorney for the District then informed staff that repair of the facility was not the District's responsibility and that Section 7034 of the California Code of Regulations (Water Code) places responsibility for repair and/or replacement of the lateral crossing on the City. The meaning of Section 7034 was clarified and affirmed by a 1960 California Attorney General opinion.

Irrigation water in the lateral was shut off in mid November 2023. In December 2023, staff inspected the crossing and engaged the services of Nor-Cal Pipeline Services to conduct a video inspection. The video clearly shows that the crossing pipe has collapsed at the location of the sink hole (it is likely that the water pressure in the pipe during operation of the lateral was supporting the pipe). The crossing is currently unusable for delivering irrigation water to properties south of Archer Avenue. While the sink hole is currently stable, expedited repair to restore the functionality of the lateral and repair the traveled way of Archer Avenue is a necessity.

The crossing consists of approximately 92 feet of 57" x 38" CMP pipe arch and concrete headwalls. Specific information regarding the installation of the crossing has not been found but it appears to have been constructed sometime in the 1930s or 1940s. Replacement of the entire crossing is estimated to cost between \$150,000 and \$200,000.

Analysis:

The irrigation off-season is relatively short, lasting from mid November to early April. In order to competitively bid a project of this size in accordance with the Public Contract Code, many months would be required to produce bid documents, advertise, award and execute a contract. These are months of lead time the City does not have if a fix is to be implemented prior to the start of irrigation season. It is the opinion of staff that the damage to the road, the potential damage to the District's customers and the narrow window of time to complete repairs constitute a local emergency situation.

Sections 20168 and 22050 of the Public Contract Code allow for procurement of necessary equipment, services, and supplies, without giving notice for bids to let contracts, in the case of an emergency situation. Live Oak Municipal Code section 3.20.120 states that competitive bidding requirements may be waived with the approval of the City Council. The attached City Council resolution would waive competitive bidding requirements and authorize said procurement.

Currently, funding for repair or replacement of the crossing will have to be drawn from Streets or General Fund Reserve. An option does potentially exist for funding replacement of the crossing with Federal-Aid Funds but a locally funded repair will be needed to stabilize the crossing for the multi-year process to secure federal funds, design the project and then build the project.

Fiscal Impacts:

Exact fiscal impact unknown at this time.

Recommendation:

Adopt resolution authorizing the procurement of necessary equipment, services, and supplies, without giving notice for bids to let contracts.

Attachments:

[Resolution](#)
[Archer Lateral Crossing](#)
[MSA at 17.6 ft](#)
[AMH 'INLET'-AMH 'OUTLET'-MSA at 26.4 ft](#)
[Letter re Conduit Crossings Live Oak with Exh. 9.6.23.](#)
[Live Oak CMP Culvert Replacement](#)
[Water Code 7034](#)
[Public Contract Code 20168](#)
[Public Contract Code 22050](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, STATE OF CALIFORNIA, AUTHORIZING THE
PROCUREMENT OF NECESSARY EQUIPMENT, SERVICES, AND SUPPLIES, WITHOUT GIVING NOTICE FOR BIDS TO LET
CONTRACTS

WHEREAS, pursuant to Public Contract Code sections 20168 and 22050, the CITY OF LIVE OAK ("City") may make a finding allowing the procurement of necessary equipment, services, and supplies, without giving notice for bids to let contracts, in the case of an emergency; and

WHEREAS, pursuant to Live Oak Municipal Code section 3.20.120 competitive bidding requirements may be waived with the approval of the City Council; and

WHEREAS, the Butte Water District ("District") Live Oak Lateral Crossing ("Crossing") of Archer Avenue, east of K Street, has collapsed; and

WHEREAS, the collapse of Crossing has occurred within the eastbound lane of Archer Avenue, creating a sink hole within said lane; and

WHEREAS, the aforementioned sink hole presents a risk to public safety; and

WHEREAS, Water Code Section 7034 requires City to maintain, repair or replace Crossing; and

WHEREAS, District is under obligation to deliver irrigation water to customers beginning in April of 2024; and

WHEREAS, failure to deliver irrigation water to customers downstream of Archer Avenue presents a risk to property; and

WHEREAS, the City Council desires to repair Crossing prior to mid-April 2024.

NOW, THEREFORE, it is hereby resolved that the City Council of the City of Live Oak, based on substantial evidence, declares that an emergency situation exists and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. It is further resolved that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the competitive bidding requirements of the Live Oak Municipal Code are hereby waived for this situation, and that this action is necessary to respond to the emergency.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 21st day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

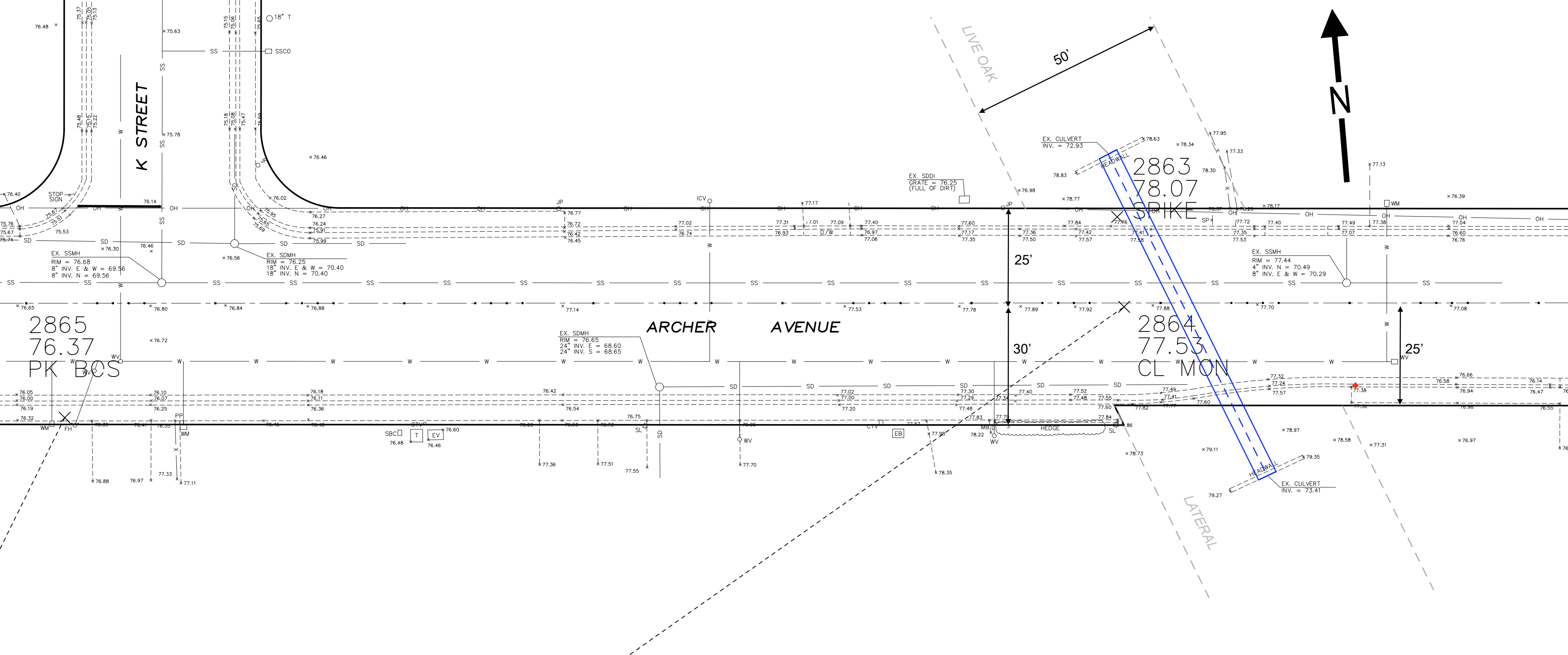
NOT VOTING:

APPROVED:

Ashley Hernandez, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



Distance: 17.6 ft.
MSA - Miscellaneous Survey Abandoned
Clock from:
Clock to:
Rating:
Dimension 1:
Dimension 2:
%:

DUE TO COLLAPSE PIPE

Distance: 26.4 ft.

