

COUNCIL / BOARD MEMBERS PRESENT: Payan, Smith, Wallace, Morales, McKittrick

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Hartman,  
McCloskey, Meinert, Nunes, Olvera,  
Thompson, Todd, Uota

#### CALL TO ORDER

The meeting was called to order at 6:30 pm.

#### INVOCATION

The invocation was led by Mennonite Brethren Church Youth Pastor Jason Nichols.

#### FLAG SALUTE

The flag salute was led by newly installed Interim Fire Chief Thompson.

#### COMMUNITY RECOGNITION AND APPRECIATION

##### 4.1. Dinuba High School Football Team – Central Section Division III Champions

Dinuba High School Football Coach Scharton explained his coaching experience at Dinuba High. There were forty-five team members present at the meeting along with several staff members.

The team presented Mayor Wallace with an official Championship Team picture in honor of their recent victory.

Principal Valdez commended the football team explaining that they all work hard as do their coaches.

Immediately following the Presidents of the Dinuba Woman's Club, Sunrise Rotary Club and Noon Rotary Club presented the team with donations from their clubs for the Football Team Championship rings they earned to help curb the cost. The Clubs donated:

Woman's Club \$500  
Noon Rotary Club \$500  
Sunrise Rotary \$1000

#### NEW EMPLOYEES

- 5.1. Chad Thompson, Interim Fire Chief
- 5.2. Sean Doyle, Interim Battalion Chief

Battalion Chief Doyle's wife pinned the badge on him.

Retired Fire Chief Chute was present and said the department is in good hands. He noted that, "It is a good sound eager administration coming into the Department for Dinuba."

Mayor Wallace said he remembers watching the fire department literally save our downtown a few years ago, a thought he says he remembers well.

Mayor Wallace administered the oath of office to Chad Thompson as Dinuba's Interim Fire Chief.

Chief Thompson's father pinned the Chief's badge on him.

The Council commended Thompson and Doyle and retired Chief Chute for his foresight in bringing the men up through the ranks.

CDF Fire Chief Sunderland said Tulare, Visalia, Porterville, Tule River Fire, CDF and others have chiefs present for tonight's celebration. Sunderland commended retired Chief Chute for his training and congratulated Thompson and Doyle on their appointments.

#### PUBLIC COMMENT

##### 6.1. Steve Worthley, Supervisor District 4

Supervisor Worthley was present to speak to the recommended changes to Measure R. He spoke to the railroad proposition to remove it all the way to Fresno. He explained the goal is to protect the right of way and found that purchasing the railroad can be done at a less expensive cost.

Ramon Lara, TCAG representative, said the reason for the proposed amendment is to allow for flexibility on Measure R uses.

Worthley said the Board approved the amendment and all the county's cities are in accord with the amendment. The thought is to protect the railway to make better use of the funds. This is the part of the measure set aside for projects that are not for roadways.

Lara said it won't affect any planned project currently in the expense plan, it is revenue neutral.

Worthley said there has been confusion with the amendment. When trying to pass a measure such as this, it usually helps to galvanize the measure. The tracks would be owned by TCAG if the amendment is adopted.

The goal is to protect the right of way and there is also a JPA with the Counties. Ownership allows the County to seek grants that a private enterprise could not do. The goal is for private enterprise to eventually own and operate the railway.

Council discussion followed.

Council Member Payan asked if this would affect the Ventura tracks. Worthley said this could be alleviated through the proposed amendment.

Mayor Wallace asked some non-related questions. He said that it appeared in the beginning of December, we had a deal that all county cities bought into but the resulting proposed agreement does not resemble the same agreement.

City Manager Todd said he was never real involved in the process. Our concern is that development in unincorporated areas is minimal in the 20 year area. If those are the issues, our city could move forward as those items are not stumbling blocks for us.

Worthley said the County is anxious to move forward with the general plan.

Mayor Wallace asked about the Prop 84 grant. He said the city and the school district planned to cooperate on a parks project that would be the old county courthouse on College Avenue. The county had said at one time that it would give the City of Dinuba the site for use as a community center.

Supervisor Worthley said he is very much in favor of the idea.

City Manager Todd said if we could partner with the County it would give us points in the grant process. The time line culminates in March.

##### 6.2. Ted Smalley, TCAG, Measure R Amendment, Resolution No 2010-03

Ramon Lara briefly explained the proposed Measure R Amendment.

After discussion it was moved by Council Member McKittrick, seconded by Vice Mayor Morales to adopt Resolution No 2010-03 as presented.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

6.3. Hilary Baird, Regional Public Affairs Manager, League of California Cities South San Joaquin Valley District Update

Hilary Baird, Regional Public Affairs Manager, thanked the Council for supporting the local taxpayer and public safety initiative. The support allows the League of California Cities to go forward and gather signatures for the ballot measure. She elaborated on what is happening in the legislature currently.

The title of the initiative is “local taxpayer and public safety initiative.” It is designed to stop the State from stealing our city coffers. It makes it very hard for us to operate. Baird said the question is not “if the State is coming for the money, it’s when and where because the State refuses to get their house in order as we are forced to do it now is a constitutional effort.”

Baird presented a plaque to Council Member McKittrick in honor of his service as president of the SSJVD. Baird also presented a plaque to City Manager Todd for his job as a secretary/treasurer and to Deputy City Clerk Barkley for her work supporting McKittrick and Todd with League matters.

6.4. Alta District Historical Society - Request use of parking lot adjacent to Dinuba Lanes, May 22, 2010, Farmer’s Day Antique Tractors and Engines Display

Roy Cotton, of the Alta District Historical Society requested the use of the City-owned parking lot adjacent to Dinuba Lanes for the Alta Historical Society farm equipment show in the spring.

It was moved by Council Member Smith, seconded by Vice Mayor Morales, to authorize the use of the parking lot adjacent to Dinuba Lanes for the Alta Historical Society farm equipment show as requested.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

6.5. Request to Suspend Banner over Alta Avenue  
A. John Chapman, Patriots Youth Baseball  
B. Chris Launer, ACS Relay for Life

John Chapman, Patriots Youth Baseball and Janet Hinesly, ACS Relay for Life, were both present to request their banners be suspended over Alta Avenue for their two events. After discussion it was determined that the dates for the events do not conflict.

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to authorize the banner suspension as requested.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

6.6. *Unscheduled. At this time, the public wishing to address the City Council on any matter should approach the podium and state their name, address and the nature of their request*

Gina Carrion, 1626 E Castlevue, Visalia, work with Dinuba introducing roller derby sport. They belong to a group of women who belong to a roller derby group. They utilize the sport to help communities by raising funds for various charities. They are self-insured and will sign waivers as needed.

Sal Medina, 39701 Rd 88, Dinuba, asked for clarification on “The Island’s” Conditional Use Permit. He explained that he was unhappy with some of the conditions he feels he shouldn’t have to continue.

Mayor Wallace said there is the ability to apply for an amendment but he urged Medina to go through the proper channels. Mayor Wallace clarified for Medina that police officer presence is a must at community events that are typical of those at The Island, it is a standard process.

City Manager Todd confirmed that the Mayor is correct.

City Attorney McCloskey commented that Medina is mistaken on his understanding of the permit.

Mayor Wallace further explained to Medina a scenario using himself as an example and again instructed Medina to go through the proper channels.

#### CONSENT CALENDAR

- 7.1. Approval – City Council and Redevelopment Agency Joint Meeting Minutes, December 8, 2009
- 7.2. Acceptance – Other Agency Minutes
  - A. Planning Commission, December 1, 2009
  - B. Police Advisory Commission, December 1, 2009
- 7.3. Pro-Youth Draft Agenda, January 21, 2010
- 7.4. Citizens Oversight Committee Draft Agenda, January 22, 2010
- 7.5. Master Development Schedule
- 7.6. City Manager’s Employment Contract with City of Dinuba
- 7.7. Right-of-Way and Property Acquisition Guidelines
- 7.8. Grant Application and Administration, State CDBG/ED Grants
- 7.9. Retiring City Employee Equipment Award
- 7.10. Set Redevelopment Agency Hearing - Sale of Agency Property 542 S Crawford Avenue, January 26, 2010
- 7.11. Set Hearing - C-3 (Community Commercial) Zoning Ordinance Amendment, Appl 2009-23, January 26, 2010
- 7.12. Set Hearing - Zoning Ordinance Amendment, Appl 2009-24, January 26, 2010
- 7.13. Set Hearing - Annual Review of Development Impact Fees FY 08-09, Jan 26, 2010

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to approve the consent calendar as presented.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### WARRANT REGISTER

- 8.1. Approval – City Council Warrant Register, December 11, 18, 23, 31, 2009; January 8, 2010
- 8.2. Approval – Redevelopment Agency Warrant Register, December 11, 18, 23, 31, 2009; January 8, 2010

It was moved by Council Member McKittrick, seconded by Council Member McKittrick, seconded by Vice Mayor Morales to approve the warrant register.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### MAYOR’S / CHAIR’S MINUTE

- 9.1. Information Sharing

Mayor Wallace said the retirement event last Friday was a wonderful event and commended those who retired on behalf of the betterment of the City and the budget cuts we were facing. He wished the retirees the very best. Mayor Wallace said he now has two weddings happening this year. Mayor Wallace said he will fly out of state to see his ailing father for a week.

COUNCIL / AGENCY COMMENTS

10.1. Consideration of Reappointment / Appointment to Committees / Commissions

- A. Citizens Oversight Committee
  - 1. Pablo Contreras, Reappointment
  - 2. Armando Longoria, Reappointment

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to add Scott Harness to the agenda and to appointment him to fill a vacancy that exists in Dist 3 of the Citizens Oversight Committee and, to reappoint Contreras and Longoria for another term.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

- B. Dinuba Economic Development Committee
  - 1. Trinidad Rodriguez, Reappointment
  - 2. Jack Mullen, Reappointment

It was moved by Council Member McKittrick, seconded by Council Member Smith to add Sandi Miller to the agenda and reappoint Miller, Rodriguez and Mullen for another term.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

10.1. Consideration of Reappointment / Appointment to Committees / Commissions

- C. Historic Preservation Commission
  - 1. Mike Hayes, Reappointment
  - 2. Sandra Sills, Reappointment
  - 3. Joe Morgan, Appointment

It was moved by Council Member Smith, seconded by Vice Mayor Morales, to add Ron Gurstenburg and Janelle Cochran to the agenda and appoint Gurstenburg, Cochran and Morgan to the Historic Preservation Commission; and, reappoint Hayes and Sills.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

- D. Parks and Community Services Commission
  - 1. Danny Delgado, Reappointment
  - 2. Keith Myers, Reappointment.
  - 3. Marile Colindres, Reappointment

It was moved by Council Member McKittrick, seconded by Council Member Morales, to reappoint Delgado, Myers and Colindres to the Parks and Community Services Commission for another term.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

- E. Planning Commission
  - 1. Jose Gomez, Reappointment
  - 2. J D Saldivar, Reappointment

It was moved by Vice Mayor Morales, seconded by Council Member McKittrick, to reappoint Gomez and Saldivar to the Planning Commission for another term.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

- F. Pro-Youth Commission
  - 1. Katherine H Lamb, Appointment

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to appoint Lamb to the Pro-Youth Commission.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 10.2. Application for Liquor License, 1010 N Alta Avenue, VMA Market Inc

City Manager Todd said this application is notification of a change of ownership at La Princesa Market.

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to approve the liquor license application as presented.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 10.3. Reminder - Chamber of Commerce Annual Dinner, January 29, 2010

City Manager Todd said the Chamber is holding its annual awards dinner. He mentioned that tables are available for sponsorship.

#### 10.4. Washington DC Legislator Briefing, February 22-26, 2010

Mayor Wallace will be representing the City in Washington DC come February along with staff members Meinert, Uota and Anderson.

#### 10.5. Information Sharing

Council Member Smith said the retirement event was nice but bittersweet. He said he is looking forward to new changes. Smith mentioned he recently went back to his previous employment.

McKittrick said he attended the Christmas Party sponsored by Dr. Thutsu and Alta Family Health Clinic; he attended the TCAG meeting where they discussed the railroad; attended Christmas Mixer at Ed Dena's a joint effort by Dinuba Chamber and Tulare-Kings Hispanic Chambers; attended the retirement celebration.

Council Member Morales said he attended the retirement dinner and said there was good support at the event. He congratulated Chief Thompson and wished him well.

#### PUBLIC HEARING

- 11.1. Tentative Parcel Map, Arroyo, TPM Application 2009-22, City Council Resolution No 2010-01 (Continued from December 8, 2009)

City Planner Guerra presented the parcel map for Application 2009-22. He requested the Mayor open the public hearing to gather testimony from the public on this matter.

Mayor Wallace opened the public hearing.

Joseph Arroyo came forward and said he is one of the property owners and he opposes the 4,000 square foot easement of his property for the purposes of accessing the sewer line. He feels that if the City takes the portion it would diminish his property value.

Council discussion followed.

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to refer the matter back to the Dinuba Planning Commission to revisit the easement issues.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 11.2. RDA 5-Year Implementation Plan, Redevelopment Agency Resolution No 2010-01

Deputy City Manager said every five years each agency needs to adopt an implementation plan per State law. Ernie Glover Urban Futures Inc., is present of present to make the presentation on the proposed plan.

Glover reviewed the proposed implementation plan. He said this is the Agency's fourth plan. The period covered is July 1, 2009 to June 30, 2014.

Deputy City Manager Meinert requested Chair Wallace open the public comment period.

Chair Wallace opened the public hearing where there were no comments from the public brought forward.

Board Member Smith said the public doesn't understand the process and it seems that no matter how much effort goes into implementing plans, the State will still do what it wants.

Agency discussion followed.

Meinert requested that the RDA 5-Year Implementation Plan approved through the adoption of Resolution No 2010-01.

It was moved by Board Member Smith, seconded by Board Member McKittrick, to adopt resolution 2010-01 approving the proposed 5-Year Implementation Plan.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 11.3. Administrative Citation Ordinance, First Reading, Read Title, Waive Reading in Full, Ordinance No.2010-01

Chief Thompson reviewed the administrative citation ordinance and requested the mayor open the public hearing to gather public testimony in regard to the proposed ordinance.

Mayor Wallace opened the public hearing, there being no comments he closed the hearing.

It was moved by Council Member McKittrick, seconded by Council Member Smith, to approve the introduction and first reading of the ordinance.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

##### 12.1. Council of Cities Meeting Update

Deputy City Manager Meinert reviewed the council of cities meeting and the MOU. He explained what the Council feels with regard to the urban areas and boundaries latitude. The issue mentioned earlier in the meeting is that county counsel presented one version on December 8 and the latter issue was totally revamped.

##### 12.2. Information Sharing

City Manager Todd announced that J's Sports Bar will have their grand opening on Friday.

He mentioned that he will be out of the office Thursday through Tuesday for furloughs, vacation and holiday.

#### ADMINISTRATIVE SERVICES

##### 13.1. FY 2010-2011 Budget Calendar

Budget and Finance Manager Cook presented the budget calendar for FY 2010-2011 and pointed out some important dates for the council to note.

Cook requested the Council approve the FY 2010-2011 budget calendar as presented.

It was moved by Council Member McKittrick, seconded by Vice Mayor Morales, to approve the FY 2010-2011 budget calendar as presented.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

##### 13.2. Information Sharing

Administrative Services Director Nunes said Friday is furlough day for City Hall and Development and Engineering Services; Monday is Martin Luther King Day and we will be closed. Nunes mentioned that there are 2.5 more furlough days left in the fiscal year.

#### DEVELOPMENT & ENGINEERING SERVICES

##### 14.1. Building Permit Update

Director Uota presented the informational item to the Council.

##### 14.2. Action of the Planning Commission, January 5, 2010

Director Uota shared the action of the Planning Commission meeting of January 5, 2010.

14.3. Avenue 416 Project Property Acquisition, 595 West El Monte Way, Dinuba  
This item was discussed earlier in the meeting.

##### 14.4. California Public Health Drinking Water Division, Request for Water Services

Director Uota said Sultana has one operating well and there is a need for a backup well. The department of public health is not supportive of the backup well because it is subject to degradation. They would like to know if the City would provide water to the water district it would include the

funding of a new well so that any existing supply would not be affected. They would also pay for piping it so it does not affect the City. Staff feels if it were to be constructed it would have to be in the southwest area of the RCR property. It would have to be master-metered.

Council discussion followed.

Uota said this is very preliminary.

City Manager Todd said if the Council is open to consider the matter it would be worthwhile to have a work session to discuss it as recent legislation changes are important for us to understand. He recommended that if we are thinking of going down this path, it needs to be discussed. There are a lot of plans to bring surface water to that area so Alta Irrigation District is working on bringing surface water to the area. Their water quality is not good and we sit in a region of good water that historically recharge efforts have in fact affected the water table and we are doing projects now that are recharge projects. He said he feels it is good for the Council to go into this understanding the process. He recommended a work session with the water district staff to have dialogue on the matter.

#### 14.5. Information Sharing

None

#### CITY ATTORNEY

#### 15.1. Information Sharing

None

#### COMMUNITY SERVICES

#### 16.1. Information Sharing

None

#### FIRE SERVICES

#### 17.1. Information Sharing

Chief Thompson thanked everyone for the ceremonial welcome and proud to be a part of the City.

#### POLICE SERVICES

#### 18.1. Information Sharing

Chief Olvera said the New Year was welcomed fairly quietly with no major incidents being reported.

Mayor Wallace asked if there was a checkpoint on El Monte.

Olvera confirmed there was and it went fairly quietly with 4 individuals taken into custody and 6 or 7 unlicensed drivers.

Olvera shared that City of Visalia will submit the DUI Grant. Visalia is the lead agency that applies for the grant benefiting all the county's cities.

#### PUBLIC WORKS

#### 19.1. Information Sharing

Director Beltran shared she received a call from TCAG staff informing her that they have 5311 funds available. The grant funding can only cover up to 50% of a city's project.

Council discussion followed.

BREAK

Mayor Wallace declared a break at 9:33 pm.

RECONVENE FROM BREAK

Mayor Wallace reconvened the meeting at 9:38 pm.

CLOSED SESSION ACTION

20.1. Avenue 416 Project Property Acquisition, 595 West El Monte Way, Dinuba

Pursuant to Government Code Section 54956.8, the City Council / Agency met in closed session with the City Attorney to discuss property acquisition of 595 West El Monte Way, Dinuba.

No action was taken.

ADJOURNMENT

The meeting adjourned at 10:15 pm.

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Mark Wallace, Mayor / Chair

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Linda Barkley, Deputy City Clerk/Secretary