



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA MAY 1, 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

MARK SCOTT,
INTERIM 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/82121228700>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 821 2122 8700

- **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/82121228700>
 - *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: 821 2122 8700
 - **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 April 17, 2024, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. Update Regarding Archer Avenue Emergency Repair
Recommendation: Receive and file.
(Scott Rolls, City Engineer)
3. Purchase of Sewer Lift Station Pump
Recommendation: Approve the purchase of a new Flygt sewer pump for sewer lift stations.
(Jeff Nelson, Interim Public Works Director)

DISCUSSION ITEMS

4. City Council Consideration of Appointment to City of Live Oak Planning Commission
Recommendation: Consider the applications received for the one Live Oak Planning Commission vacancy.
(Kevin Valente, Planning Director)
5. Discussion – Adopting Mobile Vendor and Sidewalk Vendor Ordinances
Recommendation: City Council discuss the options legally available to the City in adopting ordinances to provide for permitting of food trucks and sidewalk vending businesses to operate in the City of Live Oak, and to provide staff with direction on drafting such local law.
(Mark Scott, Interim City Manager, and Nicole Rosser, City Attorney)

BUSINESS ITEMS

6. Authority to Seek Proposals for Water Rate Study
Recommendation: Authorize the City Manager to seek proposals to conduct a comprehensive water rate study and financing plan. Staff also seeks City Council direction whether to seek a concurrent cost proposal to add a Sewer Enterprise rate study at the same time.
(Mark Scott, Interim City Manager)

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

After the Closed Session the City Council will leave the Council Chambers and the meeting will be adjourned by operation of law due to lack of a quorum. If there is any reportable Closed Session Action, a report will be made at the beginning of the next regular Council meeting. After the Closed Session Item descriptions are read by the City Attorney, all members of Council, applicable Consultants and Staff are asked to join the Closed Session meeting.

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

ADJOURNMENT



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

Meeting Date: May 1, 2024

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the April 17, 2024, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
APRIL 17, 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 CHAPDELAIN, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

MARK SCOTT,
INTERIM CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Hernandez at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:06 pm.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Chapdelaine led the Pledge of Allegiance. Pastor George Barlow with First Baptist Church delivered the invocation.

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

Item A – Recognition of Fernando Alejo – This item was added to the agenda under Presentations and Recognitions.

PRESENTATIONS AND RECOGNITIONS

A. Recognition of Fernando Alejo

Mayor Hernandez presented Fernando Alejo with a recognition plaque for his service to the City of Live Oak.

PUBLIC COMMENT

Public Comment was opened and closed without any speakers.

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: April 3, 2024, City Council Special Meeting minutes approved.
2. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: April 3, 2024, City Council Regular Meeting minutes approved.
3. Update Regarding Archer Avenue Emergency Repair
Scott Rolls, City Engineer
Council action: Received and filed.
4. Approval of Consulting Agreement with EDesignC Consultants for Completing Design Build Bid Documents Required to Hire Contractor to Construct the Solar Project at the Wastewater Treatment Plant
Jeff Nelson, Interim Public Works Director
Council action: Interim City Manager authorized to approve consulting agreement with EDesignC for \$71,925 plus a \$10,000 contingency for a total of \$81,925. This amount is in addition to the \$10,000 previously approved by former City Manager Aaron Palmer for EDesignC to perform preliminary engineering to validate the total project cost and project duration.

DISCUSSION ITEMS

5. Fire Training Center Discussion
Richard Epperson, Battalion Chief

Richard Epperson, Battalion Chief, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: APPROVE FUNDING AND THE LOCATION OF THIS PROJECT AND BEGIN PREPARING IMMEDIATELY FOR THE TRAINING CENTER PROJECT.
(MOTION: GHAG; SECOND: HERNANDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

BUSINESS ITEMS6. Fire Engine Purchase

Mark Scott, Interim City Manager, and Richard Epperson, Battalion Chief

Mark Scott, Interim City Manager, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: DIRECT STAFF TO PLACE THE ORDER FOR A NEW PIERCE TYPE 1 FIRE ENGINE (PUMPER) THROUGH GOLDEN STATE FIRE APPARATUS AND AUTHORIZE THE CITY MANAGER TO EXECUTE ACQUISITION DOCUMENTS PROVIDING FOR THE FINANCING TERMS DESCRIBED IN THE STAFF REPORT THROUGH COMMUNITY LEASING PARTNERS, A DIVISION OF COMMUNITY FIRST NATIONAL BANK.
(MOTION: WOTEN; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

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

Mark Scott, Interim City Manager, announced the upcoming Street Food Festival is scheduled for Friday, April 26, 2024, and highlighted the Annual Cleanup Day. Mr. Scott provided an update on maintenance issues Parks and Public Works staff have been working on. Additionally, Mr. Scott requested a closed session item be placed on the next agenda to move forward with the City Manager recruitment, as well as a food truck discussion item and informed that a water rate study discussion will be placed on a future agenda. Mr. Scott touched on the business grant program and Council selection of subcommittee attendees. Lastly, Mr. Scott discussed an upcoming meeting with the Sutter County Sheriff's Department and a meeting with the Live Oak Unified School District Superintendent.

COUNCILMEMBER COMMENTS

Councilmember Chapdelaine touched on his attendance at the Regional Housing Authority Board of Commissioners meeting.

Councilmember Ghag highlighted his attendance at the Annual Cleanup Day, Sacramento Area Council of Government Traffic Committee meeting, Sutter Yuba Mosquito & Vector Control District Board meeting, Sutter Butte Flood Control Agency meeting, and the Bike Around the Buttes event.

Vice Mayor Santana discussed the animal control issues in the City, the dog park project, and the East Pennington Road Overlay Project.

Mayor Hernandez touched on the animal control issues in the City, staff's responsiveness on issues brought forward, and her attendance at the Board of Supervisors meeting regarding Pioneer Energy. Additionally, Mayor Hernandez highlighted the upcoming Street Food Festival scheduled for Friday, April 26, 2024.

ADJOURNMENT

Mayor Hernandez adjourned the regular meeting in memory of Paula Ford and Jerry Dollins at 7:25 pm.

Ashley Hernandez, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date:	May 1, 2024
Title:	Update Regarding Archer Avenue Emergency Repair
Contact Information:	Scott Rolls, City Engineer
Location:	Archer Avenue
Background:	The City Council adopted Resolution No. 03-2024 on February 21, 2024 declaring an emergency situation exists on Archer Avenue and suspending competitive bidding requirements for this specific repair work.
Analysis:	Repair and resurfacing work was completed the week of April 15, 2024. A final report is anticipated for the May 15, 2024 meeting.
Fiscal Impacts:	To be determined.
Recommendation:	Receive and file.



City of Live Oak Report to City Council

Meeting Date:	May 1, 2024
Title:	Purchase of Sewer Lift Station Pump
Contact Information:	Jeff Nelson, Interim Public Works Director
Location:	Wastewater Treatment Plant facilities
Background:	These sewer pumps are used to pump sewage out of collection system wet wells and on to the Wastewater Treatment Plant for treatment. These pumps are a crucial component in operating the City's sewage collection and treatment system and preventing sewer spillages and maintaining regulatory compliance. Many of the City's pumps have been rebuilt several times and many have exceeded their expected operational life. Flygt pumps are used throughout our entire collection system and are interchangeable allowing operational flexibility and reliability.
Analysis:	Public Works staff have received three bids from pump vendors and recommend the purchase of the lowest priced pump from Pac Machine Company for \$26,606.
Fiscal Impacts:	\$26,606. This cost of the item has been included and budgeted for in this current fiscal year budget, under account string 1300-5-0000-5704.
Recommendation:	Approve the purchase of a new Flygt sewer pump for sewer lift stations.
Attachments:	

[Lift Station Pump Bids](#)



Date: April 15, 2024
To: Mark Scott
From: Jeff Nelson, Tony Wright

Subject: Purchase a sewer lift station pump
Recommendation: Approve the budget item
Fiscal Impacts: The sewer pump was approved in the sewer budget.

Background

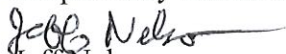
The sewer pumps are used to pump out sewer lift station in the collection system which is vital in ensuring no sewer spills. As they age and wear out, they will need to be replaced. Staff has contacted three dealers for a Flygt Model NP-3153.095 sewer pump.

Pac Machine Company-----	\$26,606.00
Kinney Electric and Power Transmission-----	\$27,714.00
Feather River Electric Motors-----	\$30,764.32

Recommendation

Staff recommends purchasing from Pac Machine Company for the amount of \$26,606.00.

Respectfully Submitted,


Jeff Nelson

Interim Director of Public Works



Tony Wright
Chief Plant Operator



Pac Machine Company

SACRAMENTO, BENICIA, CA
SPARKS, NV

From: Gerard Marquez
Pac Machine Company
8570 23rd Ave
Sacramento, CA 95826
Phone: (916) 387-1336
Fax: (916)387-1380

To: Tony Wright
Of: City of Live Oak
Email/Fax: twright@liveoakcity.org
Phone: (530)251-7447
Re: Flygt 3153 Pump Quote
Date: 03.26.24

Call Gerard Marquez @ mobile 916-416-2252 or email @ gerard@pacmachine.com w/questions.
Per your request we're pleased to quote the following.

Qty	Description	Price Each	Amount
1	Flygt Model NP-3153.095 6" volute sewage pump equipped with a 460 Volt / 3 phase, 60 Hz, 20HP motor, MT 433 impeller, 50 Ft subcab power cable. Includes guide pin and drilled for flush valve. FM approved and explosion proof. Hard Iron Self Cleaning Impeller.	\$26,256.00	\$26,256.00
1	Freight	\$350.00	\$350.00
Delivery: 4-6 weeks plus shipping FOB Sweden Taxes and freight not included			
TOTAL			\$26,606.00

Please call with any questions.

Regards,

Gerard Marquez

FEATHER RIVER
ELECTRIC MOTORS
P.O. Box 477
Durham, CA 95938

Estimate

Date	Estimate #
4/15/2024	1588

Name / Address
City of Live Oak 9955 Live Oak Blvd. Live Oak, CA 95953

Project

Description	Qty	Rate	Total
3153.095 FLYGT 20 HP 460 VOLTS 50FT CABLE	1	28,684.68	28,684.68T
LEAD TIME 10-12 WEEKS			
Sales Tax		7.25%	2,079.64
		Total	\$30,764.32

QUOTE

EXPIRATION DATE

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
JK			

[illegible]

TOTAL

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!



City of Live Oak Report to City Council

Meeting Date:	May 1, 2024
Title:	City Council Consideration of Appointment to City of Live Oak Planning Commission
Contact Information:	Kevin Valente, AICP, Contract Planner
Location:	Citywide.
Background:	The City of Live Oak Planning Commission is comprised of seven members. Six members are appointed by the City Council and one member is appointed by the Sutter County Planning Commission with approval by the Sutter County Board of Supervisors and the Live Oak City Council. Live Oak Municipal Code Section 2.12.020(A) states, in part, "The planning commission shall consist of seven members appointed by the mayor with the consent of the City Council." Section 2.12.020 (C) states the city will post a notice of possible vacancy to allow the incumbent and other citizens to be considered for appointment or reappointment. The City of Live Oak Planning Commissioners each serve staggered, four-year terms. Commissioner Joaquin Bermudez moved out of the City of Live Oak and resigned his position on the Live Oak Planning Commission. Therefore, the City currently has one vacancy for the remainder of this four-year term that expires on January 31, 2025.
Analysis:	The City of Live Oak published a vacancy notice on March 26, 2024. The City of Live Oak has received four applications in response to the public vacancy notice. A technical reading of the code would allow the Mayor to make an appointment, with Council then voting on whether or not to confirm the appointment. If the City Council failed to approve the Mayor's appointments, the Council would then need to consider another appointment by the Mayor, followed by a Council vote. All current applicants have been informed the Mayor and City Council will consider an appointment at this meeting. The Mayor will make known her appointments at this Council Meeting.
Fiscal Impacts:	None.

Recommendation: City Council consider the applications received for the one Live Oak Planning Commission vacancy.

Attachments:

Application - Amneet Bains
Application - Jaskaran Deol
Application - Jeffrey Stanhope
Application - Michelle Serpa



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Amneet Kaur Bains

Home Address: 2606 Jennifer Dr Live Oak CA 95953 United States

Home Phone: (530) 695-1244

Cell Phone: (530) 695-7099

Occupation: N/A

Employer Name: N/A

Employer Address: N/A

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

As a long-time resident of Live Oak, my desire to serve on the Planning Commission stems from a deep-seated commitment to the well-being and prosperity of our community. Over the years, I've witnessed Live Oak evolve, facing both challenges and opportunities along the way. This experience has given me a unique perspective on the city's needs and potential areas for growth. My aim is to leverage this insight, along with my expertise in environmental sustainability and community engagement, to foster development that enhances the quality of life for all residents. I am particularly motivated by the prospect of guiding Live Oak towards more sustainable and inclusive growth. This includes advocating for green spaces that provide recreational opportunities for families, promoting development projects that consider long-term environmental impacts, and ensuring that our city's growth contributes positively to our economic vitality. By encouraging public participation and fostering a dialogue between the city and its residents, we can ensure that development decisions reflect the diverse needs and aspirations of our community. My vision for Live Oak is one where progress and sustainability go hand in hand, where economic development is balanced with environmental stewardship, and where every resident feels heard and valued. Serving on the Planning Commission would be a profound opportunity to contribute to this vision.

2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

In my role as an accountant for a local trucking company, I have acquired a diverse set of skills and experiences that I believe will be highly beneficial to the City Council. My primary responsibilities have included managing financial records, conducting detailed financial analysis, and developing strategies to reduce costs while maximizing efficiency. Through this work, I have gained a deep understanding of financial management, budgeting, and fiscal responsibility, all of which are critical skills for managing a city's finances effectively. My experience as an accountant at a local trucking company has provided me with a strong foundation in financial management, strategic planning, and stakeholder engagement. I am confident that these skills, combined with my commitment to serving the community, will make a valuable contribution to the City Council.

My tenure as a medical assistant in a local medical office has equipped me with a unique set of skills and experiences that are highly pertinent to the responsibilities of a City Council member. In my role, I was not just involved in patient care, but also in the management of healthcare operations, public health education, and navigating the complexities of healthcare regulations.

A key aspect of my role was to ensure efficient and compassionate patient care, which involved coordinating with doctors, nurses, and other healthcare professionals. This experience honed my skills in communication, teamwork, and coordination which are all essential qualities for collaborating effectively with fellow council members and city staff. Moreover, my position required me to be adept at handling sensitive and confidential information, a skill that is directly transferable to handling the private and sensitive matters often encountered in city governance. My experience in maintaining confidentiality and ethical standards in the healthcare setting underscores my commitment to integrity and discretion, qualities vital for a member of the City Council. In addition, I played a role in public health education initiatives, organizing and participating in community health fairs and informational sessions. This experience has not only given me insight into public health concerns but also experience in community outreach and education. These skills are invaluable in understanding and addressing the health and wellness needs of our city's residents.

3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

If I am appointed, I will be able to attend meetings regularly and devote the time necessary to fulfill my duties as a member. I understand that serving on a committee or council is a significant responsibility that requires dedication, time management, and a strong commitment to the community. I aim to serve the community to the best of my ability, and I recognize that this requires both time and effort.

I had listed "N/A" in for "Occupation" because I am currently not employed.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Jaskaran Deol

Home Address: 9026 IDA ST Live Oak CA 95953

Home Phone: (530) 216-7580

Cell Phone: (530) 216-7580

Occupation: 4th Year Student at UC Davis

Employer Name: _____

Employer Address: _____

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

Planning Commission Application

Applicant: Jaskaran Deol

1. I've been a part of Live Oak since I was born, giving me a deep connection to our community. This long-standing tie has given me a close understanding of our town's history, strengths, and areas that need improvement. Over the years, I've seen Live Oak change, and it drives me to contribute to its growth actively. I'm particularly passionate about supporting new housing developments and attracting businesses that can benefit our community. I aim to offer valuable insights to guide the city towards a positive and sustainable future.
2. Through close collaboration with the Planning Commission on various projects, I've gained a firsthand understanding of their processes. This hands-on involvement has provided insights into the complexities of project approval, helping me navigate the system effectively. As I near completing my undergraduate studies in Civil Engineering with a focus on transportation and structural engineering, I bring a technical perspective to the table. My academic background allows me to offer valuable insights into projects, ensuring decisions align with the city's infrastructure needs. Additionally, being a licensed Real Estate agent in California further enhances my qualifications, allowing me to approach city planning comprehensively, considering both logistical and real estate aspects.
3. Despite being a college student, I've balanced academic pursuits with practical experiences. Currently working as a Real Estate agent and contributing to my family's business, I showcase my ability to manage diverse responsibilities effectively. My commitment to becoming a Real Estate agent aligns with my long-term dedication to Live Oak's growth. I assure the City Council that, while pursuing my undergraduate degree, I'm fully committed to attending meetings regularly and dedicating the necessary time to fulfill my duties as a Planning Commission member. This commitment is reinforced by my varied experiences and ongoing efforts to contribute meaningfully to both academia and the community.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Jeffrey Stanhope

