



AGENDA

Orange Cove City Council
Regular Meeting

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem
Minerva Pineda, Council Member

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

THURSDAY, NOVEMBER 12, 2015 - 6:30 P.M.
Orange Cove Council Chambers
633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

1. Roll Call
2. Invocation
3. Flag Salute

B. Confirmation of Agenda

C. Consent Calendar

1. City Council Minutes, Meeting of October 14, 2015
2. City Council Minutes, Meeting of October 28, 2015
3. Deny Late Claim filed by James Arena on September 14, 2015

D. Administration

City Engineer:

1. **SUBJECT:** Consideration and Discussion regarding the Water-Energy Grant Fixture Retrofit Project Guidelines

Recommendation: Council to consider reviewing and approving the Water-Energy Grant 2015 Fixture Rebate Program

Building Official:

2. **SUBJECT:** Consideration and Discussion regarding Code Enforcement

Recommendation: Council to provide direction and staff is recommending to purchase the Code Enforcement software.

Police Department:

3. **SUBJECT:** Presentation and discussion by Chief of Police, Marty Rivera regarding monthly statistical report

Recommendation: Informational item only

City Manager:

4. **SUBJECT:** Consideration and Discussion regarding the Allen Bradley CPU & Power Supply, and the Hydromanger and Transducer at the Wastewater Treatment Plant

Recommendation: Council to approve the cost of the Allen Bradley CPU & Power Supply \$8,251.00 and Hydromanger and Transducer \$2,563.00 at the Wastewater Treatment Plant

5. **SUBJECT:** Consideration and Discussion regarding the Animal Shelter Volunteers

Recommendation: Council to give staff direction

E. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

F. City Manager's Report

G. City Attorney's Report

H. City Council Communications

I. Adjournment

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at cityoforange Cove.com.

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the City Council has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove City Council, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Council has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the City Council is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous

behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the Mayor to speak.
4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before asking questions or commenting. The Mayor shall then ask Councilmembers if they have comments or questions.
5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.

ENFORCEMENT OF DECORUM RULES

(Resolution No. 2012-16)

While the City Council is in session, all persons must preserve order and decorum. A person who addresses the City council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The Mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Mayor or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Council may overrule the Mayor if the majority of the Council believes the Mayor or other presiding officer is not applying the rules of decorum appropriately.



MINUTES

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem
Minerva Pineda, Council Member

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, OCTOBER 14, 2015 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

COUNCIL PRESENT: Mayor Victor P. Lopez
Mayor Pro Tem Diana Guerra Silva
Councilman Josie Cervantes (left at 8:25 p.m.)
Councilmember Minerva Pineda

COUNCIL ABSENT: Councilmember Gilbert Garcia

STAFF PRESENT: City Manager Samuel A. Escobar
City Clerk June V. Bracamontes
Police Chief, Marty Rivera
Attorney Dan McCloskey
Building Official, Ray Hoak

INVOCATION: Mayor Pro Tem Diana Guerra Silva

FLAG SALUTE: Mayor Victor P. Lopez

B. Confirmation of Agenda

City Manager requested to add an urgency item after Presentation by Julian Chapa for monetary grants for City of Orange Cove.

Upon the motion by Mayor Pro Tem Diana Guerra Silva and seconded by Councilwoman Minerva Pineda, Council approved to add the Presentation

by Julian Chapa to the agenda. (Yes Vote: Mayor Lopez, Silva, Pineda and Cervantes)(Absent: Garica)

C. Presentation

1. Presentation by Brandi Orth, County Clerk/Registrar of Voters, regarding Update on Election

Item removed.

2. Presentation by Yenedit Valencia, Centro Binacional Community Worker & Oday Guerrero, EOC Immigration Outreach Liaison, regarding the Immigration Workshop (DACA) held at the Orange Cove Community Center on November 7th

Yenedit Valencia presented to Council the Immigration Workshop that will be held at the Orange Cove Community Center on November 7, 2015. The workshop is free to the community.

3. Presentation by the Orange Cove High School Principal Angel Durazo report on Test Scores

Principal Angel Durazo invited Council to the 2nd Band Review on October 24, 2015 and the District Fair on the 22nd at Orange Cove High School. The following were presented:

- *Kings Canyon Unified School District 2002 Baseline CST
- *Smarter Balanced Results September 2015
- *24% Orange Cove High School met or exceeded the standard

4. **Urgency Item Presentation by Julian Chapa regarding the Energy Management Development and Solar Initiative**

The City of Orange Cove has been approached by several Energy Companies. Mr. Chapa gave the Background information and the Recommendation is to authorize staff to work with Energy Management and Solar Development Proposal(s) for future presentation and Negotiation with City of Orange Cove and Authorize approval for Consultant Agreement for Services.

Mr. Félix Lopez Senior Vice President for P.G. & E. from the main office in San Francisco presented a power point regarding Solar Energy and how it will reduce cost.

Upon the motion by Mayor Pro Tem Silva and seconded Councilmember Pineda, Council authorized staff to work with Energy Management and Solar Development for future presentation and Negotiation with City of

Orange Cove and approved the Consultant Agreement for Services. (Yes Vote: Mayor Lopez, Silva, Pineda and Cervantes)(Absent: Garcia)

D. Consent Calendar

1. City Council Minutes, Meeting of September 9, 2015
2. City Council Minutes, Meeting of September 23, 2015
3. Approve the Fresno County Rural Transit Safety and Security Services Memorandum of Understanding

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved the Consent Calendar as presented. (Yes Vote: Mayor Lopez, Silva, Pineda and Cervantes)(Absent: Garcia)

E. Administration

City Engineer:

1. **SUBJECT: PUBLIC HEARING** - Consideration and Discussion regarding the General Plan Amendment 2015-01 and Rezone Amendment 2015-01: Update and Revision of the General Plan Map and Zoning Map

Recommendation: Council to consider the following:

- a. Adopt the attached Resolution for General Plan Amendment 2015-01
- b. Approve the first reading of Ordinance 373 for Rezone Amendment by title only waive full reading

Mayor Lopez opened and closed the Public Hearing. No comments from the public.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilmember Pineda, Council approved the Resolution for General Plan Amendment 2015-01 and approved the first reading of Ordinance 373 for Rezone Amendment by title only waive full reading. (Yes Vote: Mayor Lopez, Silva, Pineda and Cervantes)

City Manager:

2. **SUBJECT:** Presentation by David Horn, California Accessibility Specialist, regarding American's Disability Act (A.D.A.) Compliance

Recommendation: Council to give Staff Direction

Mr. David Horn, California Accessibility Specialist, presented to Council the A.D.A. requirements and the History Law back 1990. Explained the problem with the businesses in town is the California Law.

Council and Staff discussed how to assist with the businesses and see if there is a Rebate Program the City can help with to assist in half of the cost for the certification. Item will be brought back at the next City Council Meeting.

3. **SUBJECT:** Consideration and Discussion regarding the Air Conditioning Unit at the Orange Cove Community Center

Recommendation: Council to approve the proposal from Cartozian Air Conditioning & Heating, Inc. in the amount of \$12,500.00 for the Orange Cove Community Center

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved the proposal from Cartozian Air Conditioning & Heating, Inc. in the amount of \$12,500.00 for the Orange Cove Community Center (Yes Vote: Mayor Lopez, Silva, Pineda) (Absent Garcia and Cervantes)

Mayor and City Council Items:

4. **SUBJECT:** Consideration and Discussion regarding the Orange Cove Christmas Toy Give Away Donations

Recommendation: Council to authorize Mayor Lopez to contact Companies for donations for the Annual Orange Cove Christmas Toy Give Away in December 2015 and all checks/donations will be made out to the City of Orange Cove

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved to authorize Mayor Lopez to contact Companies for donations for the Annual Orange Cove Christmas Toy Give Away in December 2015 and all checks/donations will be made out to the City of Orange Cove (Yes Vote: Mayor Lopez, Silva, Pineda) (Absent Garcia and Cervantes)

Events Committee:

5. **SUBJECT:** Consideration and Discussion regarding the following items:
 - a. Halloween Event on October 31, 2015 at Eaton Park

- b. Annual Thanksgiving Dinner November 19, 2015 at Community Center
- c. Annual Tree Lighting on December 2, 2015 and Christmas Parade on December 4, 2015
- d. Annual Christmas toy giveaway on December 17, 2015 at Community Center

Recommendation: Council to approve the above Events

The Halloween Event has been changed from October 31, 2015 to October 29, 2015.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved the Halloween Event on October 29, 2015: Annual Thanksgiving Dinner November 19, 2015; Annual Tree Lighting December 2, 2015; Christmas Parade on December 4, 2015; and the Christmas Toy Give Away on December 17, 2015. (Yes Vote: Mayor Lopez, Silva, Pineda) (Absent Garcia and Cervantes)

Building Official:

- 6. **SUBJECT:** Consideration and Discussion regarding Adoption of Ordinances pertaining to Code Enforcement Remedies and Procedures; Cost Recovery and Penalties; Administrative Procedures Hearing; and Substandard Housing, Unsafe Structures and Unsafe Use of Property

Recommendation: Council to consider approving the introduction and first reading waiving full reading of the following Ordinances:

a) ORDINANCE 374: AN ORDINANCE OF THE CITY OF ORANGE COVE REPEALING CHAPTER 1.18 OF TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE AND ADDING NEW CHAPTER 1.20 TO TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO CODE ENFORCEMENT PROCEDURES

b) ORDINANCE 375: AN ORDINANCE OF THE CITY OF ORANGE COVE REPEALING CHAPTER 1.20 OF TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE AND ADDING NEW CHAPTER 1.20 TO TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO COST RECOVERY FOR CODE ENFORCEMENT

c) ORDINANCE 376: AN ORDINANCE OF THE CITY OF ORANGE COVE ADDING CHAPTER 1.28 TO TITLE 1 OF THE

ORANGE COVE MUNICIPAL CODE AND AMENDING SECTION 1.18.080, AND REPEALING SECTIONS 1.18.090, 1.18.100, 1.18.110, AND 1.18.130 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO ADMINISTRATIVE HEARING PROCEDURES.

d) ORDINANCE 377: AN ORDINANCE OF THE CITY OF ORANGE COVE AMENDING Chapter 15.17 OF TITLE 15 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO SUBSTANDARD HOUSING, UNSAFE STRUCTURES, AND UNSAFE USE OF PROPERTY--NUISANCES.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved the introduction and first reading for the above Ordinances No. 374, 375, 376 and 377 (Yes Vote: Mayor Lopez, Silva, Pineda) (Absent Garcia and Cervantes)

Police Department:

7. **SUBJECT:** Presentation and discussion by Chief of Police, Marty Rivera regarding monthly statistical report

Recommendation: Informational item only

Police Chief Rivera presented to Council the September 2015 Monthly Statistics along with a staff update.

F. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

Leticia Mendoza from Orange Cove presented to Council about an item that was removed disbanding the Event Committee and would like to know what happen to that item; and would like to know the status of a expense report that was requested by a residence.

Irene Alvarado from Orange Cove presented to Council about the hiring of the new Finance Director and question about the 300 Fresno Fair Tickets that were given to Council.

City Manager Samuel A. Escobar presented the Finance Director Position. The Position was advertised and 4 candidates were selected, but 1 dropped out and 1 did not show up. Only interviewed 2 candidates and felt the need to extend the recruitment and will advertise again. Currently Mr. Carlos Sanchez is the Interim Finance Director.

Regarding the Fresno Fair Tickets Mayor Victor P. Lopez explained that there is a roster of those who received the tickets.

G. City Manager's Report

City Manager, Samuel A. Escobar, presented the following to Council:

- Hired an Account Clerk I
- The New Senior Waste Water Operator will start on October 29, 2015
- Applied for a Grant with Fresno State and awarded a grant which will be used for the Farmers Market.
- Possibly new business in town meeting with owners of the Ace Hardware from Reedley

H. City Attorney's Report

No report.

I. City Council Communications

Councilwoman Minerva Pineda:

Along with Councilwoman Cervantes, attended the 2015 Annual League of California Cities attended a lot of classes and the Women's Caucus empowering younger women for the future generation.

Mayor Pro Tem Diana Guerra Silva:

Attended the A.D.A. Meeting held by the City and learned a lot. Thanked Staff putting this meeting together. This will help with our businesses in town.

Mayor Victor P. Lopez:

Focusing with the JPA. The City of Orange Cove and City of Mendota were chosen to represent Fresno County. Bylaws being reviewed. Funds to utilize Temperance Flats. Senator Feinstein endorsed and supports this JPA. Mr. Mario Santoyo will be the Executive Director for the JPA. 5 counties and 1 water district.

J. Adjournment

Mayor adjourned the City Council Meeting at 9:30 p.m.

RESPECTFULLY SUBMITTED:

June V. Bracamontes, City Clerk
City of Orange Cove

PRESENTED TO COUNCIL:

DATE: _____

ACTION: _____



MINUTES

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem
Minerva Pineda, Council Member

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, OCTOBER 28, 2015 - 6:30 P.M.
Orange Cove Council Chambers
633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

COUNCIL PRESENT: Mayor Victor P. Lopez
Mayor Pro Tem Diana Guerra Silva
Councilmember Gilbert Garcia
Councilmember Minerva Pineda
Councilman Josie Cervantes

STAFF PRESENT: City Manager Samuel A. Escobar
City Attorney Jim McBearty
Police Chief, Marty Rivera
Building Official, Ray Hoak
City Clerk June V. Bracamontes

INVOCATION: Mayor Pro Tem Diana Guerra Silva

FLAG SALUTE: Mayor Victor P. Lopez

B. Confirmation of Agenda

City Manager, Samuel A. Escobar, requested to add the Knights of Columbus to the agenda under Presentation, and add a Closed Session item new information was presented after the agenda was posted.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved to add the Knight of Columbus under Presentation and add a Closed Session item to the agenda as presented. (Yes vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

C. Presentation

1. Presentation by Mayor Lopez and Councilmembers recognizing Mr. Phillip Cisneros for his many years of service with the City of Orange Cove

Mayor Lopez and the Orange Cove City Council presented a plaque to Phillip Cisneros recognizing his many years as a public servant to the City of Orange Cove and wished him the best in his well deserve retirement.

