



AGENDA

Victor P. Lopez, Mayor

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

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, MARCH 23, 2016 - 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. Presentation

1. Presentation by Mayor and Council recognizing Mari Cruz Valencia for serving on the Orange Cove Events Committee
2. Presentation by Mayor and Council recognizing Mr. Gary Horn for many years of service and donations to the City of Orange Cove

D. Consent Calendar

1. Consideration of Resolution approving City Warrants for February 2016 (038620-038944)
2. City Council Minutes of February 24, 2016
3. Approving the One Voice Trip to Washington D.C. on April 16-April 22, 2016 for Mayor Lopez, Councilwoman Josie Cervantes and City Manager Samuel Escobar
4. Approving the one (1) year contract between the City of Orange Cove and Blackboard Connect in the amount of \$3,602.00

5. Second Reading and Adoption of Ordinance No. 378 amending title 5, by the addition of Chapter 5.34 regarding Use and Sale of Fireworks and Providing for the enactment and publication thereof.

E. Administration

City Engineer:

1. **SUBJECT:** Consideration and Discussion regarding the Bid for the Feinstein Park Soccer Field Grand Project

Recommendation: Council to consider approving the Resolution awarding the bid for the Feinstein Park Soccer Field Grading Project to Valley Excavation for \$34,610 and authorize the City Manager to sign a standard construction agreement.

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:

1. Conference with real property negotiators
Government Code Section 54956.8
Property: Industrial Park Property corner of South and Center Street
City Negotiator: Sam Escobar, City Manager
Negotiating Parties: Matt Kuykendall (2 acres)
Under Negotiation: Price and Terms of Payment

K. 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.

Resolution No. 2016-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS (CITY WARRANTS)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Orange Cove, California, as follows:

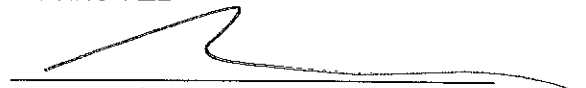
SECTION 1: That in accordance with Section 37202 of the Government Code, the Finance Director, or her designated representative, hereby certifies, and the City Manager hereby approves the accuracy of the following demands and to the availability of funds for payment thereof.

EXAMINED



Carlos Sanchez
Interim Finance Director

APPROVED



Sam Escobar, City Manager

SECTION 2: That the following claims and demands (February 2016 Warrant Numbers 038620-038944) attached hereto and incorporated herein by reference, have been audited as required by law and the same are hereby allowed in the amounts hereinafter set forth on the attached.

SECTION 3: That the following claims and demands have been certified pursuant to Government Code Section 37208, and conforming to the City's adopted budget.

June Bracamontes, City Clerk

SECTION 4. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 5. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This resolution was adopted at a Regular Meeting of the City Council of the City of Orange Cove held on March 23, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

June Bracamontes, City Clerk

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF ORANGE COVE)

I, JUNE BRACAMONTES, hereby certify that I am the duly appointed City Clerk of the City of Orange Cove and that the foregoing resolution was duly adopted at a regular meeting of the City Council held on the 23rd day of March 2016.

June Bracamontes
City Clerk



MINUTES

Victor P. Lopez, Mayor

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

Gilbert Garcia, Council Member
Josie Cervantes, Council Member

WEDNESDAY, FEBRUARY 24, 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
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: Mayor Pro Tem Diana Guerra Silva

FLAG SALUTE: Mayor Victor P. Lopez

B. Confirmation of Agenda

No changes.

C. Consent Calendar

1. Resolution approving City Warrants for December 2015 and January 2016
2. City Council Minutes of January 27, 2016
3. Resolution accepting bid from Yanez Construction for the Replacement of Flooring and Wall Covering at the Julia A. Lopez Child Development Center Restrooms
4. Emergency Sedimentation Basin Sludge Collector Repair approving invoice by W.M. Lyles Co.

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

D. Administration

1. **SUBJECT:** Presentation by Townsend Public Affairs, Inc.

Recommendation:

- a) Update report on grants - informational item only
- b) Orange Cove and Townsend Public Affairs, Inc. for consulting services

Sharon Gonsalves representative of Townsend Public Affairs, Inc. presented the following to Council:

Successful grant applications
Submitted and Pending Grant Application
FEMA State came open working with the OC Fire Dept.
Active Transportation Cycle 3
\$500,000 Water Program Grant Application
Water Recycling Funding Grant Tertiary upgrade application
Advocate trip in Washington DC
Monitor Federal legislation hired James Petersen worked for Feinstein
TPA federal advocacy trip to Washington DC Mayor Lopez, Cervantes, Escobar

Upon the motion by Councilman Garcia and second by Councilwoman Pineda, Council approved the consulting services contract between the City of Orange Cove and Townsend Public Affairs, Inc.

2. **SUBJECT:** Consideration and Discussion regarding reduction of Development Impact Fees for conversion of Laundry Room to Security Living Unit at Orchard Village Apartments.

Recommendation: Council to consider approving resolution waiving the Development Impact Fees for the conversion of the Laundry Room to a Security Living Unit at the Orchard Village Apartments located at the southwest corner of South Avenue and Orange Street.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Pineda, Council approve the resolution waiving the Development Impact Fees for the conversion of the Laundry Room to a Security Living Unit at the Orchard Village Apartments located at the southwest corner of South Avenue and Orange Street. (Yes Vote: Lopez, Silva, Garcia, Pineda)(Absent: Cervantes)

3. **SUBJECT:** Public Hearing to discuss possible applications for funding under the next fiscal year program (July 1- June30) of the State Community Development Block Grant (CDBG) Program and to solicit citizen input on possible activities to be included in the application.

Recommendation: Council to consider citizens input on possible activities to be included in the State Community Development Block Grant (CDBG) Program.

Mr. Paul Ashby from Adams and Ashby Group presented to Council the City of Orange Cove Community Development Block Grant Program Review as follows:

- What is CDBG?
- Current Grant 2012 CDBG 84033 awarded \$1,056,664
Activities
- Water Treatment Plant Improvements Project
- 2016 CDBG Application
- Eligible Activities
- Project Ideas from Staff

The Following concerns were presented:

1. Councilman Garcia had a concern about streets that don't have gutter or sidewalks and would like to see installations of new sidewalk.
2. Currently the Soccer field received a grant for \$169,000 and short \$40,000.
3. Lighting with PGE
4. Purple pipe project. Recycle water is good way. Do we have preliminary findings.

Mayor Opened Public Hearing:

1. Ms. Irene Alvarado lighting is a priority also worried and concern about the impact of the drought. Need to prepare our community with water shortage, job training, and food bank will be a reality. Park improvements are positive and the day to day things to prepare families. Focusing on the water treatment plant getting out of the violation. Need all the help.

Mayor closed public hearing;

Direction to move forward.

4. **SUBJECT:** Consideration and Discussion pertaining the authorization to the City Manager to purchase cleaning supplies for the floor at the Community Center.

Recommendation: Council to consider approving purchasing and not to exceed \$10,000 of floor cleaning supplies at the Community Center.

Upon the motion by Mayor Pro Tem Silva and seconded by Mayor Lopez, Council approved the purchasing and not to exceed \$10,000 of floor cleaning supplies at the Community Center. (Yes Vote: Lopez, Silva, Garcia, Pineda)(Absent: Cervantes)

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.

1. Mr. Manuel Ferreira Member of the Chamber presented to Council that the Chamber Event was a success and for the Orange Harvest Festival and Parade asking for the City to waive all fees for the event.

2. Ms. Donna Wheeler from the FOCAS Group gave a brief update on the Animal Shelter everything going great. Thanked the City Manager, Police Chief and Fire Department.

F. City Manager's Report

1. On February 25, 2016 having a Food Handler Workshop
2. Farmers Market scheduled on May 26, 2016
3. March 12, 2016 Lucky 5K run.
4. Code Enforcement doing well. Cleaning up Alleys
5. Placing Door Hangers
6. Construction of restroom park underway.
7. Working with a Developer's Site Plan for 2 proposed retail stores in Orange Cove.
8. Walked downtown today with the Chambers and spoke to 9-11 businesses
9. Working with the Chamber to create a newsletter.

G. City Attorney's Report

Nothing to report.

H. City Council Communications

Councilman Gilbert Garcia:

Thanked the 3 members of the Chamber who are here tonight, Irene Alvarado, Charlotte Pavelco and Manuel Ferreira. Thanked Councilmembers Pineda and Cervantes for attending the Chamber event very important to recognize the community and that the City of Orange Cove became a Gold Sponsor for the event. The Orange Cove Chamber is positive and important in our community. Appreciate the hard work and event was very well attended. Thanked Fire Chief Tom Greenwood for the fire mountain operations.

Councilwoman Minerva Pineda:

Presented on her birthday the ride along with the Police Department with Puga and Officer Soto. Also included that herself and Councilwoman Cervantes enjoyed the event with the Chamber. Presented the proclamations from the City to the people who were nominated in different categories.

Watched the firemen's training how they dragged those big vehicles. The fire department along with the Fire Chief Tom Greenwood mocked a house fire.

Mayor Pro Tem Diana Guerra Silva:

Opportunity to see the dogs walked by the volunteers. The dogs look extremely healthy and happy. Volunteers from Reedley High School. Noticed that the debris on the Rails to Trails has been removed and very peaceful and trees are being taken care of.

Mayor Victor P. Lopez:

Thanked Mr. Manuel Ferreira and the Chamber and all the winners who were nominated in the different categories congratulation to all. Took a tour of the debris in the alleys. Being a Member of the J.P.A. a lot of positive meetings and a lot of debate on the new dam. Asking Townsend Group to work with the J.P.A. they have the expertise with the State and Feds to apply for the 6 billion dollars. Attending the Housing Element meeting on February 23, 2016 in order to get input from the community. Thanked Staff for doing an excellent job.

I. Adjournment

Mayor Lopez adjourned the City Council Meeting at 7:30 p.m.

RESPECTFULLY

June V. Bracamontes, City Clerk

PRESENTED TO COUNCIL:

DATE: _____

ACTION: _____

BLACKBOARD CONNECT™ SALES ORDER FORM

This Blackboard Connect Sales Order Form ("Order Form") between **Orange Cove, CA** ("Customer") and Blackboard Connect Inc. ("Blackboard") details the terms of Customer's use of the Blackboard services set forth in Section 1 below, and shall become effective on the later of: (i) Customer's execution and Blackboard's acceptance and agreement; or (ii) the date specified in Section 3 below ("Effective Date").

1. **SaaS, Notification & Support Services:** The Customer hereby subscribes to the following Blackboard SaaS, notification and support services:

Product Name	Description	Units	Initial Term Fee (USD) Period 1: (12 months)
Blackboard Connect CTY Service	Blackboard Connect Basic Service (Emergency, Attendance and Outreach) \$1.50/recipient	2,068	\$3,102.00
Blackboard Connect Support Service	24x7x365 Support Unlimited Online Training	1	\$500.00
Sales Order Total Fee (Initial Term):			\$3,602.00

Customer understands and agrees that this Order Form limits the use of the SaaS, notification and/or support services by the Customer to the delineated Description and Unit(s) specified above. Additional access to or usage of the software or services is subject to additional purchase.

2. **Initial Term (initial license term and any special requirements):** 1 year
3. **Effective Date (applicable only if different from acceptance date as described in the preamble):**
4. **Recipient Definition (applicable only to notification services):** CTY: households, businesses, and other related individuals within the Customer's jurisdiction.

5. **Customer Billing Contact:**

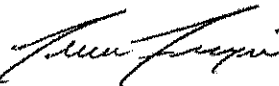
Contact Name:	Clara Camarena	Contact Phone:	559-626-4488
Street Address:	633 Sixth Street	City and State/Province:	Orange Cove, CA
Postal Code and Country:	93646, USA	E-Mail Address:	clara@cityoforangecove.com

6. **Payment and Term.** In consideration for the use of the SaaS, notification and/or support services (as applicable) during the Initial Term, the Customer will pay to Blackboard the fee(s) set forth above (the "Fee"). The total Fee will be invoiced on execution of the Agreement and is due within 30 days of invoicing. The term of this Agreement shall be renewed automatically for successive periods of one (1) year each (a "Renewal Term") after the expiration of the Initial Term and any subsequent Renewal Term, unless Customer provides Blackboard, or Blackboard provides Customer, with a written notice to the contrary thirty (30) days prior to the end of the Initial Term or Renewal Term, as applicable. Each Renewal Term shall incorporate and be governed by Blackboard's then-current pricing, the applicable Fee for which will be due at the beginning of each Renewal Term, and payable within thirty (30) days after the date of an invoice from Blackboard.

7. **Terms of Service.** The terms of service at <https://secure.blackboard.com/legal/BBCTOS/0112/> ("**Terms of Service**") are incorporated herein by reference, and together with this Order Form constitute the agreement between the parties ("**Agreement**"). Capitalized terms not otherwise defined are defined in the Terms of Service. By executing and returning this Order Form, Customer acknowledges and agrees that its use of the Blackboard Connect services specified herein is subject to, and governed by, all of the terms and conditions of this Agreement including, without limitation, all of the rights, restrictions, indemnities, disclaimers and limitations set forth in the Terms of Service. The individual executing this Order Form on Customer's behalf represents and warrants that he or she has the authority to enter into this Agreement and bind the Customer to all of its terms and conditions as of the date indicated below. Notwithstanding anything to the contrary in any purchase order or any other document provided by Customer, any service provided or license granted by Blackboard to Customer in connection with a purchase order related to this Order Form is conditioned upon Customer's acceptance of this Order Form and the Terms of Service incorporated by reference herein. Any additional, conflicting or different terms proffered by Customer in a purchase order or otherwise shall be deemed null and void.

8. **SPECIAL CONDITIONS (IF ANY):**

Blackboard Connect Inc.



Signature


Print Name and Title: Tess Frazier, VP

Date: 3/20/13

Address: Blackboard Inc.
650 Massachusetts Ave NW,
6th Floor
Washington, D.C. 20001

Phone Number: 202-463-4860
Fax Number: 818-450-0425

NAME OF CUSTOMER: Orange Cove, CA



Signature

Print Name and Title: Samuel A. Escobedo
City Manager

Date: 3/4/13

Address: 633 Sixth Street
Orange Cove, CA 93646

Contact for Notices: Same as Section 5, above.
Phone Number:
Fax Number:
Contact Email:

ORDINANCE NO. 378

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE AMENDING TITLE 5, BY THE ADDITION OF CHAPTER 5.34 REGARDING USE AND SALE OF FIREWORKS AND PROVIDING FOR THE ENACTMENT AND PUBLICATION THEREOF.

WHEREAS, the possession, sale and use of illegal fireworks is a concern and danger to the health, welfare and safety of the residents of Orange Cove.

NOW, THEREFORE, The City Council of the City of Orange Cove does hereby ordain as follows:

Section I: Title 5 of the Orange Cove Municipal Code is hereby amended by the addition of Chapter 5.34, and, as amended, shall read as follows:

Chapter 5.34

FIREWORKS

Sections:

- 5.34.010 Sale and discharge of safe and sane fireworks—Permitted when.
- 5.34.012 Possession or Use of Illegal Fireworks
- 5.34.015 Permit for public displays.
- 5.34.020 Permit required to sell fireworks.
- 5.34.030 Application for permit—Contents.
- 5.34.040 Permit fee.
- 5.34.050 Qualifications for issuance of permit.
- 5.34.060 Notice to applicant of granted or rejected permit.
- 5.34.070 Temporary sales tax permit required.
- 5.34.080 Display of state license, city permit and sales tax permit required.
- 5.34.090 Operation of stand.
- 5.34.100 Temporary fireworks stands permitted only—Building dimensions.
- 5.34.110 General requirements for the sale of fireworks.
- 5.34.120 Discharge of fireworks prohibited where.
- 5.34.130 Storage.
- 5.34.140 Noncompliance with chapter—Immediate closure of fireworks stand.
- 5.34.150 Enforcement of chapter
- 5.34.160 Violation-penalties.

5.34.010 Sale and discharge of safe and sane fireworks—Permitted when.

A. Safe and sane fireworks as defined by Section 12529 of the Health and Safety Code of the state of California may be sold within the city beginning at twelve noon the twenty-eighth day of June, and thereafter from nine a.m. to ten p.m., ending on the fourth day of July.

B. Safe and sane fireworks as defined by Section 12529 of the Health and Safety Code of the state of California may be sold within the city from nine a.m. to ten p.m. on the fourth day of July.

C. Safe and sane fireworks as defined by Section 12529 of the Health and Safety Code of the state of California may be discharged within the city during the period beginning at nine a.m. on the twenty-eighth day of June and ending at eleven fifty-nine p.m. on the fourth day of July each year pursuant to the provisions of this chapter and not otherwise.

5.34.012 Possession or use of illegal or dangerous fireworks.

It shall be unlawful for any person to possess or use illegal or dangerous fireworks in the City as defined by the State Fireworks Law, Sections 12500 et seq. of the Health and Safety Code of the State, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.

5.34.015 Permit for public displays.

A. **Permits**---Notwithstanding any other provisions of this Code, the Fire Chief of the Orange Cove Fire Protection District may grant permits for public displays of fireworks if the Fire Chief determines that all requirements of the law are or will be complied with by the applicant and that granting any such permit will not be detrimental to the public peace, health or safety; otherwise said application shall be denied. Applications for such permits shall be filed with the Fire Chief not less than ten days before the proposed public display and shall be accompanied by a detailed statement of the items of the proposed display. If the permit is granted, no items shall be displayed except as are contained in the statement and the Fire Chief may in granting the permit eliminate from the statement such items as he deems hazardous or impose conditions upon such permit as the Fire Chief shall deem reasonably necessary to protect the public peace, health and safety; and it shall be unlawful for the grantee of the permit to exhibit or display the eliminated items or to conduct such display in violation of any conditions so imposed. The public display shall be under the supervision of the Fire Chief and such persons as he shall designate and authorize. The City Council shall, by resolution, pursuant to the Fire Chief's recommendation, establish a fee to be charged for the permit. A separate permit will be required for each display. The display shall be at the place and time designated in the permit. Such permit shall include the right to possess and transport said fireworks for the purpose of conducting such public display.

B. Times Permitted--- Except on the 4th of July, it is unlawful for any holder of a public display permit to discharge any fireworks in the City of Orange Cove from the hours of 10:00 p.m. to 8:00 a.m. unless permitted by the Fire Chief as an exception to this time limit.

C. Times Permitted--- **Appeal from denial of permit---**If the Fire Chief denies the application, then the applicant may take an appeal from such action by filing a written notice of appeal with the City Administrator or his or her designee, Such written notice shall be filed with the City Clerk within ten days of the date of the action of the Fire Chief and shall set forth the reasons for appeal from the action of the Fire Chief. Upon receipt of a notice of appeal, a hearing shall be set before the City Manager or his or her designee, not less than ten days nor more than thirty days from the date of the filing of the appeal. Upon such hearing the City Manager or designee may deny the application or grant the application upon such conditions, as the City Manager or designee shall deem proper.

5.34.020 Permit required to sell fireworks.

Except as provided herein, no persons shall offer for sale or sell at retail any fireworks of any kind without having first applied for and received a permit.

5.34.030 Application for permit—Contents.

All applications for a permit to sell fireworks shall:

- A. Be made in writing accompanied by a permit fee of three hundred dollars;
- B. Be made between the first business day and the last business day of June of each year;
- C. Set forth the proposed location of the fireworks stand;
- D. Be accompanied by an assurance that if the permit is issued to applicant, applicant shall, at the time of receipt of permit, deliver to the city clerk a five hundred thousand dollars combined single limits insurance certificate designating the city as an additional insured, and a copy of the required license from the State Fire Marshal;
- E. Include a statement that the applicant agrees to comply strictly with the terms of any retail permit granted it and furnish any additional information upon request of the city.

5.34.040 Permit fee.

The permit fee for selling fireworks within the city shall be three hundred dollars which fee must be paid at the time each application for a stand is filed. The City Council may, by resolution, increase or decrease the permit fee in its discretion.

5.34.050 Qualifications for issuance of permit.

The following qualifications must be met by each applicant for a permit:

A. No permit shall be issued to any person, firm or corporation except nonprofit associations or corporations organized primarily for civic betterment or youth activities in the City, and, are nonprofit associations or corporations with their principal place of business in the City .

B. Each such organization must have its principal and permanent meeting place in the corporate limits of the city; must maintain a bona fide membership of at least twenty members; and must have been organized and established in the city's corporate limits for a minimum of one year continuously preceding the filing of the application for the permit.

C. No organization may receive more than one permit for fireworks sales during any one calendar year. One permit may be issued to two or more qualifying applicants as a joint venture. The maximum number of 8 permits may be issued during any one calendar year. One additional permit may be added for every three thousand five hundred (3,500) residents above the 2010 Census estimate or actual population.

D. During the first week after July 4th, the city clerk shall draw the appropriate number of names of organizations who are to be the permittees for the following year. Each organization will hold a permit for two consecutive years. Beginning in 2002 (for the fireworks year of July 2003), and every even year thereafter, there will be four slots available for two-year periods, and there will be four slots available in the odd years, until the city's population exceeds twenty thousand. Each participating organization in a joint venture shall be deemed to be a committee.

5.34.060 Notice to applicant of granted or rejected permit.

Applicants for a permit shall be notified by the city clerk by July 15th of the granting or rejection of such application for a permit.

5.34.070 Temporary sales tax permit required.

Organizations selling fireworks are required to obtain a temporary sales tax permit from the State Board of Equalization.

5.34.080 Display of state license, city permit and sales tax permit required.

State license and city permit to sell fireworks, and temporary sales tax permit shall be displayed in a prominent place in the fireworks stand.

5.34.090 Operation of stand.

A. No entity other than the permittee organization shall operate the stand for which the permit is issued.

B. All persons engaged in the selling of fireworks shall be over the age of eighteen years. At least one person twenty-one years of age or older must be in attendance and in charge during the

hours of booth operation. No person under the age of eighteen shall sell, or handle for sale, any classification of fireworks.

C. No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at such stand.

5.34.100 Temporary fireworks stands permitted only—Building dimensions.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty-five feet of any building and not within one hundred feet of any gasoline pump.

B. Fireworks stands need not comply with the provisions of the building code; provided, however, that all stands shall be erected under the supervision of the city building inspector, who shall require that stands be constructed in a manner that will reasonably ensure the safety of attendants and customers.

C. No stand shall have a floor area in excess of four hundred square feet. The width of each stand shall be a minimum of ten feet and the length shall be a maximum of forty feet.

D. Each stand must have at least two exits.

E. Each stand shall be provided with a two and one-half gallon water pressure type fire extinguisher and a 2A10BC rated dry chemical fire extinguisher in good working order and easily accessible for use in case of fire.

F. Each applicant shall file with the city clerk written permission from the record owner of the property where the applicant's stand is to be located. There shall be one stand per location, as determined by the city fire chief or city building official.

5.34.110 General requirements for the sale of fireworks.

A. All weeds and combustible material shall be cleared from the location of the stand, including a distance of a least fifty feet surrounding the stand.

B. "No Smoking" signs shall be prominently displayed on the front, back and sides of the fireworks stand.

C. Each stand must have an adult in attendance and in charge while fireworks are stored therein. Sleeping or remaining in stand after close of business each day is forbidden.

D. The sale of fireworks shall not begin before twelve noon on the twenty-eighth of June and shall not continue after ten p.m. on the fourth day of July.

E. Hours of operation shall be limited to nine a.m. to nine p.m. daily.

F. All unsold stock and accompanying litter shall be removed from the location by five p.m. on the fifth day of July.

G. The fireworks stand shall be removed from the temporary location by eight p.m. on the sixth day of July, and all accompanying litter shall be cleared from said location by said time and date.

H. Prior to the issuance of a permit, each applicant shall file with the city clerk a cash deposit, certificate of deposit or a surety bond made payable to the city in the amount of one hundred dollars to assure compliance with the provisions of this chapter. Such deposit, certificate or bond shall be refundable upon compliance with the provisions and requirements of this chapter, including but not limited to the removal of the stand and the cleaning of the site. In the event the permittee does not so comply or remove the stand or clean the site, in the manner required by the city building inspector, the city may do so, or cause the same to be done by other persons, and the reasonable cost thereof shall be a charge against the permittee and his deposit of surety bond.

5.34.120 Discharge of fireworks prohibited where.

A. No person shall light or cause to be lighted any fireworks or other combustible material within any stand or within two hundred feet thereof.

B. It is unlawful for any person to ignite, explode, project or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over or onto the property of another, or to ignite, explode, project or otherwise fire or make use of any fireworks within ten feet of any residence, dwelling or other structure.

5.34.130 Storage.

Safe and sane fireworks may be stored within the city, pursuant to the following provisions:

A. Buildings or parts of buildings used for the storage of safe and sane fireworks shall be classified as Group B, occupancies, as provided in the California Building Code, 2007 Edition, as amended from time to time, and shall meet the requirements for such occupancies. However, under no condition shall any building or parts of buildings be used that are not provided with an automatic sprinkler system.

B. Buildings or parts of buildings used for storage shall meet the zoning requirements of the city and a permit to store shall be issued by the city.

C. Signs with the wording "Fireworks—No Smoking," in letters a minimum of four inches high, shall be conspicuously located throughout the building.

D. Fire extinguishers, of the water pressure type, shall be located so there is not more than fifty feet of travel to any fireworks storage.

E. Stacks of merchandise shall be limited in size to twelve thousand cubic feet, and each stack shall be separated from other stacks by eight-foot-wide aisles.

5.34.140 Noncompliance with chapter—Immediate closure of fireworks stand.

If, in the judgment of the city fire chief or city building inspector, the construction of the stand or the conduct of the operations therein do not conform to the provisions of this chapter, such officers, or either of them, may order the stand immediately closed.