Home Address: 9297 Poplar way Live oak, CA. 95953

Home Phone: 707-628-8118

Cell Phone: 707-628-8118

Occupation: Assistant Branch Manager / Project Manager

Employer Name: CRBR Property Damage Services

Employer Address: 350 Bridge St. Suite A. Yuba City, CA. 95991

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission? *I have lived in Live Oak for just over a year and I see so much potential to improve our community and I would like to help be a part of shaping the community.*
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application. *I have been all over the country and the world through my military service so I have many experience that bring a different perspective. My job right now is construction with CRBR.*
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member? *If I am selected I will be committed to the position. When I commit to a position I give 100%.*

NOTE: A conflict of interest statement is required of all appointed Planning Commissioners.

Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Michelle Serpa

Home Address: 2488 Date St. Live Oak, CA 95953

Home Phone: _____

Cell Phone: (530) 682-3466

Occupation: Sales Manager

Employer Name: John L Sullivan CDJR

Employer Address: 950 Harter Pkwy. Yuba City, CA 95993

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

I would like to serve on the City of Live Oak Planning Commission because I want to be more involved in our local government and be able to serve our community. I am interested in learning more about the planning and development of the city in which I live. I would like to have a voice in decision making to contribute to the future vision and direction for my community.

2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

I am currently a Sales Manager at a busy dealership, and I am in charge of multiple departments and employees. I feel that the way a government is run is like a big business, and I am passionate about implementing good processes, and creating a better environment for all involved.

3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

Yes, I would be able to fulfill all duties and attend regular meetings.



City of Live Oak Report to City Council

Meeting Date: May 1, 2024

Title: Discussion - Adopting Mobile Vendor and Sidewalk Vendor Ordinances

Contact Information: Mark Scott, Interim City Manager, and Nicole Rosser, City Attorney

Background: The City of Live Oak does not currently have ordinances regulating the issuance of permits for mobile vendors (food trucks or other motorized vehicles) or sidewalk vendors (non-motorized carts or stands). In years past, there has been some concern about mobile or sidewalk vendors having unfair advantage over fixed base ("bricks and mortar") food businesses. Staff is unaware of any current ordinance or policy that prohibits food trucks or sidewalk vendors, nor is there any enabling ordinance or policy.

Staff has received requests from parties who own food trucks for permits to operate in Live Oak. Staff is also aware that there have been sidewalk vendors, from time to time, who have operated on a limited basis.

Analysis:

This item has been placed on the May 1, 2024 City Council agenda for discussion and possible direction to staff on how to proceed in developing an ordinance or policy. There is not a proposed ordinance or policy that is being proposed at this time.

Attached is an advisory memo from City Attorney Nicole Rosser that explains that under current law, a city is required to allow operation of food trucks and sidewalk vendors subject to conditions that relate generally to "time, place and manner." In fact, California law goes so far as to suggest some of the areas where conditions of approval may be applied.

As example, such businesses may be limited in their operation by conditions requiring:

- * Locating:

- *20 feet from any intersection or driveway

- *a specified distance from parks or schools except by invitation

- *a specified distance from any other mobile or sidewalk vendor

- * Operating:

- *Only during specified hours of the day

- *Without loudspeakers or amplified music

- *Within specific zone districts of the City

- *Without disrupting sidewalk clearance or street traffic

- *Serving customers so that they do not need to enter the street for service

- *In compliance with State and County public health and safety regulations

- *With a valid City business license and County public health permits

California law changed during the COVID shutdown period to make it easier for small businesses of this sort to operate. The attached ordinance from the City of Indio offers insights into the application of the new law to mobile vendors, stationary sidewalk vendors, and mobile sidewalk vendors. Within the operating conditions in the law, there is some discretion available to a City Council. There are also some conditions that are not discretionary. For instance, I believe State law requires a city to allow sidewalk vendors to operate in residential zones at least during the typical business hours of the day. After staff receives City Council input on areas of concern to the Council, staff will do further research into what the City may or may not restrict.

Fiscal Impacts:

There is no direct fiscal impact to the City that is affected by discussing this matter, While there could be fiscal impacts on fixed base food or retail businesses if enacted, there are no immediate impacts from discussing the policy itself.

Recommendation:

City Council discuss the options legally available to the City in adopting ordinances to provide for permitting of food trucks and sidewalk vending businesses to operate in the City of Live Oak, and to provide staff with direction on drafting such local law.

Attachments:

Memo re Mobile Vendors

City of Indio Municipal Code - Sidewalk Vendors and Vending Vehicles

MEMORANDUM

TO: Mark Scott
FROM: Nicole Rosser
DATE: April 9, 2024
RE: MOBILE FOOD VENDORS/SIDEWALK VENDING

OVERVIEW:

The discussion of mobile food vendors consists of two applicable subsects to this general area: Mobile Vending and Sidewalk Vending. The City of Live Oak does not have any specific ordinances related to Mobile Vending or Sidewalk Vending. There is a definition in the zoning ordinance for Mobile Food Vending and a limitation of locations of where they can be permitted upon review by the City, but no actual regulations of hours of operations in residential zones, special event use, and prohibited materials.

MOBILE VENDING:

Mobile Vending is defined as the selling, advertising, promoting, offering or soliciting to sell, convey, barter, or trade of food, products, goods and merchandise from a mobile food facility (MFF) or a mobile vending facility (MVF).

MFF means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold/distributed at retail. It includes, cars, trucks, vans, or any vehicle or device (i.e. trailer) that is pushed, pulled, carried, towed or otherwise transported by a motor vehicle or device and equipped to store, prepare, serve, advertise, promote, offer, convey, barter, trade, solicit, and/or sell food, foodstuffs, food products, and all associated ware, goods and merchandise.

MVF means both a mobile food facility and any vehicle used in conjunction with mobile vending (Vending from motorized vehicles).

Mobile Vending is most frequently conducted on public property, but may be conducted on private property.

Some Council Considerations when considering a proposed Mobile Vending Ordinance should include precise definitions, regulations for hours of operation, and require a permit from the City in addition to a business tax certificate. The regulations should specifically consider:

1. Health permit from Sutter County;

2. Permit from the City of Live Oak and Business tax certificate and payment of fees;
3. Location and siting requirements, including distance from certain locations and other mobile vendors, and time restrictions;
4. Hours of operation restrictions;
5. Liability insurance requirements;
6. Compliance with City's sign regulation and noise level regulations;
7. Prohibition of certain items, such as alcohol, cannabis, adult materials, tobacco products, fireworks, etc;
8. Establishing penalties for violation of the ordinance;

Other Possible Considerations would be Long-Term Mobile Vending Facility and anything that would go along with that subject matter, including time limits, permanence etc.

SIDEWALK VENDING:

Legislation defines "sidewalk vendor" as a person who sells food or merchandise on a public sidewalk or other pedestrian path (including public parks). "Sidewalk vendors" can operate from a pushcart, wagon, or other non-motorized conveyance or from his or her person, while on the public sidewalk or walk path. A "sidewalk vendor" may be roaming from place to place or stationary operating from a fixed location.

There are two recent Senate Bills applicable to Sidewalk Vendors. Those are SB 946 and SB 972. SB 946 became effective on January 1, 2019 and prohibits California cities and counties from banning sidewalk vendors from operating on public sidewalks. SB 946 also prohibits cities from regulating sidewalk vendors unless cities establish a permitting system that is consistent with the provisions of SB 946. SB 946 also requires any restrictions placed on sidewalk vendors be directly related to objective health, safety, or welfare concerns. Community animus of economic competition does not constitute an objective health, safety or welfare concern according to the statute. Local jurisdictions wishing to regulate sidewalk vending are required to first adopt a program with regulations consistent with SB 946. The intent of the bill was to promote entrepreneurship and economic development opportunities for low-income and immigrant communities.

SB 972 became effective on January 1, 2023 and amended the California Retail Food Code. It added a new definition of a "compact mobile food operation" under the definition of a "mobile food facility" to address sidewalk vendors who prepare food using a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance. SB 946 did not affect the applicability of the California Retail Food Code as to sidewalk vendors who sell food. The California Retail Food Code allowed criminal penalties for violations. However, SB 972 decriminalized the California Retail Code. SB 946 and SB 972 have fully decriminalized vending and only administrative citations are allowed.

It is important that Council look at both of these in conjunction as they are both related and cover the sale of food from a mobile type apparatus. Some important Council considerations that would be compliant with SB 946 and SB 972 are as follows:

1. Requiring maintenance of sanitary conditions in compliance with Sutter County health requirements and obtaining any applicable County permits to sell food;
2. Complying with disability access standards;
3. Obtaining a permit from the City and paying the appropriate permit fee, obtaining a business tax certificate, and requiring proof of a valid California seller's permit for sales tax compliance;
4. Obtaining liability insurance;
5. Requiring an acknowledgment that a sidewalk vendor uses public property at their own risk;
6. Requiring compliance with other generally applicable federal, state, county and local laws;
7. Requiring the provision of information on proposed vendor operations;
8. Consideration of restrictions of sidewalk vending within a certain radius of parks, farmers markets, and other temporary special events;
9. Prohibiting stationary vendors in residential areas and placing hours of operation restrictions on roaming and stationary vendors;
10. Imposing distance requirements from certain locations and other sidewalk vendors;
11. Prohibition of vending of alcohol, cannabit, adult materials, tobacco products, fireworks, etc;
12. Establishing administrative fines for violations.

RECOMMENDATION:

It would be recommended that Council give staff input as to the types of restrictions that they would like to see with respect to Mobile Vending and Sidewalk Vending. Since the City is receiving requests for permits, it is imperative that the Council set the narrative of what types of restrictions they would like to put in place.

CHAPTER 114: SIDEWALK VENDORS AND VENDING VEHICLES

Section

- 114.10 Definitions
- 114.11 Business license required
- 114.12 Vending permit required
- 114.13 Vending permit application
- 114.14 Criteria for approval or denial of vending permit
- 114.15 Permit expiration and renewal
- 114.16 Permit nontransferable
- 114.17 Sidewalk vendor operating requirements
- 114.18 Vending vehicle operating requirements
- 114.19 Regulations for vending on private property
- 114.20 Permit rescission
- 114.21 Administrative citations
- 114.22 Appeals

§ 114.10 DEFINITIONS.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

CERTIFIED FARMERS' MARKET. A location operated in accordance with Chapter 10.5 of Division 17 of the Cal. Food and Agricultural Code and any regulations adopted pursuant to that chapter.

DIRECTOR. The City Manager or his or her designee.