MSA - Miscellaneous Survey Abandoned

Clock from:

Clock to:

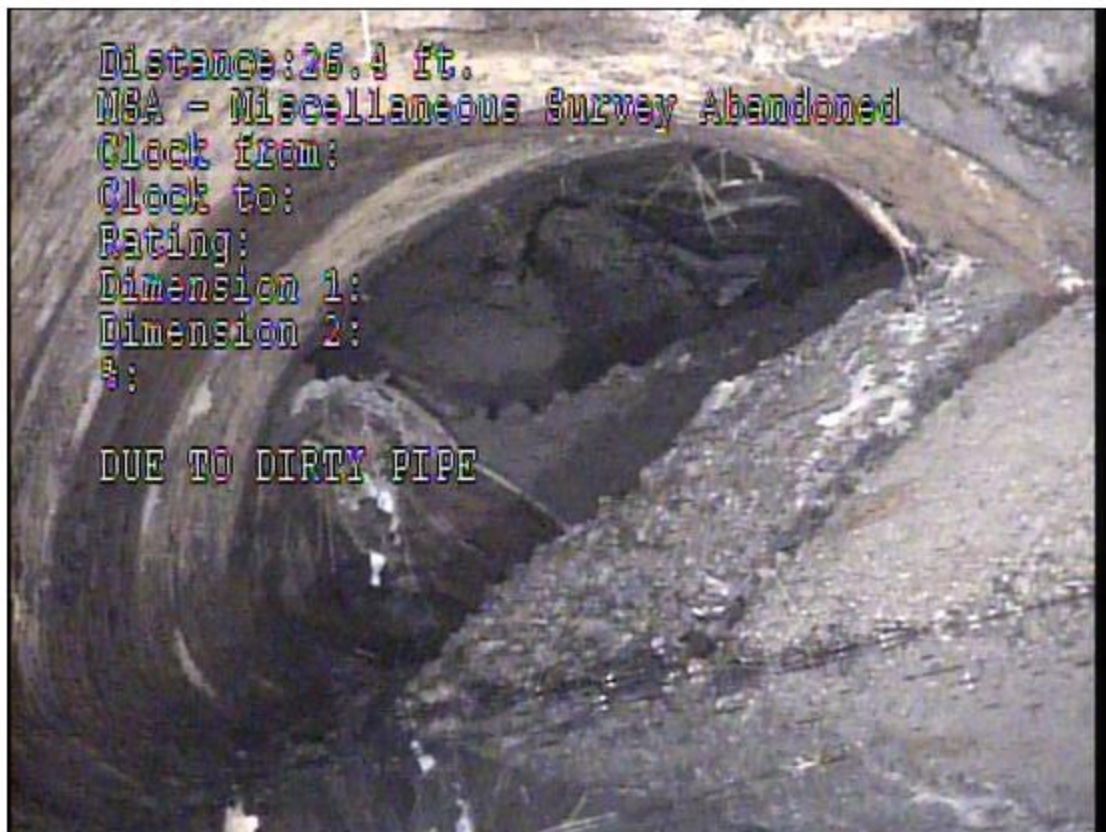
Rating:

Dimension 1:

Dimension 2:

§:

DUE TO DIRTY PIPE





◇ ANDREW J. McCLURE ◇
amcclure@minasianlaw.com

September 6, 2023

Ron Walker, Director
Public Works Department
City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953
Email: rwalker@liveoakcity.org

Neal Hay, Director
Division of Development Services
Sutter County Public Works
1130 Civic Center Boulevard
Yuba City, CA 95993
Email: nhay@co.sutter.ca.us

Re: Butte Water District – Conduit Crossings

Gentlemen:

This office represents Butte Water District (“District”). We write to advise the City of Live Oak and County of Sutter (collectively, the “County” and “City”) of three failing road crossings of District facilities, and of the County and City’s obligation to repair and reconstruct those crossings. Under the California Water Code the City and County are responsible for the repair and reconstruction of the failing facilities.