2. Knights of Columbus regarding the scholarship dance.

The Knights of Columbus thanked Mayor and Council, City Manager and Chief Rivera allowing the Knights to raise money to kids and church. Gave out 7 scholarship this year. Total 3 years raised 21 scholarship to kids to Orange Cove Dinuba and Reedley. Thanked Council for allowing them to do what they do.

D. Consent Calendar

1. Approve and Adopt ORDINANCE 373 OF THE CITY OF ORANGE COVE DELETING CHAPTERS 17.22 (R-M/H RESIDENTIAL MANUFACTURED HOME DISTRICT), 17.38 (P OFF-STREET PARKING DISTRICT), 17.40 (UR URBAN RESERVE DISTRICT); AMENDING CHAPTERS 17.10 (R-1-12 SINGLE-FAMILY/LOW DENSITY RESIDENTIAL DISTRICT), 17.12 (R-1-6 SINGLE-FAMILY/MEDIUM DENSITY RESIDENTIAL DISTRICT), 17.18 (R-2 MEDIUM/HIGH DENSITY RESIDENTIAL DISTRICT), 17.20 (R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.32 (C-3 CENTRAL BUSINESS AND SHOPPING DISTRICT), 17.62 (NONCONFORMING USES AND STRUCTURES); ADDING CHAPTERS 17.19 (R-2-A MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, ONE STORY), 17.33 (M-U MIXED-USE ZONING DISTRICT) OF TITLE 17 (ZONING) OF THE ORANGE COVE MUNICIPAL CODE AND ADOPTING AN AMENDED ZONING MAP

2. Approve and Adopt ORDINANCE 374: AN ORDINANCE OF THE CITY OF ORANGE COVE REPEALING CHAPTER 1.18 OF TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE AND ADDING NEW CHAPTER 1.20 TO TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO CODE ENFORCEMENT PROCEDURES

3. Approve and Adopt ORDINANCE 375: AN ORDINANCE OF THE CITY OF ORANGE COVE REPEALING CHAPTER 1.20 OF TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE AND ADDING NEW CHAPTER 1.20 TO TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO COST RECOVERY FOR CODE ENFORCEMENT

4. Approve and Adopt ORDINANCE 376: AN ORDINANCE OF THE CITY OF ORANGE COVE ADDING CHAPTER 1.28 TO TITLE 1 OF THE ORANGE COVE MUNICIPAL CODE AND AMENDING SECTION 1.18.080, AND REPEALING SECTIONS 1.18.090, 1.18.100, 1.18.110, AND 1.18.130 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO ADMINISTRATIVE HEARING PROCEDURES.

5. Approve and Adopt ORDINANCE 377: AN ORDINANCE OF THE CITY OF ORANGE COVE AMENDING Chapter 15.17 OF TITLE 15 OF THE ORANGE COVE MUNICIPAL CODE RELATING TO SUBSTANDARD HOUSING, UNSAFE STRUCTURES, AND UNSAFE USE OF PROPERTY--NUISANCES.

6. Consideration of Resolution 2015-59 Approving City's Warrants (037966-038194)

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved the Consent Calendar as presented. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

E. Administration

City Engineer:

1. **SUBJECT:** Consideration and Discussion regarding the bids for Eaton Park Restroom Building and Site Work

Recommendation: Council to adopt Resolution 2015-58 awarding the bid for the Eaton Park Restroom Building to The Public Restroom Company, Inc. in the amount of \$135,718 and awarding the bid for the restroom site work to JT2 Inc. in the amount of \$23,180 and authorize the City Manager to sign the Standard Construction Agreements for both companies

Upon the motion by Councilwoman Cervantes and seconded by Councilman Garcia, Council approved to adopt Resolution 2015-58 awarding the bid for the Eaton Park Restroom Building to The Public Restroom Company, Inc. in the amount of \$135,718 and awarding the bid for the restroom site work to

JT2 Inc. in the amount of \$23,180 and authorize the City Manager to sign the Standard Construction Agreements for both companies. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

2. **SUBJECT:** Consideration and Discussion regarding the Contract with Bureau of Reclamation for Temporary Water Service, Section 215

Recommendation: Council to consider approving Resolution No. 2015-60 Approving the Agreement with United States Bureau of Reclamation for Temporary Water Service and authorize the City Manager to sign the contract

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved Resolution No. 2015-60 Approving the Agreement with United States Bureau of Reclamation for Temporary Water Service and authorize the City Manager to sign the contract. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

3. **SUBJECT:** Consideration and Discussion regarding the Bids for the Joe Serna Basin Backfill Project

