



AGENDA

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem

Gilbert Garcia, Council Member

Minerva Pineda, Council Member

Josie Cervantes, Council Member

WEDNESDAY, SEPTEMBER 14, 2016 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

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

B. Confirmation of Agenda

C. Presentation

- 1. Presentation by Corina Mendoza, Cross Country Coach and P.E. Teacher from Orange Cove High School regarding the Cross Country Team and Health Fair.
- 2. Presentation and Introduction of new Regional Public Affairs Manager, Raj Rakkar.

D. Consent Calendar

- 3. City Council Minutes of August 10, 2016
- 4. City Council Minutes of Special Meeting of August 17, 2016

E. Administration

City Engineer:

- 5. **SUBJECT:** Consideration and Discussion regarding the Fixture Retrofit Project Guideline Modifications

Recommendation: Council to review and approve the Water-Energy Grant 2015 Fixture Rebate Program Modifications to be opened to rental units and allow rebates without a paid invoice from the plumber, subject to approval by California Department of Water Resources

6. **SUBJECT:** Consideration and Discussion regarding the Application for Reconstruction of the Bridge over the Friant-Kern Canal at Hills Valley Road

Recommendation: Council to authorize the City Manager to sign an application for the Federal Highway Bridge Program for the reconstruction of the bridge over the Friant-Kern Canal at Hills Valley Road

City Manager:

7. **SUBJECT:** Consideration and Discussion regarding the Graffiti Program

Recommendation: Update Report on the Graffiti Program and Council give Staff Direction

8. **SUBJECT:** Consideration and Discussion regarding the 8th Annual Tour de Fresno scheduled on Saturday, September 17, 2016.

Recommendation: Council to approve participating in the 8th Annual Tour de Fresno in their efforts to help the needy in the Central Valley.

Chief of Police:

9. **SUBJECT:** Monthly Activity Report.

Recommendation: Informational Item Only.

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.

G. City Manager's Report

H. City Attorney's Report

I. City Council Communications

J. Closed Session:

10. Pursuant to Government Code Section 54956.9(a)
Conference with Legal Counsel —Existing Litigation
Case: Central Valley Bio-Fuels, LLC v. City of Orange Cove

K. Reconvene City Council Meeting:

L. 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

(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, AUGUST 10, 2016 - 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 (absent)
Councilmember Gilbert Garcia
Councilmember Minerva Pineda
Councilmember Josie Cervantes (absent)

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

INVOCATION: Councilman Gilbert Garcia

FLAG SALUTE: Mayor Victor P. Lopez

B. Confirmation of Agenda

City Manager requested to remove the Closed Session item.

C. Consent Calendar

1. City Council Minutes of July 27, 2016
2. Usage of Soccer Field at Community Center requested by Orange Cove United Soccer Club for weekend Soccer Games August 2016 to August 2017

3. Resolution Approving Addendum No. 2 to Professional Services Agreement with Yamabe & Horn Engineering, Inc.

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

D. Administration

4. **SUBJECT: PUBLIC HEARING:** Consideration and Discussion regarding the 2016-2023 Orange Cove Housing Element Presented by Collins and Schoettler

Recommendation: Council to consider adopting the following:

- a) Resolution No. 2016-50 adopting the 2016-2023 Orange Cove Housing Element

PUBLIC HEARING; MAYOR OPENED AND CLOSED NO COMMENTS

Upon the motion by Councilwoman Pineda and seconded Mayor Lopez, Council approved the Resolution No. 2016-50 adopting the 2016-2023 Orange Cove Housing Element. (Yes Vote: Lopez and Pineda)(No Vote: Garcia)(Absent: Silva and Cervantes)

- b) Introduction and First Reading of Ordinance No. 380 Amending the Orange Cove Municipal Code, Title 17: Zoning.

PUBLIC HEARING: MAYOR OPENED AND CLOSED NO COMMENTS

Upon the motion by Councilwoman Pineda and seconded by Mayor Lopez, Council approved the Introduction and First Reading of Ordinance No. 380 Amending the Orange Cove Municipal Code, Title 17: Zoning. (Yes Vote: Lopez and Pineda)(No Vote: Garcia)(Absent: Silva and Cervantes)

5. **SUBJECT:** Consideration and Discussion regarding Energy Management/Sustainable Communities Opportunities Presented by Julian Chapa.

Recommendation: Council to give staff direction.

Julian Chapa presented to Council David Carter from PG&E Sacramento and Mr. Franco Senior Manager out of Fresno

Mr. Franco Senior Account Manager for the PGE Fresno Office. Met with Sam Escobar. 2 types of street lights Ls1 and Ls2 owned and paid by the city of

Orange Cove. Program has been enforce retrofit every street lights. No cost to the city save city of \$74,000. 267 street will be retrofit.

Mr. David Carter taking OC in the energy future. Explained how to reduce your energy bill. And the preliminary energy assessment presentation.

By Consensus Council agreed to do the complete project, and start on the proposed design for the City.

City Engineer:

6. **SUBJECT:** Consideration and Discussion regarding the Bid for the WTP Basin Regrading Project

Recommendation: Council to adopt the Resolution Awarding the bid for the WTP Basin Regrading Project to Valley Excavation for \$67,900.00 and authorize the City Manager to sign a Standard Construction Agreement.

Upon the motion by Councilman Garcia and seconded by Councilwoman Pineda, Council approved to adopt the Resolution Awarding the bid for the WTP Basin Regrading Project to Valley Excavation for \$67,900.00 and authorize the City Manager to sign a Standard Construction Agreement. (Yes Vote: Lopez, Garcia and Pineda)(Absent: Silva and Cervantes)

7. **SUBJECT:** Consideration and Discussion regarding the Agreement for Engineering Services by RMA Geoscience for Quality Assurance Testing for the Third Street Sidewalks and Center Street Trail Connection Project.

Recommendation: Council to adopt the Resolution selecting RMA Geoscience, Inc. for quality materials testing services for the Third Street Sidewalks and Center Street Trail Connection Project.

Upon the motion by Councilman Garcia and seconded by Councilwoman Pineda, Council adopt the Resolution selecting RMA Geoscience, Inc. for quality materials testing services for the Third Street Sidewalks and Center Street Trail Connection Project. (Yes Vote: Lopez, Garcia and Pineda)(Absent: Silva and Cervantes)

Chief of Police:

8. **SUBJECT:** Monthly Activity Report.

Recommendation: Informational Item Only.

Chief presented an update on Staff at the Police Department and presented the Monthly Activity Report for the month of July 2016

Mayor Victor P. Lopez:

9. **SUBJECT:** Consideration and Discussion regarding Katrina Torres Fresno County Education Office regarding FERIA de Education on Saturday, October 22, 2016 at the Fresno State campus.

Recommendation: Informational Item Only

Mayor will provide transportation to all the cities like to have parents and students to go to encourage them to attend last year 7,000 students attended. Mayor will be taking care of the transportation from Moses Stites will have activities meals. Multiple university that will be there.

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.

NONE

E. City Manager's Report

Update report as follows:

- 1) 121 backpacks away tomorrow filled with supplies; raffle tomorrow at 6; 30 p.m. at the Farmers Market.
- 2) Friday ribbon cutting at KCUSD
- 3) Meeting 19th Fresno State City Manager will attend meeting. Next week meeting with investor regarding the Log Mill.

F. City Attorney's Report

None.

G. City Council Communications

Councilman Gilbert Garcia:

Nothing to Report.

Minerva Pineda:

Nothing to Report.

Mayor Victor P. Lopez:

Mayor thanked Ms. Quintana for sending a check to assist in school backpacks.

Attended Meeting with City Manager with EDA have a check for us \$1.5 million good friend who funded the EDA Center. Will come join us for the ground opening.

The project for McDonald is complete will be getting a check next meeting will have sales agreement. This company will go forward.

H. Closed Session:

Item tabled.

10. Public Employee Performance Evaluation pursuant to Government Code Section 54957
 - a. Title: City Manager

I. Adjournment

Mayor Lopez adjourned the City Council Meeting 8:13 p.m.

RESPECTFULLY SUBMITTED:

June V. Bracamontes, City Clerk
City of Orange Cove

MINUTES
NOTICE OF SPECIAL MEETING
ORANGE COVE CITY COUNCIL

DATE: WEDNESDAY, AUGUST 17, 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	Gilbert Garcia, Council Member
Minerva Pineda, Council Member	Josie Cervantes, Council Member

A. CALL TO ORDER/WELCOME

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

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

INVOCATION: Mayor Pro Tem Diana Guerra Silva

FLAG SALUTE: Mayor Victor P. Lopez

B. ADMINISTRATION

City Manager

- 1. SUBJECT:** Consideration and Discussion regarding a Resolution providing for the Appointment to Office of City Council Members and eliminating the cost of holding an election

Recommendation: Council to approve the Resolution of the City of Orange Cove providing for the Appointment to Office of the City Council Members and Eliminating the cost of holding an election

City Attorney, Dan McCloskey presented to Council that it will take two (2) stages for the appointment for Diana Guerra Silva and Josie Cervantes then County Clerk will be notified by Resolution that there is no need to have an election

Appointment for Councilwoman Diana Guerra Silva stepped out of the Chambers.

Upon the motion by Mayor Lopez and seconded by Councilwoman Pineda, Council approved the appointment of Councilwoman Diana Guerra Silva. (Yes Vote: Lopez, Pineda and Cervantes)(Absent: Garcia)

Appointment for Councilwoman Josie Cervantes stepped out of the Chambers:

Upon the motion by Mayor Lopez and seconded by Councilwoman Pineda, Council approved to appointment of Councilwoman Josie Cervantes. (Yes Vote: Lopez, Pineda and Cervantes)(Absent: Garcia)

Diana thanked community and colleagues

Josie thanked community and colleagues thank you

Mr. Mario Villarreal congratulated Councilmembers Silva and Cervantes and that citizens are very happy of the appointment. Doing an excellent job for the city and going in the right direction.

Ms. Clarita Ortega congratulated Councilwoman Silva and Cervantes for doing an excellent job. They are very strong and educated ladies and always aggressive and will make this city better and very proud.

2. **SUBJECT:** Consideration and Discussion regarding the WEEDit sprayer from Neil Knack of Knaak Ag Solutions

Recommendation: Council to consider purchasing the WEEDit sprayer from Neil Knack of Knaak Ag Solutions in the amount of \$21,103.88

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approved to purchase the WEEDit sprayer from Neil Knack of Knaak Ag Solutions in the amount of \$21,103.88

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

No comments

C. ADJOURNMENT:

Mayor Lopez adjourned the City Council Meeting at 6:15 p.m.

RESPECTFULLY SUBMITTED:

June V. Bracamontes, City Clerk
City of Orange Cove

PRESENTED:

DATE: _____

ACTION: _____



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Fixture Retrofit Project Guideline Modifications
Attachments: None

RECOMMENDATION:

Council review and approve the Water-Energy Grant 2015 Fixture Rebate Program Modifications, subject to approval by California Department of Water Resources.

EXECUTIVE SUMMARY:

The City has received a grant from the California Department of Water Resources (DWR) to implement a bathroom fixture rebate program. Homeowners are given rebates for the replacement of older toilets, shower heads and bath faucets with new low-flow fixtures upon showing a paid invoice from the plumber. The rebates have been limited to owner-occupied residences. Due to the low utilization, the city may not meet the goals of the program. We recommend that the program be opened to rental units and allow rebates without a paid invoice from the plumber. The proposed changes must be approved by the DWR.

BACKGROUND:

The City received a grant for \$280,000 to implement a bathroom fixture rebate program. Homeowners apply to the City and a verification is performed by City Staff to insure the residence is eligible. Once eligibility is confirmed, the homeowner contracts with a licensed plumber of their choice to replace toilets, shower heads and bathroom faucets with new low-flow fixtures. Once the fixtures have been replaced, 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 normal rebate is issued within 10 days of final inspection.

The program was originally estimated to replace 385 each of toilets, shower heads and bathroom

Prepared by: _____ GH _____

Approved by: _____

REVIEW: City Manager: _____

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: _____

faucets. A letter explaining the program was included in utility service bills and an advertisement was placed in the Reedley Exponent and the free Orange Cove shopping guide.

Since the beginning of the program in January 2016, 63 applications have been completed and verified as eligible. Rebates to 28 property owners totaling \$26,928 have been issued. The total fixture replacements are as follows:

Toilets	46 @ \$260 ea.
Shower heads	42 @ \$80 ea.
Bathroom faucets	46 @ \$200 ea.

