

COUNCIL / BOARD MEMBERS PRESENT: Harness, Hinesly, Smith  
COUNCIL / BOARD MEMBERS ABSENT: Morales, Gonzalez  
STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran,  
McCloskey, Nunes, Olvera,  
Thompson, Todd, Uota

#### CALL TO ORDER

Mayor / Chair Smith called the meeting to order at 5:39 pm.

#### 2.1. Municipal Government Overview – Charter

Attorney McCloskey presented a government overview for the new Council Members to acquaint them with the City's Charter.

#### 2.2. Proposed Health Care Facility

City Manager Todd said this item will come back at a later date for discussion.

#### BREAK

Mayor / Chair Smith declared a break at 6:24 pm.

#### RECONVENE FROM BREAK

Mayor / Chair Smith reconvened the meeting at 6:31 pm.

#### INVOCATION

The invocation was led by Pastor Mark Wallace.

#### FLAG SALUTE

The flag salute was led by Fire Chief Thompson.

#### COMMUNITY RECOGNITION AND APPRECIATION

#### 5.1. Alta Family Health Clinic

Mayor Smith presented Dr. Thutsu , Alta Family Health Clinic, with a certificate of appreciation for his dedication to the community and through the charitable annual event held at the clinic.

#### 5.2. Dinuba Police Association

Mayor Smith presented Jim Garcia, DPOA President with, a certificate of appreciation for the DPOA's efforts to coordinate a shoe give-away for school age children.

#### 5.3. Para Los Ninos

There was no representative present to award the certificate of appreciation.

#### 5.4. Rotary Club

Mayor Smith presented Chief Thompson, a member of the Rotary Club, with a certificate of appreciation for the Club's charitable donation of 300 food boxes to the needy this holiday season.

#### PUBLIC COMMENT

#### 6.1. Martin Ortega

Martin and Guillermo Ortega were present to request that the Council authorize first right of refusal to him/Dinuba Tire to purchase the property to the west of his business property along West El Monte Way.

City Manager Todd said Ortega's request is that he be allowed to purchase the property to expand the business. Todd said the request must make its way through our process and thus, authorization cannot be granted tonight.

Council Member Harness asked how his existing building would be affected with the purchase.

Ortega said the building would remain the same but the purchase/expansion would be for parking as his parking will be affected by the widening of Avenue 416.

City Attorney McCloskey said the proper agent will eventually contact Ortega about the property and Ortega said he did talk to one of the agents but he is being proactive in his request.

## 6.2. Unscheduled

Donna Mireles, 948 North Vermont, asked about an article in the Dinuba Sentinel in regard to the Planning Commission appointment of Terry McKittrick. She asked if there is a conflict of interest in appointing the ex-council member to the Commission.

Mayor Smith explained there is no conflict with the appointment and the action is in accordance with the City Charter.

## CONSENT CALENDAR

- 7.1. Acceptance – Other Agency Meeting Minutes
  - A. Planning Commission, November 2, 2010
  - B. Police Advisory Commission, November 2, 2010
- 7.2. Pro-Youth Draft Agenda, January 20, 2011
- 7.3. Master Development Schedule
- 7.4. Avenue 416/El Monte Way Right-of-Way Acquisition Certificate(s) of Acceptance
  - 7.5. Set Hearing Date – Building & Fire Codes Adoption, January 25, 2011
  - 7.6. Notice of Completion - Ground Water Recharge Facility
  - 7.7. Notice of Completion - Viscaya I Phases I, II, III

It was moved by Vice Mayor/Vice Chair Hinesly, second by Council / Board Member Harness to approve the consent calendar as presented.

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

## WARRANT REGISTER

- 8.1. Approval – City Council Warrant Register, December 17, 30, 2010; January 7, 2011
- 8.2. Approval – Redevelopment Agency Warrant Register, December 17, 30, 2010; January 7, 2011

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

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

## MAYOR'S / CHAIR'S MINUTE

Mayor / Chair Smith commented that the employee Christmas potluck was very nice. He said he toured with the Chamber's night before Christmas and he attended the Alta Health Clinic event.

## COUNCIL / AGENCY / AUTHORITY COMMENTS

- 10.1. City Council Committee Appointment(s) to Outside Agencies

City Manager Todd presented brief information about the various committees and commissions for the Council Members and said these are appointments the Council Members serve on representing Dinuba.

The Council Members discussed the various outside committees that Council Members are usually appointed on which to represent Dinuba.

It was moved by Council Member Harness, second by vice Mayor Hinesly, to appoint Mike Smith to the CWMA and Janet Hinesly as alternate.