5.34.150 Enforcement of this chapter.

In addition to any other persons authorized by law, the Fire Chief, all Chief Officers, Fire Captains, and Acting Captains shall have the duty of enforcing the provisions of this chapter. In connection with such enforcement, they are authorized to enter, free of charge, at any reasonable

time, any place of business, or to approach any person apparently conducting or employed in the operation of a business, to verify compliance with the provisions of this chapter and with the California Fire Code and any other Orange Cove Municipal Code provisions related to fireworks enforcement. Such persons are hereby authorized to issue citations to persons violating any of the provisions of this chapter to appear in the Court of the Tulare County Judicial District or Administrative Citation Hearing Officer at a time fixed in the citation, not less than five days from the date of issuance of the citation unless a shorter period of time is requested by the person(s) to whom the citation is given, and such citation shall be deemed to be a complaint charging violations of this chapter. .

5.34.160 Violation-penalties.

Persons violating this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be pucinshed accordingly, as set forth in Section 1.24.010 of this code.

Section II: If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. City Council hereby declares that it would have adopted the ordinance and each section, sub-section, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, or portions to be declared invalid or unconstitutional.

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Section III: The City Clerk is authorized to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation in the City of Orange Cove, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Orange Cove held on _____, 20__, and was passed and adopted at a regular meeting of the City Council held on _____, 2__, by the following vote:

AYES:

NOES:

ABSENT:

MAYOR OF THE CITY OF ORANGE COVE

ATTEST:

CITY CLERK



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Gary D. Horn, City Engineer
Subject: Resolution Regarding Bid for the Feinstein Park Soccer Field Grading Project
Attachments: Resolution

RECOMMENDATION:

Council either adopt the attached resolution awarding the bid for the Feinstein Park Soccer Field Grading Project to Valley Excavation for \$34,610 and authorize the City Manager to sign a standard construction agreement.

EXECUTIVE SUMMARY:

The City has received a grant from the State Housing and Community Development Department to construct a soccer field at Feinstein Park as shown on the attached diagram. Valley Excavation submitted the low bid of \$34,610 for the site grading. The engineer's estimate was \$35,000.

BACKGROUND:

The grading of the proposed soccer field needs to be completed first, prior to installation of the irrigation system and turf.

Bids from three contractors were received on March 15, 2016 as follows:

Valley Excavation, Inc.	\$34,610.00
Todd Companies	\$42,750.00
Bush Engineering, Inc.	\$125,060.00

Prepared by: GH Approved by: _____

REVIEW: City Manager: _____ Finance: _____ City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
___ Consent				___ Public Hearing
___ Info Item				___ Matter Initiated by a Council Member
___ Action Item				___ Other
___ Department Report				___ Continued to: _____
___ Redevelopment Agency				

The Engineer's Estimate was \$35,000.

REASON FOR RECOMMENDATION:

Valley Excavation, Inc. submitted the low bid and is known to us a responsible contractor.

FISCAL IMPACT:

The City will use Housing and Community Development funds for the construction of the soccer field.

ALTERNATIVES:

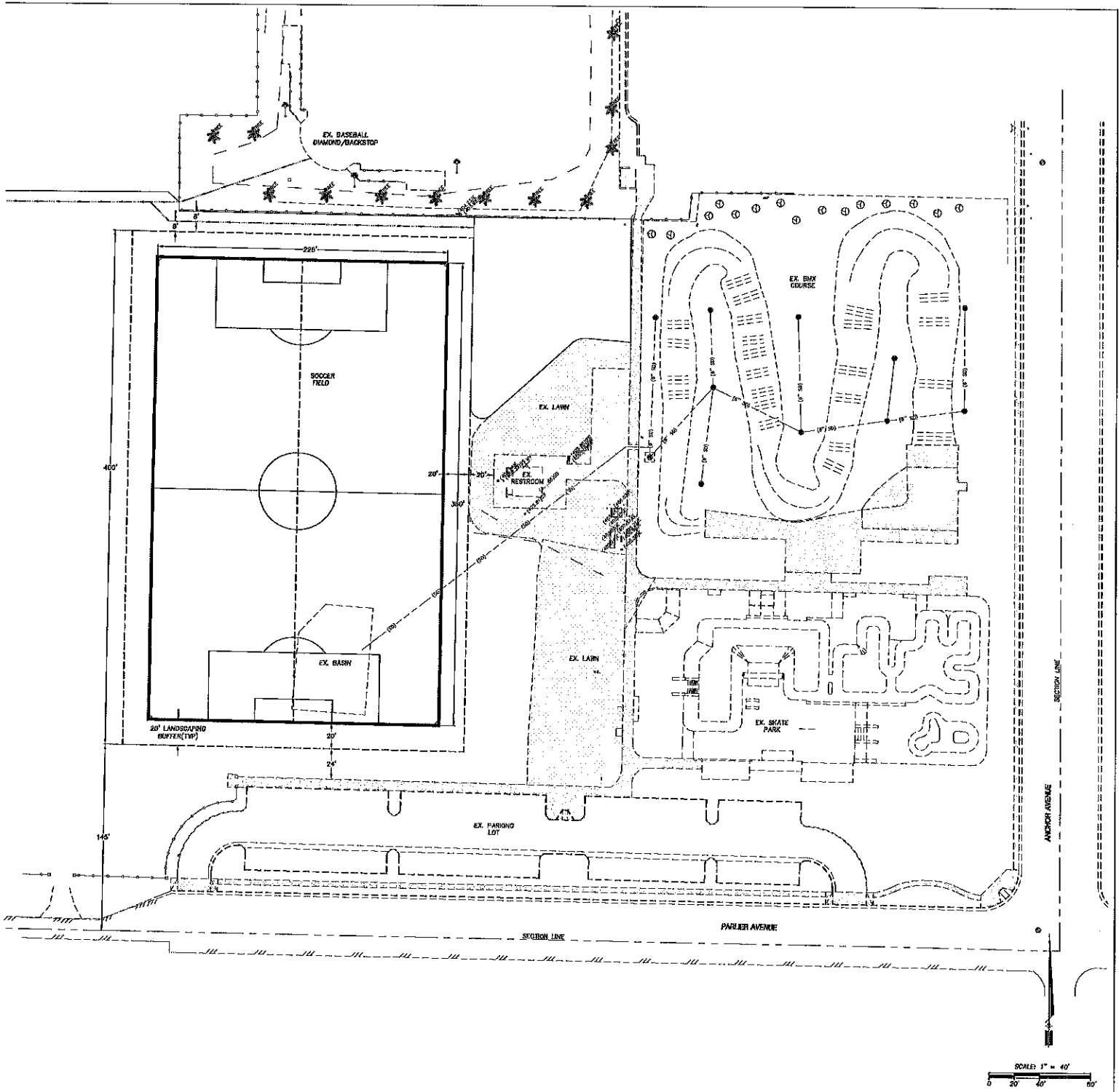
Council may choose to award the bid or reject all bids.


ACTIONS FOLLOWING APPROVAL:

If the bid is awarded, then the City Manager will sign a standard construction agreement and construction will begin soon.

CONFLICT OF INTEREST:

None.



 YAMABE & HORN ENGINEERING, INC. 2200 N. BURLING AVE. SUITE 101 FORT WORTH, TX 76107 TEL (817) 844-3183 FAX (817) 844-3182	Ref. & Rev.	CITY OF ORANGE COVE	Dr. By: <u>NI</u> Ch. By: <u>CEI</u> Date: <u>5/22/2008</u> Scale: As Noted	YH Job No. <u>05-100</u> Sheet No. <u>2</u> of <u>3</u> Sheets
	FEINSTEIN PARK SOCCER FIELD SITE PLAN			

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RESOLUTION NO. 2016-17

A RESOLUTION OF THE COUNCIL OF THE CITY OF ORANGE COVE, CALIFORNIA,
ACCEPTING BID FOR THE FEINSTEIN PARK SOCCER FIELD GRADING PROJECT

WHEREAS, the Invitation to Bid for the Project was advertised at the Central California Builders Exchange and the Tulare & Kings Counties Builders Exchange beginning February 18, 2016; and

WHEREAS, the project will consist of earthwork and grading for a soccer field at Feinstein Park in the City of Orange Cove; and

WHEREAS, the following bids for the project were publicly opened and read aloud at the Orange Cove City Hall on March 15, 2016 at 2 pm:

<u>Contractor</u>	<u>Bid</u>
Valley Excavation, Inc.	\$34,610.00
Todd Companies	\$42,750.00
Bush Engineering, Inc.	\$125,060.00

WHEREAS, the City Engineer's estimate was \$35,000 for the Project.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Orange Cove, California, as follows:

1. The above recitals are true and correct and are adopted as the findings of the City Council.
2. Upon the recommendation of the City Engineer that the Feinstein Park Soccer Field Grading Project be awarded to: Valley Excavation, Inc. in the amount of Thirty-four Thousand Six Hundred Ten Dollars and Zero Cents (\$34,610.00).
3. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

4. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This resolution was adopted at a Regular Meeting of the City Council of the City of Orange Cove held on March 23, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor

ATTEST:

June Bracamontes, City Clerk