ENFORCEMENT OFFICIAL. The City Manager, the Chief of Police, or either of their designees who is charged with enforcing the Indio Code of Ordinances.

FOOD or FOOD PRODUCTS. Any item described by Cal. Health and Safety Code § 113781.

GOODS or MERCHANDISE. Any item that is not food or a food product and can be sold and immediately obtained from a sidewalk vendor. Items for rent, subscription plans, and other services shall not be considered goods or merchandise.

HEARING OFFICER. A person selected by the City Manager to conduct an administrative hearing that has no bias or pecuniary interest in the matter to be heard.

PERSON. One or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

ROAMING SIDEWALK VENDOR. A sidewalk vendor who moves from place to place and stops only to complete a transaction.

SIDEWALK VENDOR. Any person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

STATIONARY SIDEWALK VENDOR. A sidewalk vendor who vends from a fixed location.

SWAP MEET. A location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Cal. Bus. & Prof. Code, and any regulations adopted pursuant to that article.

TEMPORARY SPECIAL PERMIT. Any permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary use permit, for purposes including, but not limited to, filming, parades, festivals, or outdoor concerts.

VEND OR VENDING. To sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

VENDING CART. Any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the Cal. Vehicle Code.

VENDING VEHICLE. Any self-propelled, motorized device or vehicle that is used for vending and by which any person or property may be propelled or moved upon a highway, excepting a vending cart or other device moved exclusively by human power.

VENDING VEHICLE OPERATOR. Any person that operates or assists in the operation of a vending vehicle.

VENDOR. A person who vends from a vending cart, from one's person, or from a vending vehicle, including an employee or agent of another.

(Ord. 1767, passed 12-15-21)

§ 114.11 BUSINESS LICENSE REQUIRED.

All sidewalk vendors and vending vehicle operators desiring to vend in the City shall obtain and maintain a valid business license issued by the City in accordance with Chapter 110 of this Code.

(Ord. 1767, passed 12-15-21)

§ 114.12 VENDING PERMIT REQUIRED.

In addition to procuring a business license, as set forth in §114.12, all sidewalk vendors and vending vehicle operators desiring to vend in the City on public or private property shall first obtain a vending permit. Except as otherwise provided in this chapter, vending from a vending cart, from one's person, or from a vending vehicle on any public street, alley, parkway, sidewalk, or other public property or private property in the City is prohibited.

(Ord. 1767, passed 12-15-21)

§ 114.13 VENDING PERMIT APPLICATION.

To apply for a vending permit, a person must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- (A) The legal name and current address and telephone number of the applicant;
- (B) If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
- (C) A description of the food or merchandise offered for sale;
- (D) A photograph of the vending vehicle or vending cart. If the applicant intends to use a vending vehicle, a description of the type of vehicle to be used, the vehicle's registration and license number, and the applicant's California driver's license numbers);
- (E) Whether the applicant intends to operate as a stationary sidewalk vendor, a roaming sidewalk vendor, or a vending vehicle operator;
- (F) A description of the streets, rights-of-way, or other locations in which the applicant intends to vend;
- (G) A California seller's permit number pursuant to Cal. Revenue and Taxation Code § 6067;
- (H) If a vendor of food or food products, certification to completion of a food handler course and proof of all required approvals from the Riverside County Department of Environmental Health;
- (I) Proof of liability insurance in the amount and subject to the terms on file with the City's Risk Manager. The City's Risk Manager shall promulgate provisions regarding insurance requirements for sidewalk vendors and vending vehicles and shall be in an amount which is determined to be sufficient to adequately protect the City, persons, and property for injuries or damages which may be caused by activity under this Chapter;
- (J) Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
- (K) Any other reasonable information regarding the time, place, and manner of the proposed vending.

(Ord. 1767, passed 12-15-21)

§ 114.14 CRITERIA FOR APPROVAL OR DENIAL OF VENDING PERMIT.

The Director, or his or her designee, shall approve the issuance of a vending permit unless he or she determines that:

- (A) Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- (B) The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
- (C) The applicant has failed to demonstrate an ability to conform to the operating standards set forth in this Chapter; or
- (D) The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this Chapter.

If the vending permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(Ord. 1767, passed 12-15-21)

§ 114.15 PERMIT EXPIRATION AND RENEWAL.

A vending permit shall be valid for 12 months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active vending permit.

(Ord. 1767, passed 12-15-21)

§ 114.16 PERMIT NONTRANSFERABLE.

No vending permit granted pursuant to this chapter shall be transferable.

(Ord. 1767, passed 12-15-21)

§ 114.17 SIDEWALK VENDOR OPERATING REQUIREMENTS.

Sidewalk vendors shall comply with the following standards and conditions:

(A) Sidewalk vendors shall maintain at all times while vending a valid vending permit, a valid business license in accordance with Chapter 110 of this Code, and any other permit(s) or license(s) required by the City or other governmental agencies. A current, valid business license sticker shall be affixed in plain view to the vending cart. Vendors of food or food products shall in addition affix in plain view to the vending cart a current, valid Riverside County health inspection sticker.

(B) No sidewalk vendor shall vend in the following locations:

- (1) Within ten feet of any street intersection;
- (2) Within ten feet of any driveway or driveway apron;
- (3) Upon or within any roadway, median strip, or dividing section;

(4) Within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;

(5) Within 300 feet of the nearest property line of any property on which a school building is located, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session. This prohibition will not apply if the school principal gives the pushcart vendor written permission to enter or park on school property. The sidewalk vendor shall provide a copy of that authorization to the City within five days of its receipt, and possess a copy while vending to provide upon request to any Enforcement Official;

(6) Within the Major Music Overlay Zone, as defined in the Unified Development Code, for the duration of any Major Music Festival Event, including the time periods in which the streets and sidewalks are closed prior to and after the event;

(C) No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than four feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices.

