

COUNCIL / BOARD MEMBERS PRESENT: Harness, Smith, Morales

COUNCIL / BOARD MEMBERS ABSENT: Hinesly, Gonzalez

CALL TO ORDER

Mayor Smith called the meeting to order at 6:30 pm.

INVOCATION

Pastor Mark Wallace led the invocation.

FLAG SALUTE

Chief Thompson led the flag salute.

PUBLIC COMMENT

4.1. Evi Hernandez, Request for Public Right-of-Way Closure W Adelaide, July 4, 2011

Anthony Mirelez was present for Hernandez to request a street closure during a fourth of July block party.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Harness, to approve the street closure request as presented.

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

4.3. Dr. Thusu – Proposed Dinuba Vocational Center Lease

City Manager Todd requested that the Council hold a closed session to discuss the vocational center lease proposal.

City Attorney McCloskey explained that the Council first needs to place the item on the agenda as an emergency item.

It was motioned by Council Member Morales, second Council Member Harness to amend the agenda adding a closed session item to discuss the vocational center lease proposal.

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

4.4. Romelia Castillo, Cutler-Orosi Chamber of Commerce - Veterans Vietnam Wall

Romelia Castillo, Cutler-Orosi Chamber of Commerce presented a request for funds to bring the Vietnam Veterans Wall to Ledbetter park in Cutler. Castillo said the wall will make its way from Tulare through Kingsburg and Dinuba and finally to Ledbetter Park in Cutler where it will remain for our days. The Veterans listed on the wall are from all communities. Castillo invited the Council to take part in the event as well as the police and fire departments.

Council discussion followed as to the wall.

Chamber Vice President Trinidad Rodriguez said they expect visitors to the event are expected to lodge in Dinuba. There will also be Veterans who attend these events who are expected to lodge in Dinuba's motels. The Chamber has contracted with the hotels for discounted rates for those persons.

Castillo explained she has also contacted service clubs about the Memorial Wall event requesting donations for the \$12,000 cost.

Council Member Harness said he would like Dinuba to match or at least supply half of what the County donates for the event.

Mayor Smith said he would like to match what the county does too. He asked Castillo what she'll do if she can't get the money.

Castillo responded that she will get the money.

Rodriguez said thousands are expected to attend over the four day period. It's a once in a lifetime event and it has a large following. There are potentially hundreds of thousands of visitors over the four days. The visitors will shop in the surrounding communities.

Castillo said this is an education for our youth.

It was motioned by Council Member Morales second by Council Member Harness to support the event with \$3,000.

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

4.2. Serrano, Request for Public Right-of-Way Closure Tulare St (K St to Alley), August 19-21

Veronica Serrano was present to request a street closure in front of Serrano's Furniture downtown on Tulare Street. Serrano explained this is an annual event and it is expected to be like those that occurred before.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Harness, to approve the request for street closure as presented.

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

4.5. Unscheduled

None

CONSENT CALENDAR

- 5.1. City Council/Redevelopment Agency Joint Meeting, June 13, 2011
- 5.2. Amended City Council / RDA Minutes, May 24, 2011
- 5.3. Ordinance No 2011-04, Amending Time of Planning Commission Meetings, Second Reading, Waive Reading in Full
- 5.4. Avenue 416 / El Monte Way Widening Certificates of Acceptance
- 5.5. Ave 416/EMW Widening Project-Dinuba Tires Acquisition of Property
- 5.6. Ave 416/EMW Widening Project ROW Acquisition-APN 012-281-021
- 5.7. Set Hearing Date – CDBG Performance Reports, Funding, and Housing Program Guidelines, July 12, 2011

It was motioned by Council / Board Member Morales, second by Council / Board Member Harness, to approve the consent calendar as presented.

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

WARRANT REGISTER

- 6.1. Approval – City Council Warrant Register, June 17, 24, 2011
- 6.2. Approval – Redevelopment Agency Warrant Register, June 17, 24, 2011

It was motioned by Council / Board Member Morales, second by Council / Board Member Harness, to approve the warrant register as presented.

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

MAYOR'S / CHAIR'S MINUTE

7.1. Information Sharing

Mayor Smith shared his experience of the Flag Day event.

COUNCIL / BOARD COMMENTS

8.1. Jess Garcia Retirement, Certificate of Recognition

Jess Garcia was present to receive a certificate of recognition presented to him by Mayor Smith on behalf of the City Council.

Garcia expressed his appreciation and said he has enjoyed working in the community.

8.2. Bond Sale Effort - Certificate of Recognition

City Manager Todd requested the Mayor authorize staff to prepare a letter to those responsible who helped get the redevelopment bonds sold last week. He said staff was uncertain if the governor was going to sell the two bills that would have eliminated Redevelopment Agencies and not allowed us to go forward with the sale.

Those who were involved in the sale of the bonds included Dave McEwen's office our bond counsel, Robin Thomas of Wedbush and Doug Anderson of Urban Futures.

Discussion followed.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize staff to prepare a letter to the team for their hard work to sell our Agency's bonds.

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

8.3. Adventist Health Dinuba Ambulatory Care Center, Groundbreaking July 7, 2011

City Manager Todd said this is merely a reminder of the groundbreaking event on July 7 and the Council is invited to attend.

8.4. Designation of Voting Delegates and Alternates, League of CA Cities Annual Conference, September 21-23, 2011

It was motioned by Council Member Harness, second by Council Member Morales, to designate Council Member Morales as the delegate and Council Member Harness as the alternate delegate.

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

8.5. Request for Excused Absence, Mayor Mike Smith, City Council and DUSD Board Joint Meeting, June 23, 2011

It was moved by Council Member Morales, second by Council Member Harness, to approve the request for excused absence by Mayor Smith.

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

8.6. Information Sharing

Council Member Morales shared his experience at the Flag Day event. He said he hopes the program is repeated in the future.

Harness concurred with Morales' comments.

PUBLIC HEARING

9.1. Levy Assessments on Lighting and Landscaping Districts, Resolution 2011-31

Budget Manager Cook reported the information for Lighting and Landscaping Districts.

Harness asked how residents are notified of the public hearing and the reason for the public hearing.

Cook said the law requires us to hold the public hearing to enable us to put the properties on the tax roll. The districts that have an increase have already done so.

No comments were brought forward.

It was motioned by Council Member Morales, second by Council Member Harness to adopt Resolution No 2011-31 as presented.

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

CITY ATTORNEY

10.1. Information Sharing

None

CITY MANAGER / EXECUTIVE DIRECTOR

11.1. Information Sharing

City Manager Todd shared that the International Junior Golf Tournament for youth ages 11-17 has existed for 40 plus years. This year there will be 1,100 students in the tournament. Dinuba has a young man, Israel Garcia, who qualified for the tournament which will be held at Torrey Pines next month. Todd asked the Council to consider representing Garcia sponsoring him representing Dinuba and Ridge Creek, and give him Ridge Creek clothing to wear during the tournament.

The Council conceded to approve a sponsorship for Garcia for the tournament.

City Manager Todd said is working to protect Redevelopment. There are two trailer bills in the legislature 26 and 27 that would eliminate Redevelopment agencies completely and places restrictions on what we're able to do during the elimination. It creates a series of issues for all because we can't transact business. If the governor signs 26 and eliminates Redevelopment agencies we're out of business until at least October or November and it will create huge problems. In October there will be an option to buy the Agency back and we finally saw the numbers that we paid during the last state-taking which, for us, was \$1.2 million. It will cost us about \$2 million to do that. Todd said he heard today that if we opt out and don't pay the fees, and if the CRA or the League are successful in the lawsuit against the two bills, we would have to start from scratch as an Agency. The formula takes your base year and makes it today's increment. You would have lost all things you got since then. Our base year was \$1100. The tax rate today is \$2.2 to \$3 million dollars. Todd said he met with several other cities and Assembly Member Perea to give him ideas to amend the bills to make it more palatable to cities like us. He explained his suggestions. It appears the governor said he is going to sign the budget tonight or tomorrow. The trailer bills are on his desk and we've been told he will probably sign them. There is another trailer bill and it has ideas that we suggested but it doesn't look like he will sign them. There is hope that he will allow some of those concessions. Assuming the worst, our Agency will be out of business, the CRA is planning to go to court to try to get an injunction to try to get it stopped. We will have to decide what we will do in October. Todd asked Marshall Linn to do a value analysis over next ten years and come back to Council with analysis of the value under the new rules. It's important for us to know what we're giving up and what we're trying to fight for. The budget itself is not quite as bad. The education system seems to be taking the biggest hit.

Mayor Smith said it makes no sense.

City Manager Todd said his theory is that there are two things that will happen when they eliminate Redevelopment. It will give them a chance to resurrect it and reallocate the tax monies. The shift allows the state to make up the back taxes to schools. They figured out there's not a lot of money left in the agencies and lots of cities did the same thing. They are beginning to think there is not \$1.7 billion out there but they want to charge us to ensure they get the \$1.7 billion.

Council discussion followed.

FINANCE AND COMMUNITY SERVICES

12.1. Authorization to Extend Landscaping Contract

Director Nunes presented a request to extend the contract for the City's landscaping services.

Council Member Harness said he took a tour with staff of the landscape areas the contractor maintains. His only concern is he wishes the contractor was a Dinuba business.

Nunes shared that the City has contracted the landscape maintenance services for the City's Parks, Lighting & Landscape Districts, and open space for several years. Clean Cut Landscaping has been awarded the last three periods and has a great working relationship with the City. They have been consistent with their services and we have not experienced any problems or issues with the company or its staff. Currently the annual cost of the Landscape Contract is approximately \$188,540 (\$15,711.66 per month).

With the City's current financial condition it is a necessity to find cost savings wherever possible and so it is very important that we take the time to develop a very detailed and precise request for proposals before submitting the documents to contractors for bid. The extension of the current Landscape Maintenance contract for one year will allow City staff to spend the time needed to gather the information needed for the new contract including mapping new sites, developing scopes for the new sites, and preparing the documents for bidding. The extra time needed will be especially important factoring in the number of new locations that have been added to the current contract over the last three years.

Also, if the contract is extended for an additional year the contract price will still remain lower than the closest bid received during the bid process in 2008. When Clean Cut Landscape bid the contract in 2008 they were substantially lower in price than both the city's own ability to perform the work and the next lowest bidder. Other than a negotiated cost of living increase, Clean Cut can guarantee a low price and the same high quality performance they have provided for this contract.

An added benefit of continuing the contract for an additional year is the savings of staff time needed to bring a new contractor up to speed and monitor performance. Parks staff time has been stretched to its limits since the reduction of three fulltime positions in the past year. By extending the contract staff can focus their attention to the pressing needs of the City without the added time of training a new contractor.

Since Clean Cut was awarded the contract in 2008, many sites have been added to the contract. Even with the added areas, the proposal received from Clean Cut for this next contract period is still lower in cost by about \$45,500 from the next bidder in 2008.

Nunes explained that the contractor's bid was only slightly higher than the current contract asking only .06 % increase based on the CPI or \$1,081. In addition the contractor comes in and does the work quickly. Nunes shared that the contractor's employees recently moved into Dinuba.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize the contract be extended one year with Clean Cut Landscaping, Inc. in the amount of \$189,675 to provide park landscape and Lighting and Landscape District services to various City-owned parks/area sites

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

12.2. Dinuba Redevelopment Agency Rating Letter & Rating Report

Director Nunes shared a Standard and Poors rating letter and report with the Council and said the City is rated A- which is an excellent rating for this day and age for local government.

12.3. Information Sharing

Nunes shared that the aquatics program has begun with 102 students enrolled. There are 125 youth participating in the summer fun in the park program which is at 3 locations. Soccer registration will be open until August 5.

Director Nunes shared the fireworks event will be held downtown this Friday from 6 to 10 pm in conjunction with the Chamber of Commerce. The Fire Department plans to sell hamburgers and hot dogs and proceeds will help fund the Fire Explorers Program.

ENGINEERING SERVICES

13.1. Rd 80 San Joaquin Valley Railroad Construction and Maintenance Agreement and UPRC Easement Agreement

Engineer Uota said the railroad crossing on Alta Avenue will require new equipment, lights, gates, etc. The maintenance component is something Dinuba has never seen before. The railroad sees the improvements to be of no benefit to them but only to the city and county. Based on that fact they have demanded an annual maintenance fee for the equipment at the rate of \$3,100 a year. Staff has found through several e-mails they probably have no legal basis for the request but they will not allow the contractor to do the work out there unless the agreement is signed. Uota requested the Council authorize staff to execute the agreement. An easement agreement must be signed too with Union Pacific Railroad with a one-time fee of approximately \$97,000. The two agreements must be paid so the contractor can apply for his point of entry and do the work on the crossing.

Uota said he intends to protest similar work to be done on Avenue 416.

Council discussion followed.

It was motioned by Council Member Harness, second by Council Member Morales, to authorize staff to execute the agreement with the San Joaquin Valley Railroad as presented.

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

13.2. Information Sharing

Uota shared information about Parkside Village at the northwest corner of Kamm and Crawford. The new owner is Westar Construction who incidentally was the original developer. It's not clear if Westar intends to be the builder or sell the lots to another.

Council discussion followed.

Uota shared that Road 80 construction is coming along with the exception of PG&E who has yet to move the poles located in the roadway. He shared some of the project progress.

FIRE SERVICES

14.1. Information Sharing

Chief Thompson shared information about the fire at 581 North Crawford which occurred last week. There were 4 citizens who happened to be in the area when the fire occurred. Upon arrival no occupants were trapped because they had already been rescued by the passersby. One woman was rescued through a window.

Thompson thanked the Council for allowing him to attend the National Fire Academy where he completed the executive fire course which he said empowers him with valuable tools to do his job. He added he looks forward to utilizing the tools he learned.

Discussion followed in regard to rotating the fire trucks with new vehicles over time. Mayor Smith requested utilizing the fire truck for the Veterans Wall in November in Orosi.

Council Member Harness asked if it would be appropriate to recognize the civilian rescuers and City Manager Todd said the item would be brought back at a later date for Council recognition.

POLICE SERVICES

15.1. City of Dinuba and Valley Oak SPCA Animal Sheltering Agreement

Chief Olvera shared information about the proposed agreement with the Valley Oak SPCA. He said due to the increased cost for operations, SPCA was forced to raise their fees.

In previous years, the per-animal calculation method did not cover all costs associated with animal control. Valley Oak SPCA paid the unpaid costs associated with annual city contracts with the donations and bequests from the community. The SPCA cannot continue to subsidize these costs and therefore, has revised the contract charging cities the actual cost associated with animal care and control services being provided. The services include dog impounds, dog and cat quarantines, livestock, and disposal of animals.

The increase in cost to us is about \$1,908. Chief Olvera requested the Council authorize the City Manager to sign the agreement between the City and the Valley Oak SPCA.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize staff to sign the agreement.

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

15.2. Consideration of Possible Range and Training Site

Chief Olvera requested direction from the Council in regard to the possibility of a shooting range and training site and a proper location.

Council discussion followed.

Olvera said he could talk to the county to see if there are any concerns with such a facility located in the county. Olvera said it is a remote area but close enough to the city.

The Council conceded to authorize staff to move forward and gather more information.

15.3. Information Sharing

None

BREAK

Mayor Smith declared a break at 8:09 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:21 pm.

PUBLIC WORKS

16.1. TCAG Transit Pass (T-PASS) Agreement

Director Beltran requested the City Council consider information regarding the Tulare County Transit Pass Program (T-Pass). She explained the T-Pass program is a regional monthly pass for unlimited rides on Tulare County participating agencies fixed route systems. To maintain consistency throughout the Tulare County Transit Systems, City staff is recommending participation in the T-Pass program as a sales outlet for T-Passes. Beltran requested the City Council authorize the City Manager to execute an agreement with Tulare County Association of Governments (TCAG) to participate in the program.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize the City Manager to execute the agreement with TCAG as presented.

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

16.2. Authorization to Apply – Safe Routes to Schools Grant

Director Beltran made a request for authorization to allow staff to submit the application for a Safe Routes to Schools Grant. The grant application is for students specifically in K through 8th grade. Staff would like to work with Four Creeks to prepare the grant application which is very involved and will cost about \$3,000.

Council Member Harness asked about lighted crosswalks.

Discussion followed in regard to the Hayes Avenue crosswalk and other lighted crosswalks in town.

It was motioned by Council Member Harness, second by Council Member Morales, to authorize staff to apply for the grant and utilize Four Creeks for the application process.

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

16.3. Amplified Music Registration

Director Beltran shared the item is before the Council to review the registration form and what it means when an application is submitted for consideration. Beltran reviewed the form with the council.

She shared the primary purpose for the form is to make the applicant aware that there is a noise ordinance and there are requirements per the ordinance. It does not mean the applicant is exempt from the ordinance.

City Manager Todd said the form originated because of dealings we had with Mario's Auto Sales on Crawford and El Monte and it was very important for us to show him the regulations. He was having amplified music and sales anytime and all the time. We put it together for his benefit so when we had to deal with him because he was exceeding the noise ordinance he could not negate that he knew the facts.

Discussion followed.

The form was discussed with possible changes in verbiage.

16.4. Information Sharing

Director Beltran shared that the 2010 water quality report was mailed to residents by June 30 each year.

Beltran shared that staff received word that the solar project at the treatment plant will begin next week.

Council discussion followed.

BREAK

Mayor Smith declared a break at 8:56 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 9:02 pm.

CLOSED SESSION ACTION

17.1. Dr. Thusu – Proposed Dinuba Vocational Center Lease

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Manager Todd to discuss the proposed Dinuba Vocational Center lease.

The City Council instructed the City Manager to negotiate concerning the Vocational Center property.

ADJOURNMENT

Mayor Smith adjourned the meeting at 9:47 pm.

Mike Smith, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary