



## **Special City Council Meeting AGENDA**

**Victor P. Lopez, Mayor**

**Diana Guerra Silva, Mayor Pro Tem**

**Roy Rodriguez, Council Member**

**Josie Cervantes, Council Member**

**Esperanza Rodriguez, Council Member**

**Thursday, November 7, 2019 - 6:00 P.M.**

**Orange Cove Council Chambers**

**633 6<sup>th</sup> Street, Orange Cove, California 93646**

### **A. CALL TO ORDER/WELCOME**

Roll Call  
Invocation  
Flag Salute

### **B. CONFIRMATION OF AGENDA**

### **C. PRESENTATION(S)**

### **D. ADMINISTRATION**

#### **Interim City Manager**

- SUBJECT:** Public Hearing and consideration and necessary action on **RESOLUTION NO. 2019-54, A RESOLUTION OF THE CITY COUNCIL APPROVING THE ISSUANCE OF CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF AMAYA VILLAGE APARTMENTS AND CERTAIN OTHER MATTERS RELATING THERETO.**

**RECOMMENDATION:** Conduct Public Hearing and approve Resolution approving the issuance of "TEFRA" bonds not to exceed \$30,000,000 for Amaya Village Apartments.

## **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**

Discussion regarding water round-table discussion with Senator Hurtado.

## **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](http://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.

1.

## AGENDA ITEM

**DATE:** November 7, 2019

**TO:** City Council

**SUBJECT:** Conduit financing for the Amaya Village Apartments Affordable Housing Project

**SUMMARY:**

### Issue

Conduct a public hearing under the Tax and Equity Fiscal Responsibility Act ("TEFRA") on November 7, 2019 in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority ("CMFA"), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$30,000,000, (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a 81-unit multifamily rental housing project located at 1525 Park Boulevard, Orange Cove, California (the "Project").

Adopt a resolution to approve the financing of the Project by the CMFA.

### Recommendations

- 1) Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the "Code").
- 2) Adopt the resolution approving the issuance of the Bonds by the CMFA for the benefit of Orange Cove Amaya Associates, a California Limited Partnership (the "Borrower"), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

### BACKGROUND:

Orange Cove Amaya Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 in one or more series, and at no time to exceed \$30,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a 81-unit multifamily rental housing project located at 1525 Park Boulevard, Orange Cove, California.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Orange Cove must conduct a public hearing (the "TEFRA Hearing") providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to such TEFRA

Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an “applicable elected representative” of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

#### **CALIFORNIA MUNICIPAL FINANCE AUTHORITY:**

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 300 municipalities, including the City of Orange Cove, have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA’s representatives and its Board of Directors have considerable experience in bond financings.

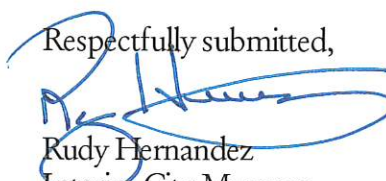
#### **FISCAL IMPACT:**

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the “Foundation”), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Orange Cove, it is expected that that a portion of the issuance fee attributable to the City will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

#### **SUMMARY:**

In light of the foregoing, and in order to support affordable housing, staff recommends that the City conduct the TEFRA Hearing and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

Respectfully submitted,  
  
Rudy Hernandez  
Interim City Manager

**RESOLUTION NO. 2019 - 54**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF AMAYA VILLAGE APARTMENTS AND CERTAIN OTHER MATTERS RELATING THERETO**

**WHEREAS**, Orange Cove Amaya Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority (the "Authority") adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$30,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a 81-unit multifamily rental housing project located at 1525 Park Boulevard, Orange Cove, California (the "Project"); and

**WHEREAS**, pursuant to Section 147(f) of the Code, the issuance of the Bonds by the Authority must be approved by the City of Orange Cove (the "City") because the Project is located within the territorial limits of the City; and

**WHEREAS**, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code; and

**WHEREAS**, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the City; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The foregoing resolutions are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in

which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Orange Cove this 7<sup>th</sup> day of November, 2019.

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Attest:

---

Melanie A. Carter  
Acting City Clerk

(SEAL)

---

Victor P. Lopez  
Mayor of the City of Orange Cove



## June Bracamontes

---

**From:** Rudy Hernandez <rudy@cityoforangecove.com>  
**Sent:** Tuesday, October 29, 2019 10:47 AM  
**To:** 'June Bracamontes'  
**Subject:** FW: Water Round-Table in Selma, CA

**Importance:** High

June – Please add to the November 7, 2019 agenda.

Rudy

**From:** Senator Hurtado [mailto:Senator.Hurtado@senate.ca.gov]  
**Sent:** Friday, October 18, 2019 3:02 PM  
**Subject:** Water Round-Table in Selma, CA  
**Importance:** High

Good Morning,

Senator Melissa Hurtado will be hosting a Water Round-Table discussion in Selma, CA on **Tuesday, November 12, 2019** from **1:30PM-3:30PM** at the Holiday Inn Selma-Swan Court located at **2950 Pea Soup Andersen Blvd, Selma, CA 93662**. The purpose is to create an open dialogue with cities, counties and various stakeholders on how to work through existing issues related to the Central Valley's various water insecurities, including items such as new potential water legislation, SB 200 implementation, SGMA, and more. It is her hope that you will join us, as you are an important piece to this discussion.

This event is by invitation only and is intended for it's recipient. To RSVP, please reply with your name, title, phone number and the organization you'll be representing. Please **RSVP by November 1<sup>st</sup>**.

If you are a County, City or GSA please designate at least one member from your respective organization to attend as resources restrict.

If there are any questions please do not hesitate to contact our office at (559) 264-3070 or (916) 651-4014.

Sincerely,



**Senator Melissa Hurtado**  
Office of State Senator Hurtado

**p:** (559) 264-3070  
**w:** [sd14.senate.ca.gov](mailto:sd14.senate.ca.gov)  
**a:** 2550 Mariposa Mall, Suite 2016, Fresno, CA 93721

Follow us:



CONFIDENTIAL NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the