



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA OCTOBER 5, 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.
- Members of the public can access the Zoom webinar as follows:
 - **Join by Electronic Device:**
<https://us02web.zoom.us/j/82251229411>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 822 5122 9411

- **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/82251229411>
 - *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: 822 5122 9411
 - **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.
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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. Domestic Violence Awareness Month Proclamation
- B. Sutter County Office of Emergency Services Presentation – Zonehaven Software

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 September 21, 2022, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
- 2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Recommendation: Adopt resolution.
(Nicole Rosser, City Attorney)

PUBLIC HEARING ITEMS

- 3. Adoption of Ordinance Amending Title 15 Chapter 15.01 of the City of Live Oak Municipal Code Updating the References to the California Building Standards Code
Recommendation: 1) Waive the second reading of the ordinance; and 2) Adopt ordinance.
(Nicole Rosser, City Attorney)

BUSINESS ITEMS

- 4. City Council Discussion and Possible Action to Award a Construction Contract for the City of Live Oak Pennington Road Rehabilitation Project - West
Recommendation: 1) Award a construction contract for the City of Live Oak Pennington Road Rehabilitation Project – West to Franklin Construction; and 2) Authorize the City Manager to execute the contract and all other documents necessary to complete the project.
(Scott Rolls, City Engineer)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

ADJOURNMENT



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

Meeting Date: October 5, 2022
Title: Domestic Violence Awareness Month Proclamation
Attachments:

[Proclamation](#)



Proclamation

Honoring October 2022 as Domestic Violence Awareness Month

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, domestic violence leaves an imprint of fear and hostility; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and social barriers, thereby affecting society as a whole; and

WHEREAS, in the City of Live Oak, adults and children are victims of violence each year; and

WHEREAS, research shows that by creating communities where people are connected, supported and care for one another can reduce incidents of domestic violence; and

WHEREAS, the City of Live Oak is committed to restoring the right to freedom from fear in our own homes and our communities; and

WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence and their children who often suffer grave financial, physical, and psychological losses.

NOW, THEREFORE, BE IT RESOLVED that in recognition of the important work done by Casa de Esperanza and cooperating agencies in the City of Live Oak, on behalf of the entire City of Live Oak City Council, does hereby proclaim the month of October 2022 as Domestic Violence Awareness Month. We urge all citizens, agencies, and businesses to **WORK TOGETHER AS A TEAM IN OUR COMMUNITY THROUGH PREVENTION, INTERVENTION AND EDUCATION PROGRAMS, TO TAKE A STAND** until society has zero tolerance for domestic violence.

Dated this 5th day of October, 2022.

Nancy Santana, Mayor

Bob Woten, Vice Mayor

Lakhvir Ghag, Council Member

Jeramy Chapdelaine, Council Member

J.R. Thiara, Council Member



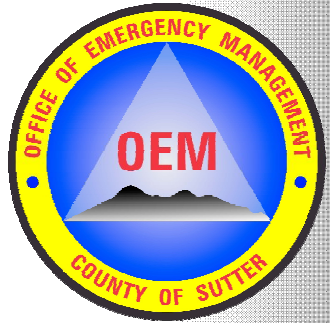
**City of Live Oak
Report to City Council**

Meeting Date: October 5, 2022

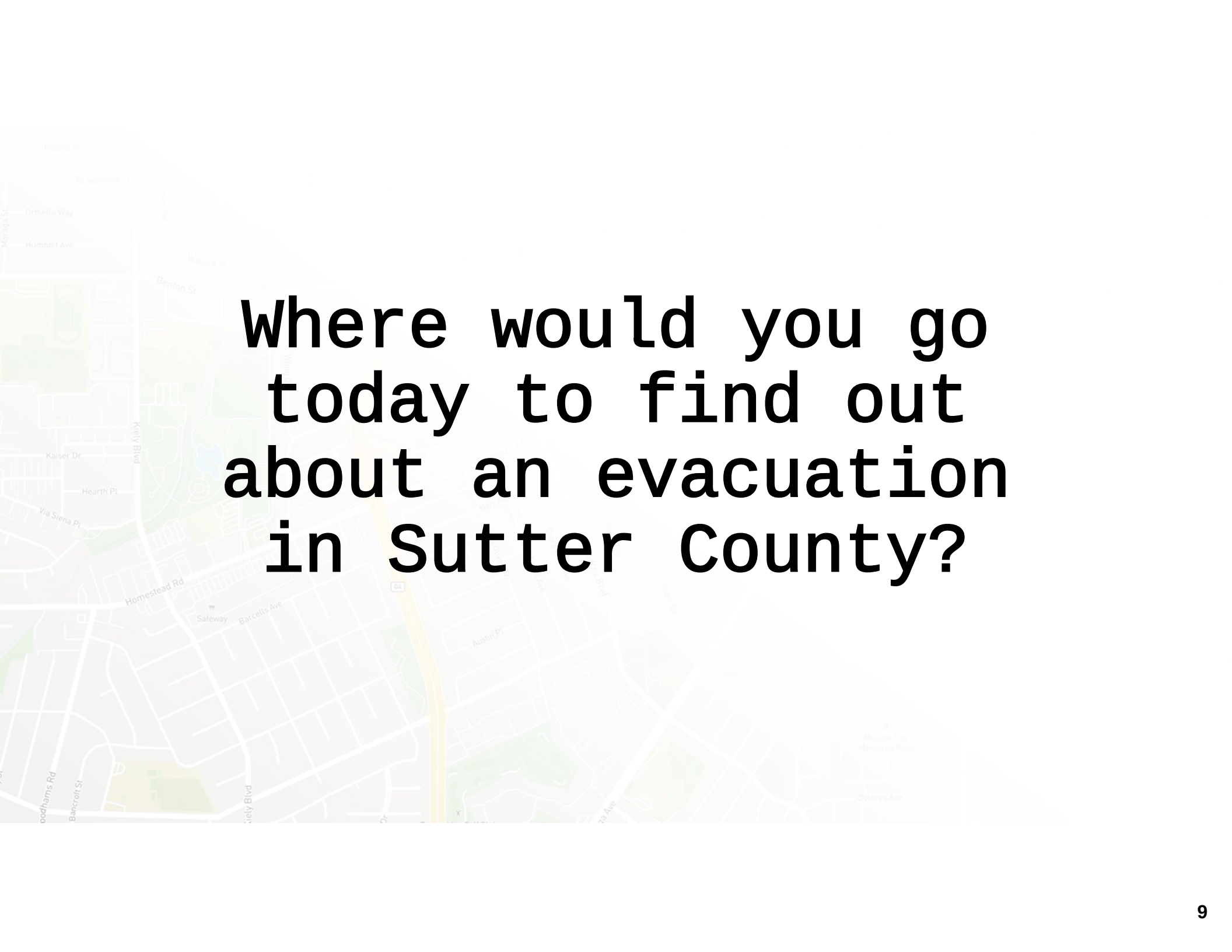
Title: Sutter County Office of Emergency Services Presentation - Zonehaven
Software

Attachments:

[PowerPoint Presentation](#)



KNOW YOUR
Z  **NE**

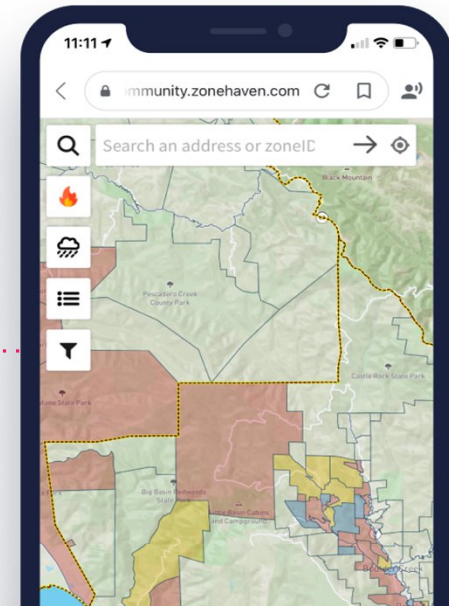
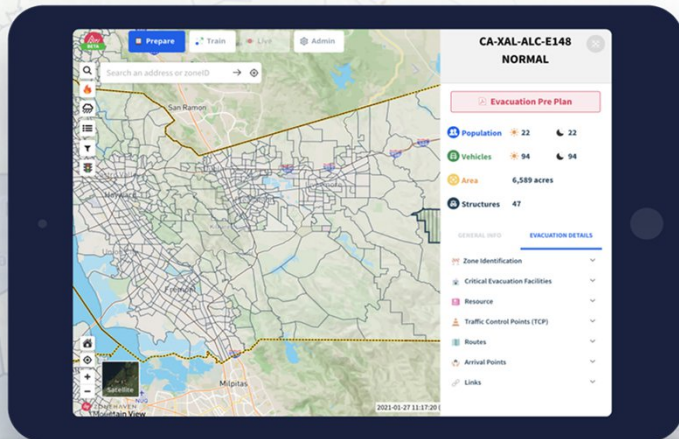


**Where would you go
today to find out
about an evacuation
in Sutter County?**

Zonehaven

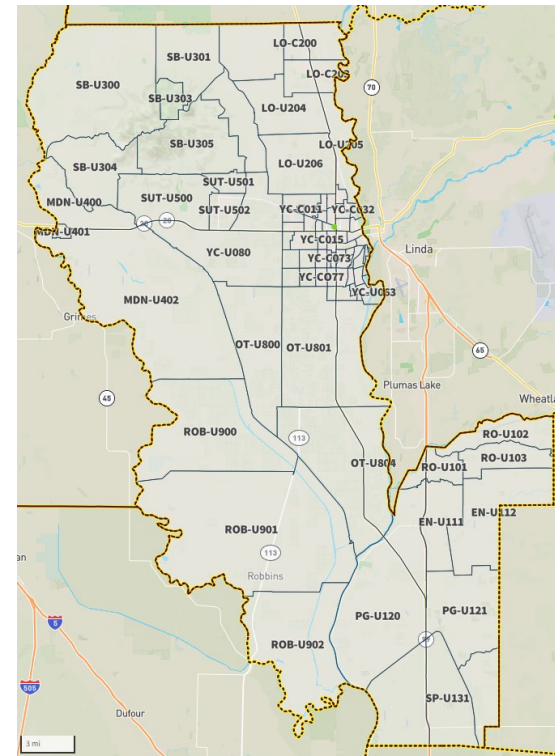
ZONEHAVEN®
EVAC

ZONEHAVEN®
AWARE



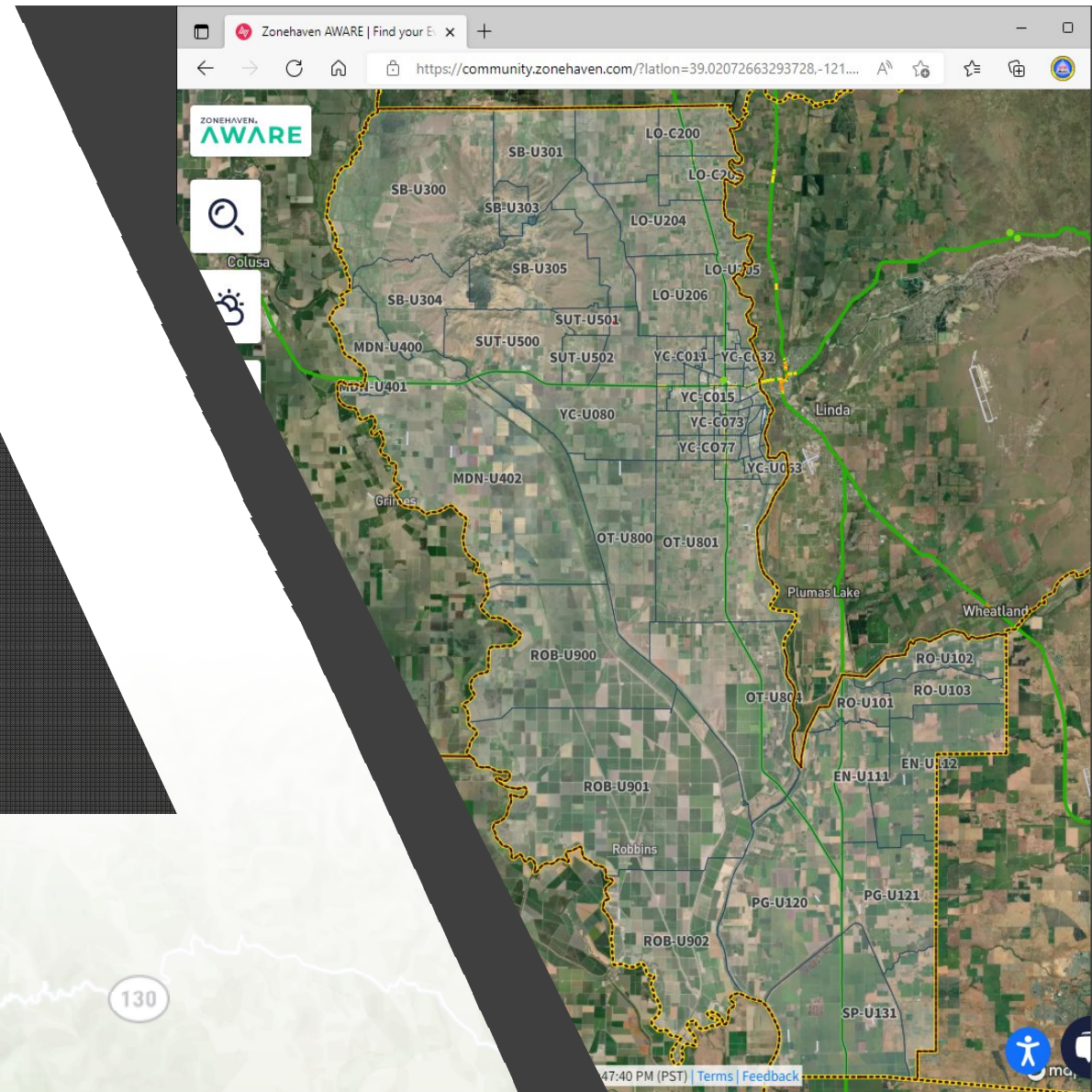
Evacuation Zones

- Critical to evacuation process
- Communication to the public
- Pre-established zones help prepare for, streamline, reduce confusion



Find your zone

- Community.Zonehaven.com
- Search address
- Write your zone down



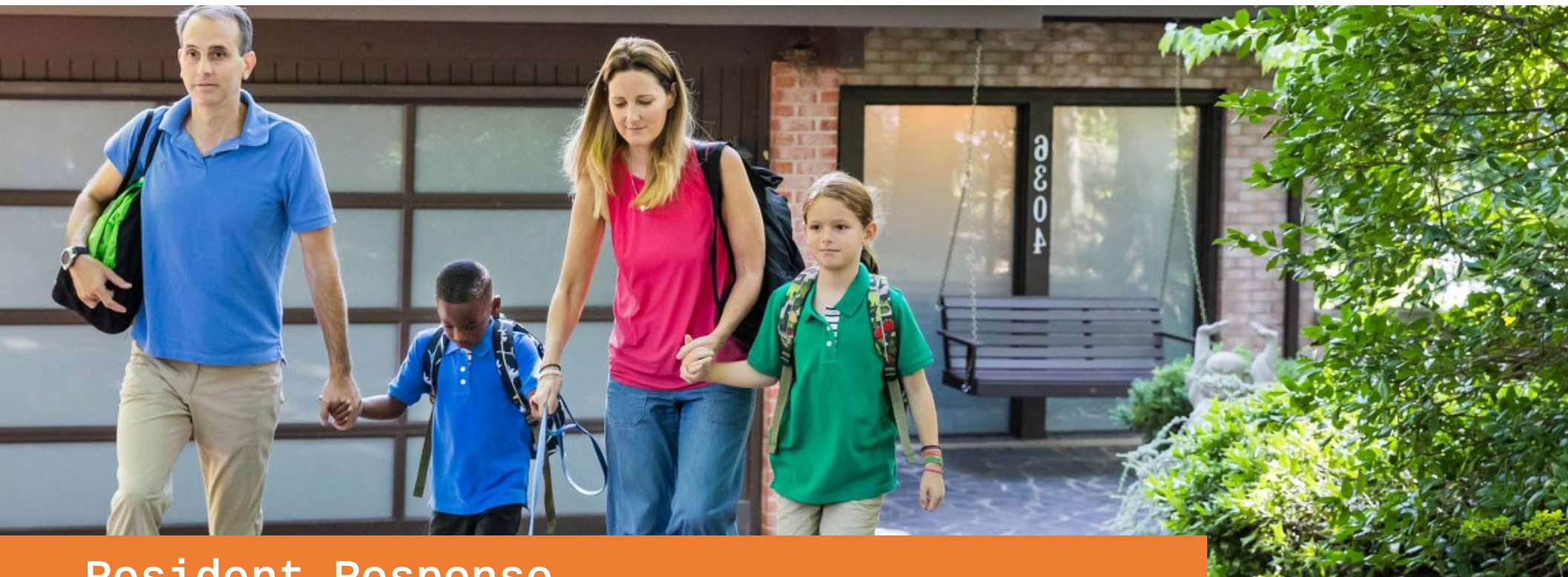
Zone Status

EVACUATION ORDER	Immediate threat to life. This is a lawful order to leave now. The area is lawfully closed to public access.
EVACUATION WARNING	Potential threat to life and/or property. Those who require additional time to evacuate, and those with pets and livestock should leave now.
SHELTER IN PLACE	Go indoors. Shut and lock doors and windows. Prepare to self-sustain until further notice and/or contacted by emergency personnel for additional direction.
ADVISORY	Be on alert and follow county recommendations.
EVACUATION ORDER LIFTED	It is now safe to return to your home. Be aware of your surroundings.
NORMAL	No current knowledge of active public safety incidents affecting your area.
TRAINING	Emergency personnel training. No response necessary from residents. (Can also be used for virtual evacuations, such as when testing the Community Warning Systems.)



County Evacuation Process





Resident Response

Emergency
detected

Reference zone

Check Zonehaven

Resident evacuate
(go bag)

Check on neighbors

Are you ready to accept the challenge?

Help us improve the
evacuation process.



Photo Credits:
@CALFIRECZU



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

Meeting Date: October 5, 2022

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the September 21, 2022, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)

[Public Comment - Dale Carlson](#)

[Public Comment - Cruz Mora](#)



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA SEPTEMBER 21, 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 6:09 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. Vice Mayor Woten 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. Blueprint Project SACOG Presentation

Kacey Lizon, Deputy Director with SACOG, provided a presentation to the Council.

PUBLIC COMMENT

The following members of the public addressed the Council: Cruz Mora and J.R. Thiara.

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

CONSENT ITEMS

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

MOTION: APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM 1 AND ITEM 3 WHICH WERE PULLED FOR FURTHER DISCUSSION.
(MOTION: CHAPDELAINE; SECOND: WOTEN)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk

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

2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Nicole Rosser, City Attorney
Council action: Resolution No. 27-2022 adopted.

3. Contract with BPR Consulting Group for Building and Safety Services
Aaron Palmer, City Manager

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

BUSINESS ITEMS

4. Confirmation of Special Assessment Taxes for Lighting Maintenance for Fiscal Year 2022-23 for the Live Oak Lighting and Maintenance Assessment District of the City of Live Oak
James Ramsey, Finance Director

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

Public Comment was opened and closed without any speakers.

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

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

Reference Resolution No. 28-2022.

5. Introduction of Ordinance Amending Title 15 Chapter 15.01 of the City of Live Oak Municipal Code Updating the References to the California Building Standards Code
Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: WAIVE THE FIRST READING OF THE ORDINANCE AMENDING THE CITY OF LIVE OAK MUNICIPAL CODE TITLE 15 CHAPTER 15.01 SECTION 15.01.114 A-L UPDATING THE REFERENCES TO THE CALIFORNIA BUILDING STANDARDS CODE.
(MOTION: GHAG; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED UNANIMOUSLY

6. Adoption of Council Code of Conduct
Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT A COUNCIL CODE OF CONDUCT WHICH THE CITY ATTORNEY WILL PROVIDE TO COUNCIL AT A LATER DATE FOR APPROVAL.
(MOTION: WOTEN; SECOND: SANTANA)

VOTE: MOTION PASSED 3-2

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

NOES: COUNCILMEMBERS THIARA AND GHAG

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk

MOTION: APPROVE THE SEPTEMBER 7, 2022, CITY COUNCIL REGULAR MEETING MINUTES.
(MOTION: WOTEN; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED 3-2

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

NOES: COUNCILMEMBERS THIARA AND GHAG

3. Contract with BPR Consulting Group for Building and Safety Services
Aaron Palmer, City Manager

Aaron Palmer, City Manager, addressed questions from the Council.

MOTION: APPROVE CONTRACT WITH BPR CONSULTING GROUP FOR BUILDING AND SAFETY SERVICES ON AN AS NEEDED BASIS, AND PURSUE FORMAL DISCUSSIONS WITH THE COUNTY OF SUTTER FOR A LONG-TERM SOLUTION AND COME BACK WITH A PROPOSAL FROM THE COUNTY FOR CONSIDERATION FOR PROVIDING SERVICES TO THE CITY OF LIVE OAK.
(MOTION: THIARA; SECOND: GHAG)

VOTE: MOTION FAILED 2-3

AYES: COUNCILMEMBERS THIARA AND GHAG

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

MOTION: APPROVE CONTRACT WITH BPR CONSULTING GROUP FOR BUILDING AND SAFETY SERVICES.
(MOTION: WOTEN; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, highlighted the Fall Festival.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

There were no written councilmember comments.

ADJOURNMENT

Mayor Santana adjourned the meeting at 8:59 pm in memory of Alma Curiel.

Nancy Santana, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

Good Evening City Council and Staff,

From: Dale Carlson

One thing I learned when running for city council, was how much inexperience there was on behalf of the candidates and sitting members. A person must know the city and what goes on. You are our Board of Directors, watching out for the citizens of Live Oak, not catering to an agenda. We supposedly have auditors, business owners, and a project manager on the council, and with these backgrounds you all should be deep diving into the budgets, and various agenda items. For example, the building department lost its inspector and now is the time to see what alternatives can be arranged, rather than just going with the contractor on the payroll now. There must be alternatives that would solve a long-time issue of employee retention, while reducing the cost of running an inhouse operation. Have you talked to Sutter County to see if they would be able to take over the department since they are right next door? This would be just like the fire and sheriff departments agreement with the city. You need to think creatively. Council Member Ghag and Council Member Thiara are the only ones that ask the tough questions. Everyone else just sits there saying "Point of Order", "Call for the Vote", "Meeting Called to Order", etc. Act like stewards for our city and taxpayers and not "YES" people all the time on tough decisions that affect the citizens you represent, discuss issues with integrity.

One example of thousands of taxpayer dollars being wasted was the purchase of a side-by-side UTV for the Wastewater Treatment Plant several years ago. This UTV was delivered to the facility, and no one was allowed to use it, per management. You can verify this with past employees if you think this is misinformation. It was never used during my years there, and when I was running for city council, I told the Public Works Director I was going to bring that up as an issue if it doesn't start being utilized. I don't know if it is being used at this time or not. I know the real reason it was purchased, do you? It would be interesting to have an explanation why management needed it so bad, and it was not used for so many years.

For a block, in the vicinity of 9737 Richard Street, there are a number of areas where the sidewalk has been forced up due to tree roots, etc. This has been brought up before, but nothing was ever done about it. As you can see this is not simply a crack in the sidewalk as some council members may think, but these are major tripping hazards as well as obstacles for a wheelchair to navigate safely. You want to waste \$35,000 on a trash enclosure and \$60,000 on murals while having hazards like this in our city waiting for litigation due to an injury.

I do agree there should be a change in the "Code of Conduct for Councilmember's." It was so humiliating and degrading to me when it was said I had been seen and a council member made a medical decision that I was not disabled. What on earth would make anybody say that in today's environment?

I remember a council member saying how important the truth is, now let's hold council members and management accountable.

Thank you,

Dale Carlson



Cruz Mora

Working for Live Oak, California



Cruz Mora for Live Oak City Council 2022- Vote November 8th, 2022.

Cruz Mora

Working for Live Oak, California

TO: Mayor Santana, Vice-Mayor Woten, Council Members: Ghag, Thiara, Chapdelaine.

FROM: Constituent Cruz Mora

DATE: September 21, 2022

SUBJECT: Public Comment- General

Dear Madam Mayor, City Council Members, & Public

It has only been four months since the ribbon-cutting ceremony unveiling the new HWY 99 project, and public sentiment has shifted due to a tragic loss of life. I am not here to speak to the facts of that case, but the dialogue is needed in order to analyze and evaluate the death trap of a Highway we have going on in Live Oak. Everyone says that the cement borders on our highway were a bad design flaw. Although HWY 99 is designed and owned by the California Department of Transportation (CalTrans), our City's elected leaders are responsible for protecting life. The City of Live Oak has failed to safeguard the residents time and time again.

It was disappointing to see the Water, Sewer, and Storm Drain Committee & Streets, Lights, and Traffic Committee meeting canceled last week. When the City decided to cancel the meeting, the City took away the opportunity for the public to come and voice concerns, such as the HWY 99 design or storm drains not draining properly(see below). I urge City Council and the committees to hold open public meetings regularly to foster a safe and engaged community. Last-minute cancellations, without proper notice to reschedule, cause harm to residents who have been told time and time again to participate in those meetings.

Additionally, I want to call out the City for wasting taxpayer funds on the entrance sign to the City. For far too long, the City has had a cast iron welcome sign at the Corp. Yard (see picture below), which is meant to be on display in our community, not disassembled in a yard. I strongly urge the City Council to direct the staff to work on installing this beautiful monument at the south entrance of the City near Ash St by Petro Start and Little Caesar's Pizza. This small entrance sign will help residents and passing motorists identify in Live Oak.

Cruz Mora

Working for Live Oak, California



Cruz Mora

Working for Live Oak, California





City of Live Oak Report to City Council

Meeting Date: October 5, 2022

Title: Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361

Contact Information: Nicole Rosser, City Attorney

Background: 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. As the City Council is well aware, 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 preserves many of the provisions of the earlier executive orders, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes 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 has been implementing the above stated requirements for conducting public meetings and is in full compliance with AB 361, thus there will be no change of the currently established procedures. Teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform) is listed on the published agenda for each meeting as well as on the City's website and the City provides access for public comment opportunities in real time.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Council must adopt a resolution making the findings required by AB 361. This resolution will become a standing item on the City Council's agenda, it must be approved at every meeting until the proclaimed state of emergency is ended. The findings must include (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. The findings need not be in the form of a resolution, but a resolution is helpful in formalizing these findings.

The enclosed resolution makes the required findings under AB 361, and if adopted, it will allow the City to continue to offer teleconference accessibility for public meetings, to help mitigate the spread of COVID-19, as well as during other state-proclaimed emergencies where physical attendance may present a risk.

Lastly, it is important to note that having virtual meetings under the provisions of AB 361 is optional. If the Council wishes, it may meet in person or in a hybrid format.

Fiscal Impacts: None.

Recommendation: Adopt resolution.

Attachments:

[Resolution](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL CITY COUNCIL, COMMISSION, BOARD, AND OTHER CITY MEETINGS PURSUANT TO AB 361

The City Council of the City of Live Oak does hereby find, order and resolve as follows:

WHEREAS, all meetings of the Live Oak City Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov't Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08021, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, to preserve public health and safety, the State Public Health Officer has issued various orders and guidance regarding COVID-19 prevention measures, which includes references and a statement of support for social distancing recommendations; and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.); and

WHEREAS, based on the foregoing, the City Council finds that (1) the Governor's Proclaimed State of Emergency as a result of the COVID-19 pandemic is currently in effect and has not been terminated, and (2) State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the state of emergency, including all information relate to this matter, the associated staff report; and

WHEREAS, in light of the foregoing, the City Council desires to continue to have the flexibility to meet via tele/video conference and the City Council finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE BE IS RESOLVED, FOUND AND ORDERED by the Live Oak City Council as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference.
2. As a result of the continuing COVID-19 state of emergency declared by Governor Newsom, State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's guidance and recommendations supporting social distancing and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
3. Under the present circumstances, the City Council by and through its City Manager, is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of (i) Thirty (30) days from adoption of this Resolution or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).
5. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 5th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Nancy Santana, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date:	October 5, 2022
Title:	Adoption of Ordinance Amending Title 15 Chapter 15.01 of the City of Live Oak Municipal Code Updating the References to the California Building Standards Code
Contact Information:	Nicole Rosser, City Attorney
Location:	Citywide
Background:	Every three years, the State of California Building Standards Commission publishes a new Building Standards Code for the State. The Building Standards Code is found in Title 24 of the California Code of Regulations. The triennial code adoption cycle states local jurisdictions shall adopt this code for local enforcement within 180 days after it is published. This cycle, the codes were published on July 1, 2022 with an effective date of January 1, 2023. Local jurisdictions may amend the standards if such amendments are necessary to address a local geologic, topographic or climactic condition. The City of Live Oak has no such conditions, therefore no amendments are proposed.
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 ADOPTING THE 2022 CALIFORNIA ADMINISTRATIVE CODE, 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA HISTORICAL BUILDING CODE, 2022 CALIFORNIA FIRE CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 CALIFORNIA REFERENCED STANDARDS

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

SECTION 1: Title 15, Chapter 15.01 Section 15.01.114 A-L of the City of Live Oak Municipal Code is hereby amended to read as follows:

15.01.114 Adoption of the California Codes.

The following publications, including their appendices, are hereby adopted by reference and incorporated in this code, except as expressly amended or superseded by the provisions of this code.

- A. 2022 California Administrative Code, California Code of Regulations Title 24 Part 1.
- B. 2022 California Building Code, California Code of Regulations Title 24 Part 2.
- C. 2022 California Residential Code, California Code of Regulations Title 24 Part 2.5.
- D. 2022 California Electrical Code, California Code of Regulations Title 24 Part 3.
- E. 2022 California Mechanical Code, California Code of Regulations Title 24 Part 4.
- F. 2022 California Plumbing Code, California Code of Regulations Title 24 Part 5.
- G. 2022 California Energy Code, California Code of Regulations Title 24 Part 6.
- H. 2022 California Historical Building Code, California Code of Regulations Title 24 Part 8.
- I. 2022 California Fire Code, California Code of Regulations Title 24 Part 9.
- J. 2022 California Existing Building Code, California Code of Regulations Title 24 Part 10.
- K. 2022 California Green Building Standards Code, California Code of Regulations Title 24 Part 11.
- L. 2022 California Referenced Standards Code, California Code of Regulations Title 24 Part 12.

SECTION 2: Repeal Ordinance 572

SECTION 3: 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 4: Effective Date. This ordinance, following its adoption, shall be published as provided by law and by its terms herein, shall be effective 30 days after its adoption, but no sooner than January 1, 2023 and shall thereafter remain in full force and effect unless otherwise changed by appropriate amending ordinance.

SECTION 5: Publication. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

Introduced and the first reading waived at a regular meeting of the City Council of the City of Live Oak on the 21st day of September, 2022, and passed and adopted after waiving the second reading at a regular meeting thereafter on the 5th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED:

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: October 5, 2022

Title: City Council Discussion and Possible Action to Award a Construction Contract for the City of Live Oak Pennington Road Rehabilitation Project - West

Contact Information: Scott Rolls, City Engineer

Location: Pennington Road from Connecticut Avenue to Broadway

Background: In October 2011, the Sacramento Area Council of Governments (SACOG) recommended funding for the rehabilitation of the Pennington Road structural section from Broadway to Connecticut Avenue through the 2012 Regional Local Funding Round. In November 2011, \$969,205 of federal funds (\$1,094,776 total project cost) was programmed for the project in Federal Fiscal Year (FFY) 2014-15 (SACOG Project ID SUT18858). The project will rehabilitate the Pennington Road structural section which has failed due to age and high traffic volumes and truck loads. The project also includes new curb ramps, curb, gutter and sidewalk, and striping improvements.

On March 4, 2020, the City Council authorized the advertisement for bids for construction. Subsequent to the authorization, staff has worked with SACOG and Caltrans to increase the level of funding for the project and reduce the required local share of the costs. This work has resulted in an increase in the total project cost funded to \$1,225,655 and a reduction in local share from 11.5% to 3.9%. With the reduction in local share, the City will save over \$125,000 of local transportation funds. These changes were made possible by the application of Toll Credits and Advance Construction. An additional adjustment is being processed to increase the project cost to \$1,377,710 with an additional savings of \$17,000 of local transportation funds.

The project was advertised in August and bids were opened on September 6, 2022, with a total of four bids received. The Bid Summary is attached. The low bid was \$1,117,352.50 and the high bid was \$1,308,730.50. The estimated construction cost of the project was \$974,937.60.

Analysis: Staff has evaluated the bids and determined the lowest responsible bidder to be Franklin Construction from Chico with the low bid of \$1,117,352.50. Franklin Construction has successfully completed the Community Trail Phase 1 project and was a subcontractor on the 2015 Street Rehabilitation Project.

The estimated construction and engineering cost is \$1,298,812. Project funding is Federal-Aid (\$899,357) and local funding (\$399,455).

Fiscal Impacts: Construction Contract and Engineering Estimate is \$1,298,812. Federal-Aid funds are \$899,357. Local funds are \$399,455 (\$200,000 Federally reimbursable Advance Construction to be increased to \$345,705).

Recommendation: 1) Award a construction contract for the City of Live Oak Pennington Road Rehabilitation Project - West to Franklin Construction; and 2) Authorize the City Manager to execute the contract and all other documents necessary to complete the project.

Attachments:

[Bid Summary - Pennington Road Rehab Project - West {STPL-5297\(007\)}](#)

City of Live Oak
Pennington Road Rehabilitation Project - West
Federal-Aid Project No. STPL-5297(007)
Bid Summary