(D) No sidewalk vendor shall block or impede access to bicycle racks, parking meters, required accessibility routes and curb cuts, trash enclosure areas or trash bins, fire hydrants, fire call boxes, or other emergency facilities.

(E) No sidewalk vendor shall vend within 50 feet of another sidewalk vendor or a vending vehicle.

(F) No sidewalk vendor shall distribute any item from the vending cart in a manner that causes any person to stand in the street.

(G) Sidewalk vendors shall not offer, provide, rent, or sell a service that is neither defined as merchandise or food.

(H) Vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:

(I) In residential areas, vending shall be permitted between the hours of 8:00 a.m. and 7:00 p.m.

(J) In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

(K) In City parks, vending shall be permitted only during the open hours of the park.

(I) Stationary sidewalk vendors shall obtain an encroachment permit pursuant to Chapter 97, and must operate exclusively from the location and for the time periods designated by the encroachment permit.

(J) Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.

(K) Stationary sidewalk vendors shall not vend at any park where the City or the park operator has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

(L) Sidewalk vendors shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending cart,

marked with a sign requesting use by patrons. Prior to leaving any vending location, the vendor shall pick up, remove, and dispose of all trash generated by the vending operations within a 25 foot radius of the vending location.

(M) Sidewalk vendors shall maintain and possess at all times while vending proof of liability insurance in the amount required by the City.

(N) Sidewalk vendors of food or food products shall possess and display in plain view on the vending cart a valid health permit from Riverside County Department of Environmental Health.

(O) Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

(P) No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

(Ord. 1767, passed 12-15-21)

§ 114.18 VENDING VEHICLE OPERATING REQUIREMENTS.

Vending vehicle operators shall comply with the following standards and conditions:

(A) Vending vehicle operators shall obtain and maintain at all times while vending a valid vending permit, a valid business license in accordance with Chapter 110 of this Code, and any other permit(s) or license(s) required by the City or other governmental agencies. A current, valid business license sticker shall be affixed to the back of the vending vehicle. Vendors of food or food products shall in addition affix to the lower left hand side of the windshield a current, valid Riverside County health inspection sticker.

(B) In addition to any other equipment required by law, each vending vehicle shall be equipped with the following:

(1) A convex mirror mounted so that the driver can see the area in front of the truck that is obscured by the truck's hood; and

(2) A back-up alarm audible for a distance of at least 100 feet.

(C) Lettering showing the vending vehicle operator or owner's name, business address, and telephone number shall be permanently affixed to both sides of the vending vehicle in a conspicuous place. The lettering shall at all times be visible, shall not be less than four inches in height, and shall be in contrast to the color of the background upon which it is placed.

(D) No vending vehicle operator shall vend in the following locations:

(1) Within 100 feet of any street intersection controlled by a crosswalk, traffic light, or stop sign;

(2) Within ten feet of any driveway or driveway apron;

(3) Within any publicly-owned or operated parking lot, unless the vending vehicle operator has written permission of the owner and complies with the provisions of § 114.18;

(4) On any street, alley, or highway with a posted speed limit greater than 35 miles per hour;

(5) Within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;

(6) Within 300 feet of the nearest property line of any property on which a school building is located, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session. This prohibition will not apply if the school principal gives the vending vehicle operator written permission to enter or park on school property. The vending vehicle operator shall provide a copy of that authorization to the City within five days of its receipt, and possess a copy while vending to provide upon request to any Enforcement Official;

(7) Within the Major Music Overlay Zone for the duration of any Major Music Festival Event, as defined in the Unified Development Code, including the time-periods in which the streets and sidewalks are closed prior to and after the event.

(E) The vending vehicle shall not obstruct pedestrian or vehicular traffic.

(F) No vending vehicle operator shall vend within 50 feet of another vending vehicle or a sidewalk vendor.

(G) Vending is prohibited on the exposed street or traffic side of the vending vehicle. No food, food products, goods, or merchandise shall be distributed from the vending vehicle in a manner so as to cause any customer or potential customer to stand in that portion of the street that is open to other vehicles.

(H) No part of a vending vehicle or any other equipment or furniture related to the operation of the vending vehicle shall encroach onto a public sidewalk.

(I) Vending is permitted between the hours of 8:00 a.m. and 11:00 p.m., daily, except that in residential areas vending shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.

(J) Vending vehicle operators shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending

vehicle, marked with a sign requesting use by patrons. Prior to leaving any vending location, the vendor shall pick up, remove, and dispose of all trash generated by the vending operations within a 25 foot radius of the vending location.

(K) Vending vehicle operators shall maintain and possess at all times while vending proof of liability insurance in the amount required by the City.

(L) Vending vehicle operators shall comply with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; the Americans with Disabilities Act of 1990 and other disability access standards; and traffic, parking, and Cal. Vehicle Code provisions.

(M) No vending vehicle shall become a permanent fixture on the vending site or be considered an improvement to real property.

(Ord. 1767, passed 12-15-21)

§ 114.19 REGULATIONS FOR VENDING ON PRIVATE PROPERTY.

In addition to compliance with the operating requirements set forth in §§114.16 and 114.17, any vendor operating or conducting business from a vending cart or vending vehicle on private property shall comply with the following:

(A) The vendor shall comply with all applicable zoning regulations and land use entitlements for the private property.

(B) Unless vending is otherwise authorized by the applicable zoning regulations and/or land use entitlements for the private property or as otherwise provided for herein, the vendor shall obtain from the Community Development Director an administrative permit prior to engaging any vending activity. Any request for such a permit shall require the written consent of the property owner, which shall be provided to the Community Development Director. In determining whether to grant the administrative permit, the Community Development Director shall make the following findings: (i) the vending is allowed within the applicable underlying zone or is consistent with the uses permitted in such zone; (ii) the vending will not be detrimental to the public health, safety and welfare or adversely affect property values or the present or future development of the surrounding area; and (iii) the property is physically suitable for the activity. The Community Development Director shall review and approve the administrative permit application within ten days of receipt. If the administrative permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(C) No administrative permit, however, is required under this Section for the following vending vehicle activities:

(1) Vending vehicles that serve active construction sites as long as the vending vehicle does not vend to the general public during their stop and the stop at the site is no longer than one hour.

(2) Vending vehicles on private property operating solely for private catering purposes as long as the vehicle is situated entirely on private property, service is limited to the guests of the catered event only and no payment transactions occur for individual orders taken by the vending vehicle operator.

(3) The vending vehicle is on private property for no more than one hour as long as: (a) vending is authorized by the applicable zoning and/or land use entitlement; and (b) the vendor has the written consent from the property owner and said consent shall be provided to the City upon request.

(Ord. 1767, passed 12-15-21)

§ 114.20 PERMIT RESCISSION.

(A) *Sidewalk vendors.* The Director may rescind a vending permit issued to a sidewalk vendor for a fourth violation or any subsequent violation of this Chapter.

(B) *Vending vehicle operators.* The Director may rescind a vending permit issued to a vending vehicle operator for a first violation or any subsequent violation of this Chapter.

(C) Should a vending permit be rescinded, the sidewalk vendor or vending vehicle operator shall be required to cease operation immediately. A sidewalk vendor or vending vehicle operator whose permit is rescinded may apply for a new vending permit upon the expiration of the term of the rescinded permit.

(Ord. 1767, passed 12-15-21)

§ 114.21 ADMINISTRATIVE CITATIONS.

(A) Except as provided in Subsection (B) below, any violation of this Chapter is punishable by an administrative citation in following amounts:

- (1) One hundred dollars for a first violation.
- (2) Two hundred dollars for a second violation within one year of the first violation.
- (3) Five hundred dollars for each additional violation within one year of the first violation.

(B) Vending without a valid City-issued vending permit is punishable by an administrative citation in the following amounts:

- (1) Two hundred fifty dollars for a first violation.

(2) Five hundred dollars for a second violation within one year of the first violation.

(3) One thousand dollars for each additional violation within one year of the first violation.

(4) Upon proof of a valid vending permit, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in Subsection (A).

(C) A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

(D) Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

(E) When assessing administrative citations pursuant to this chapter, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(F) If the person meets the criteria described in Cal. Gov't Code § 68632(a) or (b), the City shall accept, in full satisfaction, 20% of an administrative citation imposed pursuant to this chapter.

(G) The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

(Ord. 1767, passed 12-15-21)

§ 114.22 APPEALS.

(A) Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a vending permit may file an appeal with the City Clerk within 14 calendar days from the date of the decision. The permit, if one has been issued, shall remain in effect while the appeal is being heard by the Hearing Officer. The Hearing Officer shall make his or her decision on the basis of the preponderance of the credible evidence presented at the appeal hearing and shall render a decision within ten business days of the hearing to either affirm, reverse, or modify the action of the Director. The decision shall be in writing, and shall set forth the findings and reasons for the decision. The Hearing Officer's decision after such hearing shall be final and conclusive.

(B) Except as otherwise specified herein, appeals of administrative citations shall be conducted in accordance with the procedures and requirements Chapter 11 of this Code.

(Ord. 1767, passed 12-15-21)



City of Live Oak Report to City Council

Meeting Date:	May 1, 2024
Title:	Authority to Seek Proposals for Water Rate Study
Contact Information:	Mark Scott, Interim City Manager
Background:	It has been many years since the City of Live Oak performed a water rate study to determine proper cost allocations and utility use charges. Under California law, a public water agency must provide detailed information to the public before adopting and publicizing any changes to the existing water rates. Typically cities seek proposals to do a comprehensive water study to provide the City Council and public with that detailed information. Staff is seeking City Council authority to seek proposals for that purpose from among firms experienced in conducting such studies.
Analysis:	In the City's adopted budget for Fiscal Year 2023-24, the Water Enterprise Fund (as of June 30, 2023) showed a cash deficit in the fund of more than \$1 million. The City's General Fund is far too limited to be able to "backstop" that kind of deficit for very long. The deficit had grown substantially from the previous year based solely on cash held in the Fund. It is likely that a longer term analysis including future capital improvement expenditures would exacerbate that deficit. Because this is such a vital public service and because City staff (in fact, very few City staffs) possess the expertise to do a full, multi-year water study and financial plan, staff is recommending that the Council authorize staff to seek proposals for such a study from among firms qualified to perform that analysis. After receiving the proposals, the City Council will have the opportunity to proceed or not.
Fiscal Impacts:	Staff is not yet asking for funding to perform the study, but it is common that such studies will cost in excess of \$50,000 or more. Staff would also like to discuss the possibility of obtaining quotes to do a concurrent Wastewater rate study because there would no doubt be economies in doing both studies at one time. If and when a City Council chooses to propose rate increases to its users, State law requires a mailing to all customers and extensive public information outreach opportunities. Customers are given a chance to protest rate changes and the agency may not proceed if a majority protest is received. That process is not implicit in this recommendation.

Recommendation: Authorize the City Manager to seek proposals to conduct a comprehensive water rate study and financing plan. Staff also seeks City Council direction whether to seek a concurrent cost proposal to add a Sewer Enterprise rate study at the same time.



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

Meeting Date: May 1, 2024

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