The Crossings at Issue

- The Archer Avenue Crossing of the District’s Live Oak Lateral, at the location depicted in Exhibit A-1 hereto.
- The Archer Avenue Crossing of the District’s Live Oak Lateral, at the location depicted in Exhibit A-2 hereto.
- The Archer Avenue Crossing of the District’s Live Oak Lateral, at the location depicted in Exhibit A-3 hereto.

Each of the identified crossings is in a failing and unsafe condition. The District has orally notified the City and County of the need for repair and reconstruction and no action has been taken.

To: Ron Walker & Neal Hay
Re: Butte Water District – Conduit Crossings
Date: September 6, 2023
Page: 2

Governing Authorities Concerning Responsibility for Conduit Crossings

California Water Code Section 7034 requires the County to assume sole responsibility for the repair, improvement, reconstruction or replacement of conduits crossing District facilities:

Bridges or conduits heretofore or hereafter constructed in a permanent manner, whether by encroachment permit or otherwise, which cross county highways . . . and have been accepted, either formally or informally by appropriate action, shall, after such acceptance, and regardless of who constructed them, be the sole responsibility of the county, so far as maintenance, repair, improvement for the benefit of the county, reconstruction or replacement of such bridges and conduits are concerned. (Water Code § 7034)

A 1960 Opinion of the Attorney General confirms the plain language interpretation of the statute and its applicability to this situation:

Question: “[I]s the county of the owner of a canal charged with the duty to maintain bridges and culverts over a canal that traverses a county road?”

Answer: “[I]rrespective of who originally constructed the bridge or culvert, and irrespective of whether the bridge or the road was first constructed, the county is liable for the maintenance of the bridge or culvert once it has been accepted by the county, either as an integral part of a dedicated road or as an independent structure. (36 Ops. Cal. Atty. Gen. 282 (1960)).

CONCLUSION

The Archer Avenue crossings at issue are located within the “County right-of-way as included in the County maintained Mileage,” and therefore has been “accepted, either formally or informally” by the City and County. Pursuant to Water Code section 7034, maintenance, repair, and improvement, along with reconstruction and replacement of these facilities is the sole responsibility of the City and County. The City and County must immediately undertake the repair and reconstruction of the identified facilities to address potential public safety concerns associated with the current road condition. Please immediately contact Mark Orme, General Manager for Butte Water District, to notify the District of the City and County’s plans, and to coordinate repair and reconstruction with District operations.

