

Minutes

CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA November 6, 2014

1. CALL TO ORDER

Mayor Garcia called the November 6th Council meeting to order at 7:00 PM.

Council Members present: Oxborrow, Lander, Ramsey, Keough, Garcia

Staff Members Present: City Manager Rene Ramirez, City Attorney David J. Wolf, Finance Director Mari Jimenez, Assistant Community Development Director Sean Brewer, Administrative Senior Analyst Mercedes Garcia, Police Chief Cal Minor, Fire Chief Steve Henry.

Planning Commissioners Present: Josh Sailer, Anne Jorgens, Rocco Papietro, Ken Stoppenbrink

Others Present: City Clerk Wanda Earls

City Treasurer is Absent

1. Pledge of Allegiance

Mayor Garcia led the Council and Audience in the Pledge of Allegiance.

2. Changes to the Agenda

None

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)

3. CITIZEN COMMENTS

Sean Kalpakoff with Mid Valley Disposal:

He just wants to make an announcement to remind you and all citizens of the community that on November 8th we are having our biannual clean-up in their yard from 7:00 AM to 3:00 PM. The address is 1255 E. Elm. He will be out there for “free dump day”. Everything is accepted except hazardous waste. No batteries but tires will be accepted and free. The City achieved a grant from the State so they are paying for the citizens to dispose of their tires for free. He will be barbecuing hot dogs and you can grab a water on the way out. He hopes everyone comes out and takes advantage of this opportunity to dispose of their “stuff” at “free dump day”.

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR

*Motion Made to Approve Consent Calendar Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 Made by Council Member Oxborrow, Seconded by Council Member Lander. Motion **Approved** by a Roll-call 5/0 Vote: Oxborrow, Lander, Ramsey, Keough, Garcia.*

1. Minutes - December 12, 2013 (Special) - CORRECTED
2. Minutes - August 13, 2014 (Special)
3. Minutes - September 4, 2014
4. Minutes - September 9, 2014 (Special Budget Workshop)
5. Minutes - October 2, 2014 (Amended)
6. Check Register: 09/01/2014 - 09/30/2014
7. Monthly Treasurer's Report - September 2014
8. Community Water Use Update – September 2014
9. Authorize the City Manager to execute a Professional Services Agreement with Omni-Means Engineering Solutions to provide Design Engineering Services for the Elm and Cambridge Ave Signalization Project (City Project Number CPW14-04)
10. Purchase of (1) 2015 Tymco Model 600 Diesel Street Sweeper Project No. CMLNI 5146(013)

Consent Calendar: Item 10 is pulled for discussion: Purchase of (1) 2015 Tymco Model 600 Diesel Street Sweeper Project No. CMLNI 5146(013).

Mr. Sean Brewer said the Council will recall the City received grant funds from CMAQ, Congestion Mitigation Air Quality Grant Program for this particular call. It took sometime to get to the purchasing process because they have a program called "Buy America" which mean almost all the parts you purchase under a federal program have to be "Made in America". Every city submitting for a street sweeper under this program had to submit for an Extension Policy. At this time we were finally able to get authorization to purchase the street sweeper and so on September 17 we issued a published notice and invited bids to provide prices for a specific 2015 Tymco Model 600 Diesel Street Sweeper; it is relatively close to what we currently have now in terms of the model type and brand.

Three bids were received and publicly opened on October 8th. Bids were evaluated based on price, compliance to the specifications and ability to meet the minimum qualifications. One bidder did not meet the minimum qualifications and was disqualified. Based on the above criteria GCS Interenvironmental Equipment Services is recommended as the best bidder to provide for the desired equipment identified in the proposal. The Council, tonight, will be approving the purchase of the street sweeper and we will proceed forward with authorization to purchase and have it delivered relatively soon.

Mr. David King, 4370 Hawthorne Way, Riverside, CA:

He represents Haaker Equipment Company with the Elgin products. He is here tonight to protest the award to GCS because of the following:

This was not a competitive bid. This was based upon one sweeper and one sweeper only. This is grant money and you are required to put out a competitive bid. When you put out specifications for one sweeper and one manufacture no one else can bid. The reason why the two other bids, besides his, is because the dealer up north represents this area and the Tymco dealer down south cannot bid. They just gave him a quote to help him out. That is where you got the two and he bid. So the reason why he did it is because when he asked for the bid specs, he was told if you are not going to bid a Tymco, don't bother bidding. Well, this is grant money and it is a competitive bid and everyone should have an opportunity to bid. The reason why he bid is because the Elgin Product is the number one sold product in the world. There are a couple things

in the specs which he did not meet: his product is painted grey and not black, the side broom of 47" his is 46". Everything else he exceeded. His sweeper has more suction and bigger hopper and it is built better. He does not think it is fair the specs came out under one sweeper. He was low bidder. He is with Haaker Equipment Company and they have a full service vehicle up here to include parts and service. We have the capability of doing a better job for you than what you expect to have with Tymco.

He does not understand. He is the responsible low bidder. Why were the specs put out for only one type of sweeper? If that were the case every bid that people (cannot understand words). The grant money is not for you to pick and choose what you want. Grant money is for everyone to have a fair chance at this. He is requesting the award be given to the Haaker Equipment Company as the responsible low bidder.

City Attorney David Wolf said he did speak to the City engineer today and he says this is the process through Caltrans. The City followed the procedures. Even though it says Tymco it does not have be a Tymco product if you meet the specifications. This particular bid did not meet it in at least six categories. So it is not a responsible bid and he did verify with the City engineer on the bid process.

11. Notice of Completion for the Forest Phase 2 Reconstruction Project
12. Authorize the City Manager to execute a task order to prepare base mapping related to the Elm Ave Improvement and Underground Utility Project
13. Authorization for City Manager to Sign and Submit Local Transportation Development Funds for Fiscal Year 2014-15.
14. Consideration of Permit Fee Waiver for Concept Plat at Veteran's Park
15. Request City Council Adopt Resolution No. 3659, Which Approves the 9th Amendment to Fresno Council of Governments Joint Powers Agreement
16. Council's Consideration and Approval of Resolution No. 3660 Amending the City's Conflict of Interest Code as Required by the Political Reform Act

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion and Direction Regarding Proposed Contract Extension with Mid Valley Disposal
Rene A. Ramirez, City Manager

City Manager Ramirez said we are here tonight to get the Council's impressions in reference to Mid Valley Disposal as they want to extend their contract by at least ten years. Mid Valley has been providing service to the community since 2004. Their current contract expires in 2016. Through all this time, he was amazed to find the rates have been the same for well over ten years even with changes in regulations.

One of the reasons they are here and looking for the extension is the regulation being required for all solid waste providers to now begin diverting all organic and food waste from the waste stream. Because of this, Mid Valley is planning to build a compost facility at their Kerman site. This is basically the reason Joseph wants to start talking about an extension now. One of the things he pointed out in the staff report is as the contract has evolved with Mid Valley Disposal, things in Fresno County have changed.

The franchise agreement with Fresno County ends in 2018. Probably six or seven years ago the County actually traded franchise areas within the County. Part of the reason for doing that is Fresno County was having a problem at meeting the diversion requirements the State had set. You had multiple haulers picking up along the same County road and they knew they needed to try and streamline the process. They developed these franchise areas. Mid Valley is the franchise hauler in rural Fresno County for everything west of the City of Fresno to the northern County border down to the southern Fresno County border. There

is a small segment in south east Fresno County where Mid Valley has an exclusive franchise. This means that everything in the rural County, Mid Valley picks up.

The City of Coalinga, if we wanted to have our own hauler, etc., or we wanted to do the trash ourselves, we could still do that.

We have had a good working relationship with Mid Valley.

The purpose for this discussion is because there are some changes to regulations requiring Mid Valley is create a composting facility. It will take some capital improvement and borrowing some money. The lender is looking for something that shows they have a good contractual arrangement and a revenue stream that is going to repay the money they have to borrow. That is the biggest reason for Mid Valley to be asking now prior to the contract sunset in 2016.

Mr. Joseph Kalpakoff, Mid Valley Disposal made a PowerPoint presentation depicting the following:

The Proposal

Mid Valley has enjoyed a 10 year relationship with the City of Coalinga.

Mid Valley Disposal in Coalinga since the Company was founded in 1997 through 2014.

Recycling Success

Buying Local – a list of twenty-three Coalinga businesses were listed as vendors Mid Valley uses.

List of Community Involvement and Sponsorship of organizations in Coalinga they have collaborated or sponsored in recent years.

Clean-up Events including the donation of Roll-off containers to assist with the creek clean-up events

Pricing – Mid Valley has kept prices low and below industry standards for Coalinga for the 10 years they have served the community. They have been growing their business around Coalinga. They have been able to shave their costs.

Family Owned Local Company. They reinvest their profits back into the Company.

There is a clean-up event this coming weekend. Dumping is free for all the residents. It is a good way to keep the alleys clean.

They look forward to a long-term relationship with your City and their financial institution is looking for a long-term relationship with their cities.

It cost a lot of money to implement these new food waste programs. It cost a lot of money to put in the infrastructure in Kerman and keep us and the cities in compliance.

Tonight he is asking the Council and the City staff for a new ten year agreement. He is here for questions.

City Council Member Oxborrow said he thinks Mid Valley has been a wonderful asset to the community. Since you bought that yard, he has some property there, you guys keep that yard really clean and nice. It works out very well. There is not much stench or anything that you would expect from a facility such as you have. He has only one question and something he would like to see implemented is to have the trash cans we have cleaned or replaced. His garbage can is soiled and it needs to be cleaned. He does not know of a program you might implement for us. Can you perhaps cycle them out every six months or so or have them steam cleaned, etc.

Mr. Kapokoff said over the past ten years they have brought in over 2000 carts mostly in 2011 and 2012. Anything that was broken or dirty was replaced. Some carts hold up well and some are stuck in the alley and they get beat-up a little more. We are constantly investing and switching out those carts.

A cart cleaning program he does not have and with wastewater it has become difficult. We used to be able to go out and pressure wash them real quick and place them back out. Now with wastewater regulations you have to have a seal component garbage truck. It could be time for him to look at that option.

Council Member Oxborrow said some of them are getting pretty bad. It might save you money replacing them because some are getting pretty bad.

Council Member Lander said he sat on this board when we contracted with the trash service. It was a huge controversy in this community. He had done a survey throughout the State as to how many communities had privatized their trash service and we were one of the last to do so. In the past several years that you have serviced us, it has been phenomenal for our City. As to extending this contract, he has absolutely no qualms regarding it because of the service you have offered this City and other communities within the surrounding area.

Council Member Ramsey said he thinks you are a great partner. He was also here when they brought you aboard. He knows everyone in the community and the organizations are assisted by you. He is for the extension, also. It should come to our next Council meeting and hopefully (we have new Council people coming in) it will be approved for another ten years.

City Manager Ramirez said this will be brought back before you with a contract agreement to be approved by you.

2. Introduction and Waiver of First Reading of Ordinance No. 779, an Ordinance of the City of Council of the City of Coalinga Adding Chapter 16 to Title 5 of the Coalinga Municipal Code, Establishing Regulations Pertaining to Massage Establishments

Cal Minor, Chief of Police

Police Chief Minor said he wants to give a quick background. He knows you have read the staff report and proposed ordinance. Currently State law does not allow the City of Coalinga to regulate massage establishments in any matter. Three years ago, legislation was passed, that established the California Massage Therapy Council. The idea was the same as the governing board over barbers, beauty shops, physical therapy, etc. Those boards consist of people from the industry charged with the oversight. The current California Massage Therapy Council has no say in oversight. It is a group composed of people from the industry regulating them. They have set their own rules and criteria and removed the municipalities from having any oversight.

In January there is a new amendment to this law which will be passed which brings it into compliance with other professional businesses in California. It will return the oversight to the Council if you so choose. In working with Dale and Mr. Wolf, we have come up with a proposed City Ordinance which is in compliance with the new regulation taking effect in January restoring oversight to the City to regulate these types of businesses. The proposed Ordinance is before you for approval this evening. One of the things in your packet is our proposed application ordinance. Tonight you are approving the Introduction and Waiving of 1st Reading of Ordinance No. 779. We will come back with the Second Reading and it will take effect 30 days after that. We will require the establishment(s) in town to fill out the required information and comply with the new regulations. He will answer any of your questions.

Mayor Pro-tem Keough said he was reading through this and it looks pretty touch. He does not know how he would open a massage parlor after reading this. He doesn't want to give his wife a massage because he might be arrested. There are a lot of regulations in this. He is a little concerned about the amount of government being pushed into the document. It seems to him that the Chief of Police would have full discretion over this. It does not seem to him that the Council is going to have real oversight authority over this. Is that true?

Chief Minor said the licensing approval is with the Chief of Police. But there is a process where the business owner can appeal any of their decisions to the City Council for final authority. They would appeal first to the city manager and if not satisfied they can then appeal to the City Council for final arbitration.

Council Member Oxborrow said the intent of this is the background and investigation fee. If you know the history on some of these establishments, that are opened up they are not, necessarily, owned by one person. There is one owned here in town and there is one in Lemoore, Hanford and Visalia. There is history of arrests, etc. Through the background investigation you will be able to weed out who is ligament and who is not.

Police Chief Minor said we could not do any background checks on these establishments.

City Attorney David Wolf indicated the biggest benefit for us is the establishment of a permit. Massage establishment must have a permit and if there is any wrong doing going on, the permit may be revoked

Council Member Lander said this gives you more control and as of now you have no control.

Police Chief Minor said we can do criminal investigation on an individual like we have done. But the actual operation of the massage establishment can continue forever. The City, as of right now, cannot revoke the business license if they pay all their fees and comply with the regulations of the California Massage Therapy Council.

*Motion to Introduce and Waive 1st Reading of Ordinance No. 779 Establishing City Oversight of Massage Establishments Made by Council Member Lander, Seconded by Council Member Ramsey. Motion **Approved** by a Roll-call (5/0) Vote: Lander, Ramsey, Oxborrow Keough, Garcia.*

3. Council Consideration of Proposals Received on the Sale of the EDA Buildings Located in Coalinga Plaza

Sean Brewer, Assistant Community Development Director

Assistant Community Development Director Sean Brewer said tonight staff is requesting approval of the proposals received for the sale of the EDA buildings located on the Coalinga Plaza. City staff has been working with the City Council in developing a sales approach for the EDA buildings located on the Plaza. We have two independent buildings comprised of seven units each. Staff has been given direction by the Council to condo the individual units for sale. Staff has completed that and on September 9th, 2014 staff advertised a RFP on the City Website, local paper, the City's broker Website and several multi-listing services to solicit proposals for the sale of the EDA buildings.

Proposals were to be received no later than October 13, 2014 at 4:00 PM. Staff received four sealed proposals to be opened publicly here in the Council chambers on October 21, 2014 at 6:00 PM as directed by the Council at their regular October meeting. The proposals were read out loud and staff in conjunction with the city attorney reviewed in detail the proposals to insure that they were complete and responsive.

