



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA JULY 20, 2022 6:00 PM

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

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, 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.

- **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.
- **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**

- A. Proclamation Recognizing the 75th Anniversary of the US Air Force and the Positive Contribution of Beale Air Force Base to Yuba Sutter Community Since 1942

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 June 15, 2022, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. City Council Meeting Minutes
Recommendation: Approve the July 6, 2022, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
3. Appointment to the Feather River Air Quality Management District
Recommendation: Approve the appointment of City of Marysville Councilman Stuart Gilchrist as the Director to the Feather River Air Quality Management District as required by Health and Safety Code Section 40152(b).
(Aaron Palmer, City Manager)
4. Adoption of an Ordinance Amending Section 16.24.100(A) of the Live Oak Municipal Code Relating to Exposed Drainage Canals
Recommendation: 1) Waive the second reading of the ordinance; and 2) Adopt ordinance.
(Kevin Valente, City Planner)

BUSINESS ITEMS

5. Use of Zoom During Council Meetings
Recommendation: Discussion and possible direction to staff.
(Nicole Rosser, City Attorney)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

ADJOURNMENT



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

Meeting Date: July 20, 2022

Title: Proclamation Recognizing the 75th Anniversary of the US Air Force and the Positive Contribution of Beale Air Force Base to Yuba Sutter Community Since 1942

Attachments:

[Proclamation](#)



Proclamation

Recognizing the 75th Anniversary of the US Air Force and the Positive Contribution of Beale Air Force Base to the Yuba Sutter Community Since 1942

WHEREAS, for 75 years, American Airmen have excelled as they execute the Air Force mission to fly, fight, and win — delivering airpower anytime, anywhere in defense of our nation; and

WHEREAS, Airmen are called to “Innovate, Accelerate and Thrive” as the U.S. Air Force and Department of the Air Force approach their 75th anniversaries on September 18, 2022. Airmen will always be there to provide America with the airpower it needs to defend the nation, deter or defeat our adversaries, reassure our partners and allies, and help diplomacy proceed from a position of strength; and

WHEREAS, Airmen continue to push technological and cultural boundaries which make America the leader in airpower and spacepower. Innovation is an integral part of how we train and employ our squadrons, develop our capabilities, and continue to move toward an even more effective Air Force; and

WHEREAS, from their inception 75 years ago, the U.S. Air Force and Department of the Air Force have excelled at keeping pace with rapid changes in technology and in the demands placed on the Air Force’s five core missions: air superiority; global strike; rapid global mobility; intelligence, surveillance, and reconnaissance; and command and control; and

WHEREAS, Camp Beale opened in October 1942 as a training site for the 13th Armored and the 81st and 96th Infantry Divisions. Today Beale Air Force Base is home for the U-2 Dragon Lady, T-38 Talon and RQ-4 Global Hawk. The base, covering nearly 23,000 acres, is home to more than 4,500 military personnel. Beale AFB has a unique name and mission, a historic past, and a promising future.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Live Oak, California hereby recognizes the 75th anniversary of the US Air Force and the positive contribution of Beale Air Force Base to the Yuba Sutter Community since 1942.

Dated this 20th day of July, 2022.

Nancy Santana, Mayor

Bob Woten, Vice Mayor

Lakhvir Ghag, Council Member

Jeramy Chapdelaine, Council Member

J.R. Thiara, Council Member



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

Meeting Date: July 20, 2022
Title: City Council Meeting Minutes
Contact Information: Clarissa Menchaca, City Clerk
Recommendation: Approve the June 15, 2022, City Council Regular Meeting minutes.
Attachments:

[Minutes](#)

[Public Comment - Dale Carlson](#)



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA JUNE 15, 2022 6:00 PM

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, 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 Santana at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:06 pm.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Ghag led the Pledge of Allegiance. Erik Brummett with the Church of the Brethren delivered the invocation.

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

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

PUBLIC COMMENT

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

The following members of the public addressed the Council: Cruz Mora and Marcus Prasad.

CONSENT ITEMS

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

MOTION: APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM 3 WHICH WAS PULLED FOR FURTHER DISCUSSION.
(MOTION: WOTEN; SECOND: THIARA)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council Action: June 1, 2022, City Council Regular Meeting minutes approved.

2. Resolution Approving Agreement for Election Services Between the County of Sutter and the City of Live Oak and Authorizing the Mayor to Execute on Behalf of the City Requesting the Consolidation with the State Wide General Election
 Aaron Palmer, City Manager
 Council action: Resolution No. 17-2022 adopted; and 2) Agreement approved and Mayor authorized to sign.
 (Aaron Palmer, City Manager)

3. Adoption of an Ordinance of the City Council of the City of Live Oak Amending Live Oak Municipal Code Section 2.08.030 Establishing City Council Salaries
 Nicole Rosser, City Attorney

This item was removed from the Consent Agenda for further discussion at the request of Councilmember Chapdelaine.

BUSINESS ITEMS

4. Approval of Audit Contract for Three Fiscal Years
 James Ramsey, Finance Director

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

The following members of the public addressed the Council: Cruz Mora and Marcus Prasad.

MOTION: APPROVE CONTRACT WITH ROGERS, ANDERSON, MALODY & SCOTT, LLP FOR THE THREE-YEAR TERM TO AUDIT THE CITY FOR FISCAL YEARS 2021-22 THROUGH 2023-24, WITH TWO ONE-YEAR OPTIONS, SUBJECT TO THE FOLLOWING CHANGES: 1) SECTION 11: THE CONSULTANT, IN THE PERFORMANCE OF THE SERVICES AGREED TO BE PERFORMED, SHALL ACT AS AND BE AN INDEPENDENT CONTRACTOR AND SHALL NOT ACT AS AN AGENT OR EMPLOYEE OF THE CITY. CONSULTANT SHALL HAVE CONTROL OF ITS WORK AND IN WHICH IT IS PERFORMED. CONSULTANT SHALL BE FREE TO CONTRACT FOR SIMILAR SERVICES TO BE PERFORMED FOR OTHER EMPLOYERS WHILE IT IS UNDER CONTRACT WITH THE CITY. CONSULTANT IS NOT CONSIDERED TO BE AN AGENT OR EMPLOYEE OF THE CITY, AND IS NOT ENTITLED TO PARTICIPATE IN ANY RETIREMENT BENEFITS WHICH ACCRUE TO CITY'S EMPLOYEES, AND CONSULTANT HEREBY EXPRESSLY WAIVES ANY CLAIM IT MAY HAVE TO ANY SUCH RIGHTS; 2) IN REGARDS TO LITIGATION AND ATTORNEYS FEES, ALL PARTIES WILL BEAR THEIR OWN COSTS; AND 3) CHANGE RECORD KEEPING TO SEVEN YEARS. (MOTION: SANTANA; SECOND: WOTEN)

VOTE: MOTION PASSED 3-2
 AYES: COUNCILMEMBERS THIARA, VICE MAYOR WOTEN, AND MAYOR SANTANA
 NOES: COUNCILMEMBERS GHAG AND CHAPDELAINE

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

3. Adoption of an Ordinance of the City Council of the City of Live Oak Amending Live Oak Municipal Code Section 2.08.030 Establishing City Council Salaries
Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, addressed questions from the Council.

The following member of the public addressed the Council: Cruz Mora.

MOTION: 1) WAIVE THE SECOND READING OF THE ORDINANCE; AND 2) ADOPT ORDINANCE INCREASING CITY COUNCIL COMPENSATION TO \$656.37 PER MONTH, PER MEMBER OF THE CITY COUNCIL.
(MOTION: GHAG; SECOND: THIARA)

VOTE: MOTION PASSED 3-2

AYES: COUNCILMEMBERS THIARA, GHAG, AND MAYOR SANTANA

NOES: COUNCILMEMBER CHAPDELAINE AND VICE MAYOR WOTEN

Reference Ordinance No. 578.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, highlighted the Cool at the Pool event scheduled on June 28, 2022.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

There were no written councilmember comments.

ADJOURNMENT

Adjourned the meeting at 7:11 pm.

Good Evening City Council and Staff,

From: Dale Carlson

On Nevada Street (west side of CA99) as it transitions from west to north is where a jetting hose was stuck previously in the sanitary sewer main. My understanding of the incident was the sewer main had to be excavated to free the nozzle. We have always jetted the sewer main 70' maximum, from the sanitary sewer lid at 2658 Nevada Street to the north, making sure it does not happen to city equipment. I believe it was a contractor that had the incident, but we always made sure we did not have the same incident and incur a substantial amount of city expense to retrieve a stuck jetting hose at that location. It is, not if it will happen again, but when it will happen again due to the high churn rate of Public Works Maintenance employees. This will be an expensive issue to resolve and will require a contractor to make the repair. This is just one more costly issue that needs to be corrected in the underground infrastructure before it turns into an emergency at 2:00 A.M. in the morning with a backed-up sewer main and the crew is unable to jet the entire sewer main. Why do serious issues like this just get ignored, even though management knows about them? This could cause a major spill in the event of a backup affecting many residents.

The storm sewer culvert in the 9800 block of "Q" Street has a similar issue; however, this is a straight culvert in which the city jetting hose was stuck. Fortunately, we were able to get it released after about a half hour of twisting, pushing, and pulling on the jetting hose. This is an area that needs to be excavated and see what needs to be repaired or replaced. There is only \$1,500 in the budget and there was nothing until Council Member Ghag had it put in. The repairs needed will certainly surpass that amount. Management was aware of this area also.

Once again, there are so many places money needs to be spent to ensure the city infrastructure is in a good, serviceable condition rather than just throwing tax dollars towards unwarranted projects.

Taxpayers should find it interesting that management is giving itself a 13% raise on the Pay for Performance column of the budget, while union employees only received a 5% increase. What is the Pay for Performance based on? Is it just if an employee is doing their job and they are liked, they will get the huge raise or is it based on factual numbers, such as revenue increases, reduced cost in programs and savings to the taxpayers? There needs to be a factual base to substantiate such a significant increase. The city is not having trouble keeping management as they are already highly paid for such a small town, except for the Public Works Director who is responsible for every resident's water quality and sewage disposal. Union employees in the Public Works Maintenance Department are the ones the city has retention problems with. Are there are no extra funds to increase their wages? It was not until union negotiations took place for the first time that I uncovered the fact that inside employees were getting a 10% raise every year according to an inside employee, and as an outside employee I knew we were only getting 5% raises. This was not right or fair.

Thank you



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

Meeting Date: July 20, 2022

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the July 6, 2022, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)

[Public Comment - Dale Carlson](#)



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA JULY 6, 2022 6:00 PM

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

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Santana at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:08 pm.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Thiara led the Pledge of Allegiance. Councilmember Ghag 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

A. Sexual Assault Awareness Month Proclamation

Mayor Santana presented the proclamation, and Ranjeeta Pabla, Counselor/Advocate with Casa de Esperanza accepted the proclamation.

B. Introduction of Lieutenant Gill as New Police Chief for the City of Live Oak

Sheriff Brandon Barnes acknowledged Lieutenant Craig Hungrige for his service to the City of Live Oak and introduced the City's new Lieutenant Rajinder Gill.

PUBLIC COMMENT

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

The following member of the public addressed the Council: Erik Brummett.

CONSENT ITEMS

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

MOTION: APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM 2 WHICH WAS PULLED FOR FURTHER DISCUSSION.
(MOTION: THIARA; SECOND: GHAG)

VOTE: MOTION PASSED UNANIMOUSLY

1. Council Discussion and Possible Action to Adopt Resolution Accepting a Grant of Easement for Public Services Purposes from Habitat for Humanity Yuba/Sutter, Inc.
Scott Rolls, City Engineer
Council Action: Resolution No. 18-2022 accepting a grant of easement for public services purposes from Habitat for Humanity Yuba/Sutter, Inc. adopted.
2. Resolution for Designation of Road Maintenance and Rehabilitation Projects Related to Gas Tax SB 1 Requirements
James Ramsey, Finance Director

This item was removed from the Consent Agenda for further discussion at the request of Councilmember Thiara.

PUBLIC HEARING ITEMS

3. Assessment of Liens: Cost of Refuse Disposal
James Ramsey, Finance Director

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

Public Hearing opened at 6:34 pm.

Rigo Diaz, General Manager with Recology, and Chris Thornburgh, Senior Customer Service Specialist with Recology, addressed questions from the Council.

Public Hearing closed at 6:52 pm.

MOTION: CALL FOR THE QUESTION.
(MOTION: WOTEN; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED 3-2
AYES: COUNCILMEMBER CHAPDELAINE, VICE MAYOR WOTEN, AND MAYOR SANTANA
NOES: COUNCILMEMBERS THIARA AND GHAG

MOTION: MOTION TO RECONSIDER.
(MOTION: THIARA)

*CLERK'S NOTE: MOTION DIED FOR LACK OF A SECOND.

MOTION: ADOPT RESOLUTION: 1) ORDERING THAT COSTS FOR REFUSE DISPOSAL BE ASSESSED AGAINST PROPERTIES IDENTIFIED IN EXHIBIT A; 2) CONFIRMING THAT THE ASSESSMENT SHALL CONSTITUTE A SPECIAL ASSESSMENT AGAINST ANY LIEN UPON EACH IDENTIFIED PROPERTY; AND 3) DIRECTING THE CITY MANAGER TO SUBMIT A CERTIFIED COPY OF THE RESOLUTION TO THE SUTTER COUNTY AUDITOR WITH A REQUEST FOR COLLECTION.
(MOTION: CHAPDELAINE; SECOND: WOTEN)

VOTE: MOTION PASSED 3-2

AYES: COUNCILMEMBER CHAPDELAINE, VICE MAYOR WOTEN, AND MAYOR SANTANA

NOES: COUNCILMEMBERS THIARA AND GHAG

Reference Resolution No. 20-2022.

4. Introduction of an Ordinance Amending Section 16.24.100(A) of the Live Oak Municipal Code Relating to Exposed Drainage Canals
Kevin Valente, Planning Director

Kevin Valente, Planning Director, provided a report for the Council.

Public Hearing opened at 7:26 pm.

John Ochipinti, developer representative, addressed the Council.

Public Hearing closed at 7:27 pm.

MOTION: INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, CALIFORNIA, AMENDING SECTION 16.24.100A OF THE LIVE OAK MUNICIPAL CODE RELATING TO EXPOSED DRAINAGE CHANNELS”.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

BUSINESS ITEMS

5. League of California Cities Voting Delegate
Aaron Palmer, City Manager

Aaron Palmer, City Manager, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: DESIGNATE COUNCILMEMBER GHAG AS THE VOTING DELEGATE FOR THE 2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.
(MOTION: WOTEN; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION2. Resolution for Designation of Road Maintenance and Rehabilitation Projects Related to Gas Tax SB 1 Requirements

James Ramsey, Finance Director

James Ramsey, Finance Director, addressed questions from the Council.

Scott Rolls, City Engineer, addressed questions from the Council.

MOTION: ADOPT RESOLUTION REQUIRED BY THE STATE OF CALIFORNIA FOR THE DESIGNATION OF PROJECTS FOR GAS TAX SB 1.
(MOTION: THIARA; SECOND: GHAG)

VOTE: MOTION PASSED UNANIMOUSLY

*Reference Resolution No. 19-2022.*UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, thanked Lieutenant Gill and addressed the fireworks citations. Mr. Palmer highlighted the Cool at the Pool event and upcoming events.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

There were no written councilmember comments.

ADJOURNMENT

MOTION: MOTION TO ADJOURN.
(MOTION: WOTEN; SECOND: GHAG)

VOTE: MOTION PASSED 4-1
AYES: COUNCILMEMBERS GHAG, CHAPDELAINE, VICE MAYOR WOTEN, AND MAYOR SANTANA
NOES: COUNCILMEMBER THIARA

Adjourned the meeting at 7:54 pm in memory of Richard Libby.

Good Evening City Council and Staff,

From: Dale Carlson

I want to thank the Public Works Maintenance Department for removing the sidewalk pavement patches and replacing them with cement, as should have been done in the first place; replacing the speed limit reduction sign prior to River Valley Care Center so it is safer for motorists to pull on and off Larkin Road, and I have already said it before, but also replacing and repairing inoperable fire hydrants was a huge victory for the safety and liability to the city of Live Oak after several months of me bringing it to the city's attention through Public Comment. Of course, the devastating fire at the Diamond Walnut building was the final point that made the city realize I was telling the truth but was ignored till that point.

You all must realize by now that I know a tremendous amount of information about the city's infrastructure, and this is just the tip of the iceberg. It is too bad some of the council members and management are fighting me every step of the way, by denigrating my comments to misinformation or confusion, when we all know it is neither and I am 100% correct. It would seem logical that you would say to yourselves; Mr. Carlson knows the deficiencies of the infrastructure and start collaborating with me to make repairs rather than foolishly spending money. As I have stated to the City Clerk previously, when asked by her why I could not speak in a public format, I explained why, and she was directed by management to tell me it is my responsibility to find someone to speak for me. I have no one to speak at meetings or call in even if Zoom is implemented again. At this point, after being badgered by a council member that I need to come in and speak to you face to face, I am being forced to participate in my city government in this manner until the issue is resolved.

Thank you



City of Live Oak Report to City Council

Meeting Date: July 20, 2022

Title: Appointment to the Feather River Air Quality Management District

Contact Information: Aaron Palmer, City Manager

Background: In accordance with the Agreement for Composition of the Feather River Air Quality Management District Board of Directors, the City of Marysville City Council has made the following new appointment: Councilman Stuart Gilchrist, Director. Pursuant to Health and Safety Code Section 40152(b), members and their composition shall be determined jointly by the counties and cities within the district. This appointment requires approval of the Live Oak City Council.

Recommendation: Approve the appointment of City of Marysville Councilman Stuart Gilchrist as a Director to the Feather River Air Quality Management District as required by Health and Safety Code Section 40152(b).

Attachments:

[Letter from FRAQMD](#)



Serving Sutter and Yuba Counties

541 Washington Ave
Yuba City, CA 95991
(530) 634-7659
FAX (530) 634-7660
www.fraqmd.org

Christopher D. Brown, AICP
Air Pollution Control Officer

July 14, 2022

Clarissa Menchaca – City Clerk
City of Live Oak
9955 Live Oak Blvd.
Live Oak, CA 95953

RE: Approval of City Council appointment

Dear Ms. Menchaca;

In accordance with the Agreement for Composition of the Feather River AQMD Board of Directors, the City of Marysville Council has made the following new appointments listed below.

The Health and Safety Code section 40152 (b) states the members and their composition shall be determined jointly by the counties and cities within the district. These appointments require the approval of the Live Oak City Council.

Directors:

Councilman Stuart Gilchrist – Director (City of Marysville)

Please approve the appointment at your earliest convenience and notify the District when the action is taken.

If you have any questions, please contact me at (530) 634-7659 x204.

Sincerely,

A handwritten signature in blue ink that reads "Shelley Channel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shelley Channel
Acting Administrative Services Officer



City of Live Oak Report to City Council

Meeting Date: July 20, 2022

Title: Adoption of an Ordinance Amending Section 16.24.100(A) of the Live Oak Municipal Code Relating to Exposed Drainage Canals

Contact Information: Kevin Valente, AICP, City Planner

Location: Citywide.

Background: On May 4, 2022, the Live Oak City Council unanimously voted to give staff direction to amend Section 16.24.100 of the Live Oak Municipal Code to provide an alternative to the requirement to underground all existing natural channels or ditches prior to development.

