



**AGENDA  
ORANGE COVE CITY COUNCIL  
REGULAR MEETING  
Wednesday, September 27, 2023  
6:30 PM**

City of Orange Cove Council Chambers  
633 6<sup>th</sup> St.  
Orange Cove, CA 93646

**1. CALL TO ORDER/WELCOME**

Roll call  
Invocation  
Flag Salute (Pledge of Allegiance)

**2. CONFIRMATION OF AGENDA**

**3. CEREMONIAL PRESENTATIONS**

- None Scheduled

**4. PRESENTATIONS**

- None Scheduled

**5. CONSENT**

*(All items listed under the consent calendar category are considered routine. The complete consent calendar will be enacted by one motion by ROLL CALL VOTE. For purposes of discussion, any council member may have an item removed from the consent calendar and made part of the regular agenda. The Council can then approve the remainder of the consent calendar).*

- 5.a. Minutes of the September 27, 2023 Regular Council Meeting *Carter*
- 5.b. Resolution No 2023-45, A Resolution of the City Council of the City of Orange Cove adopting an Investment Policy and Including JPA's in the Investment Pool. *Velicescu*

## 6. REGULAR BUSINESS

- 6.a. **SUBJECT**: Consideration and necessary action on Sidewalk Repair Agreement and authorizing Public Works Director to execute agreements. *Dominguez*

**RECOMMENDATION**: Approve Sidewalk Repair Agreement and authorize Public Works Director to execute agreements.

## 7. PUBLIC HEARINGS

- 7.a. **SUBJECT**: Consideration and necessary action on Resolution No. 2023-44, declaring a portion of APN 378-023-34 ST surplus. *Dodd*

**RECOMMENDATION**: Conduct public hearing and approve Resolution No. 2023-44, A Resolution of the City Council of the City of Orange Cove, California, declaring a portion of APN 378-023-34 ST to be surplus property.

## 8. ADMINISTRATION

- 8.a. **Public Works & City Engineer** *Dominguez*

- None Scheduled

- 8.b. **Building & Planning Department** *Patlan*

- None Scheduled

- 8.c. **Police Department** *Peña*

- None Scheduled

- 8.d. **Orange Cove Fire Protection District** *Greenwood*

- None Scheduled

## 9. PUBLIC COMMENTS

*Notice(s) to the Public: This is the opportunity for any member of the public to address the City Council on any item over which the Council has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the City Manager for review. Members of the public shall limit their remarks to three (3) minutes.*

## 10. CITY MANAGER'S REPORT

## 11. CITY ATTORNEY'S REPORT

## 12. CITY COUNCIL COMMUNICATIONS

## 13. CLOSED SESSION

An Executive Session is needed to discuss the following matter:

### **Public Employee Performance Evaluation**

Title: City Manager

## 14. ADJOURNMENT

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**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. 213. 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 the front counter at City Hall, Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at [cityoforange Cove.com](http://cityoforange Cove.com).*

## **STATEMENT ON RULES OF DECORUM AND ENFORCEMENT**

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

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

### **GENERAL RULES OF DECORUM**

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

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

## **ENFORCEMENT OF DECORUM RULES**

(Resolution No. 2012-16)

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

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

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



**MINUTES  
CITY OF ORANGE COVE  
REGULAR MEETING  
SEPTEMBER 13, 2023**

A meeting of the Orange Cove City Council was called to order at 6:30 p.m. in the Orange Cove City Hall Chambers. Council members answering roll call were: Mayor Silva, Council members Cervantes, Rodriguez, and Vacio. Mayor Pro Tem Garcia was absent. Also present were City Manager Parra, Assistant City Manager/Public Works Director Dominguez, City Attorney Dodd, Planning/Building Director Patlan, Finance Director Velicescu, Police Chief Peña, and Interim City Clerk Carter.

The agenda for this meeting was posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

**CONFIRMATION OF AGENDA:** City Attorney Dodd reported that with Council approval an item needed to be added to the agenda. She stated that the matter had come to the Council's attention within the last 24 hours and has a deadline prior to the next Council meeting. She stated that there are 4 Resolutions, one for each Employee Organization, and are titled A Resolution of the City Council of the City of Orange Cove Electing to Cease to be Subject to the Public Employees' Medical and Hospital Care Act with Respect to a Recognized Employee Organization. After discussion, motion to add Resolutions 2023-40, 2023-41, 2023-42 and 2023-43 to the agenda was made by Council member Vacio and seconded by Council member Cervantes. The motion carried with the following vote:

AYES:	4	COUNCIL MEMBERS:	Vacio, Cervantes, Rodriguez, Silva
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Garcia

There were no additional changes to the agenda.

**CEREMONIAL PRESENTATIONS:** City Manager Parra then read a proclamation commemorating the 100<sup>th</sup> Anniversary of the town of Orange Cove.

**PRESENTATIONS:** Mr. Will Oliver, President and CEO of the Fresno County Economic Development Corporation (EDC), stepped forward to introduce himself and explain the mission of the EDC. He then asked each EDC Department Director to step forward and review their duties in the organization. After discussion, they were thanked for their presentation.

**CONSENT CALENDAR:** Motion to approve the Consent Calendar was made by Council member Vacio and seconded by Council member Cervantes. Motion carried with the following vote:

AYES:	4	COUNCIL MEMBERS:	Vacio, Cervantes, Rodriguez, Silva
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Garcia

- a. Minutes of the August 9, 2023 Council meeting approved by standard motion.
- b. Warrant register for July 2023 approved by standard motion.
- c. RESOLUTION NO. 2023-38, A Resolution of the City Council of the City of Orange Cove revising the rental and deposit rates for the Victor P. Lopez (VPL) Community Center for Orange Cove residents.
- d. RESOLUTION NO. 2023-39, A Resolution of the City Council of the City of Orange Cove approving a Level 1 Water Supply shortage pursuant to Chapter 13.17 of the Orange Cove Municipal Code.

**CONSIDERATION AND NECESSARY ACTION ON CITY ENGINEER CONTRACT:** Assistant City Manager/Public Works Director Dominguez stepped to the podium and reported that the City had recently advertised for "Request for Qualifications" for City engineering services. He stated that after review, the firm of Precision Civil Engineering, Inc. had been chosen to provide engineering services for the City of Orange Cove and that their contract is included in the Council packet.

After discussion by Council, motion was made by Council member Cervantes and seconded by Council member Rodriguez to approve the contract with Precision Civil Engineering, Inc. to provide engineering services for the City of Orange Cove. Motion carried with the following vote:

AYES:	4	COUNCIL MEMBERS:	Cervantes, Rodriguez, Vacio, Silva
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Garcia

**CONSIDERATION AND NECESSARY ACTION ON MEMORANDUM OF UNDERSTANDING (MOU) WITH INTERNATIONAL UNION OF OPERATING ENGINEERS STATIONARY ENGINEERS – LOCAL UNION 39:** City Attorney Dodd reviewed for the Council the tentative MOU with the INTERNATIONAL UNION OF OPERATING ENGINEERS STATIONARY ENGINEERS – LOCAL 39.

After discussion, motion to approve the proposed MOU with the INTERNATIONAL UNION OF OPERATING ENGINEERS STATIONARY ENGINEERS – LOCAL 39 as presented was made by Council

member Rodriguez and seconded by Council member Cervantes. Motion carried with the following vote:

AYES:	4	COUNCIL MEMBERS: Rodriguez, Cervantes, Vacio, Silva
NOES:	0	COUNCIL MEMBERS: None
ABSTAIN:	0	COUNCIL MEMBERS: None
ABSENT:	1	COUNCIL MEMBERS: Garcia

**CONSIDERATION AND NECESSARY ACTION ON RESOLUTIONS ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION:** This item had been added to the agenda earlier in the meeting as an urgent item.

After discussion by Council, motion to approve RESOLUTION NO. 2023-40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION-**POLICE OFFICERS ASSOCIATION** and RESOLUTION NO. 2023-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION-**LOCAL UNION 39** and RESOLUTION NO. 2023-42, , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION-**NON-PERS ELECTED OFFICIALS** and RESOLUTION NO. 2023-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION-**MANAGEMENT GROUP** was made by Council member Cervantes and seconded by Council member Vacio. Motion carried with the following vote:

AYES:	4	COUNCIL MEMBERS: Cervantes, Vacio, Rodriguez, Silva
NOES:	0	COUNCIL MEMBERS: None
ABSTAIN:	0	COUNCIL MEMBERS: None
ABSENT:	1	COUNCIL MEMBERS: Garcia

**DEPARTMENT UPDATE – FINANCE:** Finance Director Velicescu reported on the current Low Income CDBG Non-Housing Competitive Grant now occurring in Orange Cove. She reported that the grant will be helping approximately 92 families pay their utilities, rent or mortgage payments. She was thanked for the update.



**DEPARTMENT UPDATE – REPORT BY ASSISTANT CITY MANAGER/PUBLIC WORKS DIRECTOR**

**DARIO DOMINGUEZ**: Assistant City Manager/Public Works Director Dominguez reviewed for the Council the status of various engineering projects in Orange Cove. Reports were then given on the Eaton Park project, the storm drain system project, the Sheridan and Sequoia Park projects, the Park Boulevard project, the water well project, and the solar project. He also discussed the current projects of the Public Works Department and the status of the repairs to the Water-Treatment and Waste Water Plants. He was thanked for the report.

**DEPARTMENT UPDATE – BUILDING AND PLANNING DEPARTMENT**: Mr. Shun Patlin, Building and Planning Director reviewed for the Council the status of the current Building and Planning projects in Orange Cove. Discussed were the Housing Element, the Martinez Tract, the Macias Tract Map, the Blossom Heights Apartment project, the Universal Properties Industrial Park project, the Commercial 8-acre project, and the Lara Project. He also reviewed Orange Cove's Code Enforcement issues for Council. He was thanked for the report.

**DEPARTMENT UPDATE – POLICE DEPARTMENT**: Police Chief Pena stepped forward and reviewed for Council the August crime statistics for Orange Cove. He also let the Council know about the Coffee with a Cop event on September 16<sup>th</sup>, the National Night Out event on October 3<sup>rd</sup>, and the Open House on October 10<sup>th</sup>. After discussion, he was thanked for the report.

**PUBLIC COMMENTS**: Mr. Enrique Sandoval, 1286 Railroad Avenue, stepped forward to let the Council know that he feels the intersection of Railroad and Anchor needs to be a 4-way stop.

Ms. Stephanie Mendoza, 610 Adams Avenue, stepped forward to ask that speed bumps be installed on her street due to excessive speeding.

City Manager Parra reported that the City would review both matters.

**CITY MANAGER'S REPORT**: City Manager Parra reported on the stop sign installation at Crawford and Adams Avenue and the Halloween Event on October 31<sup>st</sup> from 4 p.m. to 6:00 p.m.

**CLOSED SESSION**: At this point in the meeting, Interim City Manager Parra reported that a closed session is needed to discuss Real Estate Negotiations, Potential Litigation, Existing Litigation, and a Public Employee Evaluation.

Mayor Silva recessed the meeting into closed session at 8:25 p.m. The meeting reconvened at 9:02 p.m. with nothing to declare in the open session of the meeting.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:03 p.m.

Respectfully submitted,

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Melanie A. Carter  
Interim City Clerk

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Diana Silva  
Mayor

For the Meeting of September 27, 2023



## CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

**To:** Orange Cove City Council

**From:** Ellie Velicescu, Finance Director

**Subject:** Approve Resolution 2023-45 adopting an Investment Policy and including JPAs to the investment pool.

### **RECOMMENDATION:**

Staff recommends the Council approve resolution 2023-45 establishing an investment policy for the City of Orange Cove and including Joint Powers Authority Local Government Investment Pools (JPA) as authorized investments.

### **BACKGROUND:**

Currently the city invests with LAIF (Local Agency Investment Fund). This resolution will allow a revised policy that will guide staff and the city council to invest funds in a manner which will provide the highest investment return with the maximum security. Currently, the city invests with LAIF which is providing a rate of return of 3% or less since 2009. It is the recommendation of the Finance Director that we diversify our investment to include JPA's such as CAMP (California Asset Management Program) which has been providing a rate of return of 3% or more since October 2022. CAMP is projected to continue to provide 5% rate of return for the next two years.

### **FISCAL IMPACT:**

This action will result in increased interest income earnings to the City of 2% rate of return for the next two years.

### **CONFLICT OF INTEREST: NONE**

Prepared by: Finance Director \_\_\_\_\_

Approved by: Ellie Velicescu \_\_\_\_\_

REVIEW: Finance Director \_\_\_\_\_

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. 2023-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE  
ADOPTING AN INVESTMENT POLICY AND  
INCLUDING JPA's IN THE INVESTMENT POOL**

**WHEREAS**, the City of Orange Cove currently invests City of Orange Cove funds in the State of California's Local Agency Investment Fund (LAIF); and

**WHEREAS**, since 2009 LAIF's rate of return has been 3% or less; and

**WHEREAS**, the City of Orange Cove now wishes to diversify its investment to include JPA's such as the California Asset Management Program (CAMP); and

**WHEREAS**, CAMP's rate of return is projected to continue to provide 5% over the next two years; and

**WHEREAS**, in order to diversify Orange Cove's investments into JPA's a new investment policy allowing staff to do so is needed.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Orange hereby adopts a new Investment Policy which includes JPA's in the Investment Pool.

The foregoing Resolution was duly approved at a regular meeting of the Orange Cove City Council held on the 27<sup>th</sup> day of September, 2023 by the following vote, to wit:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

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Diana Guerra-Silva  
Mayor

ATTEST:

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Melanie A. Carter  
Interim City Clerk

## CITY OF ORANGE COVE STATEMENT OF INVESTMENT POLICY

### PURPOSE

This Statement is intended to provide guidelines for the prudent investment of the City's temporary idle cash and outline the policies for maximizing the efficiency of the City's cash management system. The goal is to enhance the economic status of the city while protecting its pooled cash.

### OBJECTIVE

The City's cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the City to fully invest funds possible. The City attempts to obtain the highest yield obtainable as long as the investments meet the criteria established for safety and liquidity.

### POLICY

The City of Orange Cove operates its temporary pooled idle cash investments under the Uniform Prudent Investor Act (Act) as generally described in California Probate Code section 16045, et. seq. The Act states, in essence, that "in investing ... property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs ...". This affords the city a broad spectrum of investment opportunities as long as the investment is deemed prudent and is allowable under current legislation of the State of California. Government Code (Section 53601 through 53659) restricts the City from purchasing investment securities with a maturity length greater than five years unless prior legislative approval is given.

### SCOPE

It is intended that this policy cover all short-term operating funds and investment activities of the City. These funds are accounted for in the annual audit report, and include:

- ♦ General Fund
- ♦ Special Revenue Funds
- ♦ Debt Service Funds
- ♦ Capital Projects Funds
- ♦ Enterprise Funds
- ♦ Fiduciary Funds

This investment policy applies to all City transactions involving the financial assets and related activity of the above-mentioned funds. Any additional funds that may be created from time to time shall also be administered with the provisions of this policy and comply with the current State Government Code.

Criteria for selecting investments and the order of priority are:

1. Safety. The safety and risk associated with an investment refers to the potential loss of principle, interest, or a combination of these amounts. The city only operates in those investments that are considered very safe.
2. Liquidity. This refers to the ability to "cash in" at any moment in time with a minimal chance of losing some portion of principal or interest. Liquidity is an important investment quality especially when the need for unexpected funds occurs occasionally.



3. Yield. Yield is the potential dollar earnings an investment can provide, and sometimes is described as the rate of return.
4. Safekeeping. Securities purchased from brokers/dealers shall be held in third party safekeeping by the trust department of the local agency's bank or other designated third-party trust, in local agency's name and control, whenever possible.
5. Investment Objective. The cash management system of the City of Orange Cove is designed to accurately monitor and forecast expenditures and revenues, thus fully insuring the investment of monies possible. Attempts to obtain highest interest yields possible as long as investments meet the criteria required for safety and liquidity. The City strives to maintain the level of investment of all idle funds as near 100% as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City Treasurer/Finance Officer (Assistant City Manager).
6. Prudence. As it pertains to its pooled cash investments, the City adheres to the guidance provided by the "prudent investor standard," as set forth in Government Code section 53600.3, which specifically addresses public investing, as follows:

"Except as provided in subdivision (a) of Section 27000.3, all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law".

The basic premise underlying the City's investment philosophy is, and will continue to be, to insure that money is always safe and available when needed.

7. Public Trust. All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. In a diversified portfolio it must be recognized that occasional measured losses are inevitable and must be considered within the context of the overall portfolio investment return, provided that adequate diversification has been implemented.
8. Ethics and Conflicts of Interest. Employees and officials involved in the investment process shall refrain from personal business activities that create a conflict of interest or the appearance of a conflict with proper execution of the investment program or impairs their ability to make impartial investment decisions.

## INVESTMENT INSTRUMENTS

Allowable investment instruments are defined in the California Government Code Section 53600 et. seq., as amended. If the Code is further revised to allow additional investments or is changed regarding the limits on certain categories of investments, the City is authorized to conform to these changes,

excluding those changes that may be prohibited by this policy. Where Government Code Section specifies a percentage limitation for a particular category of investments, that percentage is only applicable at the date of purchase.

Investments may be made in line with the California Government Code Section 53601, and may include the following instruments:

- 1) Government obligations pledged by the full faith and credit of the United States for the payment of principal and interest.
- 2) Obligations issued by Agencies or Instrumentalities of the U.S. Government.
- 3) Repurchase Agreements are used solely as short-term investments not to exceed one year.

The following collateral restrictions will be obeyed: Only U.S. Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment. The market value of securities that underlay a Repurchase Agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be reviewed on a regular basis and adjusted no less than quarterly. Since the market value of the underlying securities is subject to daily market fluctuations, the investment in repurchase agreements shall comply if the value of the underlying securities is brought back to 102 percent no later than the next business day.

- 4) Banker's Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by Moody's Investors Service or by Standard & Poor's Corporation.
- 5) Commercial paper rated in the highest short term rating category, as provided by Moody's Investor Service, Inc. (P-1) or Standard & Poor's Corporation (A-1)
- 6) Joint Powers Authority Local Government Investment Pools

Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (r), inclusive. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers' authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all the following criteria:

- (1) The adviser is registered or exempt from registration with the Securities and Exchange Commission.
- (2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
- (3) The adviser has assets under management of more than five hundred million dollars (\$500,000,000).



## CITY OF ORANGE COVE

### REPORT TO THE CITY COUNCIL

**To:** Orange Cove City Council  
**From:** Dario Dominguez, Public Works Director  
**Subject:** Approve Sidewalk Repair Agreement

#### **RECOMMENDATION:**

Approve attached Sidewalk Repair Agreement allowing Public Works Director to execute agreements.

#### **BACKGROUND:**

The California Streets and Highways Code, Section 5610, requires that property owners maintain abutting sidewalks to avoid harm and endangerment to others. The code allows the City to require property owners to repair sidewalks and, if they do not, for the City to repair the sidewalk at the property owner's expense.

With this agreement, the property owner can request the City to make repairs to the sidewalk abutting the owner's property as described in Section 1. The City is willing to assist the property owner for the necessary repairs by providing the labor. The property owner will pay for the cost of materials for the necessary repairs, as provided in this Agreement.

**FISCAL IMPACT:** There will be no impact on the general fund. The property owner shall be responsible for all material costs.

#### **CONFLICT OF INTEREST:**

None

#### **ATTACHMENTS:**

Agreement

Prepared by: Public Works Director

Approved by: Dario Dominguez

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  
SIDEWALK REPAIR AGREEMENT**

This Sidewalk Repair Agreement ("Agreement") is entered into between the City of Orange Cove, a California general law city ("City") and the individual or entity identified below ("Owner") with respect to the following recitals, which are a substantive part of this Agreement. This Agreement shall be effective on the date signed by City, which shall occur after execution by Owner ("Effective Date").

**RECITALS**

- A. California Streets and Highways Code section 5610 et seq. requires that property owners maintain abutting sidewalks so as not to endanger persons or property.
- B. The Streets and Highways Code allows the City to compel property owners to repair sidewalks and, if they do not, for the City to repair the sidewalk at the property owner's expense.
- C. Owner has requested City to make repairs to the sidewalk abutting Owner's property, as described in Section 1, and City has agreed to make said repairs ("Project").
- D. City is willing to share in the costs of the project for necessary repairs by providing the labor and covering any associated labor costs for the necessary repairs, provided Owner pays for the cost of material for the necessary repairs, as provided in this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual agreements herein, City and Contractor agree as follows:

**AGREEMENT**

1. Scope of Project; Work to be Performed. The following definitions and details are applicable to the Project.

A. Owner: \_\_\_\_\_

B. Property: \_\_\_\_\_

C. Description of Project:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Project Schedule:

From \_\_\_\_\_ to \_\_\_\_\_



City shall perform all work on the Project with City's own forces or with a contractor(s) of City's choosing. City is authorized to engage contractors in its sole discretion, including arborists and/or contractors to perform tree work, and may make such determination after work on the Project commences, if necessary or desirable. City shall not be responsible for irrigation or sprinkler system work on Owner's property and City will not repair or replace any irrigation or sprinkler system(s) damaged or effected by the Project. Any such irrigation or sprinkler system work or repairs on Owner's property shall be at Owner's sole expense. City shall perform the work required to complete the Project within a reasonable time, as resources permit. The Project Schedule identified above is an estimate only and subject to change with respect to both commencement and completion.

2. Cost Sharing. Owner and City agree to share in the cost of the Project. The estimated costs identified in this section are estimates only and subject to change whether before or after commencement of the Project. Owner and City shall be responsible for their respective final costs for the Project even if the estimates expressed herein are exceeded.

A. Labor Costs. City shall be responsible and pay for the cost of labor for the Project, through the use of City's own forces or engaging contract labor, with the exception of tree removal costs identified below.

B. Material Costs. Owner shall be responsible and pay for the cost of all materials for the Project, including materials obtained by contractor(s) for the Project. An itemized list of materials and estimated prices shall be provided to Owner by City upon request.

The estimated cost of materials for the Project is:

\$ \_\_\_\_\_.

C. Tree Removal Costs. Owner is responsible for and shall pay all costs of tree removal as part of the Project, including labor, equipment, materials, and the costs of an arborist whether such work is performed by City's own forces or a contractor(s). If it is determined that a tree need not be removed as part of the Project, but some other less invasive means such as grinding the tree roots is available to address the damaged sidewalk, such work shall be performed at the City's cost, including the labor, equipment, materials and the costs of an arborist for any such tree maintenance not including tree removal.

The estimated cost of tree removal for the Project is: \$ \_\_\_\_\_.

3. Payment by Owner. Owner shall pay City the total Material Costs and any Tree Removal Costs incurred for the Project performed pursuant to this Agreement. City shall submit an invoice to Owner containing the Material Costs breakdown and any Tree Removal Costs breakdown for the Project following completion of the Project. Owner shall tender payment to City within thirty (30) days after receipt of invoice.

Owner may make payments to City in monthly installments of not less than \$ \_\_\_\_\_ until paid in full. A service charge of \$ \_\_\_\_\_ shall be

added to the total invoiced amount if Owner chooses to make installment payments.

4. Failure to Pay; Collection Procedures. In the event Owner fails to timely pay the invoiced amount or any installment payment, City may utilize any collection method, including, without limitation, the collection methods and procedures set forth in Orange Cove Municipal Code Chapter 1-20. The payments to be made under this Agreement shall be deemed "abatement costs" for purposes of Chapter 1-20.

5. Notice. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party or any other person shall be in writing and shall be deemed given and received when delivered to the recipient by first-class mail (or an equal or better form of delivery) at the following addresses:

**Owner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**City:**

City of Orange Cove  
Address: 633 6<sup>th</sup> Street  
Orange Cove, CA 93646  
Phone: (559) 626-4488  
Attn: Public Works Director

6. Authority. The signatories to this Agreement warrant and represent that they have the legal right, power, and authority to execute this Agreement and bind their respective parties.

7. Waiver. No delay or omission by City in exercising any right under this Agreement shall operate as a waiver of that or any other right and no single or partial exercise of any right shall preclude City from any or further exercise of any right or remedy.

8. Severability. In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted as though such invalid or illegal provision were not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties will negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.

Now, therefore, the City and Owner have executed this Agreement on the date(s) set forth below.

**OWNER**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF ORANGE COVE**

By: \_\_\_\_\_  
Dario Dominguez, Public Works Director  
Date: \_\_\_\_\_

7.a.

For the Meeting of September 27, 2023



## CITY OF ORANGE COVE REPORT TO THE CITY COUNCIL

**To:** Orange Cove City Council  
**From:** Megan Dodd, City Attorney  
**Subject:** Adoption of Resolution No. 2023-44, Declaring a portion of APN 378-023-34ST Surplus  
**Attachments:** Resolution No. 2023-044

### **RECOMMENDATION:**

Staff recommends that the Council adopt Resolution 2023-44 declaring a .55-acre portion of the City-owned property, APN 378-023-34 ST to be surplus property.

### **BACKGROUND:**

The Property at issue is a portion of City-owned property with APN 378-023-34 ST and is currently vacant.

Prior to the sale of property, the Council must declare the property surplus, and the City must satisfy surplus property requirements of the Surplus Property Act (SLA) (Government Code Section 54220, *et seq.*). One (1) mandate requires the City to provide a written notice of availability (NOA) to housing, park-open space, and school agencies and to "housing sponsors" informing them of an opportunity to purchase the property. The notified parties must be given sixty (60) days to respond to the NOA if they are interested in purchasing or leasing the property. Following the sixty (60) day notice period, if no notified party expresses an interest in the property, the City may

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  
X Action Item  
\_\_\_\_ Department Report  
\_\_\_\_ Redevelopment Agency

X Public Hearing  
\_\_\_\_ Matter Initiated by a Council Member  
\_\_\_\_ Other  
\_\_\_\_ Continued to: \_\_\_\_\_

negotiate sales terms with a private party.

Pursuant to Government Code Section 54230.5(b)(1), following the expiration of the sixty (60) notice period and prior to signing a Purchase & Sale Agreement for the property, the City must provide to the California Dept. of Housing and Community Development (HCD) a description of the NOA and negotiations conducted by the City. A copy of the Purchase & Sale Agreement negotiated with an interested party must be provided to HCD for review. The statute gives HCD thirty (30) days to review the information and material. The City may sell the property once HCD grants its approval or HCD fails to notify the City of a violation during the thirty (30) day review period.

Under Government Code Section 54230.5(a)(1), failure by the City to satisfy SLA requirements will result in a penalty of thirty percent (30%) of the final sales price for the first (1<sup>st</sup>) violation and a fifty percent (50%) penalty for each subsequent violation.

By adopting Resolution 2023-44, the Council will declare the property surplus and will direct the City Manager to send the required NOA to housing, park-open space, and school agencies and to "housing sponsors." The Resolution further directs the City Manager to negotiate sales terms with an agency or "housing sponsor" responding to the notice or, if no agency or "housing sponsor" responds, with a private party. The City Manager will submit the negotiated terms to the City Council for consideration and approval at a future meeting. The property will not be sold until the Council approves the sales terms.

Pursuant to Section 15312 of the California Environmental Quality Act Guidelines (CEQA), the sale of surplus government property is considered exempt from further environmental review.

**FISCAL IMPACT:**

None

**CONFLICT OF INTEREST:**

None.



**RESOLUTION NO. 2023-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE,  
CALIFORNIA, DECLARING A PORTION OF APN 378-023-34 ST  
TO BE SURPLUS PROPERTY**

**WHEREAS**, the City of Orange Cove ("City") owns the following Property: APN 378-023-34 ST ("Property"); and

**WHEREAS**, the Property is more particularly described in the attached Exhibit "A," which is incorporated herein by reference; and

**WHEREAS**, the City no longer has a need for the Property.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Orange Cove hereby declares the Property to be surplus.

**BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized and directed to send a Notice of Availability (NOA) to public agencies and housing sponsors in the manner required by Government Code Section 54222.

**BE IT FURTHER RESOLVED**, that the City Manager shall, in accordance with surplus property provisions of the Government Code, negotiate the terms of sale or lease of the Property with any public agency or housing sponsor that responds to the NOA and expresses an interest in the Property.

**BE IT FURTHER RESOLVED**, that if no agency or housing sponsor that receives the NOA desires to purchase or lease the Property or if the City is unable to successfully negotiate a sale or lease with an interested agency or housing sponsor, the City Manager is hereby authorized and directed to negotiate the sale of the Property to a private party.

**BE IT FURTHER RESOLVED**, that the City Manager is directed to provide the Council, for its review and approval, those terms that the City Manager negotiates in accordance with this Resolution.

**BE IT FURTHER RESOLVED**, that the Property will not be sold or leased until applicable terms are approved by the City Council.



The foregoing Resolution was duly approved at a regular meeting of the Orange Cove City Council held on the 27<sup>th</sup> day of September, 2023 by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:

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Diana Guerra-Silva  
Mayor

ATTEST:

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Melanie A. Carter  
Interim City Clerk

**EXHIBIT “A”**