Bid Opening: September 6, 2022

Item No.	Description	Unit	Quantity	Engineer's Estimate		Franklin Construction		All-American Constr.		McGuire & Hester		Knife River Constr.		Average Bid	
				Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price
1	Clearing, grubbing and demolition, complete	LS	1	\$10,000.00	\$10,000.00	\$65,000.00	\$65,000.00	\$40,800.00	\$40,800.00	\$73,000.00	\$73,000.00	\$125,000.00	\$125,000.00	\$75,950.00	\$75,950.00
2	Traffic control, complete	LS	1	\$25,000.00	\$25,000.00	\$92,675.00	\$92,675.00	\$41,000.00	\$41,000.00	\$45,000.00	\$45,000.00	\$71,500.00	\$71,500.00	\$62,543.75	\$62,543.75
3	Roadway excavation, complete	LS	1	\$120,000.00	\$120,000.00	\$170,000.00	\$170,000.00	\$174,000.00	\$174,000.00	\$240,000.00	\$240,000.00	\$245,000.00	\$245,000.00	\$207,250.00	\$207,250.00
4	Hot Mix Asphalt, complete in place	TON	2,800	\$125.00	\$350,000.00	\$115.00	\$322,000.00	\$125.00	\$350,000.00	\$122.00	\$341,600.00	\$124.00	\$347,200.00	\$121.50	\$340,200.00
5	Aggregate Base, complete in place	TON	7,040	\$35.00	\$246,400.00	\$28.00	\$197,120.00	\$40.50	\$285,120.00	\$36.00	\$253,440.00	\$38.00	\$267,520.00	\$35.63	\$250,800.00
6	Construct City Std. 202 5" barrier curb and gutter, complete in place	LF	1,201	\$35.00	\$42,035.00	\$38.00	\$45,638.00	\$53.00	\$63,653.00	\$43.00	\$51,643.00	\$36.00	\$43,236.00	\$42.50	\$51,042.50
7	Construct City Std. 204 sidewalk, complete in place	SF	4,471	\$13.00	\$58,123.00	\$21.00	\$93,891.00	\$14.00	\$62,594.00	\$24.00	\$107,304.00	\$13.50	\$60,358.50	\$18.13	\$81,036.88
8	Construct City Std. 205 residential driveway, complete in place	SF	103	\$14.00	\$1,442.00	\$22.00	\$2,266.00	\$14.00	\$1,442.00	\$25.00	\$2,575.00	\$14.50	\$1,493.50	\$18.88	\$1,944.13
9	Construct City Std. 206 commercial driveway, complete in place	SF	192	\$17.00	\$3,264.00	\$24.00	\$4,608.00	\$16.00	\$3,072.00	\$26.00	\$4,992.00	\$16.50	\$3,168.00	\$20.63	\$3,960.00
10	Construct Pedestrian curb ramp, complete in place	EA	12	\$2,900.00	\$34,800.00	\$1,800.00	\$21,600.00	\$1,400.00	\$16,800.00	\$5,500.00	\$66,000.00	\$1,375.00	\$16,500.00	\$2,518.75	\$30,225.00
11	Furnish and install City Std. 401 Drainage Inlet, complete in place	EA	1	\$2,500.00	\$2,500.00	\$4,725.00	\$4,725.00	\$5,100.00	\$5,100.00	\$9,000.00	\$9,000.00	\$5,000.00	\$5,000.00	\$5,956.25	\$5,956.25
12	Adjust existing valve cover to finish grade	EA	22	\$950.00	\$20,900.00	\$1,150.00	\$25,300.00	\$1,200.00	\$26,400.00	\$1,200.00	\$26,400.00	\$1,300.00	\$28,600.00	\$1,212.50	\$26,675.00
13	Adjust existing manhole frame and cover to finish grade	EA	21	\$1,500.00	\$31,500.00	\$1,350.00	\$28,350.00	\$1,500.00	\$31,500.00	\$1,500.00	\$31,500.00	\$2,000.00	\$42,000.00	\$1,587.50	\$33,337.50
14	Adjust existing sanitary sewer cleanout frame and cover to finish grade	EA	3	\$1,200.00	\$3,600.00	\$2,150.00	\$6,450.00	\$1,400.00	\$4,200.00	\$1,200.00	\$3,600.00	\$2,500.00	\$7,500.00	\$1,812.50	\$5,437.50
15	Furnish and install 4" thermoplastic traffic stripe, complete in place	LF	2,943	\$0.70	\$2,060.10	\$1.00	\$2,943.00	\$1.00	\$2,943.00	\$1.00	\$2,943.00	\$1.00	\$2,943.00	\$1.00	\$2,943.00
16	Furnish and install 6" thermoplastic dashed traffic stripe, complete in place	LF	641	\$0.50	\$320.50	\$1.50	\$961.50	\$1.50	\$961.50	\$1.50	\$961.50	\$1.50	\$961.50	\$1.50	\$961.50
17	Furnish and install 6" thermoplastic traffic stripe, complete in place	LF	4,760	\$0.70	\$3,332.00	\$1.50	\$7,140.00	\$1.50	\$7,140.00	\$1.50	\$7,140.00	\$1.50	\$7,140.00	\$1.50	\$7,140.00
18	Furnish and install 8" thermoplastic traffic stripe, complete in place	LF	199	\$1.00	\$199.00	\$2.00	\$398.00	\$2.00	\$398.00	\$2.00	\$398.00	\$2.00	\$398.00	\$2.00	\$398.00
19	Furnish and install thermoplastic pavement marking, complete in place	SF	1,102	\$6.00	\$6,612.00	\$6.00	\$6,612.00	\$6.00	\$6,612.00	\$6.00	\$6,612.00	\$6.00	\$6,612.00	\$6.00	\$6,612.00
20	Furnish and Install yellow retroreflective pavement marker	EA	120	\$6.00	\$720.00	\$15.00	\$1,800.00	\$15.00	\$1,800.00	\$15.00	\$1,800.00	\$15.00	\$1,800.00	\$15.00	\$1,800.00
21	Furnish and Install blue retroreflective fire hydrant pavement marker	EA	5	\$6.00	\$30.00	\$15.00	\$75.00	\$15.00	\$75.00	\$15.00	\$75.00	\$15.00	\$75.00	\$15.00	\$75.00
22	Water Pollution Control, complete	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$1,800.00	\$1,800.00	\$16,000.00	\$16,000.00	\$20,000.00	\$20,000.00	\$13,200.00	\$13,200.00
23	Relocate, Dispose, Install sign and sign post, complete in place	EA	7	\$300.00	\$2,100.00	\$400.00	\$2,800.00	\$400.00	\$2,800.00	\$400.00	\$2,800.00	\$675.00	\$4,725.00	\$468.75	\$3,281.25
				\$974,937.60		\$1,117,352.50*		\$1,130,210.50		\$1,294,783.50		\$1,308,730.50		\$1,212,769.25	

* Arithmetic Error on Contractor's Bid Sheet