

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

STAFF MEMBERS PRESENT: Anderson, Barkley, Cook, Mccloskey, Olvera,
Todd, Thompson, Uota

WORK SESSION

Mayor Wallace opened the work session at 5:34 pm.

1.1. Fire Department 48/96 Schedule

Chief Thompson presented the 48/96 work schedule to the City Council. He explained the advantages and disadvantages of the work schedule.

Pros for firefighters:

50% less commuting

Decreased Long Term Fatigue

More consecutive time with family

Pros for the City:

Potentially, less overtime for calls between 0700-0800 hours, and hold-overs

Decreased sick time usage

Project continuity

Cons for firefighters:

Short term fatigue

May cause childcare issues

May cause issues with Association gatherings

Chief Officers may need to contact personnel on weekends

Less face to face interaction between management and line personnel

Potential for less vacation time usage

Chief Thompson pointed out that should this schedule be implemented and not work, it could be reversed.

Council discussion followed. The Council approved the 48/96 schedule but requested that staff provide the Council with quarterly updates.

CALL TO ORDER

The regular meeting was called to order at 6:04 pm.

INVOCATION

The invocation was led by Council Member McKittrick.

FLAG SALUTE

The flag salute was led by Vice Mayor Morales.

CONSENT CALENDAR

7.1. City Council / Redevelopment Agency Meeting Minutes, June 22, 2010

7.2. Other Agency Meeting Minutes

A. Parks and Community Services, May 18, 2010

B. Pro-Youth Commission, May 20, 2010

C. Police Advisory Commission, May, 4, 2010

D. Planning Commission, June 10, 2010

E. Dinuba Economic Development Committee, June 3, 2010

7.3. Parks and Community Services Draft Agenda, July 20, 2010

7.4. Citizens Oversight Committee Draft Agenda, July 30, 2010

7.5. Master Development Schedule

- 7.6. Set Hearing Date, 2008 / 2009 CDBG Grantee Performance Reports, July 27, 2010
- 7.7. Set Hearing Date, Public Necessity or Convenience, 393 South Alta Avenue,
July 27, 2010

It was moved by Council / Board Member McKittrick, second by Vice Mayor / Vice Chair 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 25; July 2, 9, 2010
- 8.2. Approval – Redevelopment Agency Warrant Register, June 25; July 2, 9, 2010

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

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

MAYOR'S / CHAIR'S MINUTE

- 9.1. Information Sharing

None

COUNCIL / AGENCY COMMENTS

- 10.1. Information Sharing

Council Member Smith said he attended the fireworks show held downtown on July 3. Smith said it was a well attended event and there were many fireworks. He likened it to a Raisin Day event.

City Manager Todd added there were possibly 500 to 600 people at the event.

Council Member McKittrick said he and City Manager Todd attended the forum with Governor Schwarzenegger in Fresno since the last Council meeting. He also attended the South San Joaquin Valley League of Cities meeting last week and said there is nothing new to report. All cities are going through the same economic battles.

Vice Mayor Morales said he was not able to attend the fireworks show but heard that it was a nice event and thanked city staff and the Chamber of Commerce for their efforts to put it on for the community's enjoyment.

OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

- 12.1. Notice of Permanent Appointment – Chad Thompson, Fire Chief

City Manager Todd said six months ago Chief Thompson was made interim Fire Chief and due to his performance and comments from the community effective tomorrow he will be put on permanent status as Dinuba's Fire Chief.

- 12.3. Information Sharing

City Manager Todd said that in addition to Chief Thompson's appointment to permanent status as Fire Chief he was also pointed as the Director of Sunrise Rotary at this morning's meeting.

CITY ENGINEER

13.1. Award of Contract – West El Monte Way Commercial Development Master Plan

City Engineer Uota presented the West El Monte Way Commercial Development Master Plan. He explained that the project boundaries start from Road 70 and go all the way to Alta Avenue.

Uota requested that the City Council requested that the City Council consider authorize the City Manager to enter into a professional services agreement with RRM Design Group for the West El Monte Commercial Center Master Plan project.

Discussion followed.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to authorize the City Manager to into a professional services agreement with RRM Design Group for the West El Monte Commercial Center Master Plan project.

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

John Wilbanks, RM Design Group, expressed appreciation for being selected for this project. He said RM Design Group submitted the proposal with a named project manager, Jonathan McClung but Wilbanks said he is no longer employed with the company. Wilbanks said he personally will be taking the project over.

13.2. Information Sharing

None

FIRE SERVICES

14.1. Fireworks Ordinance Amendment, Ordinance No 2010-05, First Reading, Read Title, Waive Reading in Full

Chief Thompson presented the fireworks ordinance amendment to the City Council for consideration. After discussion Chief Thompson requested that the Council approve the introduction and requested that the Deputy City Clerk conduct the first reading and lastly, that the City Council approve the first reading of the ordinance into the record.

Deputy City Clerk Barkley conducted the first Reading of Ordinance No 2010-05.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to approve the introduction and first reading of Ordinance No 2010-05 as presented.

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

14.2. Information Sharing

Mayor Wallace said the weeds behind his house next to the fence are hazardous and he asked Chief Thompson to send correspondence to the landowners in that regard.

POLICE SERVICES

15.1. Set Public Hearing Date - Public Hearing for Edward Byrne Memorial Justice Assistance Grant (JAG)

Lt Popovich reviewed the JAG grant information. Popovich said that due to time constraints, the application has already been submitted but he is present to request the City Council authorize staff to move forward with the grant. He said if awarded it will be used to purchase equipment intended to help reduce and prevent crime. Popovich also requested the Council set a public hearing for July 27, 2010.

Chief Olvera said the equipment has to be identified and is an officer safety-based system which displays the location of all available vehicles within the vicinity. It is a GPS system which allows dispatch and the on-duty sergeant to see where all units are currently located for the quickest response time on emergency calls.

Council discussion followed.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to authorize staff to pursue the JAG grant as presented.

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

15.2. Information Sharing

Chief Olvera said reserve officer Francisco Ceballos will start with the department very soon. The second reserve officer is a previous employee, Jon Reineccius.

CITY ATTORNEY

16.1. Information Sharing

None

FINANCE AND COMMUNITY SERVICES

17.1. Information Sharing

Budget Manager Cook reported there was a graduation held today at the Dinuba Vocational Center through the Proteus program and a GED certification ceremony.

PUBLIC WORKS

18.1. Information Sharing

Public Works Director Beltran said due to the reorganization, Public Works now consists of both Public Works and Development Services.

She reported on the following projects: Big 5 construction; construction of the car wash on West El Monte Way; the North Alta Avenue Storage Facility; and an ice cream shop at 155 East Tulare Street.

Mayor Wallace asked what the El Monte Way side of the car wash is going to look like when completed.

Beltran said the car wash building design is consistent with the Starbuck's building.

COMMUNITY RECOGNITION

5.1. Gary Truitt and Jack Mullen, Dinuba Economic Development Committee

Jack Mullen, a long-time Dinuba Economic Development Committee member, was present. Truitt, also a long-time Dinuba EDC member, was not present. Mayor Wallace read into the record, a

certificate of appreciation to Mullen for his continued participation and support of the community through his service on the Dinuba EDC Committee.

PUBLIC COMMENT

- 6.1. Mark Carrion, Request for Street Closure, July 16, 2010; 2:00 to 10:00 pm
- 6.2. Serrano's Furniture, Request for Street Closure, August 22, 2010; 9:00 to 9:00 pm
- 6.3. Dinuba Chamber of Commerce, Request for Street Closure, 100 Block West Kern Street for Farmers Market July 12, 19; August 1, 16, 30; September 13, 27
- 6.4. Kelly Martin, Rainbow Girls Event, Request Facility Use Waiver of Fees, Nebraska Park, August 7, 2010; 9:00 – 3:00 pm
- 6.5. Unscheduled

OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

12.2. Meet and Confer

Matter conducted in closed session.

COMMUNITY RECOGNITION

5.1. Gary Truitt and Jack Mullen, Dinuba Economic Development Committee

The City Council thanked Mullen for his involvement within the community and the time he has committed to Dinuba EDC.

Mayor Wallace presented Mullen with a certificate of appreciation for excellent service to the community of Dinuba.

Mullen thanked the Council.

6.1. Mark Carrion Street Closure, July 16, 2010; 2:00 to 10:00 pm

Mark Carrion, 697 Lily, requested street closure for a neighborhood block party he plans to hold.

It was moved by Council Member McKittrick, second by Vice Mayor Morales to approve to request for street closure in the proximity of 697 Lily as presented.

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

6.2. Serrano's Furniture, Street Closure, August 22, 2010; 9:00 - 9:00 pm

The applicant was not present. Council Member Smith said he recalls that at a recent street closure in that same area, there was an issue with amplified music. Chief Olvera said that it was another applicant and the issue was resolved.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to approve the street closure request.

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

6.3. Dinuba Chamber of Commerce, Request for Street Closure, 100 Block West Kern Street for Farmers Market July 12, 19; August 1, 16, 30; September 13, 27

Ted Taylor, 188 North L Street, present on behalf of the Chamber of Commerce requested that the Council consider changing the street closure limits and extension of the previously Council approved dates of the farmers' market. Taylor said this action would make the market consistent for the attendees.

Council discussion followed.

It was McKittrick/Morales to approve the extended dates as requested by the Chamber of Commerce.

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

6.4. Kelly Martin, Rainbow Girls Event, Request Facility Use Waiver of Fees, Nebraska Park, August 7, 2010; 9:00 – 3:00 pm

Jennifer Martin was present to request that the City Council waive facility use fees for an event the Rainbow Girls organization would like to host at Nebraska Pond Park. Martin said there will be approximately 50 youth and adults at the event in honor of Central Valley Masonic Game Day. The event is a barbecue potluck. Martin said the group is prepared to provide their own restroom facilities. She said the organization has insurance.

Council discussion followed.

City Manager Todd said this group falls under category 3 of our fee schedule for which no fees are charged other than direct costs if incurred. Todd explained that if the group does most of the work they would have a very small fee if any which is only direct costs.

Mayor Wallace explained to Martin there is no need for a formal fee waiver by the Council because fees if charged would only be for direct costs if incurred by city staff.

Martin thanked the City Council.

6.5. Unscheduled.

None

PUBLIC HEARING

11.1. J's Sports Bar CUP Review

Director Beltran explained that at the last meeting the Council requested a review hearing for this item. She reviewed the staff report and requested the Mayor open the public hearing to take the public's testimony on the matter.

City Manager Todd explained the information is more consistent this way. Part of what the Council was dealing with last meeting is amplified music. It's regulated by our municipal code. It's the event that brings people into the establishment that can create issues. He explained further how this is consistent with the other CUPs that are at other like establishments. The only difference is that the other establishments are allowed dancing.

Mayor Wallace opened the public hearing 7:03 pm.

Richard Leal, General Manager of J's Sports Bar, said he is present to dispel concerns the public and / or the City Council may have of the matter.

JD Saldivar, 40668 Rd 84, Planning Commission Chair, stated he was present to answer questions that the City Council may have for the Planning Commission.

No questions were asked of Saldivar.

Mayor Wallace closed the public hearing at 7:09 pm.

Council Member Smith clarified that whatever we allow for one should be allowed for everyone and fairness.

Mayor Wallace said the way it was originally presented to the Council at the last meeting is different but has now been clarified.

Discussion followed.

It was moved by Council Member McKittrick, second by Vice Mayor Morales to:

1. Allow J's Sports Bar to have amplified music as it is not a regulatory matter as long as they comply with the municipal code section 9.54 "...noise levels not to exceed 70 decibels at the property line...", it's allowed during hours of operation, except in association with bands (ensembles of 3 or more) and / or dancing. Allow bands with three or more members to play at J's on Friday and Saturday from 8:00 pm to 1:00 am; and, allow J's to have the ten days a year for special occasions as long as dates are specified and consistent with all city requirements.
2. Uniformed security guards shall be employed consistent with City requirements on Fridays and Saturdays when bands (ensembles of 3 or more) are used, from 8:00 pm to 1:00 am and at special events.
3. Allow serving of alcohol during their regular hours of operation.

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

BREAK

Mayor Wallace declared a break at 7:14 pm.

RECONVENE FROM BREAK

Mayor Wallace reconvened the meeting at 8:08 pm.

CLOSED SESSION ACTION

19.1. 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 approve the proposed police and fire associations' contracts.

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

ADJOURNMENT

The meeting was adjourned at 8:10 pm.

Mark Wallace, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary