



AGENDA

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem

Josie Cervantes, Council Member

Roy Rodriguez, Council Member

Esperanza Rodriguez, Council Member

WEDNESDAY, July 14, 2021 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

LIVE MEETING

(TELECONFERENCE - CALL 888-204-5987 - ACCESS CODE 8166599#)

A. Call to Order/Welcome

Roll Call

Invocation

Flag Salute

B. Confirmation of Agenda

C. Consent Calendar

1. City Council Minutes June 9, 2021
2. Facility Use Application VPL Center requested by Guillermo Campos
12/4/2021 Quinceanera
3. Facility Use Application VPL Center requested by Lidia Hernandez
10/9/2021 Quinceanera
4. Facility Use Application VPL Center requested by Maria Solorzano
1/29/2022 Quinceanera

D. Administration

Planning Consultant

5. **SUBJECT:** Update report on the Macias and Howard Annexation
presented by Collins & Schoettler

Recommendation: Informational Item Only

City Engineer

6. **SUBJECT:** Monthly update report on City Projects Presented by City Engineer Alfonso Manrique.

Recommendation: Informational item Only

7. **SUBJECT:** Resolution Designating a Project List for Fiscal Year 2021-2022 Funded by SB 1 the Road Repair and Accountability Act

Recommendation: Staff recommends that City Council adopt the attached Resolution 2021-23 designating a Project List for Fiscal Year 2021-2022 Funded by Senate Bill 1 (SB 1) the Road Repair and Accountability Act of 2017

8. **SUBJECT:** Water Transfer Agreement with the Lower Tule River Irrigation District

Recommendation: Staff recommends that the City Council adopt the attached Resolution No. 2021-25 approving an Agreement with the Lower Tule River Irrigation District for the transfer of up to 1,000 acre-feet (ac-ft) of water to the city and authorize the City Manager to sign the Agreement on behalf of the city.

9. **SUBJECT:** Resolution Awarding Quote Received from Tosted Asphalt for the Adams Avenue Repair Project between Center Street and 4th Street

Recommendation: Staff recommends Council to adopt the attached Resolution No. 2021-26 awarding the construction of Adams Avenue Repair Project between Center Street and 4th Street to Tosted Asphalt for a total quote of \$27,100.00 and authorize the City Manager to sign a contract on behalf of the City of Orange Cove

Chief of Police:

10. **SUBJECT:** Monthly Activity Report by Police Chief Marty Rivera

RECOMMENDATION: Informational Item Only

Public Works Department

11. **SUBJECT:** Monthly update report on Public Works Department by Interim Public Works Superintendent Andy Valencia

Recommendation: Informational Item Only

Planning Department

12. **SUBJECT:** Monthly update report on City Planning Items Presented by Planner Shun Patlan

Recommendation: Informational Item Only

Interim City Manager:

13. **SUBJECT:** Financial Updates

Recommendation: Informational Item Only

14. **SUBJECT:** Utility Tax Ballot Measure to be placed on the November 2, 2021 Election

Recommendation: Council to approve Resolution No. 2021-27 Submitting to the City of Orange Cove's Qualified voters at the General Municipal Election a Measure Seeking Voter Approval of the Application of a Ten Percent Utility Users Tax to Water Charges; Increasing the Utility Users Tax for All Utilities to Ten Percent; Establishing Policies and Procedures in Connection with such an Election; Requesting the Fresno County Board of Supervisors to direct the County Registrar of Voters to Conduct the Election, which shall be consolidated with any established Election on November 2, 2021; Directing the City Attorney to Prepare an Impartial Analysis of the Measure, Authorizing Arguments and the Filing of Rebuttal Arguments for or against the Measure; Authorizing the City Manager to Appropriate the Funds Necessary to Pay the City's Cost of Placing the Measure on the Election Ballot; and Directing the City Clerk to take Steps necessary to Place the Measure on the Ballot and to Cause the Measure or Ordinance to be printed

15. **SUBJECT:** Adopting the Annual Appropriations Limit for Fiscal Year 2021-22

Recommendation: Council to approve Resolution No. 2021-24 establishing the 2021-22 Appropriation Limit at \$4,036,614.

16. **SUBJECT:** Review and Discussion of Fiscal Year 2021-22 Budget

Recommendation: Council to consider approving the Fiscal Year 2021-22 Budget

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 speaker's microphone, state your name and address, and then proceed with your comments.

F. City Manager's Report

G. City Attorney's Report

H. City Council Communications

I. Closed Session:

17. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: CalPERS Matter No. 2092934308

18. Conference with labor negotiators (Government Code Section 54957.6)
City Designated Representative: Rudy Hernandez, Interim City Manager
Employee Organization: Orange Cove Police Officers Association

J. Reconvene City Council Meeting:

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 cityoforange Cove.com.

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

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

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

GENERAL RULES OF DECORUM

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

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.
3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the mayor to speak.
4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before asking questions or commenting. The mayor shall then ask Councilmembers if they have comments or questions.
5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.

ENFORCEMENT OF DECORUM RULES

(Resolution No. 2012-16)

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

The mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person

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

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



MINUTES

Victor P. Lopez, Mayor

Diana Guerra Silva, Mayor Pro Tem

Roy Rodriguez, Council Member

Josie Cervantes, Council Member

Esperanza Rodriguez, Council Member

WEDNESDAY, JUNE 9, 2021 - 6:30 P.M.

Orange Cove Council Chambers

633 6th Street, Orange Cove, California 93646

LIVE MEETING

(TELECONFERENCE - CALL 888-204-5987 - ACCESS CODE 8166599#)

A. Call to Order/Welcome

COUNCIL PRESENT: Mayor Victor P. Lopez
Mayor Pro Tem Diana Guerra Silva
Councilmember Roy Rodriguez
Councilmember Josie Cervantes
Councilmember Esperanza Rodriguez

STAFF PRESENT: Financial Consultant/Interim City Manager Rudy Hernandez
City Attorney Dan McCloskey
Chief of Police, Marty Rivera
City Clerk June V. Bracamontes

Invocation Mayor Pro Tem Silva

Flag Salute Mayor Lopez

B. Confirmation of Agenda

Interim City Manager requested to add to the Agenda the Introduction of the 2 Corporals

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved to add this item to the agenda 1st item under Administration.

Yes: Lopez, Silva, Rodriguez, Cervantes, Rodriguez
No: None

Absent: None
Abstain: None

C. Consent Calendar

1. City Council Minutes May 26, 2021

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Rodriguez, Council approved the Consent Calendar as presented.

Yes: Lopez, Silva, Rodriguez, Cervantes, Rodriguez
No: None
Absent: None
Abstain: None

D. Administration

Police Chief Marty Rivera presented to Council the 2 new Corporals, Dan Parra and Jose Galeana

City Engineer

2. **SUBJECT:** Monthly update report on City Projects Presented by City Engineer Alfonso Manrique.

Recommendation: Informational item Only

1. FHWA Projects
 - a. Adams Avenue Reconstruction Between Center Avenue to 4th Street.
 - b. CMAQ Alley Paving Project
2. Water Enterprise a. Raw Water Traveling Water Screen
3. EDA Off-site Improvements at Northwest Corner of Park Blvd and Anchor Ave
4. Police Station Parking Lot Improvements Project
5. Library Rapid Flashing Beacon Project
6. Eaton Park Playground
7. Amaya Village Apartment Complex and AHSC Grant

Building Inspector John Carly presented to Council an update on the Amaya Village Apartment Complex regarding the no washer/dryer hook ups. Mr. Steve Ortega approved the plans with no washer/dryer hook ups. Mr. Carly indicated

that he was trying to find a building code to say to have them installed but could not. The plans were approved June 1, 2020.

3. SUBJECT: Approval of Proposition 218 Notice to Property Owners

Recommendation: Staff recommends Council to adopt Resolution No. 2021-22 approving Proposition 218 public notice of proposed increase in water and sewer rates Authorizing the Interim City Manager to mail the Public Notice to Customers and Property Owners, and schedule a Public Hearing for August 11, 2021 to allow Public Testimony and Discussion regarding the proposed water and sewer rate increase

Upon the motion by Mayor Pro Tem Silva and seconded by Councilman Rodriguez, Council approved Resolution No. 2021-22 approving Proposition 218 public notice of proposed increase in water and sewer rates Authorizing the Interim City Manager to mail the Public Notice to Customers and Property Owners, and schedule a Public Hearing for August 11, 2021 to allow Public Testimony and Discussion regarding the proposed water and sewer rate increase

Yes: Lopez, Silva, Rodriguez, Cervantes, Rodriguez
No: None
Absent: None
Abstain: None

4. SUBJECT: Julia Lopez Child Care Center Proposed Kitchen Remodel Project

Recommendation: Staff is requesting direction from City Council regarding a request made by Target Eight Advisory Council, to pay for the kitchen remodel at the Julia A. Lopez Child Development Center

City Engineer Alfonso Manrique gave Council an update on the Julia A. Lopez Child Development Kitchen Remodel and gave 4 quotes from \$20,282 to \$44,205. The Remodeling of the Kitchen is not in the contract between City of Orange Cove and Target 8. It will be up to the Council if they want to pay for the remodeling.

Mayor Pro Tem would like to look at the Julia A. Lopez Budget first.

Mayor Lopez will talk to the accountant to see if the monies in the reserve can be used.

Interim City Manager indicated the Julia A. Lopez has a reserve of \$140,000.

Mayor Lopez suggested that Target 8 review this item.

5. **SUBJECT:** Level 1 Water Supply Shortage

Recommendation: Staff recommends Council to reinstate the Level 1 Water Supply Shortage pursuant to Chapter 13.17 of the Orange Cove Municipal Code and authorize the Interim City Manager to prepare and mail out a Water Conservation Notice to all residents of Orange Cove

Upon the motion by Councilman Rodriguez and seconded by Councilwoman Rodriguez, Council approved to reinstate the Level 1 Water Supply Shortage pursuant to Chapter 13.17 of the Orange Cove Municipal Code and authorize the Interim City Manager to prepare and mail out a Water Conservation Notice to all residents of Orange Cove

Yes: Lopez, Silva, Rodriguez, Cervantes, Rodriguez
No: None
Absent: None
Abstain: None

Chief of Police:

6. **SUBJECT:** Monthly Activity Report by Police Chief Marty Rivera

Recommendation: Informational Item Only

Police Chief, Marty River presented to Council the following items:

- Crime Statistics
- Animal Control
- Staff Level Report

7. **SUBJECT:** Purchase of Cameras

Recommendation: Council to consider approving the installation of the cameras at the two (2) intersections Anchor and Park and Anchor and South Avenues total cost \$64,158.93

Upon the motion by Councilwoman Cervantes and seconded by Mayor Pro Tem Silva, Council approved the installation of the cameras at the two (2) intersections Anchor and Park and Anchor and South Avenues total cost \$64,158.93

Yes: Lopez, Silva, Rodriguez, Cervantes, Rodriguez
No: None
Absent: None
Abstain: None

Public Works Department

8. **SUBJECT:** Monthly update report on Public Works Department by Interim Public Works Superintendent Andy Valencia

Recommendation: Informational Item Only

Interim Public Works Superintendent Andy Valencia presented to Council the following items:

- Public Works Dept
- Water Treatment Plant
- Water Meter Project
- Waste Water
- Street Sweeper
- United Farm Worker Vaccine
- Food Drives

Planning Department

9. **SUBJECT:** Monthly update report on City Planning Items Presented by Planner Shun Patlan

Recommendation: Informational Item Only

Planner Shun Patlan presented to Council the following:

- Booth Ranch Expansion
- Martinez Tract Map Working on Map revision
- Blossom Tract Map 156 homes need revision to map
- Orange Blossom Apartments 44 units located Northeast Adams & Jacobs

Events Committee

10. **SUBJECT:** Presentation by David Lopez, Events Committee Member, regarding the Budget for Independence Day Celebration scheduled on July 2, 2021

Recommendation: Council to review and discuss the budget for the Independence Day Celebration scheduled on July 2, 2021

Mario Villarreal, Chairman, and David Lopez Vice Chair of the Events Committee presented to Council the Independence Day Event scheduled on July 2, 2021. The following was presented:

1. 2 Temperature check points
2. Hand washing Sanitation
3. Letter from the City sent to the County
4. Will receive letter of approval from the County

5. 3-4 officers will be working OT
6. Closure of Parlier, South and Anchor Avenue
7. Knights of Columbus will open a Beer Garden; they will give a donation to the city.
8. Vendors will need County's guidelines. Cost per vendor \$150.00 per booth. Deadline for Vendor Applications will be one week before the event.
9. Rachel Rubalcaba will be responsible for the Vendors
10. Total Cost for event \$12,225.00. This includes the DJ, Band, Stage and other miscellaneous cost.

Councilwoman Josie Cervantes requested to see the letter of approval from the County at the next City Council Meeting.

All Vendors are welcome to set up per Council.

Interim City Manager:

11. **SUBJECT:** Subrecipient Agreement with Self Help Enterprises

Recommendation: Council to approve the Subrecipient Agreement with Self Help Enterprises to Administer and implement the CDBG grant for Homebuyer Assistance and Housing Rehabilitation Programs for the City of Orange Cove

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Rodriguez, Council approved the Subrecipient Agreement with Self Help Enterprises to Administer and implement the CDBG grant for Homebuyer Assistance and Housing Rehabilitation Programs for the City of Orange Cove

12. **SUBJECT:** Financial Update

Recommendation: Informational Item Only

Interim City Manager, Rudy Hernandez, announced that he is working on the American Rescue Plan and the following is required:

- Certification Form
- US Dept of Treasury Form
- Send copy of Budget
- Certification to be sign
- Deadline June 23, 2021
- July 16, 2021 if approved we should receive the monies

13. **SUBJECT:** COVID-19 Mortgage and Utility Assistance Program/Small Business Assistance Program

Recommendation: Informational Item Only

Interim City Manager, Rudy Hernandez, presented to Council the COVID-19 Mortgage and Utility Assistance Program/Small Business Assistance Program

The program includes help to cover the costs of Mortgage or Utilities. The program can assist with up to three (3) months of mortgage or Utilities but is limited to \$5,000 per household.

The Total grant amount available to assist with this program is \$200,000.

The Self Help COVID-19 Mortgage and Utility Assistance Application instructions were presented to Council.

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 speaker's microphone, state your name and address, and then proceed with your comments.