Recommendation: Council to either approve Resolution No. 2015-61 Accepting Bid for Joe Serna Basin Backfill Project to Valley Excavation for \$94,350.20 and authorize the City Manager to sign a standard construction agreement or Resolution No. 2015-62 Rejecting all bids for Joe Serna

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved Resolution No. 2015-62 Rejecting all bids for Joe Serna. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

4. **SUBJECT:** Consideration and Discussion Awarding Bid for an Automatic Door Opener at the Eduardo "Lalo" Espinoza Senior Center

Recommendation: Council to approve Resolution No. 2015-63 Awarding Bid for an Automatic Door Opener at the Eduardo "LaLo" Espinoza Senior Center to Capitol Door Service in the amount of \$4,996 and authorize the City Manager to sign a standard construction agreement

Upon the motion by Councilwoman Cervantes and seconded by Councilman Garcia, Council approved Resolution No. 2015-63 Awarding Bid for an Automatic Door Opener at the Eduardo "LaLo" Espinoza Senior Center to Capitol Door Service in the amount of \$4,996 and authorize the City Manager to sign a standard construction agreement. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

City Manager:

5. **SUBJECT:** Consideration and Discussion regarding the City Christmas Tree Harvest 2015 through Reedley College

Recommendation: Council to approve the Harvest of the City Christmas Tree through Reedley College as follows:

- a. November 30, 2015 select tree
- b. December 1, 2015 Tree cut and hauled
- c. Cost of tree \$270.00 payable to Reedley College

The date change to select tree has been rescheduled to November 23 and cut and haul to November 24, 2015

Upon the motion by Councilman Garcia and seconded by Councilwoman Cervantes, Council approved the Harvest of the City Christmas Tree through Reedley College. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

6. **SUBJECT:** Consideration and Discussion to reschedule the Regular City Council Meeting of November 11, 2015 to November 12, 2015

Recommendation: Council to consider rescheduling the Regular City Council Meeting of November 11, 2015 due to Veteran's Day Holiday to November 12, 2015

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved to reschedule the regular City Council Meeting of November 11, 2015 to November 12, 2015 due to the Veterans Day Holiday. (Yes Vote: Mayor Lopez, Silva, Garcia, Pineda and Cervantes)

F. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speakers microphone, state your name and address, and then proceed with your comments.

Mr. Manuel Ferreira presented to Council during a joint meeting with Kings Canyon Unified School District and the City of Reedley learned about the Restorative Justice Program enforced by the City of Reedley Police Department. This program avoids those

to go to court. Would like to see if the City of Orange Cove could be part of this program.

Mr. Ferreira had a concern about the Learn for Life Charter School that is being held at the Community Center. This program not only stops the children from attending school, but interferes with the District who is trying to keep students in school.

Per City Manager talked to the District meeting with Juan Garza this Friday. Mayor Lopez stated if this program is interfering with the District and hindering the student will discontinue this program.

Mr. Ferreira explained that usually superintendents stay at an average 2-3 years and the current superintendent has been with the District about 10 years.

Mr. Mario Villarreal agrees with Manuel Ferreira that this program may work in bigger cities. Orange Cove is too small. Mr. Villarreal announced the Events Committee is hosting Halloween Event on October 29, 2015 to Promote safety invited Council to attend.

G. City Manager's Report

City Manager presented the following items:

- Getting ready to meet with one ACE Hardware store to come into the city.
- Mini storage up and going at the old Harding and Leggett
- Construction on Anchor Street to be completed

H. City Attorney's Report

Nothing to report.

I. City Council Communications

Councilman Gilbert Garcia:

Nothing to report.

Councilwoman Josie Cervantes:

Nothing to report.

Councilwoman Minerva Pineda:

Nothing to report

Mayor Pro Tem Diana Guerra Silva:

While walking the trails saw a car going very fast and realized that the Police Officer was chasing the car and doing their job. Just want to thank the Police Officer and the Department for doing a great job.

Mayor Victor P. Lopez:

Reported that during a COG meeting, the Mayor of Fowler and Mayor from Fresno appointed Mayor Lopez and Mayor Silva of Mendota to represent the Fresno County J.P.A. Mayor Silva will represent the West Side. Very honored to be representing Orange Cove in regards to water. Mr. Mario Santoyo and Manuel Cunha has been working hard for the J.P.A. and Joseph Del Bosque was appointed by the governor and will be able to vote. Senator Feinstein supports the J.P.A.

J. CLOSED SESSION: (Added to the Agenda)

Mayor and Council went into Closed Session at 7:20 p.m.

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: In the Matter of Sylvester Perez

K. Reconvened City Council Meeting:

Mayor Lopez reconvened the City Council Meeting at 8:30 p.m. and announced that no reportable action was taken.