On July 6, 2022, the Live Oak City Council voted unanimously to introduce the attached ordinance and waive the first reading of the ordinance related to exposed drainage channels.

Analysis: Staff prepared the attached ordinance proposing to amend Section 16.24.100(A) of the Live Oak Municipal Code as follows:

16.24 Subdivision Design Standards

16.24.100 Drainage

A. Existing Ditches or Natural Channels. The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any ditch or natural watercourse that traverses through or adjacent to the subdivision, or, at the option of the City Engineer, the subdivider shall provide by further dedication of sufficient easements or constructions or both, to dispose of such surface and storm water. The diversion of natural channels or existing ditches will be allowed only within the limits of the proposed improvement. All natural drainage must leave the improved area on the original horizontal and vertical alignment unless special arrangements and agreements are made with the adjoining property owners. All existing natural channels or ditches shall be replaced with underground closed conduits, unless otherwise approved by the City Council. Open channels will only be considered for the conveyance of drainage where an open channel is designated in the City of Live Oak Master Drainage Study or if the peak storm water discharge is large enough to render a closed conduit infeasible due to physical constraints where slope, width and depth renders a closed conduit unable to meet horizontal and vertical alignment requirements stated herein. The final determination of feasibility will be made by the City Engineer. Upon determination of the feasibility by the City Engineer, if a closed conduit is not physically feasible, a proposed exception shall be set for a public hearing at the next available City Council meeting. This open channel exception applies only to regional storm water conveyance systems and then only upon the approval of the City Council. The design of such structures will be reviewed on an individual basis.

Fiscal Impacts: None.

Recommendation: 1) Waive the second reading of the ordinance; and 2) Adopt ordinance.

Attachments:

[Ordinance](#)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK,
CALIFORNIA, AMENDING SECTION 16.24.100A OF THE LIVE OAK MUNICIPAL
CODE RELATING TO EXPOSED DRAINAGE CHANNELS**

The City Council of the City of Live Oak, State of California,
does ordain as follows:

SECTION 1: Purpose and Authority. The purpose of this ordinance is to approve the proposed Zoning Code Text Amendment to the Live Oak Municipal Code. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law.

SECTION 2: Findings. The City Council finds and determines as follows:

- A. On May 4, 2022, the City Council held a duly noticed public meeting concerning the proposed Municipal Code Text Amendment. After the hearing, the City Council advised that staff prepare the draft ordinance for the proposed Municipal Code Text Amendment.
- B. The proposed Municipal Code Text Amendment is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.
- C. The proposed Municipal Code Text Amendment is consistent with and would implement the policies of the City of Live Oak General Plan.
- G. The City Council finds that the proposed Municipal Code Text Amendment is consistent with Title 1: General Provisions of the Live Oak Municipal Code.

SECTION 3: Section Amendment.

16.24 Subdivision Design Standards

16.24.100 Drainage

- A. Existing Ditches or Natural Channels. The subdivider shall dedicate right-of-way for storm drainage conforming substantially with the lines of any ditch or natural watercourse that traverses through or adjacent to the subdivision, or, at the option of the City Engineer, the subdivider shall provide by further dedication of sufficient easements or constructions or both, to dispose of such surface and storm water. The diversion of natural channels or existing ditches will be allowed only within the limits of the proposed improvement. All natural drainage must leave the improved area on the original horizontal and vertical alignment unless special arrangements and agreements are made with adjoining property owners. All existing natural channels or ditches shall be replaced with underground closed conduits, unless otherwise approved by the City Council. Open channels will only be considered for the conveyance of drainage where an open channel is designated in the City of Live Oak Master Drainage Study or if the peak storm water discharge is large enough to render a closed conduit infeasible due to physical constraints where slope, width and depth renders a closed conduit unable to meet horizontal and vertical alignment requirements stated herein. The final determination of feasibility will be made by the City Engineer. Upon determination of the feasibility by the City Engineer, if a closed conduit is not physically feasible, a proposed exception shall be set for a public hearing at the next available City Council meeting. This open channel exception applies only to regional storm water conveyance systems and then only upon the approval of the City Council. The design of such structures will be reviewed on an individual basis.