F. City Manager's Report

No report

G. City Attorney's Report

No report

H. City Council Communications

No report

I. Closed Session:

14. Performance Evaluation pursuant to Government Code Section 54957
Title: City Engineer
15. Performance Evaluation pursuant to Government Code Section 54957
Title: City Manager

J. Reconvene City Council Meeting:

Mayor Lopez reconvened the City Council Meeting at 9:50 p.m. and no reportable action taken

K. Adjournment

Mayor Lopez adjourned the City Council Meeting at 9:50 p.m.

CITY OF ORANGE COVE
633 Sixth Street, Orange Cove, California (559)626-4488
FACILITY USE APPLICATION

This reservation application is issued in accordance with the policies outlined in the attached packet. All reservation forms must be signed and returned before consideration of use approval. Submission of reservation request does not constitute approval. All applications must be presented to the Orange Cove City Council at a City Council Meeting and the office of the Chief of Police for final approval.

Name: Guillermo Campos Organization/Representative: _____

Mailing Address: 217 9th St City: Orange Cove Zip: 93644

Home Phone: (562) 792-7588 Work Phone: _____

Date of Use: 12-14-2021 Nature of Use: quinceañera

Expected Attendance: 350 Time: From _____ am/pm To: 11:00 am/pm
(Hours of operation shall not exceed 12:00 midnight unless approved by the City Council)

Other information, please specify: _____

DECORATING/REHEARSAL: Date: _____
From _____ a.m./p.m. To _____ a.m./p.m.

INSURANCE REQUIRED:

Name of Insurance Company: _____

(Please provide Certificate of Insurance showing the City of Orange Cove as an additional Insured)

(Insurance can be purchased through City of Orange Cove if requested for an additional fee)

FACILITY REQUIRED:

(Please Check) ☒ (R) Resident ☐ (N) Non Resident

(No Smoking in Public Buildings pursuant to Ordinance No. 284)

☐ Gene Welch Park (Behind Victor P. Lopez Center)

☐ J.O. Eaton Park

☐ Sheridan Park

☒ Victor P. Lopez Community Center

☐ Senior Citizen Center

☐ OTHER (Please specify)

CITY OF ORANGE COVE
633 Sixth Street, Orange Cove, California (559)626-4488
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Name: Lidia Hernandez A. Organization/Representative: _____

Mailing Address: 24093 E. Adams City: Orange Cove Ca. Zip: 93646

Home Phone: 559-978 0297 Work Phone: _____

Date of Use: 10-09-21 Nature of Use: _____

Expected Attendance: 200 Time: From _____ am/pm To: _____ am/pm
(Hours of operation shall not exceed 12:00 midnight unless approved by the City Council)

Other information, please specify: _____

DECORATING/REHEARSAL: Date: 10-08-21 From _____ a.m./p.m. To _____ a.m./p.m.

INSURANCE REQUIRED:

Name of Insurance Company: _____

(Please provide Certificate of Insurance showing the City of Orange Cove as an additional Insured)

(Insurance can be purchased through City of Orange Cove if requested for an additional fee)

FACILITY REQUIRED:

(Please Check) ☒ (R) Resident ☐ (N) Non Resident

(No Smoking in Public Buildings pursuant to Ordinance No. 284)

_____ Gene Welch Park (Behind Victor P. Lopez Center)

_____ J.O. Eaton Park

_____ Sheridan Park

☒ Victor P. Lopez Community Center

_____ Senior Citizen Center

_____ OTHER (Please specify)

CITY OF ORANGE COVE
633 Sixth Street, Orange Cove, California (559)626-4488

FACILITY USE APPLICATION

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Name: Maria Yesenia Solorzano Organization/Representative: _____

Mailing Address: 106 Maple Dr unit 89 City: Orange Cove Zip: 93646

Home Phone: (559) 397-53-72 Work Phone: _____

Date of Use: 1/29/2022 Nature of Use: Quinceañera

Expected Attendance: 350 Time: From 4:00 am/pm To: 12:00 am/pm
(Hours of operation shall not exceed 12:00 midnight unless approved by the City Council)

Other information, please specify: _____

DECORATING/REHEARSAL: Date: 1/28/2022
From 4:00 a.m. (p.m.) To 7:00 a.m. (p.m.)

INSURANCE REQUIRED:

Name of Insurance Company: _____

(Please provide Certificate of Insurance showing the City of Orange Cove as an additional Insured)

(Insurance can be purchased through City of Orange Cove if requested for an additional fee)

FACILITY REQUIRED:

(Please Check) ☒ (R) Resident ☐ (N) Non Resident

(No Smoking in Public Buildings pursuant to Ordinance No. 284)

_____ Gene Welch Park (Behind Victor P. Lopez Center)

_____ J.O. Eaton Park

_____ Sheridan Park

_____ Victor P. Lopez Community Center

_____ Senior Citizen Center

_____ OTHER (Please specify)

ENGINEER'S REPORT

TO: CITY COUNCIL
FROM: ALFONSO MANRIQUE, PE
AM CONSULTING ENGINEERS, INC.
SUBJECT: PROJECT PROGRESS UPDATE
DATE: JULY 14, 2021

This Engineer's Report provides an update on the progress made on the various projects since June 9, 2021, that we are currently working on:

1. FHWA Projects

a. Adams Avenue Reconstruction Between Center Avenue to 4th Street.

Staff will be recommending that City Council award the repair project to Tosted Asphalt. This item will be presented to City Council at tonight's meeting.

2. Water Enterprise

a. Raw Water Traveling Water Screen

The Contractor has completed construction of this Project. Staff will be conducting a final site inspection to confirm that all items on the punch list have been address. The Notice of Completion for this Project will be presented to City Council at the July 25th Council meeting.

3. EDA Off-site Improvements at Northwest Corner of Park Blvd and Anchor Ave

The plans and technical specifications are 100 percent complete, and staff has all required documents to the the EDA for review. The EDA estimates that their review will take approximately one month to complete. Following their approval of the plans and specifications, the City can proceed with advertising the Project

4. Police Station Parking Lot Improvements Project

Construction of this project began on July 6th. Terra West Construction estimates that construction will be complete by July 28th.

5. Library Rapid Flashing Beacon Project

This the project is currently out to bid. A pre-bid meeting is scheduled for July 15th at 9am and the bid opening for July 27th at 2pm.

6. Julia Lopez Child Care Center


The Program Director Sheila Stewart has stated that Target 8 has reached out to their state consultant regarding their request to use professional development funds to remodel the kitchen. They will also be providing the three quotes the City received to their accountant to review and determine if there are any funds available to pay for the project. She will be reaching out to the City once she receives a response from the State and their accountant.

7. FY 2021-22 Local Streets and Roads (SB 1) Project List Submittals

In order to receive SB 1 funding, the City must adopt a Resolution designating a SB 1 Project list for FY 2021-21 and submit that project list and budget to the Local Streets and Roads Program. Staff has prepared a project list that includes the Citywide Street Sweeper Program Annual Operation and Maintenance for and the G Street Pedestrian Sidewalk and Curb and Gutter Project between 6th and 5th Street. The California Transportation Commission has reviewed and approved the City's project list and draft resolution. Staff is recommending that City Council adopt the Resolution at tonight's Council meeting. Following adoption, Staff will submit the signed Resolution to the State by July 21st.



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Alfonso Manrique, City Engineer 
Subject: Adopt Resolution Designating a Project List for Fiscal Year 2021-2022 Funded by SB 1 the Road Repair and Accountability Act
Attachments: Resolution No. 2021-23

RECOMMENDATION:

Staff recommends that City Council adopt the attached Resolution designating a Project List for Fiscal Year 2021-2022 Funded by Senate Bill 1 (SB 1) the Road Repair and Accountability Act of 2017.

BACKGROUND:

In April 2017, the California State legislature passed SB1, the Road Repair and Accountability Act of 2017, providing \$54 billion statewide over the next decade for transportation infrastructure improvements. Cities and counties are expected to receive \$1.5 billion annual once revenues from SB1 are fully realized.

Beginning November 1, 2018, the State Controller began depositing this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding is being apportioned by formula to eligible cities and counties pursuant to Streets and highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and road system.

For FY 2021-22, the City's allocation is estimated to be \$178,014.00. To receive funding, the City must submit a list of projects proposed to receive funding, and have that funding included in the budget. Additionally, the City must report annually how the funds have been spent to the California

Prepared by: AM Consulting Engineers

Approved by: Alfonso Manrique

REVIEW: City Manager: _____

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

____ Consent
____ Info Item
X Action Item
____ Department Report
____ Redevelopment Agency

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

Transportation Commission.

This is the 5th year in which the City is receiving SB 1 funding. Staff is proposing to designate the "Citywide Street Sweeper Program Annual Operation and Maintenance" and the "G Street Pedestrian Sidewalk and Curb and Gutter Project" as the projects to receive SB1 funding for FY 2021-2022. For the Citywide Street Sweeper Program Annual Operation and Maintenance, the City will use SB 1 funding to cover the operator's annual salary, gas, and annual maintenance cost for the street sweeper. For the G Street Pedestrian Sidewalk and Curb and Gutter Project, the City will use SB 1 funding for the construction of pedestrian sidewalk, concrete curb and gutter, driveway approaches, and an ADA curb ramp along the north side of G Street between 6th Street and 5th Street.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the attached Resolution.

CONFLICT OF INTEREST:

None.

RESOLUTION NO. 2021-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE ADOPTING
A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1 THE ROAD
REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Orange Cove are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$178,014.00 in RMRA funding in Fiscal Year 2021-22 from SB 1; and

WHEREAS, this this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City Council wishes to include two projects in the Fiscal Year 2021-2022 City of Orange Cove Budget to utilize SB 1 funds; and

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. The following proposed project list will be funded in-part or solely with fiscal year 2021-2022 Road Maintenance and Rehabilitation Account revenues:

Description	Location	Estimated Useful Life	Anticipated Project Schedule	Estimated Cost
Citywide Street Sweeper Program Annual Operation and Maintenance	Citywide	1 year	July 2021 to June 2022	\$75,625.00
G Street Pedestrian Sidewalk and Curb and Gutter Project	North side of G Street, from 6 th St to 5 th St	20 years	August 2021 to June 2022	\$128,800.00

3. The revenue and expenditure for the project shall be included in the City of Orange Cove Budget for Fiscal Year 2021-2022.
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.

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 July 14, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor


ATTEST:

June Bracamontes, City Clerk



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council

From: Alfonso Manrique, City Engineer 

Subject: Approval of Water Transfer Agreement with the Lower Tule River Irrigation District

Attachments: Resolution No. 2021-25
Water Transfer Agreement

RECOMMENDATION:

Staff recommends that the City Council adopt the attached Resolution approving an Agreement with the Lower Tule River Irrigation District for the transfer of up to 1,000 acre-feet (ac-ft) of water to the City and authorize the City Manager to sign the Agreement on behalf of the City.

BACKGROUND:

The City's sole water source is obtained through the U.S. Bureau of Reclamation (USBR) Central Valley Project (CVP) through the Friant Kern Canal. The City has an annual allocation of up to 1,400 acre-feet (ac-ft); however, this allocation is adjusted depending on hydrological conditions in the State. The Reclamation has announced that the initial water that will be available to the City for the 2021-22 water year would be approximately 20 percent of the City's allocation of 1,400 ac-ft, which would be only 280 ac-ft.

The City has a standing Agreement with the Lower Tule River Irrigation District for the transfer of up to 1,000 ac-ft of their CVP allocation on an annual basis. For the 2021-22 water year, staff has requested that the Lower Tule Irrigation District transfer up to 1,000 ac-ft of their water allocation to the City. For the USBR to approve this transfer, the attached Agreement must be executed by both the City and the Lower Tule Irrigation District.

Prepared by: AM Consulting Engineers

Approved by: Alfonso Manrique

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: _____

FISCAL IMPACT:

According to the Lower Tule Irrigation District, the current price for water is \$ per ac-ft; therefore, the total cost for the 1,000 ac-ft of water would be \$.

CONFLICT OF INTEREST:

None.

WATER TRANSFER AGREEMENT

This agreement made and entered into this 17th day of June 2021, by and between the **Lower Tule River Irrigation District**, hereby called the TRANSFEROR and the **City of Orange Cove**, hereinafter called the TRANSFEREE.

WITNESS TO

THAT WHEREAS, the TRANSFEREE desires to obtain from TRANSFEROR certain water owned by TRANSFEROR under its schedule with the U S. Bureau of Reclamation, Central Valley Project; and

WHEREAS, the TRANSFEROR desires to exchange and deliver the same to the TRANSFEREE;

NOW, THEREFORE, the parties hereto agree as follows:

1. The TRANSFEROR does hereby transfer, sell and authorize the U.S. Bureau of Reclamation to deliver to the TRANSFEREE up to 1,000 acre-feet of 2021 Class 1 water to be delivered by February 28, 2022.
2. Delivery of water shall be out of the Friant Reservoir. Specific delivery dates, shall be such as the TRANSFEREE, TRANSFEROR and the Bureau of Reclamation may determine and agree upon.
3. This transfer is part of a long term transfer agreement between the parties.
4. This agreement shall constitute an authorization of said Bureau of Reclamation to deliver the amount of water herein above agreed upon.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

By 
Lower Tule River Irrigation District

By _____
City of Orange Cove

RESOLUTION NO. 2021-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE
APPROVING THE WATER TRANSFER AGREEMENT BETWEEN THE CITY OF
ORANGE COVE AND THE LOWER TULE RIVER IRRIGATION DISTRICT FOR THE
TRANSFER OF UP TO 1,000 ACRE-FEET OF WATER AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City's water supply is obtained from the U.S. Bureau of Reclamation's (USBR) Central Valley Project (CVP) through the Friant-Kern Canal; and

WHEREAS, the City has an annual allocation of up to 1,400 acre-feet of water from the CVP; and

WHEREAS, the City's annual allocation of water is adjusted depending of the State of California's hydrological conditions;

WHEREAS, the USBR has announced that the City's water allocation for the 2021-2022 water year will be 20 percent of the City's annual allocation; and

WHEREAS, the City desires to obtain up to 1,000 acre-feet of water from the Lower Tule River Irrigation District under their scheduled allocation with the USBR.

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. The City of Orange Cove is hereby authorized to enter into a Water Transfer Agreement with the Lower Tule River Irrigation District.
3. The City Manager is authorized to sign the Water Transfer Agreement with the Lower Tule River Irrigation District on behalf of the City.

This resolution was adopted at a Regular Meeting of the City Council of the City of Orange Cove held on July 14, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor


ATTEST:

June Bracamontes, City Clerk



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council

From: Alfonso Manrique, City Engineer 

Subject: Adopt Resolution Awarding Quote Received from Tosted Asphalt for the Adams Avenue Repair Project between Center Street and 4th Street

Attachments: Resolution No. 2021- 26
Toasted Asphalt Quote dated

RECOMMENDATION:

Staff recommends that the City Council adopts the attached Resolution awarding the construction of Adams Avenue Repair Project between Center Street and 4th Street to Tosted Asphalt for total quote of \$27,100.00 and authorize the City Manager to sign a contract on behalf of the City of Orange Cove

BACKGROUND:

The City was awarded \$354,129 in Regional Surface Transportation Program (RSTP) funds for the reconstruction of Adams Avenue between Center Street to 4th Street. On February 12, 2020, the City awarded the project to AJ Excavation, Inc. and construction of the project began in May 2020.

After a final inspection to determine substantial completion of the Project, the Contractor was provided a punch list of items to remedy before the Project was deemed complete and Notice of Completion could be filed. During this time, the Contractor failed to properly address all items on the punch list and correct the road deficiencies that were reported by staff on numerous occasions through emails, phone calls, and site visits.

Prepared by: AM Consulting Engineers

Approved by: Alfonso Manrique

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: _____

Per the Contract Documents, staff issued a Notice to Cure and Construction Change Directive to the Contractor in April 2021. Again, the Contractor failed to address the road deficiencies and stop communicating with staff regarding this Project. At the direction of the City Attorney, staff proceeded to obtain quotes from other contractors to complete this work.

Staff received a total of four quotes from licensed contractors. The lowest quote was submitted by Tosted Asphalt in the amount of \$27,100. The results are summarized in the table below.

Contractor	Amount
Toasted Asphalt	\$27,100.00
Terra West Construction Co	\$47,900.00
Seal Rite Paving	\$57,210.00
Todd Companies	\$62,557.00

For this repair project, Tosted Asphalt will grind down the top 1 ½" layer of existing asphalt on the westbound lane of Adams Avenue starting at the transition line at the intersection of 4th Street and extending 460 feet west. The width of grinding will be 18 feet, measured from the north gutter line toward the center of the street. Tosted Asphalt will then install 1 ½" of Hot Mix Asphalt (HMA) and re-strip the 4" traffic line. Tosted Asphalt will also provide traffic control and flag men during construction.

FISCAL IMPACT:

The City withheld a total of \$69,164 from AJ Excavation from their original contract. The City will use these funds to pay for the construction of the repair project.

CONFLICT OF INTEREST:

None.

Prepared by: AM Consulting Engineers

Approved by: Alfonso Manrique

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: _____

Tosted Asphalt Inc.

P.O. Box 27014

Fresno, Ca. 93729-7014

Office (559) 441-0137

Contractors Licence 959499

Estimate - Exhibit "A"

Date	Estimate #
6/8/2021	8336

Name / Address
City of Orange Cove C/O Consulting Engineers 5150 N. Sixth St Suite #124 Fresno, CA

		Terms	Project
Description	Qty		Total
JOBSITE: Adams Ave between Center & 4th Street PAVING Mill down 1 1/2 of existing paving measuring 463x18 All asphalt milling will be hauled to City of Orange Cove public work yard. Clean and sweep off asphalt milling. Apply SS-1H on 463x18. Pave 1 1/2 inches of HMA 6410 on 463x18 to be rolled and compacted. STRIPING Install 463 LFT 4" thick of yellow solid thermo striping. TRAFFIC CONTROL Provide traffic control & flag men during construction. ***PLEASE REVIEW, SIGN, AND RETURN a copy of this estimate to our office. Upon receipt, we will forward our contract to you for execution. Once completed and returned to us, the work will be scheduled. Thank you for your business***		27,100.00	27,100.00
		Total	\$27,100.00

Print, sign, & date:

RESOLUTION NO. 2021-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE
APPROVING QUOTE FOR THE ADAMS AVE REPAIR PROJECT BETWEEN CENTER
STREET AND 4TH STREET TO TOASTED ASPHALT, INC. FOR \$27,100.00, AND
AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE
CITY OF ORANGE COVE.

WHEREAS, the City of Orange Cove's Adams Ave Repair Project between Center Street and 4th Street proposes to address deficiencies of the westbound lane of the roadway by grinding the top 1 ½" layer of the existing asphalt and installing a new layer of asphalt from the transition line at the intersection of 4th Street and extending 460 feet west; and

WHEREAS, the City received a total of four quotes from qualified contractors; and

WHEREAS, the lowest quote was submitted by Toasted Asphalt, Inc. in the amount of \$27,100.00; and

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, the quote for the Adams Ave Repair Project between Center Street and 4th Street is hereby awarded to Toasted Asphalt, Inc. in the amount of Twenty-Seven Thousand One Hundred Dollars and No Cents (\$27,100.00).
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 July 14, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor

ATTEST:

June Bracamontes, City Clerk



Marty Rivera
Chief of Police

ORANGE COVE ANIMAL CONTROL STATISTICAL ACTIVITY REPORT

MONTH: June

OFFICER: R. DIAZ

BITE REPORTS	1 Dog V. Pedestrian
PRIOR MONTH STRAYS	2 From prior month
STRAY DOGS	8 Picked up in May
EUTHANIZED DOGS	0
ADOPTED DOGS	
RESCUED DOGS	5 In May
INJURED STRAY DOGS	
ANIMAL CRUELTY INVESTIGATIONS	None
RELEASED DOGS TO OWNER	4
CITATIONS ISSUED	1
QUARANTINED DOGS	1- In Home
OTHER ANIMAL	1-1144 Cat
MISC	
DOGS IN SHELTER	1 Dog in shelter

NOTES	
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ORANGE COVE POLICE DEPARTMENT

JUNE 2021 MONTHLY STATISTICS

CHIEF OF POLICE - MARTY RIVERA



PART 1 CRIMES

	MAY	JUNE	%	YTD	YTD
	2021	2021	Change	2020	2021
Homicide	0	0	0%	0	0
Rape	0	0	0%	0	0
Attempted Murder	0	0	0%	0	1
Robbery	0	0	0%	2	0
Assault	0	1	100%	5	4
Burglary	1	5	400%	8	13
Grand Theft Auto	2	1	-50%	11	6
Total Part 1 Crimes	3	7	133%	26	24

	MAY	JUNE	%	YTD	YTD
	2021	2021	Change	2020	2021
Sex Crimes	1	0	-100%	8	5
Narcotics	3	4	33%	16	17
Child Abuse	1	1	0%	1	3
Total Part 2 Crimes	5	5	0%	25	25

	MAY	JUNE	%	YTD	YTD
	2021	2021	Change	2020	2021
Total Traffic Collisions	3	4	33%	18	20
Fatalities	0	0	0%	0	0
Injury	0	0	0%	0	0
Non Injury	1	3	200%	9	11
Hit & Run	2	1	-50%	9	9

ENFORCEMENT STATISTICS

	MAY	JUNE	%	YTD	YTD
	2021	2021	Change	2020	2021
Total Traffic Citations	37	27	-27%	157	144
Total Vehicle Stops	100	87	-13%	519	528
Seatbelt Violations	2	2	0%	4	8
Unsafe Speed Violations	3	2	-33%	6	10
Fail To Obey Stop Sign/Light	8	5	-38%	29	31
Driving Under the Influence	3	0	-100%	7	10
Gang Arrests - Felony	0	0	0%	0	0
Gang Arrests - Misdemeanor	0	0	0%	0	0
Gang Field Interview Cards	2	1	-50%	15	17
Juvenile Detentions/Arrests	2	0	-100%	7	3
Adult Arrests	9	15	67%	47	67

	MAY	JUNE	%	YTD	YTD
	2021	2021	Change	2020	2021
5150	10	6	-40%	27	28
Agency Assist	9	10	11%	41	50
Battery	0	2	200%	7	9
Evading/Obstructing Officer	1	1	0%	7	5
Fraud	1	0	-100%	4	1
Identity Theft	1	0	-100%	1	2
Spousal Abuse	5	6	20%	38	25
Graffiti/Vandalism	8	4	-50%	32	18
Veh. Burglaries	1	0	-100%	5	1
General Incidents	17	13	-24%	92	86
Weapons Confiscated	0	1	100%	7	3
Petty Theft	1	4	300%	28	19
Public Intoxication	2	2	0%	5	6
Suspended License	0	2	200%	12	10
Unlicensed Drivers	7	10	43%	44	48
Vehicles Towed	6	7	17%	41	59
Vehicles Released	6	2	-67%	22	29
Case Number Drawn	130	182	40%	782	782

POLICE DEPARTMENT MONTHLY REPORT

July 14, 2021

Staff. Currently we are working below our staff levels. We decided to stop the process on the applicant we had for a reserve position because he kept failing to keep appointments during the process necessary to hire him. We posted openings for police officer on the city web site. Getting lots of calls regarding the position.

One of our officers has applied with Kingsburg PD due to the difference in pay.

We received approximately 23 applications for the position of records clerk. A panel will interview the top six applicants. Once selected he/she will have to pass a background check. We anticipate getting the position filled sometime in August.

Animal Shelter....Is running very well. See attached report.

We have requested a new animal control vehicle in the budget.

Events: Fireworks event on July 2nd. Lots of citizens attended no problems.

Grants:

Homeland Security Grant The city received \$4954 .00 reimbursement for the 2018 grant.

Still waiting for approval for a second HSG that we submitted for one MDT and stand.

COPS Grant was submitted requesting one officer. Do not expect results until late October.

Vehicles

The two new SUVs ordered should be here in a late June or early July. The MDTs for them have arrived.

Covid 19: The County is no longer using the tier system. Everything was allowed to re-open. Masks are no longer required with the exception of places such as medical centers, public transportation and care facilities.

Cameras Installation of the cameras will begin soon.

Parking lot repairs began on July 6, 2021. Expected to finish by the end of July.

Floors Scheduled to begin work on the 13th of July.



Date: July 14, 2021
To: Mayor and City Council
From: Rudy Hernandez, Interim City Manager
Subject: Update on Financial Issues
Attachments: None.

Background:

- American Rescue Plan Act (Update)
- Proposition 68 Grant (Update)
- Monthly Overtime/Standby Reports – Beginning with August 11, 2021.

RECOMMENDATION:

For Information Only.

Prepared by: _____

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: _____

RESOLUTION NO. 2021-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE SUBMITTING TO THE CITY OF ORANGE COVE'S QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL OF THE APPLICATION OF A TEN PERCENT UTILITY USERS TAX TO WATER CHARGES; INCREASING THE UTILITY USERS TAX FOR ALL UTILITIES TO TEN PERCENT; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE FRESNO COUNTY BOARD OF SUPERVISORS TO DIRECT THE COUNTY REGISTRAR OF VOTERS TO CONDUCT THE ELECTION, WHICH SHALL BE CONSOLIDATED WITH ANY ESTABLISHED ELECTION ON NOVEMBER 2, 2021; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE THE FUNDS NECESSARY TO PAY THE CITY'S COST OF PLACING THE MEASURE ON THE ELECTION BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE OR ORDINANCE TO BE PRINTED.

WHEREAS, the City Council on July 14, 2021, consider calling a municipal election to seek voter approval of a proposed addition of charges for water use to the application of the utility user tax, and, the proposed increase of the amount of the utility user tax for all utilities, including water, gas, electricity, and telecommunications to ten percent; and

WHEREAS, in the last ten years, Orange Cove's population has grown by about a third, but the number of police officers patrolling the City has remained at the same level for the last five years. We need more officers on the streets to make Orange Cove safer; and

WHEREAS, juvenile felonies, including violent crimes, have increased by almost 100% in the last 5 years. Maintaining and increasing successful anti-gang activities will help to make our neighborhoods and schools safer; and

WHEREAS, preventing gang and drug related crimes is essential to creating safe neighborhoods in Orange Cove; and

WHEREAS, expanding neighborhood-based policing will help make areas around our schools and parks safer; and

WHEREAS, 9-1-1/fire and medical emergency calls have increased almost 50% in the last five years. We need to add more firefighters and paramedics to improve emergency response times; and

WHEREAS, City has provided after school programs and senior programs that are beneficial to the residents and help deter juvenile crime, as well as provide for a growing segment of the population, seniors; and

WHEREAS, City has provided continued recreational activities for the residents of Orange Cove; and

WHEREAS, the current financial crisis affecting national and state government has caused the State of California to propose a budget which includes taking local funds that would have been paid to Orange Cove in the amount of \$2.6 million over the next two fiscal years: and

WHEREAS, in order to maintain even basic services, the City without those utility user tax funds at an increased rate the City would be forced to cut 33% of frontline police responders, 20% of its firefighters/paramedics, cut after-school programs for students, eliminate youth sports programs and support for senior services, cut other recreational services; close parks and other City facilities; and

WHEREAS, the increase in the current utility tax and the addition of water rates to the utility user tax to be submitted to the voters, if approved, would be imposed on utility users transactions in water, gas, electricity, and telecommunications, which tax has never been increased since its adoption; and

WHEREAS, the tax shall be approved if at least one-half of the votes cast on the measure are affirmative; and

WHEREAS, proceeds from the tax could be used for a variety of general services including for retention of frontline police responders, retention of firefighters/paramedics, maintaining after-school programs for students, retention of youth sports programs, maintaining parks, acquiring parks, providing for capital improvements at parks, providing for recreational services, maintaining support for senior service and other general municipal purposes; and

WHEREAS, Elections Code Sections 9219 and 9282 set forth the procedures for arguments in favor of or in opposition of any City measure; and

WHEREAS, Elections Code Sections 9220 and 9285 set forth the procedures for rebuttal arguments; and

WHEREAS, based on all of the information presented at the July 14, 2021, meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE COVE, AS FOLLOWS:

Section 1. Pursuant to Elections Code Section 9222, the City Council of the City of Orange Cove hereby calls an election at which it shall submit to the qualified voters of the City of Orange cove , a measure that, if approved, increase the utility user tax to ten percent and add water use as another utility to be taxed at ten percent.

Section 2. This measure shall be designated by letter by the Fresno County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 2, 2021.

Section 3. The ballot language for the proposed measure shall be as follows:

<u>MEASURE:</u> ORANGE COVE SAFETY AND SUSTAINABILITY MEASURE .		
ORANGE COVE's UUT Protect Vital City Services Measure To continue and sustain funding that cannot be seized by the State, but stays in Orange Cove for Public Safety, gang prevention, youth services, job creation, training, and job placement for local residents (including the disenfranchised), parks, and all other general city services, shall the City include water use to be taxed ten percent as a utility and increase the current seven percent utility tax on electricity, gas, and telephone to ten percent with independent audit?	YES	
	NO	

Section 4. The ordinance amending the municipal code and to be approved by the voters pursuant to Section 3 is as set forth in Attachment 1 hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 2, 2021, election, subject to the approval of the voters at the election called by the adoption of this resolution.

Section 5. The City Clerk is hereby directed to cause notice of the measure to be published once in Reedley Exponent, the official newspaper of the City of Orange Cove, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 6. a. An election on the measure set forth in Section 2 shall be held in the City of Orange Cove on Tuesday, November 2, 2021. The City Council requests that the Board of Supervisors of Fresno County consolidate the election on the measure with any established election on the same day. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Tulare County and the Registrar of Voters of Fresno County on or before August 12, 2021.

b. The election on the measure set forth in Section 2 shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars not prescribed in this resolution, the election shall be held as prescribed in accordance with the Elections Code of the State of California.

c. The election for the measure set forth in Section 2 shall be held in Fresno County in the City of Orange Cove on November 2, 2021, as required by law, and the Board of Supervisors of the County of Fresno is authorized to canvas the returns of that election with respect to the votes cast in the City of

Orange Cove and certify the results to the City Council of the City of Orange Cove.

d. At the next regular meeting of the City Council of the City of Orange Cove occurring after the returns of the election for the measure set forth in Section 2 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

- Section 7.
- a. The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on August 16, 2021.
 - b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 26, 2021.
 - c. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.
 - d. Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.
 - e. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred words, showing the effect of the measure.
 - f. Pursuant to the California Elections Code, when the City Clerk has selected the arguments for and against the Measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

Section 8. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the Measure on the election ballot.

Section 9. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the Ordinance or Measure to be printed. A copy of the Ordinance or Measure shall be made available to any voter upon request.

PASSED, APPROVED and ADOPTED this ____ day of July 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor Lopez
Mayor of the City of Orange Cove

ATTEST:

June Bracamontes
City Clerk of the City of Orange Cove

ORDINANCE NO. 389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE AMENDING CHAPTER 3.20 OF THE ORANGE COVE MUNICIPAL CODE TO INCREASE THE UTILITY TAX ON ELECTRICITY, GAS AND TELECOMMUNICATIONS FROM SEVEN PERCENT TO TEN PERCENT; AND TO INCLUDE WATER USE AS A UTILITY SUBJECT TO THE UTILITY TAX OF TEN PERCENT AND PROVIDING FOR THE ENACTMENT BY A VOTE OF REGISTERED VOTERS AND EFFECTIVE DATE THEREOF

WHEREAS, since 1991 and similar to scores of cities throughout California, the City of Orange Cove has collected a Utility Users' Tax (UUT) on telephone, gas, and electricity; and

WHEREAS, existing UUT funds provide for essential city services including police, parks and recreation, housing assistance and city administration; and

WHEREAS, existing UUT taxes are not adjusted for inflation, and, the taxes collected do not keep up with the costs of providing services related to the utility

WHEREAS, the City has determined that it is also necessary to include in the utility users tax a tax on charges for water use by consumers of water in the City; and

WHEREAS, without the application of the UUT to the use of water, the city would be forced to cut services across the board including public safety, parks, recreation and other essential services like water and sewer; and

WHEREAS, the tax contains exemptions for certified low-income seniors and the City desires to continue those exemptions; and

WHEREAS, the slowdown in the local economy pursuant to COVID 19 has resulted in less economic activity, less sales tax revenue and property tax revenue for the City to devote to essential City services and passing this measure ensures a local source of revenue that by law must be used to fund local services and cannot be taken by Washington D.C. and Sacramento politicians; and

WHEREAS, Chapter 3.20, Section 3.20.050 of the ORANGE COVE Municipal Code defines "water" subject to the utility users tax, including defining those services exempted by referring to definitions and exemptions in the federal excise tax law administered by the Internal Revenue Service. The common understanding of those definitions was set forth in Revenue Ruling 79-404; and

NOW, THEREFORE, the City Council of the City of ORANGE COVE does hereby ordain as follows:

The City Council of the City of ORANGE COVE does hereby ordain as follows:

Section I: Chapter 3.20 of the ORANGE COVE Municipal Code is hereby amended by addition of 3.20.055 and as amended, shall read as follows:

3.20.055 Water users tax.

A. There is imposed a tax upon every person using water in the city which is transported and delivered through a pipeline distribution system. The tax imposed by this section shall be at the rate of ten (10) percent of the charges made for such water and shall be collected from the service user by the water service supplier, or its billing agent.

B. As used in this section, the term “charges” shall apply to all services, components and items that are:

1. Necessary for or common to the receipt, use or enjoyment of water service; or
2. Currently are or historically have been included in a single or bundled rate for water service by a local distribution company to a class of retail customers. The term “charges” shall include, but is not limited to, the following charges:
 - a. Water commodity charges (potable and non-potable),
 - b. Distribution or transmission charges,
 - c. Metering charges,
 - d. Customer charges, late charges, service establishment or reestablishment charges, franchise fees, franchise surcharges, annual and monthly charges, and other charges, fees and surcharges which are necessary for or common to the receipt, use or enjoyment of water service, and
 - e. Charges, fees, or surcharges for water services or programs, which are mandated by a water district or a state or federal agency, whether or not such charges, fees, or surcharges appear on a bundled or line-item basis on the customer billing.

C. As used in this section, the term “charges” shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the water services.

D. The tax administrator, from time to time, may survey the water service suppliers in the city to identify the various unbundled billing components of water retail service that they commonly provide to residential and commercial/industrial customers in the city, and the charges therefor, including those items that are mandated by a water district or a state or federal agency as a condition of providing such water service. The tax administrator, thereafter, may issue and disseminate to such water service suppliers an administrative ruling identifying those components and items which are:

1. Necessary for or common to the receipt, use or enjoyment of water service; or
2. Currently are or historically have been included in a single or bundled rate for water service by a local distribution company to a class of retail customers. Charges for such components and items shall be subject to the tax of subsection A above.

E. There shall be excluded from the base on which the tax imposed in this section is computed charges made for water which is to be resold and delivered through a pipeline distribution system.

F. The tax on water service imposed by this section shall be collected from the service user by the water service supplier or its billing agent. The amount of tax collected in one (1) month shall be remitted to the tax administrator, and must be received by the tax administrator on or before the twenty-fifth (25th) day of the following month.

Section II: Chapter 3.20 of the ORANGE COVE Municipal Code is hereby amended by amendment of Section 3.20.050A and as amended, shall read as follows:

3.20.050 - Telephone users tax.

A. There is imposed a tax on the amounts paid for any intrastate telephone communications services by every person in the city other than a telephone corporation using such services. The tax imposed by this section shall be at the rate of ten percent, from the current rate of seven percent, of the charge made for such services and shall be paid by the person paying for such services.

Section III: Chapter 3.20 of the ORANGE COVE Municipal Code is hereby amended by amendment of Section 3.20.060A and as amended, shall read as follows:

3.20.060 - Electricity users tax.

A. There is imposed a tax upon every person in the city using electrical energy in the city. The tax imposed by this section shall be at the rate of ten percent, from the current rate of seven percent, of the charges made for such energy and shall be paid by the person paying for such energy. "Charges," as used in this section, shall include charges made for:

1. Metered energy;
2. Minimum charges for service, including customer charges, service charges, demand charges, standby charges and annual and monthly charges, fuel, cost adjustment, etc.

Section IV: Chapter 3.20 of the Orange Cove Municipal Code is hereby amended by amendment of Section 3.20.070A and as amended, shall read as follows:

3.20.070 - Gas users tax.

A. There is imposed a tax upon every person in the city, other than a gas corporation or electrical corporation, using in the city gas which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of ten percent, from the current rate of seven percent, of the charges made for such gas and shall be paid by the person paying for such gas. "Charges," as used in this section shall include:

1. Gas which is delivered through mains or pipes;
2. Minimum charges for such services, including customer charges, service charges, transportation charges, and annual and monthly charges.

Section V: 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.

Section VI: **Approval: Effective Date.** The tax imposed by this ordinance is a general tax. This ordinance shall be effective only if approved by fifty percent plus one of the City's voters voting thereon on November 2, 2021, at the general election and shall go into effect ten (10) days after the vote is declared by the City Council.

Section VII: **Publication.** Before the expiration of fifteen (15) days after its effective date, this ordinance shall be published in a newspaper of general circulation published and circulated within the City of Orange Cove.

ORDINANCE No. _____ was PASSED AND ADOPTED by the Voters of the City of Orange Cove, County of Fresno, by a majority vote of the voters at a municipal election held on November 2, 2021.

ATTEST:

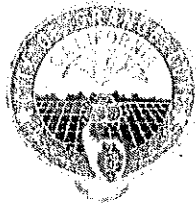
APPROVED:

June Bracamontes
City Clerk

Victor Lopez, Mayor
City of Orange Cove

APPROVED AS TO FORM:

Daniel T. McCloskey
City Attorney



Date: July 14, 2021
To: Honorable Mayor and City Council
From: Rudy Hernandez, Interim City Manager
Subject: Adopt Resolution No.2021 - 24 Adopting the Annual Appropriations Limit for Fiscal Year 2021-22.

Attachments: None.

BACKGROUND:

In November 1979, the voters of the State of California approved Proposition 4, commonly known as the "Gann Initiative". The proposition created Article XIII B of the State Constitution placing limits on the amount of revenue which can be spent by all entities of the government. Proposition 4 became effective for the 1980-81 fiscal year, however the formula for calculating the limits was based on the 1978-79 "base year" revenues. Proposition 111, approved by the voters in June 1990, provided new adjustment formulas to make the Appropriations Limit more responsive to local growth issues.

The Appropriation Limit applies to "all taxes levied by and for" an agency. This would include revenue received from property tax, sales tax, business license tax, motor vehicle fines, etc. It does not include Enterprise Fund revenues or Successor Agency's tax increment revenues. (Successor Agencies did not have the power to levy a property tax and were therefore exempt from the Appropriation Limit requirements.)

Article XIII B of the California Constitution specifies that each City, when calculating their Appropriation Limit, may choose the growth in California per Capita Income or the growth in non-residential assessed valuation due to new construction within the City and the population growth of the City or that of the County of Fresno. These are both annual elections.

For the 2021-22 Appropriation Limit, the City of Orange Cove has used the change in California's per capita personal income and the population growth of the City of Orange Cove. Proposition 111 requires a review of the Appropriations Limit during the annual financial audit. The limit applies both to appropriation of tax proceeds and taxes received. For fiscal year 2020-21, both revenues and appropriations are well within the Constitutional limit of \$3,827,989.

RECOMMENDATION:

That the City Council adopt Resolution No. 2021-24 establishing the 2021-22 Appropriation Limit at \$4,036,614.

FISCAL IMPACT:

None.

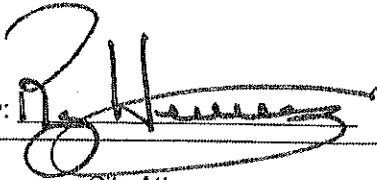
ACTIONS FOLLOWING APPROVAL:

The Mayor will sign the resolution.

CONFLICTS OF INTERESTS:

None.

Prepared by: Rudy Hernandez

Approved by: 

REVIEW: City Manager: ✓

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

____ Consent
____ Info Item
 X Action Item
____ Department Report
____ Redevelopment Agency

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

RESOLUTION NO. 2021-24

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ORANGE COVE ADOPTING THE ANNUAL
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-22**

WHEREAS, Article XIII B of the California Constitution requires cities to adopt annual appropriation limits; and

WHEREAS, the annual adjustment factors used in determining the appropriation limit require a recorded vote of the City Council; and

WHEREAS, any challenge to the appropriation limit must be brought within 45 days of the effective date of this resolution.

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. That the Appropriation Limit for Fiscal Year 2021-22 is hereby set at \$4,036,614 and that one copy of the Appropriation Limit Worksheet, attached hereto and made a part of hereof, describes how the appropriation limit was computed.
3. That the City has used the change in California's per capita personal income and the City's population growth as annual adjustment factors for determining the Appropriation Limit, but that these factors may change in the future should other pertinent information become available.
4. Any challenges to said Appropriation Limit must be filed in writing with the City no later than 45 days after the adoption of this Resolution.
5. 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.
6. 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 by the City Council of the City of Orange Cove at a meeting held on July 14, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Victor P. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM

June Bracamontes, City Clerk

Dan McClosky, City Attorney

CITY OF ORANGE COVE
 APPROPRIATIONS LIMIT SCHEDULE
 FOR THE FISCAL YEAR ENDING JUNE 30, 2021

	AMOUNT	SOURCE
A. Appropriations limit for the year ending June 30, 2020	\$ 3,827,989	Prior year schedule.
B. Calculation Factors:		
1. Population increase %	1.0020	City of Orange Cove
2. Inflation increase %	<u>1.0524</u>	Dept. of Finance
3. Total adjustment factor %	1.0545	
C. Annual Adjustment Increase	\$ <u>208,625</u>	(B3 x A)
D. Appropriation limit for the year ending June 30, 2021	\$ <u>4,036,614</u>	(A+C)

1. Pursuant to Government Code Section 7910, the Orange Cove City Council will consider adopting a resolution on July 14, 2021, to establish its appropriation limit for fiscal year 2021-22. Documentation used in the determination of the appropriations limit is available for public inspection during regular business hours, at the City Hall located on 633 6th Street, Orange Cove, CA 93646.
2. The 2021-22 appropriations limit was developed based upon information provided by the State of California Department of Finance and Government Code Section 7900 et seq. using the per capital personal income and population change method.
3. The above illustrates the appropriation limit for the 2021-22 fiscal year has been calculated at \$4,036,614. This limit applies both to appropriation of tax proceeds and taxes received. Both revenues and appropriation for fiscal year 2020-21 are well within the Constitutional limits.