Very truly yours,

MINASIAN LAW

By  _____
ANDREW J. McCLURE

AJM/ast
Enclosures
cc: Butte Water District

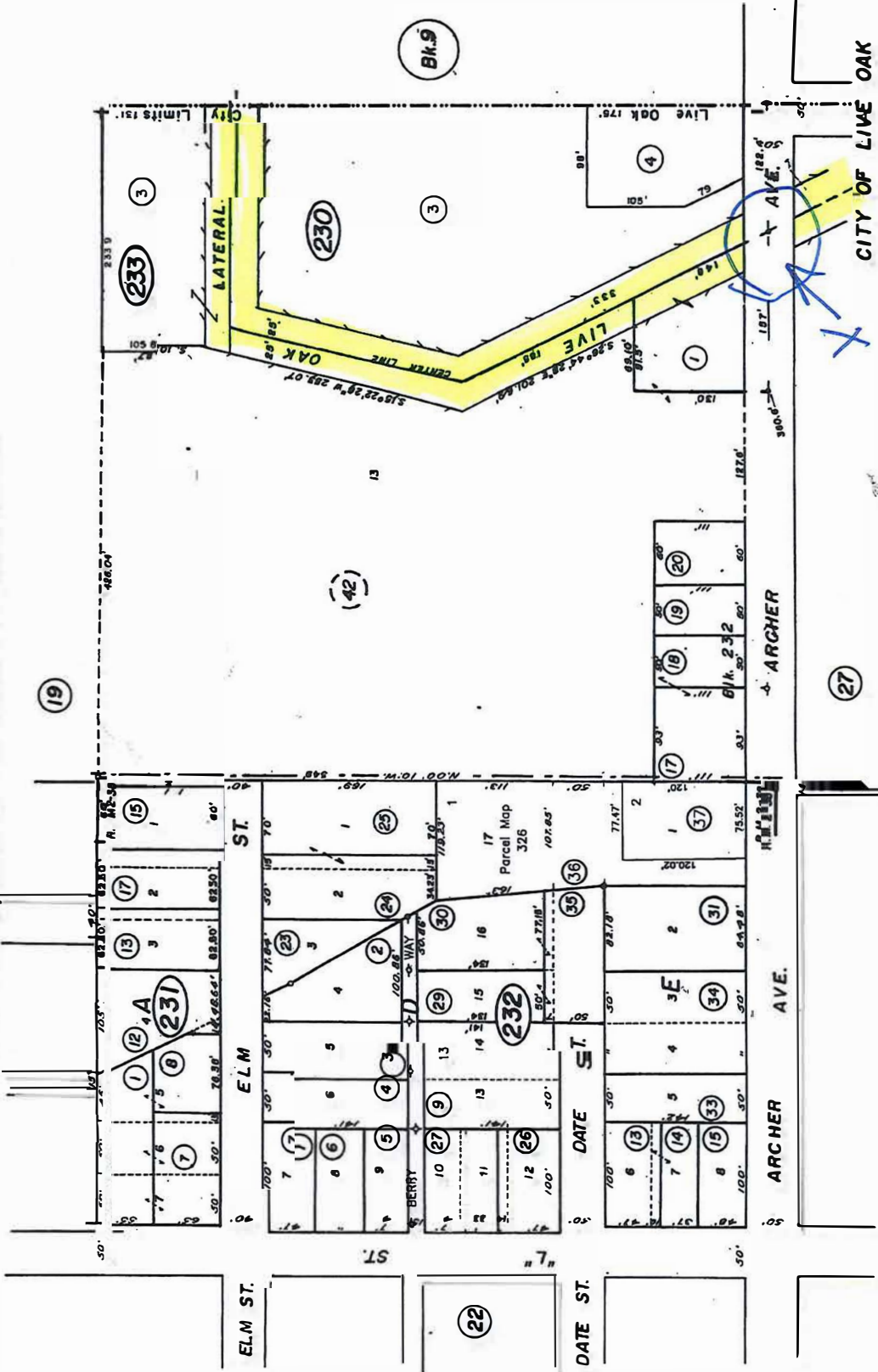
POR. BOGA RANCHO

6-23

Tax Area Code 2-007

Being

POR. N.E. 1/4 SEC. 5, T. 16 N., R. 3 E., M. D. B. & M.



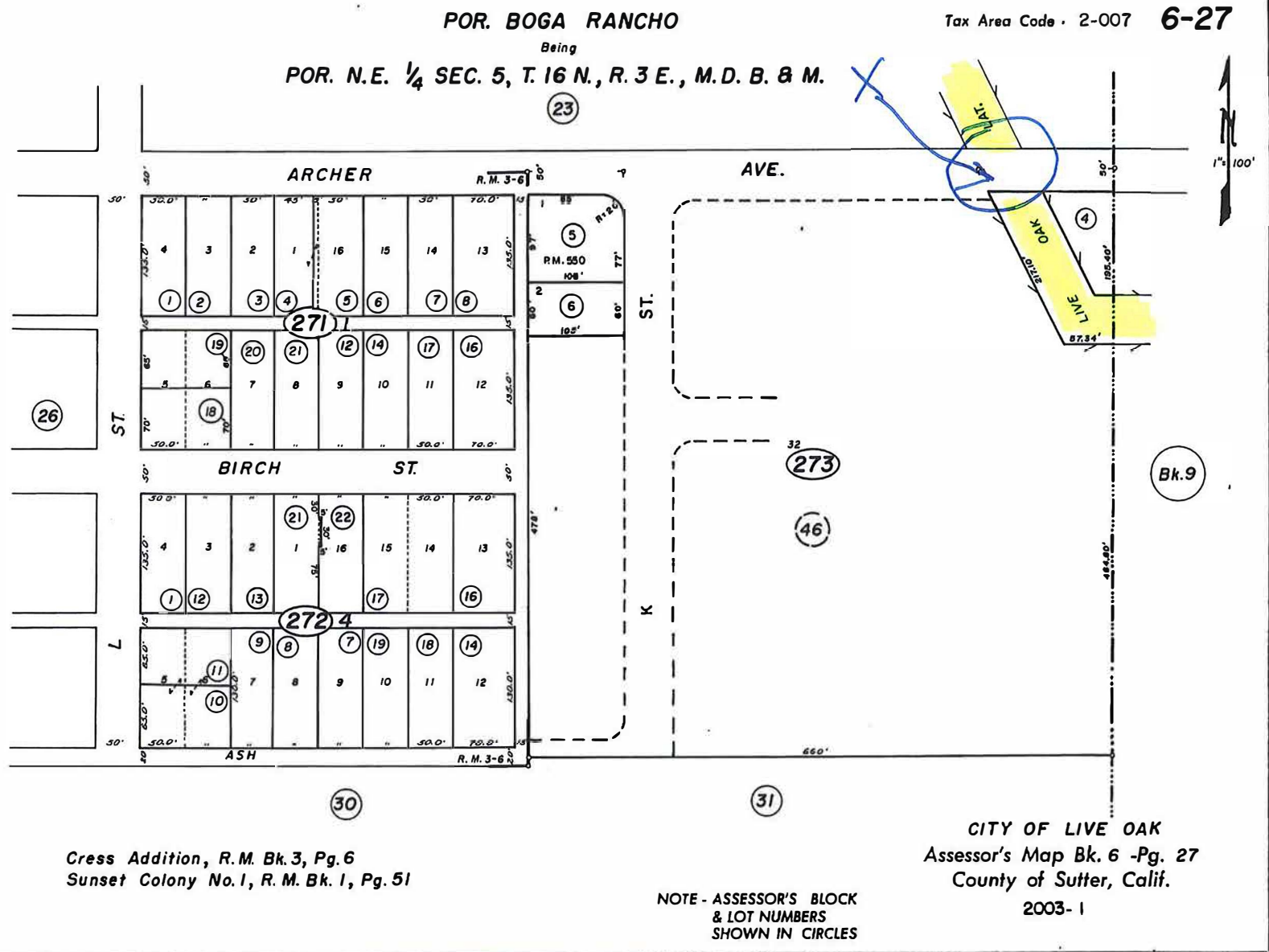
J. F. Channon Addition, R. M. Bk. 2, Pg. 38
Sunset Colony No. 1, R. M. Bk. 1, Pg. 51

NOTE - ASSESSOR'S BLOCK
& LOT NUMBERS
SHOWN IN CIRCLES

CITY OF LIVE OAK
Assessor's Map Bk. 6 - Pg. 23
County of Sutter, Calif.

