

COUNCIL MEMBERS PRESENT: Harness, Hinesly, Smith, Morales, Gonzalez

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

CALL TO ORDER

The meeting was called to order at 6:31 pm.

INVOCATION

The invocation was led by Pastor Mark Wallace.

FLAG SALUTE

The flag salute was led by Pastor Mark Wallace.

NEW EMPLOYEES AND PROMOTIONS

Director Nunes presented new employee Grace Moreno to the City Council; Garcia was not present.

4.1. Finance and Community Services

- Lourdes Garcia
- Grace Moreno

Director Beltran presented new employees Cervantes; Nabors and Yanez to the City Council.

4.2. Public Works

- Alfonso Cervantes
- Mark Nabors
- Crystal Yanez

PUBLIC COMMENT

5.1. Robert Cervantes

Cervantes was present to request that the City Council consider changing the name of an existing street. The street is that portion of Fresno Street adjacent to the Dinuba Vocational Center between L Street and M Street. Cervantes suggested the name be changed to Dr. Thusu Drive or Thusu Drive.

Mayor Smith said Cervantes is on the right path as Dr. Thusu should be recognized but he suggested waiting until after the building has been leased. He asked staff when the building is expected to be leased.

City Manager Todd said it is almost completed.

Mayor Smith and the City Council thanked Cervantes for his efforts to rename the street in honor of Dr. Thusu.

5.2. Unscheduled.

None

PUBLIC HEARING

10.1. Sale of Property 151/153 Eaton Ave, Dinuba, Resolution No 2011-11

George Avila presented the information for the sale of the property at 151/153 Eaton Avenue. He requested that the Redevelopment Agency conduct a public hearing to consider testimony regarding the sale of the duplex located at 151 & 153 N. Eaton Avenue. Avila requested that the Board adopt RDA Resolution No. 2011-43 approving the sale of the property to Leroy Barkley, approving the associated Real Property Disposition Agreement and authorizing the Executive Director to execute all related sale documents.

Avila explained that in April 2001 the City of Dinuba purchased the 151 & 153 N. Eaton property using Redevelopment Agency monies and CDBG Program Income funds for the purposes of facilitating a future City Hall expansion project. However, that project has since been abandoned. On December 8, 2009 the Redevelopment Agency authorized Staff to surplus the subject property and to put it up for sale on the open market. Many inquiries regarding the property have been received but only one purchase offer has been submitted which was by Leroy Barkley for \$110,000. His offer included \$90,000 cash and a 7,150 square

foot vacant lot located at 477 Euclid Avenue with an appraised value of \$20,000. Staff has reviewed Mr. Barkley's offer and believes it is fair and in the best interest of the City.

Avila reported that all RDA public hearing requirements have been met and a notice of the hearing was posted in the Dinuba Sentinel on October 13, 2011 and on October 20, 2011.

Avila requested that the Agency open the public hearing to take testimony on the matter. Following the public hearing, he requested the Agency adopt Resolution No 2011-11.

Chair Smith opened the public hearing.

No comments from the public were brought forward.

Chair Smith closed the public hearing.

It was motioned by Vice Chair Hinesly, second by Board Member Gonzalez to adopt Resolution No 2011-11.

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

10.2. Designation of Historic Resource, Resolution No 2011-42

Planning Technician Carrillo presented a request to the Council to consider designation of two historic resources. The historic resources are a house located at 275 S. "K" Street and constructed in 1912; and the depot located at 289 S. "K" Street constructed in 1911. The Historic Preservation Commission on September 12, 2011 heard and approved for recommendation to the Dinuba City Council, a request by the Applicant to designate the residence and depot as historic resources. The request is made in order to preserve both structures for the educational, cultural, economic, and general welfare of the public. Carrillo requested the City Council take public testimony on this matter.

Mayor Smith opened the public hearing.

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

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to adopt Resolution No 2011-42 as presented.

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

PUBLIC WORKS

17.1. Transit Center Design

Director Beltran presented information on the proposed Transit Center. She then introduced Matt Ainley, Dan Meinert and Eric McConnaughey of Four Creeks Engineering who designed the proposed Transit Center.

Daniel Meinert said the Transit Center is made possible by a grant. The original plan was to locate it at a different location. This proposal shifts the center to a nearby site, adjacent to the Alta Irrigation District building. Meinert further explained the Transit Center amenities.

Matt Ainley presented the site development plan and Eric McConnaughey presented a proposed 3-D model of the facility for consideration and discussion.

Discussion followed in regard to the facility.

Meinert said the next step would be to take the design to the Development Review Committee for the next steps in the design process.

COUNCIL / BOARD COMMENTS

9.3. Carol Knoy Measure F Committee

Director Nunes shared that Carol Knoy submitted a request to be appointed to the Citizen's Oversight Committee replacing her daughter's position on the committee. Nunes explained that Jackie Knoy's term terminates soon and Carol Knoy has requested to serve.

Mayor Smith asked if there were any other applications submitted.

Nunes shared that there were no other applications submitted for the vacancy.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly to appoint Carol Knoy to the Citizens Oversight Committee.

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

COUNCIL / BOARD COMMENTS

- 9.1. Nomination to San Joaquin Valley Air Pollution Control District Governing Board, Resolution No 2011-44
- Frances Ortiz
 - Skip Barwick

Skip Barwick was present to speak to the Council about his interest in being nominated to the San Joaquin Valley Air Pollution Control District Committee.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness to adopt Resolution No 2011-44, selecting Barwick as the nominee to the San Joaquin Valley Air Pollution Control District Committee.

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

CONSENT CALENDAR

- 6.1. City Council / Redevelopment Agency Joint Regular Meeting, September 13, 2011
6.2. Notice of Completion – California and Perry Avenue Property Demolition
6.3. City of Dinuba Red Ribbon Rally Request for Street Closure, October 24, 2011
6.4. Avenue 416/El Monte Way Widening Project Right-of-Way and Property Acquisitions Certificates of Acceptance; APN 012-290-056

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

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

WARRANT REGISTER

- 7.1. Approval – City Council Warrant Register, October 14, 21, 2011
7.2. Approval – Redevelopment Agency Warrant Register, October 14, 21, 2011

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

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

MAYOR'S / CHAIR'S MINUTE

- 8.1. 2011 Veterans Day Proclamation No 2011-10

The proclamation is to be presented at the Veteran's Day event on November 11.

8.2. 2011 Red Ribbon Week, October 24-28, 2011, Proclamation No 2011-11

The proclamation was read at the Red Ribbon Week event on Monday, October 24.

Vice Mayor Hinesly said she would like to see more support at community events from Council and staff.

Discussion followed.

8.3. Information Sharing

Mayor Smith talked about the Bark for Life event which occurred on Saturday.

COUNCIL / BOARD COMMENTS

9.2. Police Advisory Commission - Request for Reappointment, Raymond Millard

It was motioned by Council Member Morales, second by Council Member Gonzalez, to reappoint Raymond Millard to the Police Advisory Commission.

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

9.4. Alcoholic Beverage License Application, Walgreens Store No 10201

City Manager Todd said Walgreen's submitted the application the Alcoholic Beverage Licensing Board and it doesn't require action by the City council as it was submitted at the time they submitted building plans.

The application will be filed.

9.5. Reminder – Chelsea Housing Development, November 10, 2011 Bakersfield

City Manager Todd said a carpool will be available for the Bakersfield event.

9.6. Reminder – Vietnam Veterans Memorial Wall, Nov 3-6, 2011 Ledbetter Park, Cutler

- Fire Apparatus Display
- Police Escort

Fire Chief Thompson explained that the American Veteran Traveling Tribute (Traveling Wall) will be arriving at Ledbetter Park in Cutler. The organizers of the event have requested that the Fire Department provide the 110-foot aerial ladder truck to participate in a static display, along with the Tulare County aerial ladder on November 2nd. The two ladder trucks will be raised and a large American flag will hang between the two ladders. The Traveling Tribute will be towed under the ladders when it enters Ledbetter Park.

Lt. Popovich said police staff has been contacted by the committee for their participation. They want an escort through the city limits for the wall. Lt. Popovich requested authorization to do so.

It was motioned by Council Member Morales, second by Council Member Gonzalez to authorize the departments to participate as presented.

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

9.7. Information Sharing

Council Member Gonzalez shared his participation in the following:

Bark for Life

Visalia Transit Center to get a perspective for Dinuba's proposed facility

The new Pho Saigon Restaurant

Council Member Morales shared that he has been busy with employment his so hasn't been able to attend meetings and events like he's wanted.

Council Member Harness shared that he and his daughter attended Bark for Life and the Fire Department's Open House.

Vice Mayor Hinesly shared:

She and staff attended the Council of Cities meeting

She was appointed to the State Colleges Committee

One of the ROMEO's is gravely ill

Her mentee wants to join marines and she is working with Dr. Thusu to see if they can get the mentee interested in furthering her education

Mayor Smith said he, Jayne and Ed attended the SSJVD meeting.

CITY ATTORNEY

11.1. Information Sharing

None

CITY MANAGER / EXECUTIVE DIRECTOR

12.1. Vocational Center Lease/EDA Approval

City Manager Todd shared a letter from Leonard Smith of the US Commerce Department who responded to a letter written by the Mayor inquiring as to the lease of the vocational building to Dr. Thusu. The City is required to obtain approval to lease the facility because of the original grant conditions obtained for the building. He explained the US Commerce Department has approved the request made by staff to lease the building to Dr. Thusu.

12.2. Proposed Real Property Acquisition 15.49 Acres APN 018-180-031

City Manager Todd presented the item for Council discussion. The site is adjacent to the Kmart shopping center between Randle and Rd 92. City Manager Todd explained that the City proposed the site to Self-Help Enterprises for the purpose of building the multi-family units originally proposed at the Viscaya subdivision.

Todd said the Council asked him to speak with the realtor representing the bank to see if it is still available and find out the purchase price. Todd said the tentative map was not originally approved by the Council so there is no tentative map. It doesn't change the location or use of the property but makes it less valuable.

Todd asked if the Council wants to proceed with the purchase of the property and, if so, does the Council want him to continue to negotiate the price down. He said there is no map on it and we would have to pay to obtain a map at a cost of \$15,000 to \$20,000. He valued the property at \$175,000 to \$180,000.

Mayor Smith said use of the funds was discussed and there are not many places they can be used outside of this property or on low income housing.

City Manager Todd said that would be the purpose and there are at least two different developers who are interested in the site to do those things the Council would like at the site. One is Chelsea Group and the other is Mike Spencer's Group who does similar work to Chelsea. If so, staff could pursue acquiring the site and it would not be difficult to have someone develop the site and it would be done with the East El Monte Planning.

Mayor Smith said the quickest way to develop business on the east end is foot traffic.

Vice Mayor Hinesly said in the long run it would be cheaper if we owned the land and we are responsible for bringing the services.

City Manager Todd said we would have to bring the lines for wastewater to the site but there is water there currently. We could recoup costs and it would work to our benefit. It would be a major attraction for the development of the site.

Council Member Gonzalez stepped down from the dais at 8:08 pm.

The City Council and staff discussed the value of the acreage, the zoning and the cost of the map.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to authorize the City Manager to move forward with negotiations to purchase the property for \$175,000.

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

12.3. Information Sharing

City Manager Todd reported that Ed Dena's Chevrolet is Celebrating 100 Years and plans to have a celebration event on November 3 at 5:30 pm at Ed Dena's Auto Center.

Todd shared that the League of California Cities Citipak Fundraiser event was held at the golf course. The event was well attended with several Council Members from other cities in attendance.

City Manager Todd talked about the proposed fire and police training facility. Todd said he would like to find out before finalizing the purchase of the property if the property will be annexed. He shared that there was a meeting with surrounding property owners today. The property owners expressed their fear that workers won't work when the shooting range is used; stray bullets; they feel noise could devalue the land and their biggest concern was they saw this as a possible erosion of prime farmland in that area. They were concerned this might become a "leap frog" annexation that would bring with it more urban development. Todd said staff expected those types of concerns.

Todd talked about the site's proposed use and the standards. He said the property has been for sale for 4.5 years and there are a number of homes on the property. He talked about the City's needs and the importance of having a training facility close to the city but keeping it out of a heavily populated area. Whether or not that changed their mind, there are some issues with property owners adjacent to that site. Todd said he wants to have the planner come in and talk about issues and the things involved with the process. He asked the Council to continue the planning consideration until Council and planning staff can talk about it in some detail before proceeding. He said it was helpful to have them here to get the Council's thoughts on it. We haven't put any money into the property. The sellers are currently making income from the property. Todd said he feels better having met with adjacent property owners.

BREAK

Mayor Smith declared a break at 8:18 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:31 pm.

FINANCE AND COMMUNITY SERVICES

13.1. City of Dinuba and Dinuba Unified School District Agreement

Director Nunes reported that the Dinuba Redevelopment Agency (Agency) and the Dinuba Unified School District (District) entered into an agreement for the financing of the \$1,000,000 City pledge for construction of the District's Swimming Pool Complex by the issuance of the Agency Subordinate Tax Allocation Notes, Issue of 2009 (Notes). The total net proceeds of the sale of the Note issuance received by the City was \$1,206,500 and as a result, the District received the \$1,000,000 City pledge for the construction of the Swimming Pool Complex as well as an additional \$206,500. Currently the District makes interest payments from the Agency Pass-Through on the additional amount financed above the \$1,000,000 pledged by the City.

The District requested that it be allowed to defease its pledged portion of the Notes issued, or \$206,500. In order to do so, the District will pay the City \$206,500 to pay the District's remaining principal balance on the Notes, \$5,483 to pay the District's portion of the interest payable on the Notes, and \$15,404 to pay the District's portion of the Issuance Cost of the Note Issue, for a total payment to the City of \$227,387.

Upon payment to the City, the City shall release the District from the District's pledge of tax increment to satisfy the debt obligation of the Notes. Nunes requested that the City Council/Agency Board enter into the agreement with the Dinuba Unified School District for the defeasance of the District portion of the Subordinate Tax Allocation Notes, Issue 2009.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to authorize staff enter into the agreement with the Dinuba Unified School District for the defeasance of the District portion of the Subordinate Tax Allocation Notes, Issue 2009.

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

13.2. Reminder – Fall Harvest Fling, October 31, 2011

Director Nunes shared that the fall harvest fling will be a nice event and will be held at the community center from 6:00 to 8:00 pm.

13.3. Information Sharing

Director Nunes shared she met last Thursday with Richard Harmon from Townsend Affairs who are handling our application for the Prop 84 grant stayed at the Bob Barker site for two hours. He asked many questions about the community and the senior citizens. He was pleased with the community who came out to speak to different areas of the facility and the location of the facility near the police department. The facility will have cameras that will feed to the police department and it pleased Harmon to know that there will be activities from age 4 to senior citizens at the facility. Harmon's boss and the head of the grant department plan to visit this week to inspect the facility and ask more questions about the community. Harmon was happy this facility would serve a low-income and impoverished community. Our consultant was very pleased and thought it went very well. Nunes asked the Council to be present if they could for the meeting on Thursday.

Mayor Smith asked how the cameras will be connected to the police department.

Director Nunes shared ADT will have a screen connected at the PD through the internet to help safeguard the Bob Barker facility.

Director Nunes said she attended with Beltran and Olvera the Raisin Day Volunteer event. Vice Mayor Hinesly was there also.

ENGINEERING SERVICES

14.1. Information Sharing

None

FIRE SERVICES

15.1. Information Sharing

Chief Thompson reported that the recent Fire Department's Open House event went well.

POLICE SERVICES

16.1. Project Listen Update

Lt. Popovich presented an update of the Project Listen survey. Two weeks now; first two Saturdays have yielded 500 households were contacted and completed 200 surveys. Next Saturday volunteers will leave self-addressed envelope at those houses that volunteers cannot make contact or non- participation.

The hours of participation will be changed slightly; from 9:00 am to 2:00 pm, and one session instead of two.

16.2. Information Sharing

Lt. Popovich reported that the Battle of the Badges Blood Drive will be held on November 4 at Big 5.

PUBLIC WORKS

17.2. FTA Section 5311

- a. Transit Manager Authorization – Resolution 2011-45
- b. Authorization to Apply

Director Beltran shared that the U.S. Department of Transportation is authorized to award grants through the Federal Transit Administration in support of capital and operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act. The grants are administered through the Department of Transportation and require an authorizing resolution specifically identifying contract signature authority and request for reimbursement authority.

Resolution 2011-45 authorizes the Public Works Director or a designated representative to execute contracts and sign all appropriate documentation through the Federal Transit Administration Section 5311 grant funding and, authorization is valid for three years.

Beltran also shared that staff would like to request authorization to apply for an operating assistance grant through the FTA's Section 5311 program for FY 2011-12. The assistance amount has not yet been determined but the City is eligible for reimbursement amount up to 50% of the total cost of operations.

Beltran requested that the City Council approve Resolution 2011-45 granting the Public Works Director signature authority regarding federal funding under FTA Section 5311; and that City Council authorize City staff to apply for a FY 2011-12 Section 5311 Operating Assistance Grant.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution 2011-45 granting the Public Works Director authority to execute documents regarding federal funding under FTA Section 5311.

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

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to authorize City staff to apply for a FY 2011-12 Section 5311 Operating Assistance Grant.

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

17.3. Request for Extension of SB106 Abandoned Vehicle Abatement Program, Resolution No 2011-46

Director Beltran reported the Abandoned Vehicle Program (AVA) is a State of California initiative that provides funding to counties and incorporated communities to help defray some of the costs associated with removing abandoned vehicles. The program is funded by a \$1.00 service charge that is collected by the Department of Motor Vehicles (DMV) upon registering a vehicle.

TCAG transmits the AVA funds to the City on a quarterly schedule and bases the disbursements on total vehicles abated and on total City population. The collection of the AVA Program service fee commenced on May 1, 1992 and was scheduled to sunset 10 years later. In August 2001, the California Vehicle Code was amended to allow for the extension of the AVA Program service fee in 10 year increments. The current Program will expire on April 30, 2012. To prevent funds from lapsing, City Staff recommends that the City Council approve the subject resolution to extend the AVA Program sunset date to April 30, 2022.

For many years, the Development Services Department was very active in abating abandoned vehicles. Due to workforce reductions, we have not been able to assign any personnel to the enforcement of the AVA Program. Currently, the Police Department is performing some parts of the program process and when we can reestablish pre-recession staffing levels, the full program will be implemented.

Over the last three years, the City of Dinuba has received an average of \$9,000 from the AVA Program. Without the funding source the cost to perform the full scope of vehicle abatement will have to be funded by local operating funds.

Director Beltran requested that the City Council consider and adopt Resolution No 2011-46.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales to adopt Resolution No 2011-46.

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

17.4. Safe Routes to School Grant Award

Discussion followed about liability of lighted crosswalks.

17.5. Information Sharing

Director Beltran shared she received a couple of concerns about the traffic signal at El Monte and Perry. The traffic engineer checked it and looked at how signal controls are set up. An issue was found with the east bound stop bar. It was repaired but it was found it needs replacement. Found westbound turn lane loop detectors are not working. Work will be about \$6,000.

Beltran shared she attended the CWMA board meeting recently where two topics on the agenda were new state mandates for 75 percent diversion in 2020. We have about 8 years to get to that 75 percent. We are at 68.9% as an authority. She shared about the idea of the change in calculation for the membership dues. When CWMA staff was here Magana talked about senior staff's recommendation. One of the comments that came back from Porterville is that there are no real incentives for agencies to be in the JPA as opposed to the cost. They asked that dues be reconsidered as to how they are charged to member cities. Population or disposal tonnages were suggested. The overall feeling is that it would give agencies to reach the diversion and their dues would go down. If we were to make the change it means about a \$3,500 increase in our membership dues. The board did not make a decision but had a discussion of how the work is done and how distribution affects the agencies. Staff will be going back to the board for discussion on the item.

Council discussion followed.

Beltran shared that the fall cleanup was a typical event. She said we typically have less than we do with the spring cleanup which usually yields 800 to 900 cars.

Council discussion followed.

CLOSED SESSION ACTION

18.1. Real Property Acquisition, 15.49 Acres APN 018-180-031

There was no closed session. The item was considered in open session under item 12.2.

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 9:29 pm.

Mike Smith, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk/ Secretary