



ORANGE COVE CITY COUNCIL SPECIAL MEETING AGENDA

Victor P. Lopez, Mayor

**Diana Guerra Silva, Mayor Pro Tem
Roy Rodriguez, Council Member**

**Josie Cervantes, Council Member
Esperanza Rodriguez, Council Member**

TUESDAY, DECEMBER 14, 2021 - 5:30 P.M.

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

LIVE MEETING

and

TELECONFERENCE

(CALL 720-740-9780 ACCESS CODE 1060550#)

A. Call to Order/Welcome

Roll Call
Invocation
Flag Salute

B. Confirmation of Agenda

C. Presentation:

1. Oath of Office Swearing in Police Officer Antonio Martinez
2. Presentation by Steve Mulligan and Charlie Lockhart representatives from the Consolidated Mosquito Abatement District

D. Consent Calendar

3. City Warrants for the month of August, September, October and November 2021
4. Council Minutes of October 27, 2021
5. Approval to appoint Charles Lockhart to continue as the trustee from the City of Orange Cove on the Consolidated Mosquito Abatement District Board of Trustee
6. Approve Resolution No. 2021- 51 authorize the City Manager to file and record with the County of Fresno a Notice of Completion for the Police Station Parking Lot Reconstruction Project
7. Approve Resolution No. 2021-53 authorize the City Manager to file and record a Notice of Completion with County of Fresno for the Library Rapid Flashing Beacon Project.

E. Administration

City Engineer

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

Recommendation: Informational item Only

9. **SUBJECT:** Settlement Agreement with AJ Excavation, Inc.

Recommendation: Council to approved Resolution No. 2021-54 authorizing the City Manager to sign the attached Settlement Agreement with AJ Excavation on behalf of the city and pay AJ Excavation Inc. the remaining \$56,606.21 for work completed on the Adams Ave Reconstruction Project between Center and 4th Street.

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:** Memorandum of Understanding between the County of Fresno and The City of Orange Cove “Annexation and Tax Sharing Agreement”

Recommendation: City Council to approve the amended Memorandum of Understanding (MOU) regarding Annexation and Tax Sharing Agreement with Fresno County

14. **SUBJECT:** Request for Proposal for Independent Audit Services/Selection of New Auditor

Recommendation: Council to consider approving the RFP for Independent Audit Services/Selection of New Auditor

15. **SUBJECT:** Review and Discussion of City’s Dental Coverage

Recommendation: Staff recommends City Council to review and discuss the City’s Dental Insurance Program and provide staff with direction

16. **SUBJECT:** Resignation of Planning Commissioner Coy Weldon effective December 15, 2021

Recommendation: Council to approve to receive applications to serve on the Planning Commission

17. **SUBJECT:** Water Arrearages Disbursement Request Form

Recommendation: Informational Item Only

18. **SUBJECT:** Failure of Measure U and the Financial Consequences

Recommendation: Staff recommends City Council to review and discuss the City’s Failure of Measure U and provide staff with direction

19. **SUBJECT:** Vast Networks to Construct Fiber Optic Cable to Six City Owned Buildings and to Provide Phone and Internet Services for a Term of 60 Months

Recommendation: Council to approved Resolution No. 2021-55 authorizing the Interim City Manager to execute a contract with Vast Networks to construct fiber optic cable to six City owned buildings and provide phone and internet services.

20. **SUBJECT:** Update Report regarding the SWRCB Arrearage Payment Program

Recommendation: Informational Item Only

21. **SUBJECT:** Financial Update Repair of Air Conditioning unit at VPL Center

Recommendation: Informational Item Only

F. Public Forum

Members of the public wishing to address the City Council on an item that is not on the agenda may do so now. No action will be taken by the City Council this evening. But items presented may be referred to the City Manager for follow up and a report. In order to allow time for all comments, each individual is limited to three minutes. When addressing the Council, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your comments.

G. City Manager's Report

H. City Attorney's Report

22. **SUBJECT:** National Opioid Settlement

Recommendation: Council to consider approving the Resolution No. 2021-56 and pass the resolution authorizing the city to participate and sign the settlement agreements

I. City Council Communications

J. Closed Session:

23. Performance Evaluation pursuant to Government Code Section 54957
Title: City Attorney

24. Performance Evaluation pursuant to Government Code Section 54957
Title: Interim City Manager

25. Conference with real property negotiator
Government Code Section 54956.8
Property: located along the west side of Anchor Avenue north of Sumner Avenue in the western sector of the City of Orange Cove.
City Negotiator: City Manager
Negotiating Parties: Jesus Lara
26. Conference with real property negotiator
Government Code Section 54956.8
Property: APN 375-173-04t located on Park Blvd.
City Negotiator – City Manager
Negotiating Parties. Raul Santelian
27. Pursuant to Government Code Section 54957
Appointment of Legal Services for Personnel related matters

K. Reconvene City Council Meeting:

L. Adjournment

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at 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.