

CITY COUNCIL / AGENCY MEMBERS PRESENT: Payan, Smith, Wallace, Morales, McKittrick

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

CALL TO ORDER

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

INVOCATION

The invocation was led by Council Member McKittrick

FLAG SALUTE

The flag salute was led by Council Member Smith.

EMPLOYEE SERVICE AWARDS

4.1. Sam Febres, 10 Years

The City Council commended Febres for his service to the community over the past ten years. Chief Thompson said he's been employed longer than ten years serving in different capacities.

COMMUNITY RECOGNITION AND APPRECIATION

5.1. 2010-2011 Cinco de Mayo Queen Jaqueline Montejano and Princess Stacy Rendon

Jaqueline Montejano and Stacy Rendon were present and gave an account of the pageant to the Council. The Council commended them on their appointments to queen and princess.

Debbie Rojas and Victorio Rojas, pageant coordinators, were present with Montejano and Rendon. Debbie thanked the Council for supporting the Cinco de Mayo Pageant and the contestants.

PUBLIC COMMENT

6.1. Tulare County Tobacco Control Student Presentation

Not present

6.2. Juana Maria - Request for Public Right-of-Way Closure for AA Meeting/Event, June 25, 2010; 6:00 – 10:00 pm

It was moved by Council Member Morales, second by Council Member Mckittrick, to approve the request for public right-of-way closure as presented by Maria.

AYES: Payan, Smith, Wallace, Morales, McKittrick

NOES: None

ABSTAIN: None

ABSENT: None

6.3. *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.*

Adam Flores, 820 Bloomingdale, was present to request authorization to hold a block party in front of his residence on the fourth of July. He said that due to the compact road they would not block off the road but would be occupying the roadway and ready to make way for emergency vehicles if need be.

Since the request was not on the agenda for Council to take action the Mayor directed Flores to work with staff on the request.

Reda Bennani, 17515 ¾ Avenue, Kingsburg, was present to speak to the Council in regard to his building located on West El Monte Way. He expressed his disappointment to find out that his neighbor has made a deal and closed it with the city of Dinuba.

Benanni said he understands that at the end of the closed session, he understood no negotiations were going to take place. He said since they are trying to establish value on the property. His appraisal came close to Benanni's building's appraisal. He asked the Council to reconsider and keep the negotiation going based on the new figures of his appraisal.

Mayor Wallace said this process is between 2 entities. The buyer paid for the appraisal, which came back at a much higher estimate than staff felt it was worth. We are not willing to go further at this time. We have stated our price and we will stick to that price. A third party must become involved.

Bennani was instructed to contact the City in writing with his counter offer.

Bennani said if his neighbor received almost double what he himself was offered, he said he feels that he too has the right to share in that same fortune.

Dan Meinert, 868 Sequoia Drive, Dinuba, was present to speak on behalf of Dinuba EDC. Meinert brought forward some thoughts in regard to Economic Development.

- 1) Budget proposal to shepherd people through the development process, the EDC strongly encourages the Council to keep that in the budget.
- 2) For the city to do all it can do to maintain a corporate presence in the community, a main employer is looking at outside areas for their home office location. Meinert strongly encouraged the Council to do all that is possible keep them here.
- 3) Not thrilled about the rate increase of our utilities. But it is important for our utilities to be "up to snuff" and to make sure that our new companies can be accommodated. As a member of the EDC he encouraged the Council to increase the utility rates to maintain the businesses in the community.

CONSENT CALENDAR

- 7.1. City Council and Redevelopment Agency Joint Meeting Minutes, June 8, 2010
- 7.2. Other Agency Minutes
 - A. Parks and Community Services, May 18, 2010
 - B. Planning Commission, May 4, 2010
- 7.3. Avenue 416 Right-of-Way Acquisition Certificates of Acceptance
- 7.4. Dinuba Lanes Lot Line Adjustment(s) / Grant Deed

It was moved by Council Member McKittrick, second by Council Member 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, June 11, 18, 2010
- 8.2. Approval – Redevelopment Agency Warrant Register, June 11, 18, 2010

It was moved by Vice Mayor / Vice Chair Morales, second by Council / Board Member McKittrick to approve the warrant registers as presented.

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

MAYOR'S / CHAIR'S MINUTE

9.1. Designation of Voting Delegate and Alternate, League of California Cities Annual Conference, September 15-17, 2010

Mayor Wallace and either Vice Mayor Morales or Council Member McKittrick plan to attend the League annual conference in September. Mayor Wallace directed staff to bring the item back at a later date for final determination of the voting delegate.

9.2. Information Sharing

Mayor Wallace wished all a good July 4th celebration.

COUNCIL / AGENCY / FINANCING AUTHORITY

10.1. 2010 Lease Revenue Notes (Water Improvement Projects)

- A. City Council Resolution No 2010-36
- B. Redevelopment Agency, Resolution No 2010-05
- C. Dinuba Financing Authority, Resolution No 2010-01

City Manager Todd asked Director Beltran to present item 13.3. at this time as it is in direct conjunction with this item, the lease revenue notes. Beltran presented item 13.3.

Director Uota presented the staff report for the 2010 Lease Revenue Notes.

Uota requested that the Council / Agency / Financing Authority authorize the City Manager / Executive Director to execute the documents associated with the 2010 Lease Revenue Notes in regard to Water Improvement Projects.

Doug Anderson, Urban Futures, further explained and provided information on the proposed 2010 Lease Revenue Notes.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to adopt City Council Resolution No 2010-36 as presented.

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

It was moved by Vice Chair Morales, second by Board Member McKittrick, to adopt Redevelopment Agency Resolution No 2010-05 as presented.

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

It was moved by Board Member McKittrick, second by Vice Chair Morales, to adopt Dinuba Financing Authority Resolution No 2010-01 as presented.

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

10.2. Information Sharing

The City Council made general comments in regard to things they have done in the last two weeks since the last Council meeting.

OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

11.1. Information Sharing

Council Member Smith asked if the fireworks show will still be held downtown.

City Manager Todd said he would speak with Chamber staff and work something out to make it happen.

Council discussion followed.

PUBLIC HEARING

12.1. Gann Appropriation Limit, Resolution No 2010-32

Budget and Finance Manager Cook reviewed the proposed Gann Limit and requested that the Mayor open the public hearing.

No comments from the public were brought forward. Mayor Wallace closed the public hearing.

Cook requested that the City Council approve the proposed Gann Limit by adoption of Resolution No 2010-32.

It was moved by Council Member McKittrick, second by Council Member Morales, to adopt Resolution No 2010-32 as presented.

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

12.2. FY 2010-2011 Budget and CIP Approval, Resolution No 2010-33

Director Nunes read the report into the record for the Council's information.

Mayor Wallace said we have hashed over this proposed budget over the past 60 days.

Council Member Smith asked where we wound up on the utility rates as of last Council meeting.

Director Beltran explained the rate break down and she explained that the total overall amount of the increase per household is \$3.85 per month for the average residential customer which equates to 5.6%.

Mayor Wallace asked if it includes the CPI, and Beltran said yes it does.

Smith said Reedley's rates are considerably higher than Dinuba's.

Council Member Smith and Mayor Wallace asked about the CSO's and wanted to know if they are still in the budget.

Director Nunes said they are. The annual cost of that division is \$127,036.

Mayor Wallace asked Chief Olvera if he still wants to move one of the CSO's to fingerprinting. Olvera explained how he would like to utilize the CSO's.

Smith asked if having the CSO's doing the fingerprinting is a gain.

Olvera said it would raise an additional \$28,000 per year with an increase of 20 hours per week of finger printing services to the community.

Mayor Wallace reminded Council and staff that our reserves are at a dangerously low place with the reduction of funds. He said with the loss of the INET funding (\$97,000) he feels this is an area that

is of great concern. He said it does not make financial sense and he explained the difference between a reserve officer and the CSO's and he explained that the state is going to come back for more money from cities. He said he would be more comfortable with the budget if the CSO program would be eliminated.

Council discussion followed.

Smith asked where we are with the engineering department and asked if it's worth doing an RFP now.

City Manager Todd agreed, it is a good time for the RFP because things have changed. We have new companies who are out there. Discussion followed as to the engineering firms that are available. Todd said he feels the timing is perfect. Staff will put out an RFP and structure it in a way to find out what they would do with it. Things to consider will be size of projects, experience, etc.

Mayor Wallace opened the public hearing.

Rose Flores, 820 W Bloomingdale, dispatcher with Dinuba Police Department expressed concern with doing away with CSO program. She reported that reserves are not always available when they are needed. She posed several questions as to their availability and commitment to the community.

Mayor Wallace said the Council is not able to answer the questions, it would be up to the Police Chief to do so. The Council's point is to take as much money out of the CSO budget to pay for reserves.

Flores was asked as a dispatcher what she sees the CSO's do. She explained they do duties that regular officers do not have to do and therefore not taking them off crime scenes. They assist the officers with translation. They assist on traffic stops. They assist with records as there is only one records clerk. They do fingerprinting. They assist with major accidents. They are the eyes when officers are not available at crime scenes.

Council Member Smith asked what is the CSO time schedule.

Chief Olvera said their schedules are flexible.

Flores said it would be a shame to lose the CSO's especially since we have lost our Community Relations Specialist.

Mayor asked CSO Garcia to stand up and describe some of his duties.

John Garcia, CSO, said some of the things the CSO's help with are school patrol, traffic control, parking sites, towing, tours for children, translation services, bike pickup, fingerprinting.

Smith asked how many 180's he does in a week.

Garcia said 20 to 25, approximately 38 parking cites in addition to other duties.

Officer Maldonado, said the CSO's help the officers with many duties. They are available for services that are useful to officers. They regulate traffic, parking cites and parking enforcement. They do 180's which take approximately 5 to 10 minutes.

Smith asked at what point does an officer leave a scene and the CSO comes in to take over. Officer Maldonado said within ten to fifteen minutes.

Mayor Wallace closed the public hearing.

Council Member Smith continued the discussion in regard to CSO duties.

Mayor Wallace said the budget can either be approved as presented or approved with changes.

Council Member Smith said he is inclined to revisit the CSO program at the end of the first quarter. Council Member McKittrick agreed.

It was moved by Council Member McKittrick, second by Vice Mayor Morales to adopt the proposed 2010-2011 budget and reevaluate the CSO program at the end of the quarter.

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

Mayor Wallace said he is still very concerned about the reserve program but we will look at it again in the end of the first quarter. Mayor Wallace also instructed staff to get an RFP out to engineering firms.

12.3. FY 2010-2011 Redevelopment Agency Budget, Resolution No 2010-04

Chair Wallace opened the public hearing for the RDA Budget and closed it with no comments from the public brought forward.

It was moved by Board Member McKittrick, second by Board Member Morales, to approve the 2010-2011 Redevelopment Agency budget as presented.

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

12.4. Levy Assessments on Lighting and Landscaping Districts, Resolution No 2010-34

Finance Manager Cook presented the lighting and landscaping districts report to the Council and asked the Mayor to open the public hearing to gather public testimony on the matter.

Mayor Wallace opened the public hearing but no comments were brought forward. Mayor Wallace closed the public hearing.

It was moved by Council Member McKittrick, second by Council Member Smith, to adopt resolution No 2010-34 as presented.

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

12.5. Dinuba Housing Element, Resolution No 2010-35

Director Uota presented the report to the City Council. He introduced Josh McDonnell of Quad-Knopf who presented the Housing Element.

McDonnell explained this is one of 7 mandated elements of the general plan which was reviewed and adopted by Council almost two years ago. The housing element is the only part of the plan that must be reviewed by an entity other than the Council which is the state HCD. McDonnell requested that the Mayor open the public hearing.

Mayor Wallace opened the public hearing and closed it with no comments from the public.

It was moved by Council Member McKittrick, second by Council Member Smith, to adopt Resolution No 2010-35 approving the proposed Dinuba Housing Element.

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

12.6. Sign Ordinance Update

Director Uota brought forward the report on the sign ordinance. He explained the process that has occurred along the months. Uota asked McDonnell to further report on the item.

McDonnell said the committee went through the sign ordinance word by word--a very tedious process. McDonnell explained some of the items that were discussed at length at the committee level. He invited the Council to review the information and direct the committee to revisit any of the items if they so wish.

McDonnell said that A-frame signs were the most talked about item in the meetings. Topic #2 was the restaurants like sandwich shops are usually located in a larger area that are regulated by rules.

Council discussion followed.

Mayor Wallace opened the public hearing.

Director Uota entered into the record a phone call from Armin Majarian in regard to the proposed sign ordinance. Uota read Majarian's comments into the record.

Mayor Wallace questioned why a property owner would need a permit to maintain their own sign.

McDonnell clarified that the ordinance does say the permit is needed.

Council discussion followed as to some of the elements of the ordinance.

City Manager Todd asked McDonnell why the group decided on the sandwich boards the way they did.

McDonnell said after lengthy discussion, it was determined that safety was number one. He strongly recommended that if the council decides to expand the area where the sandwich boards are allowed, that a system be set up where permits are allowed because of public safety. McDonnell said it could easily be amended. He suggested an annual permit be considered in order to review the usage of sandwich boards.

The Council agreed and added that perhaps a nominal fee might be warranted.

McDonnell recommended bringing this item back for further discussion.

Discussion continued as to LED lighting. McDonnell verified they are allowed per the ordinance.

Mayor Wallace closed the public hearing.

PUBLIC WORKS

13.1. DART Services Expansion

Director Beltran read the recommendations into the record. DART Service is from Monday through Thursday 9 to 6; Friday 7-9 consistent with the trolley, Saturday 9 – 9 which is an expansion of the service. Beltran said the Council may want to implement an ADA pass. Beltran said they could purchase additional buses; as of now two buses are pending arrival.

Council discussion followed.

13.2. Measure "R" Citizens Oversight Committee Appointment Advertise appointment

Director Beltran explained that the current Measure R appointee is not interested in being reappointed. She plans to advertise the vacancy in the local newspaper and on the City's emergency phone system to see if there is an interest.

13.3. Award of Bid – Wastewater Reclamation Facilities (WWRF), Phase 1 Improvements

Director Beltran reported that in accordance with City Purchasing Policies and EDA administrative requirements the Project was formally advertised in periodicals of general circulation and numerous Builders Exchanges and Plan Houses. Bids were received from the following companies listing the Base Bid Schedule, Deductive Bid Item “A” Schedule and Deductive Bid Items “A” and “B” Schedule:

• Kaweah Construction, Inc.:	\$9,700,000/\$7,600,000/ \$6,400,000
• American Incorporated:	\$9,601,850/\$7,368,674/\$6,470,435
• Stanek Constructors, Inc.:	\$9,700,000/\$7,800,000/\$6,600,000
• GSE Construction Co.:	\$9,906,000/\$7,750,000/\$6,628,000
• Clark Bros., Inc.:	\$10,125,309/\$8,047,232/\$6,838,681
• Gantry Constructors, Inc.:	\$10,699,000/\$8,622,400/\$7,486,990
• Specialty Construction, Inc.:	\$10,816,000/\$8,801,200/\$7,506,000

Due to the limited available funding for construction, the apparent low bidder will be determined by Deductive bid Items “A” and “B”. The apparent low bidder is Kaweah Construction, Inc. in the Deductive Bid Items “A” and “B” total of **\$6,400,000**.

The fiscal impact of this Project is \$6,400,000 and will be funded by the Wastewater Reclamation Facility, Phase 1 Improvements Project from the 2008 Wastewater Bond Proceeds in the amount of \$979,322, EDA Grant in the amount of \$2,489,125 and the 2010 Lease Revenue Note in the amount of \$3,000,000.

City staff therefore recommends awarding the project to the lowest responsible bidder, Kaweah Construction, Inc. in the Deductive Bid Items “A” and “B” Schedule amount of **\$6,400,000**, subject to EDA authorization to award, and authorize the City Manager to execute the Contract.

It was moved by Board Member McKittrick/Morales to award the bid to Kaweah Construction, Inc in the Deductive Bid Items “A” and “B” Schedule amount of **\$6,400,000**, subject to EDA authorization to award, and authorize the City Manager to execute the Contract.

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

13.4. Information Sharing

Beltran said that she met last week with PG&E representatives in regard to funding for energy saving projects. We were informed we had an additional \$40,000 in improvement funds available. PG&E will come and do an additional audit of projects we have already had done. They also informed staff on a pending zero percent loan to provide up to \$2 to 3 million per agency to get improvements and energy savings and the savings is used to pay back the loan. Staff recommended using that funding source to upgrade some of the City’s well sites that use up much of our energy. They propose to take a utility bill for those sites and analyze them and give us a report on how we can benefit from the program.

ADMINISTRATIVE SERVICES

14.1. Recommended Furlough / Closure Schedule - City Hall, Community Center and Public Works

Director Nunes presented the recommended furlough dates for FY 2010-11. she explained there will be one per month instead of one every other month. She requested that the Council authorize the furlough dates.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to approve the proposed furlough dates for fiscal year 2010-2011.

14.2. Budget Amendments

Budget and Finance Manager Cook presented the budget amendments which he explained are carryover costs and final numbers. He requested the Council review them and approve them as presented.

It was moved by Vice Mayor / Vice Chair Morales, second by Council / Board Member McKittrick, to approve the budget amendments as presented.

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

14.3. Information Sharing

Nunes said this budget process has been difficult for both the Council and staff and she thanked the Council for aiding staff and giving direction.

Nunes explained the Senior Center is having a Texas Longhorn BBQ from 6 to 9 this Saturday and all are welcome to participate.

DEVELOPMENT & ENGINEERING SERVICES

15.1. Action of the Planning Commission, June 10, 2010

Director Uota reported the action of the planning commission at the June 10 meeting.

Council discussion followed in regard to J's Sports Bar CUP. The City Council resolved to appeal the Planning Commission's decision in regard to J's Sports Bar's CUP.

It was moved by Council Member McKittrick, second by Vice Chair Morales, to set the review hearing for July 13.

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

15.2. Information Sharing

Uota said the kick-off meeting for our WWRF water reuse association research project to conduct sampling of our secondary effluent ground water of our ponds is this week.

Uota said the permit for Big 5 was issued this week.

He also said the developer for Viscaya I Phase I pulled permits this week.

CITY ATTORNEY

16.1. Information Sharing

None

COMMUNITY SERVICES

17.1. Information Sharing

None

FIRE SERVICES

18.1. Information Sharing

None

POLICE SERVICES

19.1. Information Sharing

Chief Olvera said that at a previous Council meeting Council Member Smith asked about the possibility of people parking at Rabobank to attend the farmers' market but, Olvera said he verified that there is no agreement.

Olvera said that a reserve officer will soon be on board.

Olvera mentioned that the Dinuba Lions Club tournament will be held this Friday at Ridge Creek.

City Manager Todd said he received an update via text message in regard to the fireworks—the Chamber will buy them if the City provides insurance. The event is planned for the third of July.

Mayor Wallace declared a short break at 10:14 to be followed by Closed Session.

CLOSED SESSION ACTION

20.1. Meet and Confer

Pursuant to Government Code Section 54957, the City Council met in closed session with City Manager Todd to discuss meet and confer business.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to authorize the amendment to the Employee Association contract.

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

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to accept the Fire Fighters' Association counter offer without the proposed schedule and bring that item back for consideration by the Council.

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

ADJOURNMENT

The meeting was adjourned at 10:28 pm.

Mark Wallace
Mayor / Chair

ATTEST:

Linda Barkley,
Deputy City Clerk / Secretary