2012-1

Exhibit A-3





*City of Live Oak
Culvert Replacement*

January 31, 2024

To:

Jeff Nelson
City of Live Oak

Job: Archer Ave, East of K Street,
Live Oak California, 95953

Re: Remove and Replace 90 LF of CMP Culvert with (2) 48" HDPE Culverts, Slurry Backfill, Headwall Installation, Curb and Gutter Replacement, HMA Trench Paving.

Mr. Jeff Nelson

Mozingo Construction Inc. is pleased to provide this proposal for the removal/disposal of the existing 90 LF of CMP culvert including replacement with (2) 48" HDPE culverts, Slurry Backfill, Concrete Bag Headwalls, Curb and Gutter Replacement and HMA Trench Paving.

1. Demolition and Disposal 90 LF of CMP Culvert, Asphalt and Headwalls: **\$34,181.00**
2. Installation of (2) 48" Culverts 90 LF including complete backfill with CLSM slurry. **\$64,087.00**
3. Installation of High Strength Bagged Concrete Headwalls, 80 LF of Curb/Gutter, Pave Back Trench with HMA. **\$28,198.00**

Total Project Cost:

\$126,467.00

Assumptions:

- Full Road Closure at Work Site for duration of project.
- Slurry Backfill to sub grade, pave over slurry.
- Inspections to be provided by the City of Live Oak.
- Full payment to contractor within 30 days upon receipt of invoice.
- Work Hours 7am-5pm.
- HMA Trench Patch 4" in thickness.

Exclusions:

- Permits.
- Fees.
- Bonding
- Traffic Control.
- Environmental Surveys.
- SWPPP Plan.
- Engineered Design or Drawings - (City Approval needed prior to commencement of construction).
- Water Diversion/bypass pumping.
- Overtime/Weekend/Holiday/Night work.
- Soils Sampling/Testing.
- Retention of Payment
- Hydroseeding/Vegetation Restoration
- Tree Protection
- Native Backfill
- Soils Testing/Compaction Testing
-

Exclusions/Clarifications:

1. Over Excavation.
2. Unsuitable materials.
3. Dewatering.
4. Hand Trenching.
5. Rock Hammering.
6. Excavation under footings.
7. Import/Export of native materials.
8. Final Connections to buildings.
9. Permits/Fees.
10. Tree Protection Fencing.
11. Disposal of existing sewer line which will be removed.
12. Holiday/Weekend Work/Night Work.
13. Hazmat Demo of any existing utilities.
14. Lime Treated backfill.

Proposal includes a complete installation of the listed items:

Thank you,

***Luke Spence
Project Manager
Mozingo Construction***

State of California

WATER CODE

Section 7034

7034. Bridges or conduits heretofore or hereafter constructed in a permanent manner, whether by encroachment permit or otherwise, which cross county highways and which have been constructed or brought up to county standards, and have been accepted, either formally or informally by appropriate action, shall, after such acceptance, and regardless of who constructed them, be the sole responsibility of the county, so far as maintenance, repair, improvement for the benefit of the county, reconstruction or replacement of such bridges and conduits are concerned. If any such county highways become state highways, the State shall succeed to the foregoing obligations of the county.

The amendment of this section made at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

(Amended by Stats. 1963, Ch. 524.)

State of California

PUBLIC CONTRACT CODE

Section 20168

20168. In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).

(Amended by Stats. 1994, Ch. 803, Sec. 1.2. Effective January 1, 1995.)

State of California

PUBLIC CONTRACT CODE

Section 22050

22050. (a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action

and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, “public agency” has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20134, 20168, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20331, 20567, 20586, 20604, 20635, 20645, 20682, 20682.5, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212, 21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472, 21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552, 21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631, 21641, and 22035.

(Amended by Stats. 2017, Ch. 387, Sec. 16. (SB 205) Effective January 1, 2018.)



**City of Live Oak
Report to City Council**

Meeting Date: February 21, 2024

Title: Public Employee Appointment: City Manager, Pursuant to California
Government Code Section 54957(b)