City expenses of \$13,527 for the first two quarters have been reimbursed to the City. The Program ends June 30, 2017 and the current rate of activity is not enough to meet the goal of the program. Staff have heard from some residents that the requirement to submit a paid receipt from the plumber has prevented them from participating. In order to increase participation we recommend the Council make the following modifications to the program:

1. Open the program to rental units, both single family and multi-family.
2. Eliminate the requirement for a paid invoice from the plumbing contractor.

REASON FOR RECOMMENDATION:

This recommendation is given for the following reasons:

1. To increase the participation in the program to benefit additional property owners.
2. Reduce overall city water consumption by increasing the number of new, low-flow fixtures.
3. Provide good performance record on the grant for future applications to DWR.

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:

Council may offer suggestions for other modifications.

ACTIONS FOLLOWING APPROVAL:

The proposed changes will be submitted to DWR for approval. Once approved, the modifications to the program will be advertised.

CONFLICT OF INTEREST:

None.



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Application for Reconstruction of the Bridge over the Friant-Kern Canal at Hills Valley Road.
Attachments: None

RECOMMENDATION:

Council authorize the City Manager to sign an application for the Federal Highway Bridge Program for the reconstruction of the bridge over the Friant-Kern Canal at Hills Valley Road

EXECUTIVE SUMMARY:

The bridge over the Friant-Kern Canal at Hills Valley Road is inspected annually by Caltrans for structural integrity and soundness. The latest inspection has determined that the bridge is "functionally obsolete." The Federal Highway Administration has a Highway Bridge Program (HBP) that will pay for rehabilitation of the bridge. An application needs to be submitted by September 30.

BACKGROUND:

The City Manager was recently contacted by Willdan & Associates regarding engineering services they can provide to small communities as the circuit engineer hired by Fresno Council of Governments. Willdan suggested that the City apply to the HBP for funding to reconstruct the bridge over the Friant-Kern Canal at Hills Valley Road. The HBP guidelines are changing on October 1 that would make this bridge not eligible for funding.

The west side of Hills Valley Road is in the City limits and the east side is in Tulare County. The City has partial responsibility for the maintenance of the bridge. The City can apply for funding for the entire bridge.

Prepared by: GH

Approved by: _____

REVIEW: City Manager: _____

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: _____

At this time we are not sure if the funding will pay for the widening of the bridge beyond the current two-lane configuration. The possibility will be determined during the preliminary design phase. The estimated cost of the reconstruction of the bridge is \$1.56 million including design and construction engineering. The City is eligible for 100% funding for the project.

REASON FOR RECOMMENDATION:

The City bears partial responsibility for maintenance and is eligible for funding to reconstruct the Hills Valley Road Bridge at Friant-Kern Canal. The HBP funding guidelines are being changed that will make this bridge not eligible for funding.

FISCAL IMPACT:

The City will expend minor street funds in the administration of the design and construction contracts for the bridge, if it is funded.

ALTERNATIVES:

The Council may decide not to apply.

ACTIONS FOLLOWING APPROVAL:

The application will be submitted to Caltrans who will determine if funding should be allocated for the project.

CONFLICT OF INTEREST:

None.



Sept. 17, 2016
Starts & Ends
in Kingsburg



8th Annual
Tour de Fresno

Samuel A. Escobar

From: director@tourdefresno.com
Sent: Wednesday, September 07, 2016 5:35 PM
To: samescobar@cityoforangecove.com
Cc: glendahill655@sbcglobal.net
Subject: Tour de Fresno - Orange Cove Rest Stop

Dear Mr. Escobar,

Thank you for your call this afternoon regarding the 8th annual Tour de Fresno and your willingness to host a rest stop in your city for our cyclists.

Items typically found at rest stops:

- cold water (need not be bottled)
- ice
- sliced oranges
- sliced bananas
- sliced melon
- salty snacks (i.e. crackers/saltines and/or pretzels)

Please expect approximately 75 cyclists. You may consider soliciting donations for the above items.

From previous rides, we've found that having volunteers from local high schools welcoming the cyclists at the rest stops, passing out snacks, or holding welcome signs adds to the positive experience for both the volunteers and the cyclists.

Thank you again for your hospitality. For more information on the Tour de Fresno, please visit www.tourdefresno.com.

Regards,

Varoujan Der Simonian
Director
Tour de Fresno
550 E. Shaw Avenue #130
Fresno, CA 93710
559.224.1000 office
559.224.1002 fax