



ORANGE COVE CITY COUNCIL AGENDA

Victor P. Lopez, Mayor

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

Josie Cervantes, Council Member
Esperanza Rodriguez, Council Member

WEDNESDAY, August 10, 2022 - 6:30 P.M.

LIVE MEETING ONLY

SENIOR CENTER

699 6th Street, Orange Cove, California 93646

A. Call to Order/Welcome

Roll Call
Invocation
Flag Salute

B. Confirmation of Agenda

C. Presentation

1. Presentation by Adrian Meza from Pena's Disposal regarding the MCR/MORE plan

D. Consent Calendar

2. City Council Minutes of July 18, 2022 Special Meeting
3. Approval of Cost-of-Living Adjustment (COLA) of 3.5% for members of the Orange Cove Police Officers Association (OCPOA)
4. Approval of Addendum No. 3 Pay Increase of Employment Agreement for Police Chief City of Orange Cove

E. Administration

City Engineer

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

Recommendation: Informational item Only

6. **SUBJECT:** Informational Item on Fresno Bee Article "Auditor: State Slow to Fix Valley Areas' Tainted Water"

Recommendation: Informational only no action is recommended for the Council

Police Department

7. **SUBJECT:** Monthly Activity Report

Recommendation: Informational Item

8. **SUBJECT:** K-9 Marko

Recommendation: Staff recommends that the City Council approve the retirement of our police K-9 Marko and that he be sold to the dog handler for the price of one dollar. Staff also recommends that the City Council approve the attached purchase and sale agreement of K-9 Marko.

Planning Department

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

Recommendation: Informational Item

Interim City Manager:

10. **SUBJECT:** Review and Discussion of Fiscal Year 2022-2023 American Rescue Plan Act (ARPA) Expenditure Plan

Recommendation: Council to approve the FY 2022-23 American Rescue Plan Act Expenditure Plan as recommended by City Staff

11. **SUBJECT:** Discussion and Review regarding Plaques/Certificates/and Dinner for the Orange Cove High School Girls Softball Champion Team

Recommendation: Council to give staff direction

12. **SUBJECT:** Playground equipment at Eaton Park

Recommendation: Council to remove the playground equipment at Eaton Park and provide staff with direction on how to spend the \$184,049 in per capita funds

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

I. City Council Communications

J. 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 ORANGE COVE CITY COUNCIL SPECIAL MEETING

Victor P. Lopez, Mayor

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

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

**MONDAY, JULY 18, 2022 - 6:30 P.M.
SENIOR CENTER
699 6th Street, Orange Cove, California 93646**

LIVE MEETING

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 Rudy Hernandez requested to table items #5, #16.

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved to table items of the Agenda #5 and #16 as presented.

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

C. Presentation

1. Special Presentation by Fresno County Sheriff Margaret Mims in Appreciation of the Creek Fire

Sheriff Mims presented a plaque in appreciation of the Creek Fire to Chief of Police Marty Rivera.

2. Presentation by Bertha Del Bosque regarding Spay and Neuter

Ms. Bertha Del Bosque presented to Council Spay and Neuter services as follows:

- Micro Chipping
- Low cost Spay and Neuter
- Preventing Euthanizing
- Allocate Money for mobile clinics
- Work with Grant writers

Mayor Lopez thanked Ms. Del Bosque for her presentation and will see what the city can help with the cost.

Mayor Pro Tem Silva appreciated Ms. Del Bosque coming to the City Council and would like to see more spay and neuter than once a year.

D. Consent Calendar

3. City Council Minutes June 8, 2022 and June 13, 2022
4. Approve Resolution No. 2022-38 Application to the California State Dept. of Housing and Community Development for funding under the Cal Home Program; The Execution of a Standard Agreement if Selected for such funding and any amendments thereto; and any related documents necessary to participate in the Cal Home Program
5. Approval of Cost-of-Living Adjustment (COLA) of 3.5% for members of the Orange Cove Police Officers Association (OCPOA)

Upon the motion by Councilman Rodriguez and seconded by Mayor Pro Tem Silva, Council approved to table item #5 of the Consent Calendar and approved items #3, #4, and #5 as presented.

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

E. Administration

Chief of Police:

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

Recommendation: Informational Item Only

Chief presented the following items:

- Thanked Bertha Del Bosque for helping out with Officer Diaz
- Animal Control Report
- Crime Stats has gone up from last year
- June Monthly Statistical report
- Staff Levels
- Cost to hire a new officer cost \$10,000
- Employees Silvia and Janeyra are not happy being with Local 39 would like to switch over to the POA
- Events Fire works good attendance
- Tobacco Grant ended June 30th
- COPS Hiring Grant had issues problems with DOJ not done right.
- Vehicles order in August will receive in late spring
- Officers trained with Body Cams & Lasers
- MOU with Kings Canyon Unified School District
- K9 had dog since 2014 not successful getting drugs, Dog handler requested to retire the dog
- Camera at Skate Park are down cost \$2900

Councilwoman Cervantes asked Chief of Police why the COPS Grant did not go through. Per Chief had problems with SAM Account. The paper work should have been in April and the work was by Rachel but she has been gone then work was given to Rafael.

Mr. Manuel Ferreira talked about the RSO being full time at the schools.

Public Works Department

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

Recommendation: Informational Item Only

Andy Valencia presented to Council the following:

- Water Treatment Plant Operations
- Wastewater Treatment Plant Operations
- Public Works Department

Planning Department

8. **SUBJECT:** Monthly update report on City Projects Presented by Planner Shun Patlan

Recommendation: Informational Item Only

- Martinez Tract Map
- Booth Ranch
- Macias Tract
- Blossom Estate
- Meeting with Planning Commission regarding new Ordinance R3
- Blossom Heights
- Land Sale
- Fresno County Housing Authority
- Council to participate with County

9. **SUBJECT:** Martinez Final Tract Map No. 6365

Recommendation: Council to consider approving Resolution No. 2022-37 Approving Martinez Final Tract Final Subdivision Tract Map No. 6365 (Yanez Construction) and approve the Subdivision Agreement for the Martinez Final Tract Map No. 6365

Upon the motion by Mayor Pro Tem Silva and seconded by Councilwoman Cervantes, Council approved Resolution No. 2022-37 Approving Martinez Final Tract Final Subdivision Tract Map No. 6365 (Yanez Construction) and approve the Subdivision Agreement for the Martinez Final Tract Map No. 6365

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

Mr. Yanez presented that the cost of homes will range from \$314,000 to \$360,000.

In 5 months will have 18 homes completed. Macias Development 42 homes.

Mayor and City Councilmembers:

10. **SUBJECT:** League of California Cities Conference September 7-9, 2022 located in Long Beach

Recommendation: Council to give staff direction to designate a voting delegate and an alternate for the League of California Cities Conference

By Consensus Council approved Councilwoman Esperanza Rodriguez as the Voting Delegate and Commissioner Alvarado as the 2nd Voting Delegate as presented.

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

Interim City Manager:

11. **SUBJECT:** Review and Discussion regarding the City's Dental, Vision and Life Insurance Plans presented by BRS

Recommendation: Council give staff direction

Lynda Webb from BRS presented to Council a Dental Plan with MetLife with better benefits which will save the City \$2,000 a month and more Doctors in the network. Benefits will renew August 1, 2022.

Upon the motion by Councilman Rodriguez and seconded by Mayor Lopez, Council approved the new Dental Plan with MetLife effective August 1, 2022 as presented.

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

12. **SUBJECT:** Financial Update

Recommendation: Informational Item Only

Interim City Manager presented the Financial update items as follows:

- FY 2022-23 American Rescue Plan Act (ARPA) Expenditure Plan – The Premium Payments will still be decided and this item will be presented to Council at the next City Council Meeting
- Report from Fresno County Assessor Recorder Paul Dictos, CPA
- State Senator Melissa Hurtado request for \$30 million dollars for Rural Public Infrastructure Grant Program serving disadvantaged communities.

13. **SUBJECT:** Adoption of the Subsistence Payment Program Guidelines and submittal of a 2022 CDBG Public Service Application

Recommendation: Council to consider approving Resolution 2022-39 Approving the Adoption of the Subsistence Payment Program Guidelines and Resolution No. 2022-40 Approving submittal of a 2022 CDBG Public Service Application

Upon the motion by Councilwoman Cervantes and seconded by Mayor Pro Tem Silva, Council approved Resolution 2022-39 Approving the Adoption of the Subsistence Payment Program Guidelines and Resolution No. 2022-40 Approving submittal of a 2022 CDBG Public Service Application

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

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.

Sheila Lindquist reiterated what Ms. Bertha Del Bosque presented and dogs go to rescue from here. Need network to go to rescue. Rescue needs to know what they like, need to get a video tape of the dog.

Attorney Dodd indicated that need to bring back due to Liability Issues.

Resident of Orange Cove asked what is the legal protocol for a loose dog. Per Chief P.D. picks up majority of the dogs that are strays.

G. City Manager's Report

No report

H. City Attorney's Report

Regarding Teleconference for meetings the city would have to approve a Resolution every 30 days. AB361 allows Teleconference when there is a State Emergency.

Councilman Rodriguez would like to have that in place due to the increase in the COVID.

I. City Council Communications

None.

J. Closed Session:

14. Conference with Labor Negotiators (Government Code Section 54957.6)
 - a. City Designated Representative: Rudy Hernandez, Interim City Manager
 - b. Employee Organization: International Union of Operating Engineers, Stationary Engineers, Local 39
15. Closed Session pursuant to Government Code Section 54957(b)(1):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Interim City Manager
16. Closed Session pursuant to Government Code Section 54957(b)(1):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Engineer
17. Government Code Section 54956.8
Conference with Real Property Negotiator
Property: APN 378-200-62
City Negotiator: Interim City Manager
Negotiating Parties: Blossom Heights – Brian Young
Under Negotiation: Price and Terms of Payment
18. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to § 54956.9(c): 1 case

K. Reconvene Council Meeting

Mayor Lopez reconvened the City Council Meeting at 10:00 p.m. and nothing to report.

L. Adjournment

Mayor Lopez adjourned the City Council Meeting at 10:00 p.m.

Respectfully submitted:

June V. Bracamontes, City Clerk

PRESENTED TO COUNCIL:

DATE: _____

ACTION: _____



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Megan Dodd, City Attorney
Subject: 3.5% COLA for OCPOA
Attachments: Acceptance Email from OCPOA

RECOMMENDATION:

Staff recommends that City Council approve the 3.5% Cost-of-Living Adjustment (COLA) for members of the Orange Cove Police Officers Association (OCPOA).

BACKGROUND:

The Memorandum of Understanding with the Orange Cove Police Officers Association called for a 3-6% COLA in 2021, if budgeting permits. City staff is recommending that the Council approve a 3.5% COLA retroactive to 2021 for the OCPOA. OCPOA has already agreed (as indicated in the attached email) to the 3.5% COLA.

FISCAL IMPACT:

Annual fiscal impact is \$34,657.

CONFLICT OF INTEREST:

None.

Prepared by: City Attorney _____

Approved by: Megan Dodd _____

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: _____



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Megan Dodd, City Attorney
Subject: City of Orange Cove Police Chief Salary
Attachments: Addendum No.3 to Police Chief Marty Rivera's Employment Agreement

RECOMMENDATION:

Staff recommends that City Council approve Addendum No. 3 to Police Chief Marty Rivera's Employment Agreement, which provides for a \$7,000 increase in his yearly salary.

BACKGROUND:

Police Chief, Marty Rivera, requested a raise to his Police Chief Salary. Council considered his request and offered him a \$7,000 increase. Chief Rivera was agreeable to that amount, and Council is now presented with an addendum to his employment agreement, which reflects the agreed upon increase to his salary.

FISCAL IMPACT:

Annual fiscal impact is \$9,174.

CONFLICT OF INTEREST:

None.

Prepared by: City Attorney _____

Approved by: Megan Dodd _____

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: _____

**ADDENDUM NO. 3
EMPLOYMENT AGREEMENT FOR
POLICE CHIEF CITY OF ORANGE COVE**

The City of Orange Cove ("CITY") and Marty Rivera ("POLICE CHIEF") agree to amend the Employment Agreement for Police Chief and enter this Addendum No. 2 to Employment Agreement as follows:

WHEREAS, CITY and POLICE CHIEF entered an Employment Agreement ("Agreement") effective December 16, 2013; and

WHEREAS, CITY AND POLICE CHIEF desire to update and amend the Agreement.

AGREEMENT

SECTION 1. Section Sa of the Agreement is amended to read as follows:

- a. Employee shall be paid an additional \$7,000 annually and the base salary of \$127,000 became effective July 1, 2021.

SECTION 2. Section 5b of the Agreement is amended to read as follows:

- b. The City Council will continue to review EMPLOYEE'S performance after the first year and throughout the life of the Agreement as necessary but in no event not less than once a year prior to EMPLOYEE'S anniversary date of December 16. The City Council will consider salary and benefit modifications based on employee's performance and as CITY finances may allow.

IN WITNESS HEREOF, the CITY has caused this Addendum No. 3 to Agreement for Employment of Police Chief to be signed in its behalf by its Mayor and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement on the date written below:

DATED: _____

Rudy Hernandez
Interim City Manager

DATED: _____

Marty Rivera, Police Chief

ATTEST:

June V. Bracamontes, City Clerk

ENGINEER'S REPORT

TO: CITY COUNCIL
FROM: ALFONSO MANRIQUE, PE
AM CONSULTING ENGINEERS, INC.
SUBJECT: PROJECT PROGRESS UPDATE
DATE: JULY 19, 2022

This Engineer's Report provides an update on the progress made on the various projects since June 8, 2022, that Staff is currently working on:

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

The EDA has stated that all post-award legal review requests are delayed until October to allow EDA to prioritize FY22 financial awards. Staff will continue to contact the EDA to see if legal can process the revised site certification submittal prior to October.

2. Affordable Housing Sustainable Communities Grant

Staff expects HCD to approve the Disbursement Agreement and Checklist the week of August 15th. Following HCD's approval, the City will go out to bid on the portion of the project consisting of sidewalk improvements along 6th Street. Staff is currently preparing the plans and technical specifications for the bike lanes improvements and transit related amenities and expects to have these complete by September.

3. Community Center Repairs

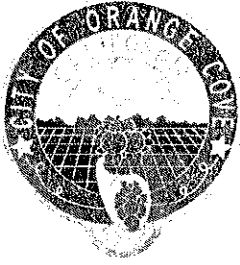
According to the manufacture Carrier, the City's final HVAC unit is experiencing delays due to supply chain disruptions with VFDs and control box wiring harnesses. Carrier is stating that the current customer promise shipping date for the unit is November 1, 2022.

4. 2021 Small Community Drought Relief Program


With Councils approval of the test well, Staff has prepared the award package for Johnson Drilling. Johnson Drilling stated that they will schedule this work for September 19th, and the job should take two and a half to three weeks to complete. The environmental consultant is also working on the Mitigated Negative Declaration, and a draft report should be available to review within the next 5-6 weeks. The appraisal report for the property is expected to be complete by the end of August.

5. Storm Water Master Plan

Staff is currently preparing the Stormwater Master Plan for the Sumner drainage tributary area to evaluate the capacity adequacy of the existing Sumner storage basin and to recommend and size capacity improvements to accommodate the planned growth within the study area. Staff plans to present the findings of the Plan to Council at the August 24th Council meeting.



CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

To: Orange Cove City Council
From: Alfonso Manrique, City Engineer 
Subject: Informational Item on Fresno Bee Article "Auditor: State Slow to Fix Valley Areas' Tainted Water."
Attachments: Fresno Bee Article "Auditor: State Slow to Fix Valley Areas' Tainted Water."

RECOMMENDATION:

This item is to update City Council on the article published in the Fresno Bee on July 27, 2022, entitled "Auditor: State slow to fix Valley areas' tainted water." This item is for informational purposes only and no action is recommended for the Council.

BACKGROUND:

On July 27, 2022, the Fresno Bee published an article regarding the State Water Resources Control Board's (SWRCB) significant delay in processing grants and loans requested by communities throughout the State to address water systems issues, including systems that are contaminated by excess amounts of nitrate, arsenic, and other dangerous chemicals. According to the article, the SWRCB's application process currently takes an average of 33 months to complete, which is almost double the amount of time it previously took four years ago. A change in the law has contributed to this problem, which requires the SWRCB to shift its focus to helping smaller water systems. This means that the SWRCB is spending more of its time handling grant request from managers of smaller, potentially less sophisticated systems who need technical assistance with the application process from SWRCB staff.

Over the last year, Staff have submitted a total of three applications to the SWRCB's State Revolving Fund for grant funding. The City is requesting construction funds to expand the existing

Prepared by: AM Consulting Engineers

Approved by: Alfonso Manrique

REVIEW: City Manager: _____

Finance: _____

City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
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<input type="checkbox"/>	Consent
<input checked="" type="checkbox"/>	Info Item
<input type="checkbox"/>	Action Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Redevelopment Agency

<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Matter Initiated by a Council Member
<input type="checkbox"/>	Other
<input type="checkbox"/>	Continued to: _____

Water Treatment Plant, construction funds to upgrade the existing Wastewater Treatment Plant, and additionally planning funds for the Water Supply Reliability project. Staff is currently working with the SWRCB staff to process these applications and estimates that funding agreements for these projects will be available within the next six to nine months.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

CONFLICT OF INTEREST:

None.

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\$3.00

The Fresno Bee



Auditor: State slow to fix Valley areas' tainted water

BY DALE KASLER
dkasler@sacbee.com

California's state auditor blasted the agency responsible for helping poor communities fix their tainted water systems Tuesday, saying the it has tied up the process in red tape and forced nearly 1 million residents to wait months or years for help.

Acting State Auditor Michael Tilden said the State Water Resources Control Board takes an average of 33 months to approve grants and loans requested by these communities to clean up water systems contaminated by excess amounts of nitrate, arsenic and other dangerous chemicals. Four years ago, the process took half as long.

The board has issued \$1.7 billion in grants and loans in the past five years, the audit said. Tilden's report highlights a chronic problem afflicting hundreds of small, mostly rural communities in California, mainly in the Central Valley — a shortage of safe drinking water. The Sacramento Bee reported in 2018 that tens of thousands of Californians were stuck with

contaminated, unhealthy supplies. Often, their communities have to resort to distributing bottled water during the wait for repairs to the system.

The auditor noted that the problem gets worse with drought. Groundwater levels sink, and hazardous farm chemicals seep deeper into the soil.

SEE AUDITOR 5A



fended off primary challenges, including in June, when he earned 59% of the vote.

His response to the 2020 election has pushed some moderate voters away, but even they acknowledge that it's not a large enough bloc to be politically meaningful.

Dale Pistick, 60, a lifelong Republican whom Trump turned into an independent, winced when asked whether he'd voted for McCarthy in the past. "An error," he said.

In Bakersfield, "people are still entrenched in Trump world," said Pistick, who works for an insurance company.

To him, McCarthy's continued embrace of Trump after the Jan. 6 attack "uncovered who Kevin McCarthy really was."

"He's a power-hungry individual who's out for himself, not for the citizens," Pistick said.

Thomas, the former Bakersfield congressman who mentored McCarthy, also sharply criticized his successor after Jan. 6, saying on a local talk radio show that he "put politics ahead of country" and perpetuated lies about election fraud.

McCarthy, whose campaign did not respond to requests for an interview, backed a failed legal effort that would have overturned the 2020 election and later voted against certifying results from two states. After the Jan. 6 insurrection, he condemned Trump's behavior, saying he "bears responsibility" for the attack, and acknowledged Joe Biden as the winner.

McCarthy has been featured prominently in the House committee hearings investigating the events of that day. In a prime-time hearing Thursday, the panel played previously leaked audio recordings in which

FROM PAGE 1A

AUDITOR

and taint the underground drinking water supplies.

"The board has generally demonstrated a lack of urgency in providing this critical assistance," the auditor wrote. "The longer the board takes to fund projects, the more expensive the projects become. More importantly, delays increase the likelihood of negative health outcomes for Californians served by the failing water systems."

The audit identified 370 communities with failing systems, serving a total of 920,000 people, as of last December.

"Hundreds of additional water systems are currently at risk of failing," the report added. California has more than 7,400 municipal and community water systems.

The problem is rampant in the Valley in no small part because of agriculture. Nitrate, the result of farm fertilizer seeping into the water supply, can cause numerous health issues for infants. Excessive levels of arsenic can cause problems with skin and circulatory systems, and elevate the risk of cancer.

Tilden's audit acknowledged that a change in the law has contributed to the problem, requiring the water board to shift its focus to helping smaller water systems. That means the board is spending more of its time handling grant requests from managers of "smaller, potentially less sophisticated" systems who need

technical assistance from the board's staff, the audit said.

However, the audit said the water board's "cumbersome application process" bears much of the blame for the delays in getting money out the door. And in one case, involving a request filed by the city of Manteca to fix the drinking water in its schools, the board's staff botched the application and caused a lengthy delay.

"The application was held up for more than a year because the (board's) technical assistance provider submitted some documents that were incomplete and never submitted other documents at all," the audit said.

The water board, in a written response to the audit, said "there are improvements that can be made" in streamlining the process for approving grants and loans.

But the board's executive director, Eileen Sobock, said her agency has "made great strides" in handling grant and loan requests.

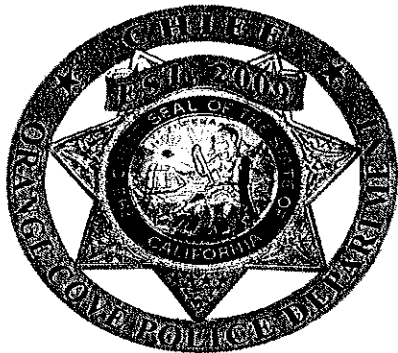
For instance, in 2019 the Legislature set up a new drinking-water program, called SAFER. In the first three years, the program helped reduce the number of Californians drinking unsafe water from 1.6 million to 934,000, Sobock said.

Dale Kastler, 216-321-1066, @dakastler

FROM PAGE 1A

ARRESTS

rests every year, but those technical adviser for



Marty Rivera
Chief of Police

ORANGE COVE ANIMAL CONTROL STATISTICAL ACTIVITY REPORT

MONTH: July

OFFICER: R. DIAZ

BITE REPORTS	0
PRIOR MONTH STRAYS	4 from prior month
STRAY DOGS	6 Picked up in July
EUTHANIZED DOGS	0
ADOPTED DOGS	
RESCUED DOGS	3 in July
INJURED STRAY DOGS	
ANIMAL CRUELTY INVESTIGATIONS	0
RELEASED DOGS TO OWNER	2 in July
CITATIONS ISSUED	0
QUARANTINED DOGS	
OTHER ANIMAL	
MISC	
DOGS IN SHELTER	5 in shelter

NOTES	
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ORANGE COVE POLICE DEPARTMENT

JULY 2022 MONTHLY STATISTICS
CHIEF OF POLICE - MARTY RIVERA



PART 1 CRIMES					
	JUNE 2022	JULY 2022	% Change	YTD 2021	YTD 2022
Homicide	0	1	100%	0	2
Rape	0	0	0%	0	0
Attempted Murder	0	1	100%	1	2
Robbery	0	2	200%	1	3
Assault	0	1	100%	5	6
Burglary	5	1	-80%	14	13
Grand Theft Auto	2	0	-100%	8	17
Total Part 1 Crimes	7	5	-29%	29	42
	JUNE 2022	JULY 2022	% Change	YTD 2021	YTD 2022
Sex Crimes	0	3	300%	6	10
Narcotics	3	3	0%	21	24
Child Abuse	0	0	0%	4	3
Total Part 2 Crimes	3	6	100%	31	37
	JUNE 2022	JULY 2022	% Change	YTD 2021	YTD 2022
Total Traffic Collisions	4	4	0%	24	31
Fatalities	0	0	0%	0	0
Injury	0	0	0%	1	4
Non Injury	4	2	-50%	13	19
Hit & Run	0	2	200%	10	8
ENFORCEMENT STATISTICS					
	JUNE 2022	JULY 2022	% Change	YTD 2021	YTD 2022
Total Traffic Citations	39	25	-36%	186	142
Total Vehicle Stops	139	101	-27%	674	731
Seatbelt Violations	0	0	0%	10	3
Unsafe Speed Violations	0	2	200%	10	6
Fail To Obey Stop Sign/Light	3	7	133%	52	20
Driving Under the Influence	2	1	-50%	11	10
Gang Arrests - Felony	0	1	100%	0	0
Gang Arrests - Misdemeanor	0	0	0%	0	0
Gang Field Interview Cards	1	0	-100%	19	15
Juvenile Detentions/Arrests	2	0	-100%	4	5
Adult Arrests	13	18	38%	76	93

	JUNE	JULY	%	YTD	YTD
	2022	2022	Change	2021	2022
5150	8	3	-63%	30	44
Agency Assist	12	13	8%	58	51
Battery	0	2	200%	11	7
Evading/Obstructing Officer	3	3	0%	6	7
Fraud	3	0	-100%	1	3
Identity Theft	0	0	0%	2	0
Spousal Abuse	4	6	50%	33	27
Graffiti/Vandalism	4	5	25%	22	24
Veh. Burglaries	0	1	100%	3	2
General Incidents	16	13	-19%	101	98
Weapons Confiscated	3	2	-33%	4	10
Petty Theft	1	4	300%	22	14
Public Intoxication	2	1	-50%	9	9
Suspended License	1	3	200%	12	8
Unlicensed Drivers	13	10	-23%	56	42
Vehicles Towed	17	11	-35%	75	64
Vehicles Released	10	5	-50%	34	30
Case Number Drawn	149	144	-3%	952	794

POLICE DEPARTMENT MONTHLY REPORT

August 10, 2022

Staff levels..... Department is at full staff. Officer Deleon is still waiting for his background check and if passed, he will leave the department. We just completed the background check on applicant Manuel Casarez and pending a medical clearance he will be hired as a Reserve Police Officer. A female applicant has just started the police academy.

Sylvia Gonzales and Janeyra who both work in Records, would like to be represented as employees at the police department rather than clerical workers for the city. Waiting for SEIU .

Animal Shelter..... See report.

Several weeks ago, training was provided to all the public works employees so that they could clean the shelter on weekends and holidays. The police department would handle any dogs to be picked up. The cleanup and feeding of the dogs on weekends take up approximately 30 minutes each day. The on-call worker at public works should be able handle it without any problem. When are they going to start doing it ?

Events: National Night Out was held on August 2nd. See attached report.

Vehicles ..Vehicles can't be ordered until probably sometime in August. Meaning they won't arrive until late spring 2023.

K-9 Marko We have had the drug dog since 2014. Although he does very well in finding drugs when we do presentations, he has had almost no drug finds on vehicles. The K-9 officer has requested to get out of his duties as the k-9 handler. The dog probably would not be used more that another year or so. Normally the k-9 handler is allowed to keep the dog after paying one dollar for him.

We spend a significant amount of money on dog food, veterinarian bills besides the money spent on the handler's time to train and care for the dog. Additionally, we spend thousands of dollars for vehicle fuel since the K-9 officer is also allowed a take home car.

Due to the cost to replace the trained K-9 handler our recommendation is to stop the program. I am asking that the council discuss and give us direction as to what they want to do.

National Night Out Event 2022

- The event went well there were about 200-250 attendees. Two bounce houses and one water slide were placed out in the park.
- Fire department assisted with cooking hotdogs and handing them out with chips and drinks. Citizens on Patrol also assisted with this. Charlotte provided all the refreshments and ice.
- Studio 316 provided free haircuts to all, they had 4 barbers out there.
- United Health Centers set up a booth and raffled items of their own.
- Boys and Girls club had a booth, they purchased two kids bikes which were later raffled. They also provided ice cream.
- Church group donated one bike
- Super Burger donated 5 gift cards, all raffled out.
- Los Arboles apartments set up a booth and were providing informational material.
- OCPD had informational booth, giving out books, stickers, signing up explorers, and had patrol units and quad for show and tell.
- K9 Demo was held at about 6:30pm all went well. Kids enjoyed seeing the dog take down suspect in suit.
- Farmers Insurance donated \$500
- Booth Ranches donated \$500
- City of Orange Cove donated \$500
- About 50 back packs were issued and 70 school lunch boxes. OCPD also purchased two bikes to raffle out.
- Total of 5 bikes were given away.
- Council members Cervantez, Guerra, and Hope showed up to event.

- Public works Mario and Alvaro provided great service and assistance throughout the event. We are very appreciative for their help.
- Silvia Gonzalez and Janeyra Quinteros were the real workers behind this event as they coordinated with many sponsors to make it all happen and organized the event.
- Maybe we can send all the sponsors a letter of appreciation in making this event for the community a possibility with their donations, volunteers, and attendance.



Marty Rivera
Chief of Police

ORANGE COVE POLICE DEPARTMENT
550 Center Street Orange Cove California 93646
Ph: 559-626-5106 / Fax: 559-626-7565
Email: marty.rivera@oc-pd.com

To : Orange Cove City Council
From: Marty Rivera, Police Chief
Subject: K-9 Marko

RECOMMENDATION:

Staff recommends that the City Council approve the retirement of our police K-9 Marko and that he be sold to the dog handler for the price of one dollar. Staff also recommends that the City Council approve the attached purchase and sale agreement of K-9 Marko.

BACKGROUND:

Marko was purchased by the Orange Cove Police Protection District in 2014. They paid for the dog and for the training necessary to certify him and the dog handler in the detection of narcotics.

The dog appears to do a good job of finding narcotics during demonstrations at city events. Having said that, there seems to be a problem when he is being worked on patrol. He has yet to find a substantial quantity of drugs. I really don't know what the problem is because we know that there are drugs being transported in our city.

The dog handler has asked that he be relieved of his duties with the dog. To replace him with another handler at this point would not be beneficial due to the cost of training a new handler.

Currently the cost to keep the dog is not beneficial to the city, since we pay for food, veterinarian bills as well as the allowing the handler to take a car back and forth to work. It is our recommendation that the dog be retired and sold to the handler at a price of one dollar, since the dog could be a danger to anyone else.

Attached to this staff report is a purchase and sale agreement of K-9 Marko. This agreement serves to protect the City in the event that any issue arises once the dog becomes the personal property of the dog handler.

FISCAL IMPACT:

Savings to City

CONFLICT OF INTERESTS:

None

Prepared by: Police Chief _____ Approved by: Interim City Manager _____

Type of Item: **Council Action:** **Approved** **Denied** **No Action**

Marty Rivera
Chief of Police, Orange Cove Police Department

AGREEMENT OF
PURCHASE AND SALE

This Agreement of Purchase and Sale (the "Agreement") is entered into on this _____ day of _____ 2022, by and between the City of Orange Cove (the "City"), and _____ ("_____"), with respect to the following facts.

RECITALS

WHEREAS, the City of Orange Cove owns a police service dog named Marko ("Marko") who is a _____ (enter type of dog) and approximately ____ () years old and due for retirement as a police service dog;

WHEREAS, his current handler, Orange Cove Police Officer _____ desires to purchase Marko and retain her as his personal pet; and

WHEREAS, the City has been apprised by Marko's trainer that he has a stable temperament and has not shown any aggression that would render him unable to be assimilated into civilian life.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this document, the parties hereby agree as follows:

1. SALE AND PURCHASE. The City shall sell and _____ shall buy Marko, a _____ year old, _____ (enter type of dog), retired police service dog.

2. PURCHASE PRICE. _____ shall pay to the City as the purchase price for Marko the sum of one dollar (\$1.00).

3. CONDITIONS OF OWNERSHIP. _____ shall maintain control of Marko at all times in public and on his private property. When Marko is not under _____ control and supervision, he shall be properly secured in a kennel with a secure padlock. Marko shall also keep "BEWARE OF DOG" signs posted in visible places on his property including on all sides of any backyard fence.

4. INDEMNIFICATION. _____ agrees to defend and indemnify the City for any liability stemming from any adverse judgment or settlement against the City in connection with any activity performed or allowed by _____ related to his ownership of Marko, specifically _____ shall indemnify the City against all liability, claims, demands, losses, damages, costs, charges, and expenses, including reasonable attorney's fees, that the City may in any way sustain, incur or become liable for in consequence of any harm sustained by another person by Marko following the execution of this Agreement.

If _____ fails to defend and indemnify as set forth in this Agreement, the City may bring a separate suit against _____ for failure to do so. For purposes of any such potential suit _____ hereby waives any and all applicable statutes of limitations applicable to indemnity claims arising in connection with prosecution of a lawsuit and the party's rights and obligations for indemnity shall flow from this written agreement.

5. ENTIRE AGREEMENT. This instrument contains the entire agreement of the parties and supersedes all prior negotiations, understandings, letters, arrangements, and agreements between them concerning the business. The parties acknowledge and agree that this provision terminates any such prior arrangements that may exist, and that the City could not have entered into this Agreement if _____ did not agree to this provision.

6. SUCCESSORS. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective successors, heirs, and personal representatives.

7. ASSIGNMENT. Neither this Agreement nor any interest herein shall be assignable by either party without the prior written consent of the other party.

8. FULL DISCLOSURES. No representations or warranties by _____ or the City in this Agreement, knowingly contain any untrue statement of a material fact, or omits to state a material fact necessary to make any statement contained therein not misleading.

9. SEVERABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

10. MEDIATION. The parties to this Agreement shall select a mutually agreed upon mediator in the event of any defaults or disagreement as related to this Agreement and the sale of the said business.

11. ATTORNEY FEES AND COSTS. If any party to this Agreement shall bring any action for any relief against any other party, declaratory or otherwise, arising out of this Agreement, the losing party shall pay to the prevailing party all costs plus a reasonable sum for attorney fees incurred in bringing such suit and or enforcing any judgment granted therein, all of which shall be deemed to have accrued upon the commencement of such action and shall be paid whether or not such action is prosecuted to judgment.

12. GOVERNING LAW. The validity and interpretation of this Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to the choice-of-law rules of this or any other jurisdiction, and without the aid of any rule or custom requiring construction against the draftsman. Venue for any action rising out of this Agreement shall lie only in Fresno County, California.

13. OTHER. The parties have been advised to seek the consultations with competent attorneys and business consultants prior to executing this and all related documents.

14. NOTICES. All notices, requests, demands and other communications given or made pursuant to this Agreement shall be in writing and shall be deemed to have been duly given if sent by registered or certified mail, return receipt requested, postage and fees prepaid, or otherwise actually delivered to the following addresses:

a. If to _____:

b. If to the City:

ADDRESS
ADDRESS

City of Orange Cove
Attn: Marty Rivera
550 Center St.
Orange Cove, CA 93646

IN WITNESS WHEREOF, the parties have duly executed this Agreement on this date and for the sale to be effective on this ____ day of ____, 2022.

_____(insert officer name):

THE CITY:

By: _____
[insert officer name]

By: _____
Marty Rivera, Chief of Police

Mayor:
Victor P. Lopez

Mayor Pro Team:
Diana Guerra Silva

City Council Members:
Roy Rodriguez
Josie Cervantes
Esperanza Rodriguez



Incorporated January 20, 1948

Rudy Hernandez
Interim City Manager
(559) 626-4488 ext. 216

Rudy Hernandez
Financial Consultant
(559) 626-4488 ext. 216

City Clerk:
June V. Bracamontes
(559) 626-4488 ext. 214

633 Sixth Street, Orange Cove, CA 93646 | Phone: (559) 626-4488 | FAX: (559) 626-4653

Date: August 10, 2022
To: The Honorable Mayor and City Council
From: Rudy Hernandez, Interim City Manager
Subject: Approval of FY 2022-23 American Rescue Plan Act Expenditure Plan
Attachments: Exhibit A – FY 2022-23 American Rescue Plan Act Expenditure Plan

BACKGROUND:

President Biden signed the \$1.9 trillion American Rescue Plan Act (ARPA) of 2021 on March 11, 2021. It includes \$350 billion in direct, flexible aid to states, territories, tribes, cities, and counties. These grant funds must be spent by December 31, 2026 and must be spent on COVID-19 related activities.

AMERICAN RESCUE PLAN ACT REVENUE (ARPA)

The City of Orange Cove was awarded \$2,457,520 in ARPA funds over a two (2) year period. The City will receive \$1,228,760 per fiscal year and received its second allocation on Friday July 22, 2022.

AMERICAN RESCUE PLAN ACT (ARPA) EXPENDITURE PLAN FOR FY 2022-23.

Use of Funds

Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.

- Provide premium pay to essential employees or grants to their employers. Premium pay could not exceed \$13 per hour or \$25,000 per worker.
- Provide government services affected by a revenue reduction resulting from COVID-19.
- Make investments in water, sewer, or broadband infrastructure.

State and local governments could transfer funds to private nonprofit groups, public benefit corporations involved in passenger or cargo transportation, and special-purpose units of state or local governments.


FY 2022-23 Proposed American Rescue Plan Act Expenditure Plan for the Amount of \$1,228,760 (See Attached Exhibit A).

RECOMMENDATION:

For the City Council to approve the FY 2022-23 American Rescue Plan Act Expenditure Plan as recommended by City staff.

FISCAL IMPACT:

The American Rescue Plan Act Expenditure Plan will be funded from the American Rescue Plan Act grant.

Prepared by: _____ Approved by:  _____
REVIEW: City Manager: ☒ Finance: ☐ City Attorney: ☐

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
<input type="checkbox"/> Consent	<input type="checkbox"/> Public Hearing			
<input type="checkbox"/> Info Item	<input type="checkbox"/> Matter Initiated by Council Member			
<input checked="" type="checkbox"/> Action Item	<input type="checkbox"/> Other			
<input type="checkbox"/> Department Report	<input type="checkbox"/> Continued to: _____			
<input type="checkbox"/> Redevelopment Agency	_____			

City of Orange Cove
Schedule Of Proposed American Rescue Plan Act
Expenditure Plan For Fiscal Year 2022-2023
Grant Amount \$1,228,760.00
Exhibit A

<u>Public safety</u>	<u>Cost</u>
1 <u>One Full-Time Police</u> Officer Position for 3 years.	\$ 300,000.00
2 <u>Administrative Finance</u> One Full-Time Account Clerk To Assist In Adminstrating American Rescue Plan Act Programs (3 years).	\$ 150,000.00
3 <u>Stairway Project</u> Repair Stairway at City Hall City Council Chambers	\$ 100,000.00
4 <u>Subsistence/Business Programs</u> Assist Orange Cove residents with delinquent rent, utilities, and local businesses thru financial support program.	\$ 200,000.00
5 <u>Premium Pay</u> Premium Pay For City Employees	\$ 200,000.00
6 <u>Reserve for Future American Rescue Plan Act Programs</u>	\$ 278,760.00
Total Expenditure Plan	<u>\$ 1,228,760.00</u>



Date: August 10, 2022
To: Mayor and City Council
From: Rudy Hernandez, Interim City Manager
Subject: Approval of Plaques/Certificates/ and Dinner for Orange Cove High School Girls Softball Champion Team
Attachments: None

BACKGROUND:

On June 4, 2022, the Orange Cove High School Girls Softball team won the D4 Valley Championship which has made many Orange Cove residents, coaches, facility, family members and others proud of their accomplishment.

To recognize and acknowledge their accomplishment, the City of Orange City Council has directed staff to put together an event to honor all players, coaches, and others. Listed below are ideas that staff has produced for the City Council to consider:

PLAQUES - STAFF IS ASSUMING A TOTAL OF 20 INDIVIDUALS (PLAYERS, COACHES, AND FACILITY).

1. 1 big plaque with pictures of players, coaches and facility will cost \$100.
2. 9 x 12 laminate plaque is \$40.00. The cost for 20 plaques of this type will be (\$40 x 20) \$800.
3. 9 x 12 walnut plaque is \$65.00. The cost for 20 plaques of this type will be (\$65 x 20) \$1,300.
4. Acrylic – Depends on the piece.

CERTIFICATES - STAFF IS ASSUMING A TOTAL OF 20 INDIVIDUALS (PLAYERS, COACHES, AND FACILITY). Estimated cost is \$20 or \$1.00 per certificate.

DINNER - CHUCKS BBQ CATERING SERVICES.

The prices per person is \$14.00 per plate. You can choose from Tri-Tip, Ribs, Chicken. You can also choose sides such as mash potatoes, rice pilaf, beans, and cole slaw. The cost for 100 persons is \$1,400 and the cost for 200 people is \$2,800.

ENTERTAINMENT – MARIACHI'S

The estimated cost for 3 hours can range from \$1,500 – \$2,000.

LOCATION

Staff recommends that the event be held at the Orange Cove High School subject to approval by the Kings Canyon Unified School District

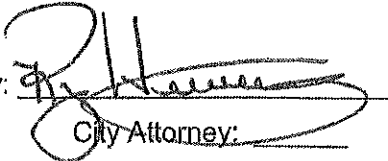
RECOMMENDATION:

Staff recommends that the City Council review and discuss the above-mentioned subject matter and provide staff with direction.

FISCAL IMPACT:

To be Determined (TBD)

Prepared by: Rudy Hernandez

Approved by: 

REVIEW: City Manager: ✓

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

_____ Consent

_____ Public Hearing

_____ Info Item

_____ Matter Initiated by a Council Member

x Action Item

_____ Other

_____ Department Report

_____ Continued to: _____

_____ Redevelopment Agency



Date: August 10, 2022
To: Mayor and City Council
From: Rudy Hernandez, Interim City Manager
Subject: Removal of Playground Equipment at Eaton Park.
Attachments: None

BACKGROUND:

The City of Orange Cove currently has 2 playground pieces of equipment at Eaton Park that pose a serious risk to the community. In addition, the playground equipment does not meet compliant and safety guidelines and pose the following potential risk factors:

- Children tend to climb over the fence to get access to the playground equipment. Unfortunately, if a child falls and gets hurt while inside the playground area, the City may get sued and pay a hefty fine.
- If a child falls and gets hurt while in the playground area, the City Council and staff will get negative publicity by the general public and media for negligence.
- The financial liability from an accident will be very costly to the City.
- If an accident were to happen, the City insurance carrier could terminate our liability insurance which could leave the City with no insurance.

Based on the above-mentioned risk factors, staff feels that both playgrounds should be removed from Eaton Park as soon as possible.

The City has \$184,049.00 available in per capita funds. We originally budgeted \$59,000 to repair the existing playground structure and the remaining funds were dedicated for design and construction activities which include installing a new chain link fence around the basketball court, replacing restroom fixtures, installing LED light bulbs, new benches, landscape improvements, construction administration and contingency. The City can revise the scope of work and use grant funds to:

- Construct a new playground or swing sets
- Expand the basketball courts
- Other recreational activities.

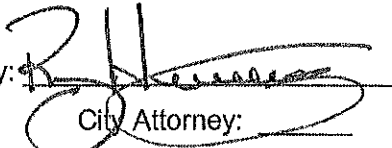
RECOMMENDATION:

Staff recommends the City Council approve removing the playground equipment at Eaton Park and provide staff with direction on how it wishes to spend the \$184,049 in per capita funds.

FISCAL IMPACT:

It is estimated that the cost to remove the playground equipment at Eaton park is \$1,000 in supplies and 2 days of public works staff time.

Prepared by: Rudy Hernandez

Approved by: 

REVIEW: City Manager: ✓

Finance: _____

City Attorney: _____

TYPE OF ITEM:

COUNCIL ACTION: APPROVED DENIED NO ACTION

_____ Consent

_____ Public Hearing

_____ Info Item

_____ Matter Initiated by a Council Member

x Action Item

_____ Other

_____ Department Report

_____ Continued to: _____

_____ Redevelopment Agency