After reviewing the proposals, staff has determined that three of the proposals were responsive and one was non-responsive based on missing pertinent financial documentation. We can discuss that further. We attached the spreadsheet identifying the proposals received and price and documentation provided for each proposal. The three proposals deemed to be responsive were for 115 West Durian Street, 295 North Fifth Street and 100 West Cedar Street. They all provided a proposal which included a price at asking price or above the minimum asking price, a letter of commitment or an executed sales agreement and financial documentation indicating the ability to execute the cash sale. All proposals received were identified as cash sales. All the documents provided to the City have been attached via a draft. However, you will see the documents relating to the buyers financial capability such as bank statements are not included as they are deemed confidential.

The one proposal determined to be non-responsive was for 385 North Fifth. There was no financial capability such as a bank statement, funding letter, letter of credit or any kind of information from a financial institution. The offer was \$200 less than the asking price. Staff was able to discuss the issue with the buyer and confirm that the \$200 was a clerical error and their full intent was to offer the minimal price of \$44,200 not \$44,000. Since there were no competing offers on that particular location, staff made the determination that the error could be fixed in accordance with Section C and J of the RFP which allows the City to waive any irregularities, informal or minor defects if the City deemed it within the best interest of the City. Since the proposal which came in was \$200 under was clearly the result of a clerical error and not by design, staff is of the opinion that there is enough discussion to treat the defect as minor and for the City to accept the bid of a minimal purchase price proposal. However, since the buyer did not provide the required financial statements, staff has determined the proposal is in fact non-responsive. However, because there are no competing offers on any of the units, the Council has the full discretion to accept all offers and instruct the buyers to work directly with the City's broker to execute sales contracts and complete sale transactions. In accordance with the RFP, the buyers shall have thirty days from the Council's approval to execute the sales contract.

The Council has the discretion to approve all four proposals because they have to go through the process of providing all the information and execute the cash sale.

Staff would like to talk about the outstanding unsold units, and how the Council wants staff to approach those. Staff is recommending that we begin marketing the remaining units for sale until the units are sold. It is recommended that the Council set the price of \$42.00 per square foot in order to be in line with the highest offer accepted this evening. This will not affect the current purchases that are going to occur providing the Council does accept the proposals presented. This insures they will not lose any property value on the day they sign a contract for the purchase.

Based on the proposal received and accepted the City would generate exactly \$202,500. of revenue to the General Fund most likely this fiscal year barring the closing taking more than eight months. The City's broker's commissions are to come directly from the EDA fund and will not come from the proposals themselves.

Council Member Oxborrow said the City is going to be acting as the Association, he is assuming, until all the units are sold at which time they will have to form their own association.

Mr. Brewer said the City will be a part of the Association until all the units are sold. Staff prepared a preliminary budget that was reviewed with the City Attorney deemed to be satisfactory in terms of what items needed to be looked at in the budget to determine the actual association dues. We do have those dues identified in the RFP. The City is the majority owner of both and they will have to be the decision maker on that profit. We will be moving forward in hiring a property management company to manage those. The cost has been built into the RFP and in to the budget for the Association dues.

Council Member Oxborrow asked if we sale these four prospective units, are they going to begin paying any type of association dues. Will it be built into the escrow?

Mr. Brewer said we will start that process once the Council approves these purchases. We will start working getting the property management company lined up so when these properties close, we will be moving ahead.

Council Member Oxborrow said the other concern is we are extensively privatizing these units as they are and they are offered for sale. His suggestion is we have thirty-day contracts with the leasees. Does anyone in the units have an extended contract or is everyone on a month-to-month basis?

Mr. Brewer said the RFP stated that they have thirty days to close escrow. Mercedes Garcia has the

rental/lease information.

Senior Administrative Analyst Mercedes Garcia stated that 115 West Durian Street is one of the units, she believes their contract ends in January. Unit 295 is up on November 30th.

Council Member Oxborrow said his suggestion would be that we define a fee structure here on out because if anyone is interested in purchasing any of the other units, they are not going to want any incubator status because they will want a market rate in there for the remaining units. Any perspective buyers should want to know the actual rent if they want to purchase a unit as an investment.

Council Member Lander asked if the Association fees are going to be determined by square footage?

Mr. Brewer said the latest Association dues are based on a percentage of the square footage and the common area share such as two units sharing a bathroom which would be considered common area. He has a spreadsheet and every unit has its fair share of the common area.

Mayor Pro-tem Keogh said he had a couple problems with this. He was not able to bring this to the Council because of the timing. When he looked at the full packet on the agenda, he sees that he has different information in each packet. It is not consistent. Also, there is not a letter of commitment in each packet; there might just be a purchase agreement. It appears strange to him that it said in the RFP, in two different places, that upon acceptance of a winner of the bid they would then have thirty-days to, then, complete purchase agreements. Why is a purchase agreement in the bid at all? That bothers him. The final thing, in two places in the RFP, it talks about sealed bids. In here we talked about opening the bids to the public. We really gave the impression that nobody could know the bids. That is not true, because with a purchase agreement people would know the bid.

He told the City Attorney that somebody asked him how I know if the City realtor is not going to know my bid. The City Attorney said they won't because it is a sealed bid. He then presented the purchase agreement showing the realtor does know the bid offer. The city attorney wrote back and said, "I should have been clearer. The broker has a (cannot under word) agreement". He didn't realize that three days ago when he gave you the information. He said, "That is interesting, you are a lawyer and you wrote this RFP?." He asked for a copy of the contract three weeks ago and he never received it.

His two problems here are:

1. There is a perception issue. We made it look like no one would know the price of the bid. That is not true.
2. Why do the purchase agreements (cannot under words) when it clearly states, "You have thirty-days upon a successful bid".

We don't want to fight about that because he got that out. He just wants people to be aware of that. He said when he wrote that to the city attorney he CC'd it to city manager.

City Manager Ramirez said he does not recall the information but he would look into this situation.

Mayor Pro-tem Keough said he can show it to you.

Mayor Garcia said we are looking for a consensus to move forward. We need a motion and second.

*Motion Made to Accept the Conforming Proposals as Presented for Consideration of the EDA Buildings Made by Council Member Oxborrow, Seconded by Council Member Lander. Motion **Approved** by a Roll-call (4/1) Vote: Oxborrow, Lander, Ramsey, Garcia (Keough voted "No")*

4. Police Department - Monthly Report

Police Chief Cal Minor

Police Chief Cal Minor said he is always proud to talk to you about your police department. He is proud of the work they do and they provide excellent service to our citizens.

Personnel – down to 18 of 21 authorized personnel. Nineteen positions have been budgeted for this year. The middle of last month, one of our corporals resigned to take a position with Fresno Police Department. As to the direction during our budget session, we will drag this position vacant for two months and look forward to filling it in January. It is challenging but this is what we have to do during these times.

One of the problems in staffing is one of our officers remains on light duty; he is making progress and we are hoping to have him back to full duty in the first part of December. Unfortunately, one of our sergeants during the month, during an arrest, injured a thumb. It doesn't sound like much but for three weeks the medical attendants thought it was a torn tendon. It is on his right hand but the hand is out of action. The good news yesterday, after going to a specialist, it is only a severe sprang. There is no surgery required but there is a lot of swelling, etc. It took quite a while for a proper diagnosis. That sergeant will return to the specialist on December 1st and, hopefully, we will have some resolution by then. Yes, it has impacted us because our two detectives may have to fill patrol shifts. We work around it. Our non-uniformed are at full staff except for our part-time animal control. That person resigned approximately two months ago; we luckily had a current list from our last hire, we offered the position to the second person. She is currently filling out her background information. We will be moving forward on this.

Upcoming events: Interviews set for next Monday for our reserve candidates. We decided to ask for the Council's input and Council Member Keough agreed to sit in on our reserve interviews. It is just opening that process up and letting you see what these people go through to give you some insights into the process. Because of our corporal resigning, we have a corporal position open and we may lose another corporal within the next few weeks. We are having corporal interviews on the 17th and Council Member Lander is sitting on that panel. We shall see how it works, he hopes you will receive feedback from the two council members. After this, if it is beneficial, we will continue it, if not we will try something else. It is a work in process. We are looking for your feedback.

Animal Control Activity: 31 dogs, 25 cats, 4 skunks. He is not a skunk expert and does not know if it ever slows down. We still have many coming/living within the City.

We only picked up 10 shopping charts, which if we go back over the years, is excellent. We are still working on it.

Crime Stats: He attributes this to the hard work going on out there. He does not know how long we can sustain it. We continue to have a substantial drop in crime within the City:

0 murders

Forcible rapes up by one

0 Robberies this reporting period

We spend a lot of time on aggravated assaults where someone is injured. They dropped 76% during this period. (From 13 last year to 3 this year). Simple assaults 20% reduction from 5 to 4. Burglaries from 13 last year to 9 which is a 30% reduction. Larceny/thefts dropped from 21 to 16 with a 23% reduction. We have not been having an uptick in vehicle thefts. They went from 3 last year to 0. Vehicle thefts are considered a victimless crime but when that citizen goes out to go to work and the vehicle is gone, it affects the whole family because that person has no way to get to work. He argues with other law enforcement administrators when they say that is a victimless crime; it is not. It can affect the financial stability of that family if that person cannot go to work. Overall, we are down 41% for the reporting period.

Crimes: We had a rash of (one person) sexual assaults; grabbing females in public, etc. We put out an advisory because we have exalted all of our efforts in identifying this person. We believe it is the same individual. Our victims have described the person from 18, 19 years to 40 years old. Since we put out that press release advising the public, we have received some additional information. We are still working on it. He felt a duty to advise our citizens on what is going on and for them to be aware of these types of situations. It was not intended to scare; it was more of what has been happening within the City.

We received a crime tip on our crime line from the Employee's Education Credit Union. People have been depositing fraudulent checks in an active account of another person. While these checks were clearing the process, they were making withdrawals. These two individuals deposited \$5600 and then withdrew \$2600. They evidently thought it would not pop-up. Of course, \$5600 is a substantial amount. It took a lot of follow-up and search warrants and videos from the ATM at the College. It resulted in two arrests and, again, the bank/credit union and we, as individuals, are all victims because we pay higher prices, etc.

Our investigators were involved in an approximate six-week major narcotics investigation. This individual was supplying a substantial portion/amount of amphetamines on the Westside of Fresno County. It took a while to work because (he sings the praises of our people) our people buying this product had to go out-of-town. He would not come into Coalinga. He said to the people that the Coalinga Police Department works this too heavily. He had no problem going to Huron or Kerman but he made them travel six or seven miles out of the City to meet him because he would not come into Coalinga. To show how busy this guy was, after we made our control buy, and started following him on his way home, he made thirteen deliveries from here to Kerman. It was like clockwork. We ended up serving three search warrants; one in Fresno, one in Raisin City and one out in the County recovering two pound of meth with a street value of (what we consider) around \$13K - \$15K taken off the street. That is two pounds not coming into this community. That to him is a significant arrest.

The local PG&E yard out on Merced Avenue was burglarized. They came in through the creek bed cutting the fence and stole a substantial amount of copper wire. We found some shoe prints and some other investigative information. We were able to match up the shoe print. We served a search warrant and arrested two individuals who were involved. We effectively cleared the crime. Unfortunately, they had sold the materials. There were pieces of the cooper left in the backyard of one of the houses. Those people won't be doing that again.

Just yesterday, we had a request from Huron to assist their Department in the service of a search warrant from a drive by shooting. We assist other agencies the best we can. The target of the search warrant was a person who has been a victim of drive by shooting but, also, was responsible for drive by shootings. He is also the perpetrator of a number of drive by shootings. He lived between Coalinga and Huron. The shooting at him always occurred in Huron but he would come back to Coalinga. Our officers actually made the entry; they are very well versed in doing that and they did it very successfully. One suspect was arrested and we are looking for one additional suspect. Two shotguns and a 9 millimeter pistol were removed from the streets.

Over one and one-half years ago, he briefed you on a major fraud case on the previous furniture store here in town. They had moved to Las Vegas. It has taken a substantial amount of follow-up searching bank records (co-mixing of accounts), etc. We have finally completed that investigation to include all the financial and bank records. It has been submitted to the DA for fraud charges on the individual. The case is prosecutable as we submitted it to the district attorney.

We had a couple other fraud cases that some members were aware. Those take search warrants even though our victims had zero amounts in the bank. It does not make sense. We had four of those we served on banks this month and we are slowly making progress. It would help if we had the cooperation of some of our financial institutions. They could make it go a little quicker.

As a note, Prop. 47 passed which took effect immediately and it is changing our whole process. Unfortunate, we are law enforcement and we don't legislate. It is our job to enforce the law. If it changes we have to adapt. Our legal council has been working with us and, sure, there will be major changes but that is our job. That is what we have to do; we have to change with the times. The citizens will still be safe regardless of what other people in law enforcement say. Crimes have been reduced from a felony to a misdemeanor. Some are saying you can't arrest for misdemeanors. He has arrested a lot of people in his career for misdemeanors. Fresno County was not prosecuting for felonies anyway. He does not see much difference in the situation so we will be alright.

Mayor Garcia asked if the Chief knows how many cases Prop.47 is going to affect.

Chief Minor said it will affect our narcotics personnel position but few are filed. We were very successful at reducing our shoplifting at Savemart and Kmart if we could prove the person went into the store with intent to commit a larceny we could charge them with burglary. Now that is a misdemeanor. We will adjust and move forward.

Council Member Oxborrow said you had a major assault on Cherry Lane last week and supposedly it involved athletes from West Hills College. There was a pretty major injury to the victim.

Chief Minor said we are still actively investigating that situation. We have a suspect we are looking at closely. The College has worked closely with us and provided the cooperation, etc. We have been to the College and presented informational classes to the potential individuals involved and we will continue to do that. It is the second incident on Cherry Lane and the third on Elm Avenue in that general area.

Council Member Oxborrow said he was just hoping that there were discussions between the college president and the athletic director on conduct of students.

Chief Minor said they have taken a very progressive approach. Our discussions indicated we need to get out ahead of these incidents.

Council Member Ramsey asked for enlightenment to us on the event on Sacramento Street.

Chief Minor replied that he can but it is ongoing. You are referring to the search warrant that was served 10 days ago on Sacramento Street. It was a home invasion armed robbery warrant out of Santa Barbara County. Some outside agencies, apparently, don't recognize the expertise of our Police Department. We knew the individual. We could have arrested this person prior to this situation had they told us about it. They waited until three/four days after they had already made an arrangement to bring in their swat team. They served the warrant. He is very confident we could have served the warrant just as safely with a lower police presence than what was demonstrated. Many agencies have this threat matrix that they fill out the boxes. He understands at certain levels this type of team is used but the one thing they cannot account for is knowing who the people are. We knew all three suspects. We had dealt with them many times and we have a pretty good feeling on what their reaction would be. We are pretty good at our intelligence. They went through the entire process disrupting that neighborhood. The house was vacant because they moved out three days before. Later that afternoon we located one wanted subjects, arrested them and turned them over to Santa Barbara Sheriff's Department. They still have an ongoing investigation looking for two more suspects. That is his take on the situation. We were notified two days before that they were coming into town and they had made all the arrangements which is their right to do. They had the paperwork and search warrants directing them to do it. It is just how they made the notification and how they do it.

Mayor Pro-tem Keough asked about Prop. 47 and in the Chief's opinion. How do you think this will effect the need for prison beds?

Chief Minor said the idea behind it is to decrease the population. There are 10K prisoners who will have the opportunity to have their sentences reviewed and reduced from a misdemeanor to a felony which will remove them out from the prison system at a cost savings to the State of California. How is it going to impact the County that they are required to house misdemeanors? Most people will probably spend one day in County facilities unless they want to contract with available agencies for bed space for these inmates serving a one to five term misdemeanor sentence.

5. Fire Department - Monthly Report

Fire Chief Steve Henry

Fire Chief Steve Henry said we are a little short on staffing. We are down to 19 of our 21 positions. We are projected to lose three others by March 2015. Two will probably happen in February and the third in March. Of the three leaving, two are paramedics. To attempt to get ahead of that we initiated a program to utilize per diem paramedics from other fire department agencies. We will put out the word to any paramedics that want to pull a shift. We have received some interest from folks and we are beginning to use them to offset our staffing levels. Because of the three leaving, he is going to evaluate the salary savings on those three individuals and try to project/forecast what acts it will entail and with that money he would like to reestablish the reserve program. When he does that, he can increase his numbers without effecting his full time positions and, right now, that is a critical thing we have to maintain and watch with the proposals that our out there. He knows he has a couple of ALS folks in his reserve tank and those paramedics would be able to work a shift much like it was prior to reducing that program. He will probably have the numbers for you by next Council meeting and what the projections should be. He wants to get them reestablished in working and identify them prior to the three leaving the department.

We continue to work on the fire EMS RFP's. He does know there is a lot of positive feedback coming out of Sacramento and the assistant southern region chief. He had a conference call the night prior to the election with the Director and a lot of good things came out of that conversation so he is really looking forward to seeing something from them, at least, by January. He was told December, but he is speculating on January.

The 2013 GHS Emergency Transport Team and (cannot understand words) reports have been submitted to GHS. We are looking at the preliminary dollar reports and they are coming back higher than they estimated. It will be good for us. Until he can get a solid number he is not going to share that with you. Right now we estimated a \$100K in revenue; it should come back a little higher.

The State AOS called a statewide conference call for all operational area chiefs to talk about and discuss Ebola. They did this in conjunction with the State Department of Health Services and the director/doctor shared a lot of information with the chiefs. It was about a 45 minute informational conversation to kill rumors and to get out ahead of what they project this could be as an issue. As of October 30th anything exposed in Dallas is now through half of the incubation period. Nothing new has come up so that should be mitigated. We are going to address anything coming from the nine countries.. Part of the conversation was how can we start instituting protocols early on to protect are first responders. None of the exposed folks in the Ebola Virus in Dallas were first responders. They were all long-term care people who were exposed. Even though first responders transported and were exposed to it, none of them contacted the virus. That is a good sign because it becomes very contiguous once it gets into full swing. In the early stages, when we will see them, the threat is a lot lower.

We went from that morning into that afternoon to the County emergency medical services director where he presented what we are going to do within the County. We are instituting in the 911 system the procedure of finding out the symptoms first and then branch off and begin asking questions to identify travel to out-of-state and out-of-country. If it has been identified that they have traveled to one of these identified counties, then there is a protocol we will follow as a Level B Hazardous Material incident. Most of these types of calls are non-emergency transports so the Fire Department does not get involved but the ambulance does.

The County EMS and the Office of Emergency Service for Fresno County (he met with them) indicated we will be receiving emergency equipment to protect ourselves from the virus. Those will be placed on our first run ambulances. Our exposure here would be something along the Hwy. 5 corridor. Once we identify possible Ebola, we are not transporting into a local facility. They will be treated at a UC Institution throughout California. There are five UC hospitals that have been identified.

We conducted a quarterly City Safety Committee meeting to go over the OSHA reports and we are beginning to implement some of those. Our 30-day violations were dealt with right away and now we are looking at our workload for the next 12 months. The Injury, Illness Prevention Program will see a change. The Hazard Communications Program will see a change. And the Compliant State's Permitting Process will see a change. These are, basically, for our water treatment and our waste water treatment.

Our call volume for this last month was 214 calls which were down; 84% were EMS calls and that is an increase. We did see an \$80K loss in fires. We had two hazardous conditions and false alarms are dropping. We are still had 7 unable to staff calls. Our medics were committed 36% of the time in October. We conducted 81 hours of training. Summertime is a little slower for training. As it is cooling off, our training begins to go up. We have entered into an agreement with Fresno State College for every training hour that we put in as a college student; they will reimburse us for that training. We should begin to see small revenue for that.

He was able to share over the weekend, some members' accomplishments for 2014. We have had 2,240 calls for assistance. We made contact and assisted 1,932 people YTD. Sixty-five fire calls with \$1.485M in property savings. We spend 4,938 hours collectively on wild land assignments. We had 1,425 hours of training. By the end of the year, each member of the department will have spent 2,980 away from their families. These are pretty significant numbers for a department of our size.

7. ANNOUNCEMENTS

1. City Manager's Announcements

City Manager Announcements: City Manager Ramirez said he has four announcements: The December meeting will be held on December 18th.

There is an opening in the Planning Commission and the Council will have the opportunity to appoint someone to the Commission. An item will be placed on the agenda allowing the Council Members to go out and speak to members of the community to see if someone is interested in being on the Planning Commission. You can then bring a person up for nomination. If there are none, the Council can always direct staff to put a notice out there asking if members of the community are interested in serving in this capacity.

The third thing is it is time to have some ethics training. He has spoken to the city attorney and they are suggesting the training be held at the December 18th meeting prior to the Council meeting. As you know, every two years, members of staff, elected officials and members of staff who filed Form 700 are required to have two hours of ethics training. We suggest that on December 18th between 5:00 and 7:00 PM at Ethics Training will be held in the council chambers. It will be done by Mr. Wolf. The alternative for those who cannot be here on that particular date is the Employee Local Practices Commission has a link on their website allowing you to take it online. He thinks it takes a little longer online.

The last thing is he and the mayor were contacted by a producer for a program called Communities of the Sanction. It is a program which comes on television hosted by Terry Bradshaw. It is a canned commercial for different communities. We spoke to them and they can produce a five minutes segment on our community but it will cost almost \$20K. They invited Katie Delano to participate. This could be used for community development, etc. Knowing that the mayor will be on vacation, we wanted to bring it to you for

discussion. It gives us an opportunity to do some due diligence. He did that and he reached out to some members of the community (some larger agencies) which might want to participate with us. That would assist in offsetting that \$20K fee. He found out that by talking to some in the community and to some he knows in the film industry that the program is basically a canned commercial. You don't see Mr. Bradshaw, they have a template and come in and place still shots or filmed segments of the community. It is not really worth \$20K. He shared that with the mayor and we are not going to pursue that. He just wanted you to know about it. Had it been an action item, they would have placed it on the agenda. In talking to some in the industry, if you want to do a commercial about your community, something to benefit you from an economic development standpoint, etc., or for some other reasons, there are film producers here in California that will do it for a lot less than \$20K. If at sometime, you decide you want to do something like this, we do have several contacts to assist us.

We can seat new Council Members at the December 18th meeting. After an election takes place, there is a 29 day period that they have to certify the election. Most times, the change in seats is done in January.

City Attorney Wolf said there may be a window and he will check that just to be sure.

Council Member Ramsey said the reason we were brought in early last time, is because they cleared it earlier. It was the first meeting after they were certified.

City Manager Ramirez asked if the Council has a preference. If they certified the election soon, would they like to go through the process on the 18th or wait until January.

Council Member Lander said if the process is open, he sees no reason not to go forward on the 18th. He is sure they are biting at the bits to come and sit up here.

Mayor Garcia said he has one announcement: The Friends of the Museum is having a fund raiser at the Richfield Parking Lot. It is a Rummage Sale on November 15, 2014, 8:00 AM to 2:00 PM. They are selling space 12x12 for a fee of \$20. Contact person is Deanna Lander at 935-1595 and Suzanna Jorgan at 935-2751. Registration forms can be picked up at anytime. They are asking donations from the community of good clean items and gentle used items. Your donation will help keep our Museum open. You can receive a tax donation slip. Come down and purchase items from our venders and help keep our Museum open. The Board of Directions would like to thank you.

2. Councilmembers' Announcements/Reports

Mayor Pro-tem Keough just wants to let the community know that we did have a Fireman's Ball at Harris Ranch and he wants to thank the chief and the Firefighters' Association for that. It was a nice time. It was a little smaller but a very intimate occasion. It was a lot of fun and he hopes they do it again.

3. Mayor's Announcements

Mayor Garcia said he has one announcement: The Friends of the Museum is having a fund raiser at the Richfield Parking Lot Rummage Sale on November 15, 2014, 8:00 AM to 2:00 PM. They are selling space 12x12. Fee is \$20. Contact person is Deanna Lander at 935-1595 and Suzanna Jorgan at 935-2751. Registration forms can be picked up at anytime. They are asking donations from the community of good clean items and gentle used items. Your donation will help keep our Museum open. You can receive a tax donation slip. Come down and purchase items from our venders and help keep our Museum open. The Board of Directions would like to thank you.

8. FUTURE AGENDA ITEMS

None

9. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9 - 1 case

City Attorney Wolf made an oral announcement that Item 1 relates to a vehicle accident involving a City vehicle and a claim the City received.

Ms. Garcia said the name of the Claimant Is Nationwide Insurance Company of America.

City Attorney Wolf said he wanted to point that out and there may be something to report after the closed session.

2. CITY MANAGER’S PERFORMANCE EVALUATION – Government Code 54957(b)

10. ADJOURNMENT

Mayor Garcia adjourned the Council Meeting into Closed Session.

Out of Closed Session:

*On motion by Council member Lander, seconded by Council member Ramsey, and by unanimous vote, the Council **approved** a settlement in the amount of \$3613.39 with Nationwide Insurance Company of America over a claim relating to an automobile accident involving a City vehicle occurring on September 2, 2014.*

Tony Garcia, Mayor

City Clerk/Deputy Clerk

Date