

NOTICE OF SPECIAL MEETING ORANGE COVE CITY COUNCIL

DATE: MONDAY, SEPTEMBER 12, 2016 – 6:00 P.M.

**LOCATION: Orange Cove Council Chambers
633 6th Street, Orange Cove, California 93646**

Victor P. Lopez, Mayor

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

**Gilbert Garcia, Council Member
Josie Cervantes, Council Member**

A. CALL TO ORDER/WELCOME

- a. Roll Call
- b. Invocation
- c. Flag Salute

B. ADMINISTRATION

City Manager

1. **SUBJECT:** Consideration and Discussion regarding a reduction of Impact Fees for Commercial and Industrial Uses.

Recommendation: Council to approve the Resolution enacting a 60% reduction in Development Impact Fees for Commercial and Industrial uses beginning September 12, 2016 and continuing until December 31, 2017.

2. **SUBJECT:** Consideration and Discussion regarding the Joe Serna Grant and allocation of \$130,000.00.

Recommendation: Council to approve giving direction to staff to submit necessary documentation to the State pertaining to the Joe Serna Grant and approve allocation of \$130,000.00 of Joe Serna Grant money from four remaining lots to nine lots

3. **SUBJECT:** Consideration and Discussion regarding Impact Fees for Joe Serna Subdivision.

Recommendation: Council to approve waiving the impact fees for the remaining lots for the Joe Serna Subdivision.

4. **SUBJECT:** Consideration and Discussion regarding donation to Orange Cove Farmer's and Artisans Market for Bingo Prizes.

Recommendation: Council to approve a donation in the amount of \$500.00 to the Orange Cove Farmer's and Artisans Market for Bingo Prizes.

MEMBERS OF THE PUBLIC SHALL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA NOTICE

C. 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 cityoforangecove.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

1. The Mayor or other presiding officer shall request that a person speaking at the podium during a public comment period or a member of the audience who is violating the rules of decorum, comply immediately with the rules of decorum.
2. 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.

Resolution No. 2016 - 53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE TO TEMPORARILY REDUCE ALL DEVELOPMENT IMPACT FEES FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT PROJECTS

Whereas, the City of Orange Cove (the “City”), pursuant to the law of the State of California and Orange Cove Municipal Ordinance Chapter 3.30 and Chapter 16.32 is permitted to establish and revise fees for the construction and financing of public facilities necessitated by new development project; and,

Whereas, the City has adopted Resolution 86-5, Resolution 91-07, Resolution 08-02, Resolution 08-03, Resolution 08- 70 and Resolution 2012-38 establishing the purpose and amount each fee; and,

Whereas, each of the resolutions adopting the fees and revising the fees were supported with staff reports, fee studies and other documentation, in compliance with the Mitigation Fee Act (Government Code, section 66000 et. seq.) that identified the purpose of the fees and the public facilities to be financed; established a reasonable relationship between the use of the fees and the type of development projects, and the need for the facilities and the type of projects; and established a reasonable relationship between the amount of the fees and the cost of the public facilities, or the portion of the facilities attributable to the development projects; and,

Whereas, the schedule setting forth the current development impact fees for Single-Family, Multifamily, Commercial and Industrial development is attached hereto as Exhibit “A;” and,

Whereas, after conducting careful research and investigation as to ways to promote commercial and industrial development within the City, City Staff has determined that temporarily reducing all development impact fees for new commercial and development projects by 60 percent will help to encourage this type of development within the City and that the negative economic and fiscal effect of reducing development impact fees for new businesses would be offset by increased sales tax and property tax revenue to the City’s General Fund and the creation of new jobs for City residents; and,

Whereas, after conducting its research and investigation, City staff has concluded that providing a similar reduction in impact fees for new residential development projects would not lead to the increase in revenue or job creation; and,

Whereas, the schedule setting forth the proposed reduced impact fees for Commercial and Industrial development is attached hereto as Exhibit “B;” and,

Whereas, City staff is recommending that this impact fee reduction, as set forth in Exhibit B be in effect for the period of September 12, 2016 through December 31, 2017 and that on January 1, 2018 the impact fees will automatically return to those rates set forth in Exhibit “A” without requiring any further action by the City Council.

Now, Therefore, Be It Resolved by the City Council of the City of Orange Cove as follows:

1. The City Council finds that the development impact fees set forth in Exhibit "A" continue represent an accurate estimate of the costs associated with constructing the applicable infrastructure, represent a reasonable relationship between the use of the fee and they type of development project, and the need for the facilities and the type of project, and represent a reasonable relationship between the amount of the fee and the cost of the public facilities or the portion of the facilities attributable to all type of development; and,
2. The City Council finds that adopting a temporary sixty (60) percent reduction in all development impact fees for new Commercial and Industrial development, as set forth in Exhibit "B," will help to encourage this type of development within the City and that the negative economic and fiscal effect of reducing development impact fees for new commercial and industrial development would be offset by increased sales tax and property tax revenue to the City's General Fund and the creation of new jobs for City residents;
3. The City Council finds that the temporary reduction of impact fees for commercial and industrial development will probably result in a failure to construct all of the necessary public infrastructure identified in the fee study supporting the adoption of the impact fees in 2008, unless the City is able to fill the gap created by the reduced impact fees for commercial and industrial development from other revenues, including the General Fund or other qualified grant funds.
4. Establishment of Temporary Fee Reduction: In consideration of the foregoing findings and determinations, the City Council finds it necessary to establish, and hereby does establish, the City of Orange Cove Development Fees 2016 as set forth in Exhibit "B" attached hereto and incorporated by reference. In all other respects, during the period of this temporary impact fee reduction the implementation of the City's impact fee program shall be as set forth in Resolution 08-70
5. Effective Date: The fees established herein shall become effective September 12, 2016 and shall remain in effect until December 31, 2017. On January 1, 2018 the fees shall automatically return to the amounts set forth in Exhibit "A" without any further action of the City Council.

CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Orange Cove on the ____ day of September, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Victor P. Lopez, Mayor

ATTEST:

June Bracamontes, City Clerk

EXHIBIT "A"
CITY OF ORANGE COVE
 2008 DEVELOPMENT FEES

FEE	SINGLE-FAMILY	MULTI-FAMILY	COMMERCIAL	INDUSTRIAL
Major Street	\$778 /UN	\$546 /UN	\$16,714 /AC	\$3,112 /AC
Traffic Control	243 /UN	171 /UN	5,225 /AC	973 /AC
Water Acquisition	314 /UN	224 /UN	491 /AC	698 /AC
Water Treatment	2,726 /UN	1,941 /UN	4,260 /AC	6,051 /AC
Water Distribution System	188 /UN	174 /UN	294 /AC	309 /AC
Sewer Treatment Facilities	3,513 /UN	2,810 /UN	9,835 /AC	12,645 /AC
Sewer Collection System	88 /UN	70 /UN	246 /AC	317 /AC
Storm Drainage Facilities	1,444 /UN	770 /UN	13,481 /AC	11,555 /AC
Parks and Recreation	3,023 /UN	3,023 /UN	0 /AC	0 /AC
Law Enforcement	390 /UN	156 /UN	390 /AC	390 /AC
Fire Protection	390 /UN	156 /UN	390 /AC	390 /AC

\$13,097

\$10,041

\$51,326

\$36,440

EXHIBIT "B"
CITY OF ORANGE COVE
2016 DEVELOPMENT FEES

FEE	SINGLE-FAMILY	MULTI-FAMILY	COMMERCIAL	INDUSTRIAL
Major Street	\$778 /UN	\$546 /UN	\$6,686 /AC	\$1,245 /AC
Traffic Control	243 /UN	171 /UN	\$2,090 /AC	\$389.20 /AC
Water Acquisition	314 /UN	224 /UN	\$196.40 /AC	\$279.20 /AC
Water Treatment	2,726 /UN	1,941 /UN	\$1,704 /AC	\$2,420.40 /AC
Water Distribution System	188 /UN	174 /UN	\$117.60 /AC	\$123.60 /AC
Sewer Treatment Facilities	3,513 /UN	2,810 /UN	\$3,934 /AC	\$5,058.00 /AC
Sewer Collection System	88 /UN	70 /UN	\$98.40 /AC	\$126.80 /AC
Storm Drainage Facilities	1,444 /UN	770 /UN	\$5,392 /AC	\$4,622.00 /AC
Parks and Recreation	3,023 /UN	3,023 /UN	\$0 /AC	\$0.00 /AC
Law Enforcement	390 /UN	156 /UN	\$156.00 /AC	\$156.00 /AC
Fire Protection	390 /UN	156 /UN	\$156.00 /AC	\$156.00 /AC