L. Adjournment

Mayor Lopez adjourned the City Council Meeting at 8:30 p.m.



November 5, 2015

June Bracamontes
CITY OF ORANGE COVE
633 Sixth Street
Orange Cove, CA 93646

SECOND REPORT

RE: Insured : City of Orange Cove
Claimant : Arena, James
Claim No. : 16,188
Date of Loss : February 4, 2015
Our File No. : FR96421

GOVERNMENT CODE REQUIREMENTS

The claim filed by James Arena on September 14, 2015 was filed late based upon a date of loss of February 4, 2015. According to the Government Code requirement, the claimant had six months from the date of loss and/or until August 4, 2015 in which to file a timely and sufficient claim with the city. Therefore, since the claim was filed late, we recommended to the city that the claim be returned as a late claim on Form D.

On October 7, 2015 the city served the claimant with a late claim notice, Form D. The claimant's next recourse would be to file a late claim application with the city explaining why the claim was filed late.

On or about October 19, 2015 the city received additional claim information from the claimant. Since the information was in response to Form D, we construed that the information provided was the claimant's leave to present a late claim. The claimant explained that the reason he filed the late claim was because he did not know that he was supposed to file the claim in Orange Cove. He filed the claim in Fresno instead. He also said that he could not drive his 31 foot motorhome because of his injured hand.

The claimant contacted our office on November 4, 2015. At which time, he said that he was unable to drive (he only drove a 31 foot RV) for 2 *months* because of his hand injury. He said that his hand was swollen. He had 5 stitches and he wore a splint. However, the claimant was not physically incapacitated during all of the six (6) month period after the subject incident.

In summary, per our review of the claimant's reasons as to why he filed a late claim with the city, none of the reasons conformed to the requirements of the Government Code.

RE: City of Orange Cove
Arena. James
November 5, 2015
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Therefore, it would be our commendation that City Council deny the claimant's late claim application.

Basically, the claimant failed to file his claim with the city within the six (6) month time period after the subject incident. Additionally, the reasons for filing the late claim did not meet the requirement of the Government Code. Per the statute requirements, **the City Council must either grant or deny an application within forty-five (45) days after it was presented.** In the best interests of the city, the city should review and act promptly on the application. After which, written notice of the City Council action must be given to the claimant. **The use of Form L would be recommended as it incorporates the language required by statute to be in the notice.** If/when issued, please provide us with a copy.

If City Council denies the application, the claimant's only recourse would be to present the matter to the Superior Court within a reasonable time.

FACTS OF LOSS

According to the Claim Form, the claimant and his dog were allegedly attacked by another dog in a City Park located on Park Street. The incident occurred on February 4, 2015. The claimant provided no theory of liability on the part of the City other than it was a City Park. The claimant alleged that he sustained permanent injuries to his hand. He claimed that his medical expenses were \$12,000.00. The claimant was seeking \$35,000.00 in damages from the city.

Per our brief discussion with the claimant on November 4, 2015 he said that the subject dog did not belong to the city. The dog belonged to a "Mr. Perez." The claimant said that the reason he filed the claim with the city was because it occurred on city property.

REMARKS

Based upon our preliminary investigation, even if the claimant had filed the claim timely and sufficiently, liability would be very doubtful on the part of the City of Orange Cove. However, this would be a moot point at this time, since the claimant failed to file a timely and sufficient claim with the city. Therefore, we have not conducted any further investigation.

DIARY

We have advanced our diary 45 days. However, should the city receive any further correspondence from the claimant (and/or attorney) in the interim, please advise.

Sincerely,
Suzanne E. Johnson
AIMS Claims Specialist



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Water-Energy Grant - Fixture Retrofit Project Guidelines
Attachments: Work Plan

RECOMMENDATION:

Council review and approve the Water-Energy Grant 2015 Fixture Rebate Program.

EXECUTIVE SUMMARY:

The City has received a grant from the State Department of Water Resources to implement a bathroom fixture rebate program. Homeowners will be given rebates for the replacement of older toilets, shower heads and bath faucets with new low-flow fixtures. The Council should review the proposed program outline and provide comments.

BACKGROUND:

The City has received a grant for \$280,000 from the State Department of Water Resources to implement a bathroom fixture rebate program. Homeowners will contract with a licensed plumber of their choice to replace toilets, shower heads and bathroom faucets with new low-flow fixtures. The new fixtures must be EPA "Water Sense" certified. Once the fixtures have been replaced and inspected and a paid receipt from the plumber has been submitted to the City, then the homeowner will receive a rebate check from the City.

The proposed work plan is shown in attached Exhibit A. We estimate that up to 385 homes may benefit from this program. There are no income restrictions for participation. The City will be reimbursed for staff time to implement the program, estimated at \$38,000.

Prepared by: GH

Approved by: Samuel Escobar

REVIEW: City Manager: JE

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

- _____ Consent
- _____ Info Item
- _____ Action Item
- _____ Department Report
- _____ Redevelopment Agency

- _____ Public Hearing
- _____ Matter Initiated by a Council Member
- _____ Other
- _____ Continued to: _____

REASON FOR RECOMMENDATION:

The Department of Water Resources requires that a work plan be submitted and approved prior to execution of an agreement.

FISCAL IMPACT:

The City will pay the rebates to the homeowner and then invoice the State for the rebate and city-incurred costs to implement the program.

ALTERNATIVES:

A work plan is required for the project. Council may offer suggestions for modifications.

ACTIONS FOLLOWING APPROVAL:

The Draft Work Plan has been submitted to the State for approval and an agreement will be forthcoming in December or January with the project starting soon after.

CONFLICT OF INTEREST:

None.



Yamabe & Horn Engineering, Inc.

CIVIL ENGINEERS • LAND SURVEYORS

November 12, 2015

CITY OF ORANGE COVE WATER-ENERGY GRANT 2015 FIXTURE REBATE PROGRAM

WORK PLAN

I. CONCEPT

Property owners hire licensed plumbing contractors to change out shower heads, toilets and bathroom faucets to EPA "Water Sense" rated fixtures for single-family homes. City verifies work completed and sends rebate check to property owner based on maximum allowable amount for each type of fixture. The estimated number of homes to receive rebates is 385.

II. CITY OBTAINS COSTS FROM PLUMBING CONTRACTORS

- A. City canvased local plumbers to determine maximum rebate amount for each type of fixture. The results:
- | | |
|--------------------------------|-------|
| 1. Toilet Replacement | \$260 |
| 2. Showerhead Replacement | \$80 |
| 3. Bathroom Faucet Replacement | \$200 |
- B. Advise contractors of the program and remind them that they need a Business License

III. ADVERTISE PROGRAM

- A. Create Flyer for mailer to each property owner and announce on Blackboard Connect.
- B. Place Ad in the Reedley Exponent Advertising Special that is delivered to each household.

IV. SIGN-UP PROCESS

- A. On-line at the City's website.
- B. In person at City Hall.
- C. First come-first served basis.

V. HOME EVALUATION

- A. City visits home and determines number of fixtures eligible for rebate, and leaves documentation of amounts eligible for each fixture and time to complete within 90 days. Property owner is also given a list of participating, licensed plumbers.

VI. INSTALLATION

- A. Homeowner obtains bid from plumber. Plumber may be on City list, or could be any licensed plumbing contractor.

- B. Plumber obtains plumbing permit from City Hall and installs fixtures. The relative flow rates for current and the Water Sense fixtures are:

	<u>Current</u>	<u>Water Sense</u>
1. Toilets:	1.6 gallons per flush	1.28 gallons per flush
2. Shower Heads	2.5 gpm	2.0 gpm
3. Sink Faucets	2.2 gpm	1.5 gpm

VII. VERIFICATION

- A. City verifies installation and final inspection.

VIII. REBATE

- A. Homeowner submits to City copy of invoice from plumber and proof of payment to plumber.
- B. City mails rebate check to homeowner within 30 days. The rebates will be for the actual amount spent for the work, up to the maximum allowance.
- C. City invoices State once per month.

IX. PROJECT CLOSEOUT

- A. Verify final tally of each type of fixture installed
- B. Tabulate personnel costs.
- C. Installations must be complete by June 30, 2017.



Contractor License #422364

**CONTROL SYSTEM INTEGRATION • INSTRUMENTATION SALES & SERVICE
SCADA • PLC/HMI • Telemetry • Calibration • Maintenance**

November 5, 2015

City of Orange Cove WWTP
1805 Monson St.
Orange Cove, CA 93646

Attn: Joe Estrada
Subj: Allen Bradley CPU & Power Supply (parts only)
SR#: 28324

Dear Mr. Estrada,

Telstar Instruments is pleased to provide the following proposal for a new Allen Bradley CPU and Power Supply (parts only):

Pricing:

Total Parts Only \$8,251.00

Clarifications/Exceptions:

1. **This price includes sales tax and freight.**
2. **This is a parts only quote.**
3. Any additional work outside of the scope will require approval before Telstar can proceed.

If you have any questions, please do not hesitate to contact me at 559-584-7116.

Sincerely,

Ed Houk
Sr. Programmer

OK *11/5/15*



For your convenience, we now accept all major credit cards. This price includes applicable tax and freight. We can commence with this at your direction. This quote is valid for thirty days. This quote is based on information provided to Telstar and may or may not be correct or complete. Please review this proposal for compliance with the complete and final specifications and drawings before acceptance. Our terms are due and payable 30 days from date of invoice. Payments must be made on a minimum of a monthly basis. If payment is not received by the 30th day, a .05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. Rates quoted herein will automatically be increased for overhead and cost of living at a minimum of every year, or at contract renewal, whichever is less. Attorney's fees, court costs and costs of collection will be paid to prevailing party. Permits and bonding are excluded unless otherwise noted herein. Our standard insurance applies unless otherwise agreed to in writing by Telstar. We accept no responsibility for consequential damages and our standard warranty applies. Telstar does not warranty OEM equipment; the standard manufacturer's warranty applies. Any labor performed by Telstar due to equipment warranty claims, is due and payable as an extra and/or additional charge to the quote noted herein. Please reference the above stated quote number in all correspondence and purchase orders. This quote is based on standard straight time hours and does not include any prevailing wage rates unless agreed in writing by Telstar. Infrared inspections only include reports on equipment out of specification; any equipment under normal operation will not be reported or photographed. Due to factors beyond our control, including unlawful radio interference by outside parties, unfavorable climatic conditions, and/or terrain interference caused by construction of buildings or growth of vegetation, radio path surveys are not covered by our warranty. Vehicle expense will be in addition to the price quoted unless specifically included within the body of this quote. The price quoted herein is for the labor and materials specifically listed within the body of this quote. Service calls and time and materials rates carry a 4-hour minimum per person. Any time over 4 hours is charged as 8 hours. Cancellation charges apply including engineering, labor, materials, quote and estimating time, markup, % of profit, return goods fees, etc. at the time of written cancellation notice to Telstar.



Contractor License #422364

**CONTROL SYSTEM INTEGRATION • INSTRUMENTATION SALES & SERVICE
SCADA • PLC/HMI • Telemetry • Calibration • Maintenance**

November 5, 2015

City of Orange Cove WWTP
1805 Monson St.
Orange Cove, CA 93646

Attn: Joe Estrada
Subj: Hydorranger and Transducer
SR#: 28324

Dear Mr. Estrada,

Telstar Instruments is pleased to provide the following proposal to install a new Siemens Hydorranger and XRS-5 Transducer at your facility:

Pricing:

Total Parts & Labor \$2,563.00

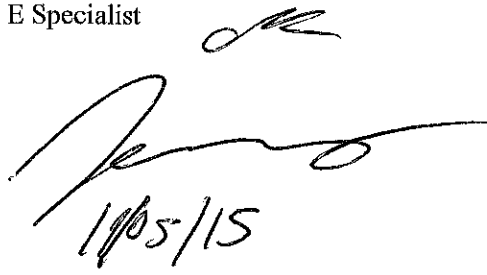
Clarifications/Exceptions:

1. **This price includes sales tax and freight.**
2. Any additional work outside of the scope will require approval before Telstar can proceed.

If you have any questions, please do not hesitate to contact me at 559-584-7116.

Sincerely,

Felipe Martinez
IC & E Specialist



11/05/15



For your convenience, we now accept all major credit cards. This price includes applicable tax and freight. We can commence with this at your direction. This quote is valid for thirty days. This quote is based on information provided to Telstar and may or may not be correct or complete. Please review this proposal for compliance with the complete and final specifications and drawings before acceptance. Our terms are due and payable 30 days from date of invoice. Payments must be made on a minimum of a monthly basis. If payment is not received by the 30th day, a .05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. Rates quoted herein will automatically be increased for overhead and cost of living at a minimum of every year, or at contract renewal, whichever is less. Attorney's fees, court costs and costs of collection will be paid to prevailing party. Permits and bonding are excluded unless otherwise noted herein. Our standard insurance applies unless otherwise agreed to in writing by Telstar. We accept no responsibility for consequential damages and our standard warranty applies. Telstar does not warranty OEM equipment; the standard manufacturer's warranty applies. Any labor performed by Telstar due to equipment warranty claims, is due and payable as an extra and/or additional charge to the quote noted herein. Please reference the above stated quote number in all correspondence and purchase orders. This quote is based on standard straight time hours and does not include any prevailing wage rates unless agreed in writing by Telstar. Infrared inspections only include reports on equipment out of specification; any equipment under normal operation will not be reported or photographed. Due to factors beyond our control, including unlawful radio interference by outside parties, unfavorable climatic conditions, and/or terrain interference caused by construction of buildings or growth of vegetation, radio path surveys are not covered by our warranty. Vehicle expense will be in addition to the price quoted unless specifically included within the body of this quote. The price quoted herein is for the labor and materials specifically listed within the body of this quote. Service calls and time and materials rates carry a 4-hour minimum per person. Any time over 4 hours is charged as 8 hours. Cancellation charges apply including engineering, labor, materials, quote and estimating time, markup, % of profit, return goods fees, etc. at the time of written cancellation notice to Telstar.