SECTION 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Effective Date. This ordinance shall become effective thirty (30) days after its final passage and adoption.

SECTION 6. Posting. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in full in accordance with Section 36933 of the Government Code.

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the Live Oak City Council, held on the 6th of July, 2022, and passed and adopted at a regular meeting thereof, held on this 20th day of July, 2022 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

NANCY SANTANA, Mayor

ATTEST:

CLARISSA MENCHACA, City Clerk

APPROVED AS TO FORM:

NICOLE ROSSER, City Attorney



City of Live Oak Report to City Council

Meeting Date: July 20, 2022

Title: Use of Zoom During Council Meetings

Contact Information: Nicole Rosser, City Attorney

Background: Prior to the pandemic and the orders declaring a State of Emergency, teleconferencing by a Council member pursuant to the traditional Brown Act required:

- * A quorum of the local body being physically present within the local body's boundaries;
- * The meeting and all teleconference locations being physically accessible to the public;
- * The address of the teleconference location being included on the agenda;
- * An agenda being posted at each teleconference location;
- * Advance consent of council for a remote appearance; and,
- * Public participation being allowed at the meeting and all teleconference locations.

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. This allowed City Council meetings to be conducted by Zoom with councilmembers and staff all joining from remote locations. The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual City Council (and other legislative body) meetings until September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. AB 361 allows legislative bodies to meet virtually, provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

AB 361 preserved many of the provisions of the earlier executive orders, while also adding new requirements to the management of remote and teleconference public meetings. Specifically, AB 361 imposed two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.
2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agency until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

The City utilized Zoom pursuant to Executive Order N-29-20, N-08-21, and AB 361. The City has not utilized Zoom for approximately two months. There has been a request by Councilmembers to explore the requirements for allowing Zoom during Council meetings.

Analysis:

There is a different analysis for using Zoom depending on whether it is merely the public and staff using Zoom or also Council members. I will discuss them separately for ease.

Council Use of Zoom:

There are two methods by which the Council can utilize Zoom during Council meetings.

The first method is if the Council makes findings pursuant to AB 361 that, "(a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees." If the Council feels that the risk is such that they desire to make findings, then Council members could appear via Zoom. However, this would need to be declared every 30 days to continue this mechanism. And if there is a problem with the technology such that an interruption occurs, then the meeting would have to stop until the connection is restored.

The second method is merely using the Brown Act requirements for teleconferencing, as needed. If a member of the Council cannot appear in person and would like to appear remotely using Zoom (or merely a telephone), then you would use the stated method set forth earlier in the Brown Act. So, in this method, the agenda would be posted wherever the Council person is going to be appearing remotely, the Council votes to allow the remote appearance at the beginning of the meeting or in advance, and public participation may be permitted at the remote location. This would allow for Council to use the Zoom platform, as needed, using teleconferencing rules.

Public and Staff Use of Zoom:

Zoom may be utilized for the public or staff without any special requirements and as a mere courtesy. If it is utilized in this manner, then the meetings do not need to be shut down if connection is lost or there is a technical difficulty. I would recommend placing a disclosure on the agenda with the Zoom information and the disclosure that it is being provided as a mere courtesy and if interruption is lost, the meeting will continue.

If Zoom is being utilized by Public and Staff pursuant to AB 361 (as set forth above), then if there is an interruption in the technology, then the meeting would need to be shut down until technology has been restored.

The scenario that works with the least amount of interruption (if desired by Council) seems to be utilizing Zoom as a courtesy for public and staff. If Council would like to use Zoom, then it would be considered on a case by case basis and utilized pursuant to the teleconferencing rules of the Brown Act.

Fiscal Impacts:

There should be no fiscal impact because the technology is in place or negligible fiscal impact as it should only effect staff allocation of time.

Recommendation:

Discussion and possible direction to staff.