

COUNCIL / BOARD MEMBERS PRESENT: Harness, Hinesly, Smith, Gonzalez

COUNCIL / BOARD MEMBERS ABSENT: Morales

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

CALL TO ORDER

Mayor Smith opened the meeting at 5:30 pm and the City Council and City Manager Todd adjourned to closed session to conduct the City Manager's evaluation.

RECONVENE FROM CLOSED SESSION

Mayor / Chair Smith reconvened the meeting at 6:42 pm.

CLOSED SESSION ACTION

4.1. City Manager's Evaluation

Pursuant to Government Code Section 54957.6, the City Council met in closed session with City Manager Todd to conduct his annual performance evaluation. Mayor Smith announced that the evaluation was successful and thanked the City Manager for his continued service.

INVOCATION

The invocation was led by Council Member Harness.

FLAG SALUTE

The flag salute was led by Chief Thompson.

COMMUNITY RECOGNITION AND APPRECIATION

5.1. 2012 Flag Day Event Committee

John Sanchez reported that Dinuba was first out of 12 nationwide ratings for Flag Day events per You Tube stats. Sanchez presented a flag that was flown over the white house to Mayor Smith.

Mayor Smith presented a certificate of recognition to the event committee.

PUBLIC COMMENT

6.1. Request City Application for HOME Funding (Davis Park Apartments), Resolution No 2012-37

Davis Slackerd of Willow Partners was present to request that the City Council consider partnering with the development company to apply for state HOME funding. He explained the project and said the Dinuba project is similar to that of the City of Kerman. Slackerd reported there are 32 2-bedroom and 44 3-bedroom units in the project as well as a Manager's unit. He requested approval of the HOME application primarily and he said the developer is requesting \$3.5 million instead of \$5 million and explained that points are given favorably for reducing the amount of funding requested.

Mayor Smith said we currently have an after school program at North Park I and II and he asked if the Davis Apartments program could be somehow combined.

Slackerd said the program could be combined.

Mayor Smith described his feelings about the apartment project being constructed on the north side and added that there are already enough apartment buildings on the north side of the city.

Slackerd reported that he has an option on the property and, he can build apartments on the site without the Council's participation as it is zoned for his proposed use. He pointed out that if he doesn't purchase the property someone else will and what they build may not be suitable to the City and Council.

Vice Mayor Hinesly said the Council received a letter from Linda Faust and Mayor Smith read the letter into the record.

Hinesly asked if Slackerd has a relationship with North Park Apartments and Slackerd said he does not does not have a business relationship with North Park.

Slackerd explained that the property must be retained for a period of time and at the end of that time, the developer simply makes more money from the project. He said they do not own properties throughout the US but are focused only in California. He said they will take much pride in the project and want it to be very successful. They would like to build more projects in the future. Slackerd said he knows if this project turns out to be a successful product then they will be looked upon more favorably in the future. He said the nice thing about this project is that the City will be involved as much as it wants to be throughout the entire program.

Discussion followed in regard to traffic, transportation and income levels of potential renters of the project.

Council Member Harness said that low income has nothing to do with his decision; it's the fact that we have two large schools and two large apartment buildings; it has to do with the 8:00 am to 3:00 pm rush and he said in his opinion the area in question is over-populated now.

Vice Mayor Hinesly said that she has said many times, she likes the project. Obviously the developer and partners have good reputations and she said she supports it. She said she'd like to know where the potential renters live right now and she added, "They would be happy to live there."

Vice Mayor Hinesly said there was a comment in the letter that we have a high vacancy rate in Dinuba but that is no longer true.

City Manager Todd said the deferring of developer fees has nothing to do with the fees the project will pay.

Mayor Smith pointed out that if this developer doesn't build the project someone else will build "an apartment complex there."

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2012-37 authorizing staff to submit an application for \$3.5 million HOME loan to the State of California HCD to build the Davis Park apartment complex.

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

6.2. Veronica Serrano, Request for Public Right-of-Way Closure, Tulare St (K St to Alley),
August 19, 2012

Veronica Serrano was present to request a public right-of-way closure to hold an anniversary event in front of Serrano's Furniture store downtown.

Council discussion followed.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly, to authorize the request for public right-of-way closure on August 19, 2012 as presented by Serrano.

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

6.3. Sal Medina, Request to Modify City Ordinance for the Sale of Alcoholic Beverages in Vuich

Sal Medina was present to request that the Council consider a request to sell alcoholic beverages in Vuich Park during the annual Raisin Day event in September. Medina said he has complied with ABC and he presented a proposal to the Chamber of Commerce Board.

Council Member Harness asked where the proceeds will go and Medina said he would use his own license to sell alcohol since he's already got the license. Harness said this is something that would have to be tried to see if it works but he said he doesn't think it's a good idea because there will be children and a carnival atmosphere and doesn't see it as a good combination.

Mayor Smith said there was an incident that occurred in front of his house during the Cinco de Mayo event where alcohol was involved. He said he's been on police ride-alongs where people have been picked up at city parks where alcohol was involved; he added "it" creates problems.

Medina said he brought this forward because Reedley is allowing the sale of alcohol at a similar event this year. Medina said he feels that the car show is the same type of event as Raisin Day but does not want to do anything that might be considered negative at community events.

Mayor Smith said the events are lengthy and it might not be a good idea. He asked Medina what Reedley is going to do.

Medina said Reedley is going to try it this year for one of their festivals; a first time for them.

Council Member Harness asked how security needs are calculated.

City Manager Todd said it's based on past practice.

Council Member Harness said it would probably increase the need for officers and offset the proceeds.

Medina said it will be in a confined area and he said he plans to have adequate security for the area so as not to be a burden to the rest of the event.

Council Member Gonzalez said we are trying to keep the event family-oriented. He said he's done security at events where alcohol was involved and he's amazed how fast it can get bad real quick.

Medina said if it's approved, he feels people would respect the idea and not get out of hand.

Discussion followed.

Mayor Smith said he would like to have a better conversation at a later date with law enforcement present and he proposed a work session if necessary.

Robert Cervantes said he agrees with the City Council because then others will want to do the same. He said he believes our community events should remain family-oriented because we don't have the law enforcement or assurance that nothing will happen. He added that we've maintained a healthy community and we should keep it so.

Medina said he plans to provide insurance and plans to use special cups that designate alcoholic drink and he said, participants won't be allowed to leave the confined area while drinking.

Mayor Smith talked about his experience in the past with ride-alongs and alcohol related problems.

Vice Mayor Hinesly said she cannot support alcohol in Vuich Park because it's land-locked and she doesn't feel alcohol has any place in City parks.

The Council denied the request to serve alcohol in City parks.

6.4. Unscheduled

Armando Longoria, 782 North Nancy, said he enjoyed being a commissioner and he thanked staff and the Council for the opportunity to serve. He said he is stepping away from serving another term.

Mayor Smith said the Council appreciates his service.

CONSENT CALENDAR

- 7.1. City Council / Dinuba Housing Authority Meeting Minutes, June 26, 2012
- 7.2. Acceptance – Other Agency Meeting Minutes
 - a. Economic Development Committee, June 7, 2012
 - b. Historic Preservation Committee, May 14, 2012
 - c. Parks and Community Services Commission, May 15, 2012
 - d. Planning Commission, June 5, 2012
 - e. Pro-Youth Commission, April 19, 2012
- 7.3. Citizens Oversight Commission Draft Agenda, July 27, 2012
- 7.4. Parks and Community Services Commission Draft Agenda, July 19, 2012
- 7.5. Master Development Schedule
- 7.6. Set Hearing – Grantee Performance Reports, 2009 and 2010 Community Development Block Grants (CDBG) and CDBG Program Income Revolving Loan Accounts, July 24, 2012

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

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

WARRANT REGISTER

- 8.1. Approval –Warrant Register, June 29, July 6, 2012

It was motioned by Council Member Hinesly, second by Council Member Gonzalez, to approve the warrant register as presented.

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

MAYOR’S / CHAIR’S MINUTE

- 9.1. Information Sharing

Vice Mayor Hinesly said she and her husband are sponsoring a R.O.M.E.O.’s birthday party on August 25 at the Senior Center to which she invited Council and staff.

Mayor Smith said he visited the Veteran’s Museum in Fresno and he talked about the experience.

Discussion followed in regard to cooling centers. Chief Thompson explained how cooling centers are activated. Discussion followed about considering a set policy for cooling centers. After discussion the Council directed staff to use Alert TC and use the Sentinel to advise about cooling centers whenever temperatures are above 100 degrees.

COUNCIL / BOARD COMMENTS

- 10.1. Request for Excused Absence – Council Member Janet Hinesly, June 26, 2012

It was motioned by Council Member Harness, second by Council Member Gonzalez, to approve the request for excused absence from Vice Mayor Hinesly for the meeting dated June 26, 2012.

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

10.2. Information Sharing

Vice Mayor Hinesly said she needs two judges for the sidewalk chalk competition at this week's Friday Night Live event and she hoped Council Members would volunteer. Smith and Gonzalez volunteered to help.

Vice Mayor Hinesly shared about her vacation.

Harness said he made it to the Friday Night Live event and the Vice Mayor's birthday party.

Council Member Gonzalez said he couldn't make it but heard the event was good. He said he visited the apartment complex on Euclid Avenue to see its condition and it seemed to him to be a nice complex.

Mayor Smith said the 4th of July event was really good with a good turnout. He said he was asked if the City will do aerals for the community again.

John Carrillo said it might be done for less money in the future.

Mayor Smith said he'd like to see the downtown fireworks to continue and an aerial show near the train tracks south of the Entertainment Plaza.

Discussion about fireworks followed.

CITY MANAGER

11.1. Information Sharing

City Manager Todd said he and a group of folks visited the Center for Advanced Research and Technology (CART) because it is using CMAC which is what Dr. Thusu is planning to do but in a medical arena. Todd reported that Dr. Thusu wants to obtain public access to offer classes over the medium. Thusu wants to offer it to the community and also bring students in from the high school and give them basic training to support the operation which is what CMAC does and that's also what CART does.

Todd reported that several will attend a LAFCo meeting tomorrow for the final hearing on the Sphere of Influence which will modify our municipal service area and makes the sphere consistent with our 20 year boundary. It will give us control of the County through the MOU over road improvements. Todd said other cities have not come to an agreement with the County on the MOU as we have.

BREAK

Mayor Smith declared a break at 8:20 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:29 pm.

CITY ATTORNEY

12.1. Information Sharing

None

ENGINEERING AND PLANNING SERVICES

- 13.1. Avenue 416/El Monte Way Widening Right-of-Way Acquisition, a Portion of APN 012-286-006 (Whisenant)

Engineer Uota said this item will be discussed in closed session.

- 13.2. Avenue 416/El Monte Way Widening Project, Sale of Former Smith Properties to Otis Denney, APN 014-065-001 (portion); APN 014-065-003 (portion), Resolution No 2012-44

Engineer Uota said this item will be discussed in closed session.

- 13.3. Information Sharing

Engineer Uota shared an update to the completion of the Alta /Avenue 416 intersection; the completion is now planned for the end of instead of mid-August. Alta Avenue will get thermo plastic striping and marking which takes a little longer than painting but will be very durable.

FINANCE AND COMMUNITY SERVICES

- 14.1. Authorization for Extension of Credit from Rabobank for Credit Card and Payroll Services, Resolution No 2012-43

Finance Manager Cook said the Council previously approved the City's banking relationship to Rabobank. During the course of doing business the need arises to utilize the Automated Clearinghouse (ACH) payment system to pay employees via direct deposit as well as use bank issued credit cards. The services are an extension of credit by the bank as it prefunds those payments prior to debiting the City's bank account. The total amount of credit exposure between the direct deposit and credit card purchases is \$420,000.

Cook requested that the Council adopt Resolution 2012-43 authorizing the extension of credit for credit card and payroll services.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2012-43 as presented.

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

- 14.2. Information Sharing

Cook reported the following information:

Youth Soccer sign-ups are going on now until August 3 with games beginning in October. Arts and crafts night as part of this Friday's Entertainment Plaza event and jazz music. Estimated attendance Friday Night Live events were 2500 people on June 29 and 500-600 on July 3

FIRE SERVICES

- 15.1. Request for Authorization to Apply for 2012 SAFER Grant

Chief Thompson presented a request to the City Council to authorize the application of a 2012 SAFER Grant. Thompson reported that staff applied for a 2011 SAFER Grant but we are still awaiting the award. Thompson said Dinuba is still in the running for the 2011 grant but has not heard back on the status. Thompson said FEMA has released the application for the 2012 grant and staff would like to apply for it even though 2011 has not yet been awarded. If awarded, the grant will be used to extend funding for two recently hired firefighter positions that are currently funded for a total of 18 months. The ability to retain the two positions in the future would greatly enhance

the Fire Department's ability to maintain effective staffing levels and reduce overtime caused by illnesses, vacation, and other use of accrued leave time. Also, if awarded, the grant program will fund the salary and benefits for a new firefighter for 2 years. At the end of 2 years, the City would be required to fund the position 100% beginning the third year. There are no cost share requirements during the first two years.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly, to authorize staff to apply for the 2012 SAFER grant as requested.

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

15.2. Information Sharing

Chief Thompson said the 4th of July incidents were primarily medical in nature; not so many fire incidents. He reported that there was a minor fire on El Monte Way in a small furniture store but it was rapidly contained.

Fire staffing was discussed.

Council Member Harness thanked fire staff for assistance he was recently given with health issues.

The Council and staff discussed the coverage area. Thompson said staff covers 600 square miles of surrounding communities. He said the relationship with TCAT has benefited the department with coverage when City ambulances are busy making calls.

POLICE SERVICES

16.1. Information Sharing

None

PUBLIC WORKS

17.1. Action of the Planning Commission, July 3, 2012

Director Beltran reported the action of the Planning Commission at the July 3 meeting.

17.2. Information Sharing

Vice Mayor Harness asked when the dialysis center is planned to be constructed adjacent to KFC.

City Manager Todd shared an update on the progress of proposed and approved medical facilities around the community.

ADJOURN TO CLOSED SESSION

The City Council went into closed session at 8:55 pm.

RECONVENE FROM CLOSED SESSION

Mayor Smith reconvened the regular meeting at 9:29.

CLOSED SESSION ACTION

18.1. Avenue 416/El Monte Way Widening Right-of-Way Acquisition, a Portion of APN 012-286-006 (Whisenant)

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Attorney McCloskey and City Manager Todd to discuss right-of-way acquisition of real property, a Portion of APN 012-286-006 (Whisenant)

It was motioned by Council Member Hinesly, second by Council Member Harness, to authorize staff to purchase a portion of APN 012-286-006 for \$35,000 to resolve issues with the property owner(s).

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

18.2. Avenue 416/El Monte Way Widening Project, Sale of Former Smith Properties to Otis Denney, APN 014-065-001 (portion); APN 014-065-003 (portion)

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Manager Todd to discuss the sale of real property identified as APN 014-065-001 (portion); APN 014-065-003 (portion).

It was motioned by Council Member Harness, second by Council Member Gonzalez, to sell APN 014-065-001 (portion); APN 014-065-003 (portion) to Otis Denney for \$18,000.

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

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 9:30 pm.

Mike Smith, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary