

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

Harness, Hinesly, Gonzalez

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

CALL TO ORDER

Mayor Wallace called the meeting to order at 6:02 pm.

ADJOURN TO SPECIAL CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

6:02 pm

RECONVENE FROM SPECIAL CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

6:23 pm

INVOCATION

The invocation was led by Council Member McKittrick.

FLAG SALUTE

The flag salute was led by Council Member Payan.

COMMUNITY RECOGNITION AND APPRECIATION

6.1. Assembly Member Juan Arambula

Mayor Wallace read the certificate of appreciation into the record presented to outgoing Assembly Member Juan Arambula who represented the Dinuba area during his term. Arambula could not be present.

BREAK

Mayor Wallace declared a break at 6:23 pm.

RECONVENE FROM BREAK

Mayor Wallace reconvened the meeting at 6:32 pm.

Mayor Wallace presented the incoming Council Members Hinesly, Harness and Gonzalez with a Dinuba Centennial Book welcoming them as the newest community leaders.

OFFICIAL CANVASS OF VOTES 2010 GENERAL ELECTION

- Swear-in New Council Members – Oath Administered by Supervisor Steve Worthley

Supervisor Worthley administered the Oath of Office to the incoming Council Members.

Council Member Smith and Morales shared helpful thoughts with the new Council.

Hinesly shared this is one of the most thrilling moments in her life. She shared that the outgoing Council Members will be mentors, tutors and helpful to the community.

Council Member Harness shared the same sentiments and hopes for the future.

Council Member Gonzalez concurred.

- Election of Mayor and Vice Mayor

Deputy City Clerk Barkley opened the nomination period for Mayor.

It was moved by Council Member Harness, second by Council Member Hinesly to nominate Council Member Smith for Mayor.

It was moved by Council Member Morales, second by Council Member Smith, to nominate Council Member Hinesly for Mayor.

There being no other nominations, Deputy City Clerk Barkley closed the nomination period for mayor and conducted a roll call vote.

Council Member Harness: Mike Smith
Council Member Hinesly: Mike Smith
Council Member Smith: Mike Smith
Council Member Morales: Janet Hinesly
Council Member Gonzalez: Mike Smith

Deputy City Clerk Barkley opened the nomination period for Vice Mayor.

It was moved by Council Member Gonzalez, second by Council Member Harness to nominate Council Member Hinesly for Vice Mayor.

There being no other nominations, Deputy City Clerk Barkley closed the nomination period for Vice Mayor and conducted a roll call vote.

Council Member Harness: Janet Hinesly
Council Member Hinesly: Janet Hinesly
Council Member Smith: Janet Hinesly
Council Member Morales: Janet Hinesly
Council Member Gonzalez: Janet Hinesly

- Recognition of Outgoing Council Members

A short video was presented in honor of outgoing Council Members.

City Manager Todd offered thanks to the outgoing council members. Mayor Smith presented the outgoing Council Members with plaques and polo shirts in honor of their past service.

The outgoing Council Members offered a few comments about their service and time spent as Council Members.

RECEPTION BREAK

A reception was held at 7: 02 pm.

RECONVENE

Mayor Smith reconvened the meeting at 7:19 pm.

PUBLIC COMMENT

9.1. Request for Street Closure – Dinuba Chamber of Commerce, December 31, 2010

Sandy Sills, Executive Director, Dinuba Chamber of Commerce, presented a request for a New Year's Eve event street closure along the 100 block north and south and 100 block east and west of Tulare Street. She explained the event which included J's Bar.

Council Member Harness asked if the alcohol consumption will stay within J's Sports Bar and Grill.

Sills said alcohol will remain in J's Bar as part of the use permit. Sill said she wasn't sure what time the Chamber would wrap up their part of the event.

Chief Olvera shared a concern that J's Bar should come forward to request street closure for their use of the Tulare / L Street intersection on the same night as the Chamber would not likely be responsible for J's Bar.

Council discussion followed.

Council Member Morales moved and Vice Mayor Hinesly second, to direct staff to work with the Chamber and J's Bar and consider the possible scenarios:

1. The Chamber of Commerce to be responsible for the whole New Year's Eve Street Closure
2. The Chamber of Commerce to be responsible for part of the evening's event
3. J's Bar to be responsible for their own street closure request

9.2. Unscheduled

Nori Naylor, 38918 Rd 64, was present representing Parents' Television Council to familiarize the City Council with the organization and to request future support from the City Council for the organization's efforts.

James Garcia, 466 East Carob, Reedley, Dinuba DPOA, congratulated the new Council. Garcia, DPOA President, said he was present to inform the Council that the DPOA is having a shoe giveaway on December 20, 11:00-1:00 at Jefferson School for the community's children. Garcia invited staff and Council to attend.

CONSENT CALENDAR

- 10.1. Acceptance – Other Agency Meeting Minutes
 - A. Parks and Community Services Commission, October 19, 2010
 - B. Planning Commission, November 2, 2010
 - C. Police Advisory Commission, November 2, 2010
 - D. Economic Development Committee,
- 10.2. Master Development Schedule
- 10.3. Authorize Release of Laptop Computer to Outgoing Council Members
- 10.4. Set Hearing Date -Residential Sprinkler Fees, January 11, 2011
- 10.5. Avenue 416/El Monte Way Right-of-Way Acquisition Certificate(s) of Acceptance
- 10.6. TCAG Joint Powers Agreement Amendment-Approval
- 10.7. Liquor License Transfer, Alta Stop N Shop, 42833 Rd 80, Dinuba

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

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

WARRANT REGISTER

- 11.1. Approval – City Council Warrant Register, December 3, 10, 2010
- 11.2. Approval – Redevelopment Agency Warrant Register, December 3, 10, 2010

It was moved by Council Member Morales, second by Vice Mayor Hinesly, to approve the warrant register as presented.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None

ABSENT: None

MAYORS MINUTE

12.1. Information Sharing

Mayor Smith said he's honored to represent the City as Mayor.

COUNCIL COMMENTS

13.1. Planning Commission Interview and Appointment(s)

City Manager Todd said there is a request submitted by Terry McKittrick to Council Member Gonzalez to be appointed to the Planning Commission representing District 4.

Council discussion followed.

It was moved by Council Member Morales, second by Council Member Harness to appoint Terry McKittrick to the Planning Commission of District 4.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

13.2. TCAG Representative – Appointment

City Manager Todd reviewed the requirements for TCAG representation by a council member and asked if any of the Council Members would consider representing Dinuba on the TCAG Board.

It was moved by Council Member Morales, second by Council Member Gonzalez to appoint Vice Mayor Hinesly to represent Dinuba on the TCAG Board.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

13.3. Delta Vector Control District Nomination and Appointment

City Manager Todd presented a request from Larry Roberts seeking appointment as Dinuba's representative to the Delta Vector Control District.

Discussion followed.

It was moved by Council Member Morales, second by Council Member Gonzalez to appoint Roberts as a representative to the Delta Vector Control District.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

13.4. Christmas Potluck, December 16, 2010; 11:30 – 1:00, Dinuba Community Center

City Manager Todd invited the City Council Members to the employee potluck event.

13.5. Chamber Night Before Christmas event

City Manager Todd informed the Council that the Chamber will hold an event downtown and invited the City Council to attend.

13.6. Information Sharing

New Council Members Gonzalez, Harness and Hinesly each expressed that they look forward to working with staff and the rest of the Council.

PUBLIC HEARING

14.1. Annual Review of Development Impact Fee Report FY 2009-10

Fiscal Analyst Avila presented the staff report and requested that the Mayor open the public hearing to gather comments on the matter.

Mayor Smith opened the public hearing.

No comments were brought forward.

Mayor Smith closed the public hearing.

Analyst Avila requested that the Council authorize staff to file the report as presented.

It was moved by Council Member Morales, second by Vice Mayor Hinesly, to file the report accordingly.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

CITY MANAGER

15.1. Federal EDA Grant Application, 199 South L Street

City Manger Todd requested authorization to apply for the EDA Grant for the vocational center. Todd reported that the application deadline is tomorrow. The money would be used to help build a building on South L Street between the Apostolic Church and the Bowling Center across from Plaza Park. It will house Proteus and part of Reedley College. The building would be owned and managed by us and it would house much of the same programs offered at the vocational center.

Mayor Smith asked about the odds to get the grant.

City Manager Todd said chances are about 85% and further explained how the process works.

Council discussion followed.

City Manager Todd talked about the proposed building and noted that the facility will be smaller than the vocational center.

Council discussion followed.

It was moved by Vice Mayor Hinesly, second by Council Member Morales, to authorize staff to apply for the federal EDA grant as presented.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

15.2. Information Sharing

City Manager Todd wished all Merry Christmas and Happy New Year. Alta Clinic will hold large event at their community event on Friday, from noon to 5 and they've asked the Mayor to attend.

Council discussion followed.

CITY ATTORNEY

16.1. Right of Way Real Property Acquisition, Resolution of Necessity, APN 012-282-006, Resolution No 2010-57

This item was considered in closed session.

16.2. Consent to Sell Property Located at 900 W El Monte Way

Attorney McCloskey requested both Agency and Council consent to the sale of property located at 900 W El Monte Way as proposed.

Council discussion followed.

It was moved by Vice Mayor Hinesly, second by Council Member Harness, to sell the property located at 900 W El Monte Way as presented.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

Discussion continued.

16.3. Response to AT&T Claim

Attorney McCloskey explained the claim submitted by AT&T involves a class action suit for certain data services. AT&T collected, but should not have, taxes for internet services. AT&T is now assigning its rights to the settlement class to pursue refunds from certain cities/jurisdictions. AT&T has also stopped assessing the taxes to its customers and is no longer remitting payments to the City. Refund amounts will go to pay the settlement class, not AT&T. McCloskey said the settlement class and AT&T have apparently agreed but he explained there is no court order mandating the refund from the City. He recommended that the City Council direct staff to return the claim as untimely as to that time period prior to November 3, 2009 and deny the claim for the period after November 3, 2009 on the basis that it is untimely. He also recommended that for those periods claimed for a refund from November 3, 2009 to present be denied in its entirety.

It was moved by Council Member Morales, second by Vice Mayor Hinesly, to reject the claim as recommended by Attorney McCloskey.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

16.4. Council Orientation

Attorney McCloskey presented an overview of the Brown Act for the City Council.

Attorney McCloskey presented a brief overview of AB1234 Mandatory Ethics Training Requirements for the City Council.

16.5. Information Sharing

None

FINANCE AND COMMUNITY SERVICES

17.1. Donation of Commercial Freezer to Dinuba Senior Center

Director Nunes said the Senior Center is in need of a freezer. The City is in possession of a commercial freezer donated to the vocational center in 2007. The freezer has never been used but has been stored. It is not anticipated that the freezer will be needed by the City and it is staff's recommendation that the Council authorize the donation of the freezer to be made to the Senior Center.

Shirley Mello, a member of the Senior Center, thanked the Council for the help they have given the center.

It was moved by Council Member Morales, second by Council Member Harness to approve the donation.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

17.2. Information Sharing

Director Nunes shared that the Senior Center will hold their board meeting and election on Friday. They will have a luncheon that day too.

Nunes shared that the Community Center serves 370 participants / 40 teams for youth basketball. Baseball Softball registration starts January 10. Park rentals have slowed a bit but crews can do some of the major projects. Last week we had the parade and tree lighting. Crews will begin installing the new play yard equipment at Vuich Park soon.

Nunes shared that staff received notice that we will receive \$2.7 million in sales tax from Best Buy internet sales. We should get more for the rest of the year. She shared that we still need to build up our reserves and pay off some debt once we receive the money.

ENGINEERING SERVICES

18.1. Information Sharing

Engineer Uota shared information about the Marquis homes property located along Rd 72. He said staff will put together a plan to help move through the cleanup process and bring back to council.

FIRE SERVICES

19.1. Assistance to Firefighters Grant 2010

Chief Thompson explained the Firefighters grant and said we were actually awarded the grant as of last week. Staff will conduct formal bid proceedings for a Mobile Multi-Trainer Unit. We were the only California city to be awarded the grant and were awarded the grant in an early round. The 10% match will be funded from Fire Impact Fees.

19.2. Information Sharing

Chief Thompson said we took delivery of oxygen making machine purchased through a recently awarded grant.

POLICE SERVICES

20.1. Information Sharing

Chief Olvera reported staff will be conducting interviews for animal control officer soon. Detective Gomez is scheduled to rotate out of the Detective Division in January. The selection process resulted in the selection of Officer Jorge Quintana and he will begin in January.

Tulare County has been selected to participate in an ignition lock program utilized for convicted DUI offenders. This is a pilot program in the San Joaquin Valley. There will be a DUI checkpoint on December 18 and a saturation patrol on the 31.

PUBLIC WORKS

21.1. Planning Commission Action, December 7, 2010

Director Beltran presented the action of the Planning Commission for the December 7 meeting.

21.2. TCAG/City Agreement – College of the Sequoias Student Pass Program

Director Beltran explained the proposed Student Pass Program agreement, good for one semester. The agreement will be revised for fall 2011 and future services after the first semester.

Beltran requested that the City Council authorize the City Manager to enter into an agreement with COS for the Transit Pass Program through May 2011.

It was moved by Vice Mayor Hinesly, second by Council Member Gonzalez, to authorize the City Manager to enter into an agreement with College of the Sequoias to implement the Transit Pass Program through May 2011.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

21.3. Information Sharing

Director Beltran shared that in December the City of Porterville was going to hear an item about whether or not to withdraw from the CWMA. Council discussion followed.

Beltran shared that effective Reedley College's spring semester, there will be an additional bus stop at the library.

CLOSED SESSION ACTION

22.1. Right of Way Real Property Acquisition, Resolution of Necessity, APN 012-282-006, Resolution No 2010-57

Pursuant to Government Code Section 54956.8, the Agency met in closed session with the City Manager/Executive Director and City Attorney to discuss right of way acquisition, APN 012-282-006.

It was moved by Council Member Morales, second by Vice Mayor Hinesly, to adopt Resolution No 2010-57 as presented.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: None

22.2. Property Sale located in the vicinity of Road 74 and Sierra Way

Pursuant to Government code Section 54956.8, the City Council / Agency met in closed session with the City Manager / Executive Director and City Attorney to discuss sale of property located in the vicinity of Road 74 and Sierra Way.

No action was taken.

ADJOURNMENT

The meeting was adjourned at 11:09 pm.

Mayor / Chair

ATTEST:

Deputy City Clerk / Secretary