



**AGENDA
ORANGE COVE CITY COUNCIL
REGULAR MEETING
Wednesday, May 8, 2024
6:30 PM**

City of Orange Cove Council Chambers
633 6th St.
Orange Cove, CA 93646

ZOOM Information

<https://us06web.zoom.us/j/85040754598?pwd=xneUTanHwgt0o3jswEo2QSP9Y9eoS4.1>

Meeting ID 850 4075 4598

Passcode 644354

1. CALL TO ORDER/WELCOME

Roll call
Invocation
Flag Salute (Pledge of Allegiance)

2. CONFIRMATION OF AGENDA

3. PRESENTATIONS

- None Scheduled

4. 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).

4.a. Minutes of the April 24, 2024, Regular Meeting of Orange Cove City Council

Cisneros

5. REGULAR BUSINESS

- None Scheduled

6. PUBLIC HEARING

- None Scheduled

7. ADMINISTRATION

7.a. **Public Works Director & City Engineer** Dominguez
SUBJECT: Department Report by Assistant City Manager/
 Public Works Director Dario Dominguez
RECOMMENDATION: *Informational Only*

7.b. **Building & Planning Department** Patlan
SUBJECT: Department Report by Building & Planning
 Director Encarnacion "Shun" Patlan
RECOMMENDATION: *Informational Only*

7.c. **Police Department** Peña
SUBJECT: Department Report by Police Department
 Chief of Police Javier Peña
RECOMMENDATION: *Informational Only*

7.d. **Orange Cove Fire Protection District** Fire Chief
SUBJECT: Department Report by O.C. Fire Protection District
 Fire Chief
RECOMMENDATION: *Informational Only*

8. 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.

9. CITY MANAGER'S REPORT

10. CITY ATTORNEY'S REPORT

11. CITY COUNCIL COMMUNICATIONS

12. CLOSED SESSION

- None Scheduled

13. 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. 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 the 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
CITY OF ORANGE COVE CITY COUNCIL
REGULAR MEETING
April 24, 2024**

A meeting of the Orange Cove City Council was called to order at 6:31 PM in the Council Chambers. The council members answering roll call were Vacio, Rodriguez, Cervantes, Mayor Pro Tem Garcia, and Mayor Guerra-Silva. Also present were City Manager Parra, Assistant City Manager/Director of Public Works Director Dominguez, Director of Building/Planning Encarnacion "Shun" Patlan, City Attorney Crouch, Police Chief Pena, and City Clerk Cisneros.

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

CONFIRMATION OF AGENDA:

There were no changes to the agenda.

PRESENTATIONS:

Boys and Girls Club Recipients-Youth of the Year:

Lucia Pineda

- 2024 Boys Girls Club Fresno County Youth of the Year, First Place Winner
- 2024 Boys and Girls Club Northern, CA Youth of the Year, Finalist
- 2023 Boys and Girls Club Fresno County Youth of the Year, Finalist

Hazel Rodriguez

- 2024 Boys and Girls Club Youth of the Year, Finalist

Yadira Murillo Garcia

- 2023 Boys and Girls Club Youth of the Year, Second Place Winner

CONSENT CALENDAR:

Mayor Pro-Tem asked to remove item 4.b. Consideration and necessary action on Addendum No. 2 to the City Manager’s Employment Agreement from the consent calendar. Mayor Guerra-Silva also agreed to pull the same agenda item from the consent calendar. A motion is still required for the other items under the consent calendar. The motion was made by Council Member Vacio to approve the consent calendar was made by and seconded by Council Member Cervantes. The motion carried with the following vote:

AYES: 5 COUNCIL MEMBERS: Vacio, Cervantes, Rodriguez, Garcia, Guerra-Silva
NOES: 0 COUNCIL MEMBERS: None

ABSTAIN: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

- a. Minutes of the April 10, 2024, Regular Meeting of Orange Cove City Council
- c. Consideration and necessary action on Resolution 2024-09 accepting the public improvement related to the J.O. Eaton Park Playground Equipment and Improvements project and direct the City Engineer to file a Notice of Completion documentation with the various funding and regulatory agencies associated with the project.

A discussion took place between the council regarding 4.b. Consideration and necessary action on Addendum No. 2 to the City Manager's Employment Agreement. The motion was made by Council Member Cervantes to approve Addendum No. 2 to the City Manager's Employment Agreement seconded by Council Member Vacio.

AYES: 3 COUNCIL MEMBERS: Vacio, Cervantes, Rodriguez
NOES: 2 COUNCIL MEMBERS: Garcia, Guerra-Silva
ABSTAIN: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

- b. Consideration and necessary action on Addendum No. 2 to the City Manager's Employment Agreement

REGULAR BUSINESS:

SUBJECT: Consideration and necessary action on Adoption of Resolution No. 2024-07 Confirming Costs Expended in the Abatement of A Public Nuisance on Commercial Property at 203 Park Boulevard and Authorization for The Placement of Liens and or Possible Special Assessment to Recover Costs

Building and Planning Director Patlan approached the podium and addressed the council. They have been actively looking at public nuisances. There were two properties in bad conditions which involved code enforcement. City staff have been working and have addressed code enforcement issues at 203 Park Boulevard.

203 Park Boulevard

The property is now vacant and has had an extended history of violations and past code enforcement cases with the city. This commercial structure was abandoned and caught fire which resulted in a demolished state. There were several complaints regarding homeless camps on the property. The administrative remedies to fix this situation were unsuccessful. On October 4th, 2023, the city received an executed abatement warrant issued by Fresno County

Superior Court authorizing the City of Orange Cove to proceed with the property and abate the property. On January 8th, 2024, the demolition contractor who was awarded the contract was authorized to come in and start the work. The job was completed by January 12th, 2024. On March 27th, 2024, as required by the code, the owner was billed for all of the incorporated costs of \$25,899.73. The owner had 30 days to submit full payment. The owner has failed and has to pay the cost. A Public Hearing Notice was given to the owner as required by the code regarding a Hearing on this matter.

This subject was opened for public comments at 6:52 PM. Mario Villareal approached the podium. He commended the city for cleaning up the property and making the city look better. Public Comments was closed at 6:54 PM.

The motion was made by Council Member Garcia to approve the Approve Resolution No. 2024-07 Confirming Costs Expended in the Abatement of A Public Nuisance on Commercial Property at 203 Park Boulevard and Authorization for The Placement of Liens and or Possible special Assessment to Recover Costs and seconded by Council Member Rodriguez. The motion carried with the following vote:

AYES: 5 COUNCIL MEMBERS: Garcia, Rodriguez, Cervantes, Vacio, Guerra-Silva
NOES: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

REGULAR BUSINESS:

SUBJECT: Consideration and necessary action on Adoption Services Franchise Agreement with Mid Valley Disposal Inc.

Assistant City Manager/Public Works Director Dario Dominguez approached the podium and addressed the council. On November 13, 2023, the city released a Request for Proposal for Refuse and Waste Hauling Services. On December 27, 2023, we received 4 proposals. All four companies were invited for an oral interview which took place in early January. After conducting interviews and reviewing proposals, the interview committee decided USA Waste of CA (WM) and Mid Valley Disposal were the most qualified companies and offered the best value to perform these services. On February 28, 2024, Council Meeting, the council directed staff to enter into negotiation with Mid Valley Disposal and develop the Franchise Agreement which is being brought before you tonight. Everything that was negotiated is included in the agreement. If the agreement is approved, the services will commence on June 1st, 2024. The rates will go into effect on July 1, 2024. If the city completes the Proposition 218 Election. The current rate will be charged before July 1, 2024. The Franchise understands and agrees that any adjustments are contingent to the Proposition 218 Election. The city will receive a 10% percent franchise fee from the contractor for the revenue collected from the residential, commercial, and industrial hauling services. Services that will be provided are

Single Family Residential/Commercial/Industrial/Multi-Family. The pickups will be 3x per week. The Organic pickup will need to go through the SB 1383 process. The Public Works yard will receive a large trash bin (at no cost), two annual cleanups per year with free compost giveaway at both events, a free document shredding/full hazardous collections at one of the cleanup events, two free bulky items per residence- multifamily per year (4 big items), and two free vouchers annually per residence (two bulky items) to be dropped off at the nearest franchise facility.

Illegal dumping at city direction, franchise agrees to provide targeted cleanup on illegal dumping up to 70,000 lbs. of trash annually. The franchise will provide free portable toilet services at city-sponsored events and scholarships to graduating high school students, approximately \$5,000 annually. The franchise will collect and dispose of Christmas trees left at curbside following each Christmas Day. Also, a senior handicap service for residents who are 65 years of age and provide documentation of medical condition. Mid Valley Disposal representatives are present to answer any questions the council may have. A mailing will be provided to residents informing them of the rate increases 45 days before a Public Hearing. If the new rates do not pass, the franchise will honor the old rates. The new trash containers are in town already. Joe Heisdorf with Mid Valley Disposal stepped to the podium and addressed the council. Assuming the council approves the contract tonight, they'll start working in the morning. Isaac Kulikoff with Mid Valley Disposal addressed the council. There is a town hall meeting scheduled at the community center on May 15th from 5:30 PM-7:30 PM. The community is invited to come out and ask any questions they may have. There will be bilingual interpreters present. A summer cleanup has been scheduled tentatively for the first Saturday in July. There will be fall and spring cleanup events. Most of the new carts have been built. The brand-new garbage trucks are on their way and the three drivers have been trained. Welcome letters have been sent out to all residents. Trash pickups will be Mon-Wed-Friday. New carts will be delivered on Memorial Day weekend. QR codes will be on the carts along with a welcome packet. Mid Valley Disposal will have an informational booth at the Cinco de Mayo event.

The motion was made by Council member Cervantes to approve the Approve Resolution No. 2024-08, to approve the Solid Waste Hauling Services Waste Hauling Services Agreement with Mid Valley Disposal, Inc. and authorizing the City Manager to execute the Agreement seconded by Council member Garcia. The motion carried with the following vote:

AYES: 5 COUNCIL MEMBERS: Cervantes, Garcia, Rodriguez, Vacio, Guerra-Silva
NOES: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

PUBLIC HEARING:

None Scheduled.

DEPARTMENT REPORT BY PUBLIC WORKS DIRECTOR AND CITY ENGINEER-

There were no updates presented by Assistant City Manager/Public Works Director Dario Dominguez.

DEPARTMENT UPDATE – REPORT BY BUILDING AND PLANNING DIRECTOR ENCARNACION “SHUN” PATLAN:

Building and Planning Director Patlan approached the podium and addressed the council.

Macias Tract- In the previous council meeting the final map was approved. Paperwork that is required to be recorded is being worked on. They are working on the infrastructure. Their subdivision agreement will be presented to the council at the next council meeting.

Blossom Heights and Universal Properties- (Industrial Park area)

At the last council meeting the rezone application-general plan amendment was approved. The original sale of the contract required a repayment plan of \$76,0000 for the sale of that property. Full payment was made recently to the city for the reconveyance of the property. Currently working with the title company and should be completed this week. The Universal Properties which was rezoned and approved at the last council meeting for the apartments. They are working on their site plan which will be the last step for council review.

Universal Properties-Mr. Singh - The commercial is 8 acres. As this project had started with the previous city engineer, there were communication issues. It was decided to use Chris Howard, our current City Engineer with Precision Engineering. There is a meeting scheduled to discuss this project with Chris and his team next week on Monday. Once the issues are resolved, we plan to bring this back to the council within 30 days. The plan is to have commercial development at this location.

The City Housing Element – The Housing and Community Development had a deadline of April 12th to submit comments on the original submittal. They did respond with minor additional revisions. A revision noted was the two projects about the rezoning. We can inform HCD that the rezoning has been done, and we are waiting for the site plan. The revisions have been completed and will be submitted by next week on Monday. We will contact HCD and ask for provisional approval on the housing element. Hopeful to have this within two weeks.

203 Park Boulevard – Action was taken tonight on this topic.

Donated Property from Bell Carter – The rezoning will begin and have all the environmental analysis done and change the zoning. The environmental analysis will show any levels of

contamination. There were previous studies done on this property, no reports showed any contamination. We are working with the Housing Authority and an environmental analysis is a requirement. This will be brought back to the council. He and Dan can start working on perfected development for this property.

Proposed Bakery – Plans were received for a proposed bakery from Carmelita’s Bakery from Parlier, CA is looking to make some improvements and sell baked goods at 324 Park Boulevard. The Code Enforcement Director is working with them.

Update-Property sold to Raul Santellan- The city sold him two acres of land. He will provide all the information and requirements to the project engineer. Shun also met with Mario Villareal regarding this development project. Mario Villareal was present and approached the podium to address the council. This property has some issues with soil development and the locations were identified. In the front, there will be a commercial building. There will be five building pads, each with their parking stalls for future rentals for mechanics and plumbers. Each tenant will need to set up a utility account. The company office will be built at the back of the property. Once there is a tentative map, a sign will go up on Park Boulevard. Mario’s company will be taking over the management of this project. Once approval is provided the cleanup work will be done and building pads will be built.

Comments from the Public regarding the department update report by Building and Planning Director Encarnacion “Shun” Patlan”.

Elaine Gutierrez approached the podium. There are plans for new developments, what is the plan for the empty buildings in town? The mayor informed her the empty buildings are not city-owned. The empty buildings are individually owned. Within 60 days bring back the rezoning ordinance for the downtown area and start marketing the downtown area. Seeking to update the zoning ordinance and looking into a façade program. The council suggested for Shun to approach the business owners and assist them with any of their needs. A discussion between the council and city manager regarding seeking funding.

Manuel Ferreira approached the podium. He brought up the Lions Club. There are about twelve members. He brought up the topic of the Chamber of Commerce. He thinks the Chamber has lost its 501 c3.

Any other comments the public would like to make will be done during Public Comments.

DEPARTMENT REPORT BY POLICE CHIEF:

Chief Pena stepped forward and addressed the council. Staffing levels are short by two officers. The backgrounds will be concluded soon for the two officers who are in the process of being hired. These officers come with experience. The Part 1 Crimes Stats major crimes have been

very low, but there has been an increase in assaults. This is a combined effort with everybody. Hopeful that the stats will stay low. The OCPD was invited to A.L. Conner last week with the SRO attendance and interacted with the children. Support staff, Jennifer Hernandez, assisted in the event. Animal Control calls will be directed through the dispatch center. The public asked how to determine the intake of rescued animals to the shelter. Chief Pena will provide her with the information.

UPDATE FROM ORANGE COVE FIRE PROTECTION DISTRICT:

Chief Tom Greenwood was out of town and Battalion Chief Eddie Hernandez approached the podium and addressed the council. Last month there were 94 calls. There were 12 fires, 63 medical aids, 7 traffic accidents, 9 false alarms, and 3 public assists. Last week, the Fire District hosted a Car Seat Check Point. It was a huge success with 28 vehicles to inspect. All of the car seats in the vehicles were out of compliance. This event was funded with a grant through Valley Children's Hospital. Every car seat was replaced. There are usually 5 technicians performing the inspections and another event is being planned to be held in the next two months.

PUBLIC COMMENTS:

Elaine Gutierrez inquired about the community center. Previously, there were lots of activities in the community center. With no activities taking place in the community center, residents have to drive out of town for activities. There are soccer nets behind the community center. The question was asked if soccer would take place here. Inquired about parks. Sheridan Park in particular. The resident was informed about the new Sheridan Park and Sequoia Park that will be built. We are looking into funding the community center. An MLB Grant was submitted to build the baseball fields. This is a 50% match. This grant is for the area behind the community center. A video of the new Sheridan Park will be provided to her by City Manager Parra at a later time. An inquiry was made regarding a water park. City Manager Parra is working on water features to be added to Eaton Park.

Lucia Pineda thanked the council for the plaques they received this evening. She is an advocate for the City of Orange Cove.

Isaiah Lopez, just completed his second anniversary as the Boys and Girls Club Director in Orange Cove. As of today, there are 105 members. The team is doing a lot of successful things in the Central Valley. Lucia Pineda attended an event at the capital. She spoke to Dr. Joaquin Arambula and a representative from Anna Caballeros' Office regarding the workforce. She also made her first trip to Sacramento. Isaiah will now oversee the Boys and Girls Club of Reedley. He will be in Orange Cove less and thanked everyone for their support during his two years.

Mario Villareal, Chairman of Target Eight Council provided an update. They are painting the Julia Lopez Center. They just received the bids to paint the inside. At the Orange Day Care, they will be doing new flooring. The announcement of the infant care program will be coming soon

and should be in place after July. They are working on doing their food service and not having to contract. The new center will employ 15 new employees. A monthly report is provided to City Manager Parra.

CITY MANAGER’S REPORT:

City Manager Dan Parra thanked the council for the contract. The severance is not a retirement plan. If he is at fault and is let go, he does not receive severance. Severance is provided only if he is let go for no reason. It is a protection and he does have a family and obligations to pay. The severance pay is only paid without cause.

CITY ATTORNEY’S REPORT:

Nothing to report.

CITY COUNCIL COMMUNICATIONS:

Council Member Cervantes asked for an update regarding the hardware. At the last closed session, someone went and spoke. The deal that was discussed with the gentlemen was not finalized. Someone else went in and took the project away. We will not be getting the pharmacy, doughnut store, and the other businesses. We were underbid. Someone else received the building. Council Member Vacio thanked McCord and A.L. Conner schools for the Ribbon Cutting Ceremonies. She loves supporting her community. Council Rodriguez shared that the midget girls (10-11-year-olds) from Sheridan School are going to Valley. The Championship Relays will be held at Buchanan School on Saturday, May 4th. She’ll be missing the parade. Mayo Pro Tem wanted to invite the public to the City of Orange Cove Cinco de Mayo Event. Cynthia Cisneros, City Clerk, provided an update on the Cinco de Mayo event. In addition, City Manager Parra provided the information (1:00 PM – 3:00 PM) for the Pony and train rides for the kids. The mayor would like to express in hiring a Parks & Recreations Director. She would like to see a committee created for this topic. She wants to see the kids off the streets. The mayor also invited the public to the City of Orange Cove Cinco de Mayo Event. City Manager Parra spoke about the 4th of July fireworks celebration with Pyro Spectaculars. Due to the surrounding cities having their festivities, two dates were provided to the council. The City of Orange Cove firework show will take place on the evening of Friday, July 5th, 2024.

CLOSED SESSION:

None scheduled.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:13 PM.

Respectfully submitted,

Cynthia Cisneros
City Clerk

Diana Guerra-Silva
Mayor