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

It was moved by Council Member Harness, second by Mayor Smith, to appoint Vice Mayor Hinesly to the Council of Cities as our representative.

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

Emilio Morales remained as representative on the Rail Advisory; Janet Hinesly as representative on TCAG with Mayor Smith as the alternate representative and no one was appointed to the Tulare County EDC or the Upper Kings Basin integrated Regional Water Management Authority yet.

#### 10.2. Committee / Commission Appointment(s) / Reappointment(s) / Resignation(s)

- a. Citizens Oversight Committee – 2 Vacancies
- b. Dinuba Economic Development Committee – 3 Vacancies
- c. Planning Commission – 1 Vacancy
- d. Police Advisory Commission – 4 Vacancies
- e. Pro-Youth Commission – 3 Vacancies

City Manager Todd explained the vacancies in each of the Committees / Commissions and said this item will be brought back to a Council meeting in February for action.

#### 10.3. Reminder – New Mayors and Council Members Conference

City Manager Todd said this is a reminder of the upcoming League of Cities conference for new Mayors and Council Members.

Council discussion followed.

#### 10.4. Reminder – City Council / DUSD Board Joint Meeting, January 25, 2011

City Manager Todd said the Council and School Board will meet jointly on January 25. Council discussion followed.

#### 10.5. Dinuba Chamber of Commerce Dinner, January 28, 2011

City Manager Todd said the annual Chamber Dinner will be held on January 28.

#### 10.6. Information Sharing

Council Member Harness said he attended the Alta Family Health Clinic community event. He also attended the Chamber's "Night Before Christmas" event.

Vice Mayor Hinesly said she was unable to attend the events due to her dad's health issues.

#### PUBLIC HEARING

#### 11.1. Residential Fire Sprinkler Plan Check and Site Inspection Fee, Resolution No 2011-02

Fire Chief Thompson presented the staff report to the City Council. Thompson requested the Mayor open the public hearing to take public testimony.

Council Member Harness asked if the increase is market-based.

Chief Thompson said the increase is only the hourly rate of what it would cost to do the work.

Mayor Smith opened the public hearing.

No comments from the public were brought forward.

Chief Thompson requested the Council adopt Resolution No 2011-02.

It was moved by Vice Mayor Hinesly, second by Council Member Harness, to adopt Resolution No 2011-02 as presented.

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

#### 12.1. Sales Tax Update

City Manager Todd presented an update on the sales tax we anticipate receiving for sales tax collected for internet sales.

Todd said Best Buy identified two sites to conduct internet sales. He explained that up until a certain time, all sales tax was being equally distributed throughout the state. Our staff discovered the source of revenue and MBI helped us identify the point of sale who was Best Buy.

Todd said this source of revenue will make it possible to lift furloughs; gives us capacity to minimize utility rate increases and bargain with employee groups.

Council Member Hinesly asked for a clarification on the definition of the state's "triple flip."

City Manager Todd explained the process and added that it is a mandatory regulation.

Council discussion followed.

#### 12.3. Information Sharing

City Manager Todd said in his opinion, the governor has one purpose as governor and that is to balance the budget. He is concerned not with "how" but that he "will" do so. His mission is to balance the budget and he is going about it aggressively. His budget was released on Monday and in the next 18 months he wants to reduce the state's debt by \$24.8 billion.

Todd said the Governor's spending reductions are a proposal that K-12 be spared significant cuts and make cuts elsewhere, if not, the only other option would be to cut into K-12 and education. He plans to reduce Medi-Cal and other social services.

Council discussion followed.

#### 12.2. Personnel Matters, Resolution No 2011-01

This matter was discussed in closed session.

Assistant City Manager Anderson explained the grant application process for the vocational center sale.

City Manager Todd said staff had a meeting with Ruiz Foods and they are planning to open escrow in the next two weeks and hoping to have it done by the first of March. Proteus will be moved out of the vocational center soon and will be moving into the Rincon Center.

#### CITY ATTORNEY

#### 13.1. Ethics Training – Date

Attorney McCloskey said the next scheduled Ethics Training date is January 18.

13.2. Information Sharing

None

FINANCE AND COMMUNITY SERVICES

14.1. FY 2011-2012 Budget Calendar Adoption

Finance and Budget Manager Cook presented the budget calendar to the City Council for consideration and adoption.

It was moved by Council Member Harness, second by Vice Mayor Hinesly, to adopt the budget calendar as presented.

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

14.2. Amendment to Lease Agreement for Substitution of Property  
a. City Council Resolution No 2011-03

Manager Cook explained the reason for the request for the amendment dealing with the substitution of Property.

It was moved by Vice Mayor Hinesly, second by Council Member Harness, to adopt Council Resolution No 2011-03 as presented.

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

b. Dinuba Financing Authority Resolution No 2011-01

It was moved by Vice Chair Hinesly, second by Board Member Harness, to adopt Authority Resolution No 2011-01 as presented.

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

City Manager Todd requested the Council / Agency direct that a map be included in the resolution.

14.3. Information Sharing

John Carrillo, sports coordinator, shared report of sports teams and activities.

Carrillo shared that the tree near Don's Shoes has grown up against the awning in the downtown and it must be removed before it causes further damage. He shared a photograph of the tree.

ENGINEERING SERVICES

15.1. Information Sharing

Engineer Uota shared that Viscaya I Phase IV lots were acquired by Wathen-Castanos and Hovnanian Homes just submitted their final map for approval.

Uota said he prepared a written correspondence directed to Marquis Homes which outlined the same conditions that need to be kept as previously sent to previous owners. We will ask the property owners to put their response in writing so we can confirm that all the owners understand the conditions.

Vice Mayor Hinesly asked if they called to ask questions or does Uota feel they understand the requirements. Uota said that he believes they understand. He explained to the representatives that the abatement process clock has begun ticking.

Council discussion followed.

## FIRE SERVICES

### 16.1. Authorization to Bid – Training Equipment

Chief Thompson explained the request for authorization to bid for training equipment and requested that the City Council authorize staff to place the bid for training equipment.

It was moved by Vice Mayor Hinesly, second by Council Member Harness, to authorize staff to bid the training equipment.

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

### 16.2. Information Sharing

Chief Thompson said in this year's budget we held a position open for the first half of budget year. There is now funding to fill the position for the remainder of the year, we will move forward to fill the vacant position for firefighter.

## POLICE SERVICES

### 17.1. Emergency Equipment Replacement

Lt Popovich said Measure F funds are available for the emergency equipment repair/replacement of the 911 system. Lt Popovich said he feels it would be worth repairing rather than replacing the equipment. It has two hard drives but unfortunately both drives went out at once.

Council discussion followed.

Mayor Smith said it seems that the difference in the cost to repair and the cost to replace is close.

The City Council directed staff to look into the cost of a new system. If the cost is prohibitive, the Council authorized staff to repair the current system.

It was moved by Vice Mayor Hinesly, second by Council Member Harness, to direct staff to look into the cost of a new 911 system and compare with it the cost of repairing the old system prior to repairing the old.

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

### 17.2. Information Sharing

Chief Olvera said the calls for service at the "New Year" was fairly quiet. All entertainment centers ran without incident.

Chief Olvera reported that the recruit for animal control officer may soon be on board.

Chief Olvera reported that the traffic stops in 2010 were about 1148.

Council discussion followed.

## PUBLIC WORKS

### 18.1. 21<sup>ST</sup> Annual Dinuba Criterium Bicycle Race, February 21, 2011

Director Beltran presented the request.

It was moved by Council Member Harness, second by Vice Mayor Hinesly to approve the request to hold the annual Criterium Bicycle Race.

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

18.2. Action of Planning Commission Meeting, January 4, 2011

Director Beltran presented the action of the Planning Commission.

18.3. Authorization to Apply – CMA and TE Funding

Director Beltran requested authorization to apply for the CMA and TE Funding.

Council discussion followed.

It was moved by Council Member Harness, second by Vice Mayor Hinesly, to authorize staff to apply for the CMA and TE Funding.

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

18.4. Information Sharing

Council Member Harness asked about the Hayes Avenue Project so Director Beltran briefed the Council on the history.

Beltran said Assistant Public Works Director Whitfield will soon separate from her employment with the City of Dinuba. Director Beltran explained Whitfield's ascent to her current position. Beltran went on to propose her thoughts as to how to compensate for Whitfield's absence in the department.

CLOSED SESSION ACTION

19.1. Personnel Matters, Resolution No 2011-01

Pursuant to Government code Section 54957, the City Council met in closed session with City Manager Todd and City Attorney McCloskey to discuss personnel matters.

It was moved by Council member Harness, second by Vice Mayor Hinesly, to adopt Resolution No 2011-01 as presented.

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

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 9:39 pm.

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Mike Smith, Mayor / Chair

ATTEST:

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Linda Barkley, Deputy City Clerk / Secretary