

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

STAFF MEMBERS PRESENT: Barkley, Beltran, Carrillo, Cook, Iriarte, McCloskey, Nunes,  
Thompson, Todd, Uota

#### CALL TO ORDER

Mayor Hinesly called the meeting to order at 5:30 pm and immediately adjourned to close session.

#### CLOSED SESSION ACTION

- 2.1. Pursuant to Government Code Section 54956.8, council met in closed session for the following:

##### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Residential lots at the Ridge Creek Golf Course

Agency negotiator: City Manager Ed Todd and Deputy City Manager Beth Nunes

Negotiating parties: Ridge Creek Ranch Partners, LLC, Mark Davis

Under negotiation: Instruction to negotiator will concern price and terms of payment and other conditions of a possible purchase)

No action was taken in closed session.

- 2.2. Pursuant to Government Code Section 54956.8, council met in closed session for the following:

##### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Portion of APN# 017-290-009, South East corner of El Monte Way and Auto Mall Drive.

Agency negotiator: City Manager Ed Todd and Deputy City Manager Beth Nunes

Negotiating parties: California Gold Development Corp, Scot Patterson

Under negotiation: Instruction to negotiator will concern price and terms of payment and other conditions of a possible purchase)

No action was taken in closed session.

#### RECONVENE FROM CLOSED SESSION

The Mayor reconvened the regular portion of the meeting at 6:06 p.m.

#### BREAK

Mayor Hinesly declared a break at 6:06 pm.

#### RECONVENE FROM BREAK

The meeting was reconvened at 6:30 pm.

#### INVOCATION

The invocation was led by Chaplain Susee.

#### FLAG SALUTE

The flag salute was led by Lt. Iriarte.

#### COMMUNITY RECOGNITION AND APPRECIATION

##### 5.1. Judy George, Dinuba Community Services & Pro-Youth Commissioner

Mayor Hinesly read the certificate of appreciation into the record. Commissioner George was not present.

Council Member Harness said it's an encouragement when a person commits to serving on a board like she did. Council Member Smith said Commissioner George was a great person to work with, very committed. Council Member Gonzalez commended George on her commitment to the Board. Vice Mayor Morales said she is dedicated to the community. Mayor Hinesly recalled when she served on the Pro-Youth Commission with George and said she was very dedicated.

#### NEW EMPLOYEES & PROMOTIONS

##### 6.1. Public Works

- Joe Aguirre, Associate Engineer
- Jose Lopez, Full-time Inspector

Director Beltran introduced Joe Aguirre newly hired as an Associate Engineer. The City Council welcomed him to city service.

Director Beltran introduced Jose Lopez newly promoted to Code Inspector. The City Council welcomed him to city service.

#### PUBLIC COMMENT

##### 7.1. Cristy Myers - 2013 Miss Dinuba Candidates

Cristy Myers was present with the candidates. Kirsten Gonzalez, reigning Miss Dinuba, was also present along with reigning First Runner-Up Maria Ledesma. They expressed appreciation for an opportunity to serve the community.

The candidates were present and introduced themselves to the City Council.

Kayla Oliver; Annabelle Pantoja; Giselle Valencia; Valerie Gallardo; Janessa Trejo; Tara Cartozian; Yasmin Pinedo

The City Council offered them luck in the future and congratulated them.

7.2. Sandy Sills, Dinuba Chamber of Commerce – Raisin Day Event, Request for Co-sponsorship and Exclusive Use of Vuich Park; Request for Street Closure for Parade Route, September 27-29, 2013

Sandy Sills, Executive Director, Dinuba Chamber of Commerce, was present to request use of the park for the Raisin Day event. Sills reported the daily schedule for the event as follows:

September 25 - Dinuba Ministerial night  
September 26 - Youth Night  
September 27-28 - Food booths, entertainment and Carnival  
September 29 - Carnival

Mike Boudourian, General Manager of Rabobank said there are many sponsors for the event and the entertainment is booked. Boudourian credited Miss Dinuba Kirsten Gonzalez for coming up with this year's theme "Dinuba Dreams."

Boudourian presented two items that the Raisin Day Event Committee would like the City Council to consider: 1) Allowing pony rides; and, 2) alter hours of event operation on Friday evening.

Boudourian said there are two city ordinances in place that prevent pony rides at the Raisin Day event. There have been no pony ride vendors allowed to participate in the past seven years. The committee has been approached about the possibility of allowing pony rides in the park which is contrary to city ordinance. Boudourian said the committee would like to offer pony rides on Saturday, September 28.

Boudourian said the Dinuba Football team will play at home this year. The committee agreed they want to give the vendors as much business as possible and want to keep business local. Boudourian requested that the Council consider allowing the food booths to remain open until 11:00 pm on Friday evening to accommodate the Dinuba fans who will attend the football game to also partake of the Raisin Day event festivities. Boudourian said that the entertainment would be over at 10:00 pm and allowing food booths to remain open until 11:00 would allow those who attend the entertainment portion of the event to enjoy the food booths for an hour.

Council Member Smith said he recalls past years' events where it became problematic for the residents in the immediate neighborhood during the event and he expressed concern that staying open until 11:00 then allowing time for clean-up would just draw out the noise for the neighborhood at a late hour.

Boudourian was informed that since the requests for pony rides and extended hours were not part of the original request for consideration they would have to be brought back to the September 10 meeting for further discussion and consideration.

Sills said the committee understands that there are issues with the electric carts and that they will not be allowed to use the carts for the event.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales to authorize the request for street closure, exclusive use of Vuich Park and co-sponsorship of the event.

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

7.3. Veronica Serrano – Serrano’s Furniture Request for Street Closure, August 16-18, 2013; Tulare Street from K Street to Southerly end of Alley

Veronica Serrano requested that the City Council consider closure of a portion of Tulare Street to hold Serrano’s Furniture annual furniture event. Serrano said the event is the same as it has been in the past few years. Serrano said included with the event are pony rides.

City Manager Todd stated that the area is a C-4 zone and pony rides are an allowed use.

Director Beltran said that Serrano has obtained the required special use permit.

It was motioned Vice Mayor Morales, second by Council Member Gonzalez, to authorize the request for street closure as proposed.

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

7.4. Steve Worthley, County Supervisor - Tulare County Update

Supervisor Worthley was not present.

7.5. Unscheduled Items

Michelle Kennedy, 1275 Marks Court, Dinuba, said she supports what Dr. Thusu is trying to do with the vocational center.

Mayor Hinesly brought item 12.2. forward in the meeting to give those present an opportunity to speak to the item and not have to wait for a later time for its discussion.

12.2. Vocational Center Lease Status

Deputy City Manager Nunes gave an update on the vocational center. She stated that possession of the facility came back to the City of Dinuba from Universal BioPharma Inc. Nunes said there is currently a lease with TCOE and with Dr. Thusu for some of the rooms. Nunes reported that the City plans to move Human Resources into the building and will offer employment training/supervisory and additional training as necessary. Reedley College plans to come back into the building as well. Nunes reported she met with DUSD who also is interested in occupying the building to conduct the Industrial Trades Program in the vocational center. Nunes reported that staff is excited to be back in the building with the planned training.

#### PUBLIC COMMENT

#### 7.5. Unscheduled Items

The following individuals spoke in support of Dr. Thusu's educational vision:

Felipe Luna, 1020 N Eaton, Dinuba

Cheryl Nicolay, Co-Pastor New Beginnings Church, 826 First Avenue, and of Dawnings, and President of the Board of Alta Family Health Care

Thatcher Wong, 420 ½ So M Street, Dinuba

Roy Orosco, 1806 Asa Gray, Dinuba, said he is in support of keeping the school in Dinuba.

Ruth Padilla, 620 West Northway, Dinuba

Dolores Cervantes, 1365 W Kelly Drive, Dinuba

Oscar 1904 Dunbar Avenue, Dinuba

Robert Cervantes, 1365 W Kelly Drive, Dinuba

John Cervantes, 1365 W Kelly Drive, Dinuba

Sal Medina, 2099 East El Monte Way, Dinuba

City Manager Todd reiterated the history of the relationship with Universal Biopharma Inc. Todd said there is nobody in this building that doesn't want to see the Doctor's vision come to fruition. He said that he and the doctor have worked many hours for the vision to come to fruition. Todd said that the doctor wants to own the building; he cannot because EDA will not allow it at least not at an affordable price. Dr. Thusu's organization is considered a "for-profit" business and therefore cannot buy it unless he buys it for the full price established by EDA of \$3.6 million dollars.

The original discussion was for a lease with an option to buy at the end of the period of the grant which ends in 2021. The doctor did not want to do so for various reasons so we moved down the path of the lease. As we got down the road and EDA imposed conditions, the Council was initially in favor of it but the result was that Dr. Thusu would not end up owning the building. We want the programs at the vocational center. Dr. Thusu wrote a letter to the City to terminate the lease.

City Manager Todd said everyone present here tonight said they feel moved by his vision for creating education for people the building is there it's not going away. The doctor can lease space in the building at a more affordable cost--it can happen--he has to make it happen he has to lease the space. The vision is not going to fail because he won't own the building. We have an obligation and we will move quickly and fulfill our obligation to the grant. We are under specific requirements to use the building for certain

things. There is enough room for all of us in that building. The doctor won't be able to own the building at least until 2021. EDA has told us that and he himself went to speak with EDA. He was instructed that unless he pays for the building at the price EDA has set he cannot own it. The building is still there and it can accommodate his vision.

Cervantes vocalized his disdain with staff over Dr. Thusu being unable to purchase the vocational center.

Council Member Smith said EDA got involved because we had to involve them; we were going to do a lease purchase and it didn't work with the doctor. We had a deal with the doctor to lease the building and he felt it would not work for him after all. Both parties pushed forward with involving the EDA. Smith said staff has correspondence with the EDA about the situation.

City Manager Todd said the doctor always knew about EDA's requirements.

Robert Cervantes asked how many more years the City has to deal with EDA. City Manager Todd said he should go talk with EDA they will answer his questions about the City's obligation with the vocational center.

Cervantes asked how much the City owes the EDA and Todd said we don't owe anything if we fulfill the conditions of the grant.

Council Member Harness stepped down from the dais at 8:21 pm.

Council Member Harness returned to the dais at 8:22 pm.

City Manager Todd said Cervantes is correct in that there is an issue with money. When someone makes a commitment to pay, they have to keep their commitment. The Council has the fiduciary responsibility to make sure the City's assets are used for the use to which they are intended.

BREAK

Mayor Hinesly declared a break at 8:25 pm.

RECONVENE FROM BREAK

Mayor Hinesly reconvened the meeting at 8:40 pm.

Council Member Smith said, "as a pastor once quoted Proverbs 29:18: "Where there is no vision, the people perish..." Council Member Smith read the e-mail he referred to earlier in the meeting.

Council Member Gonzalez said he felt he was being very direct with the doctor at a prior meeting. He explained what was discussed at that meeting and he offered apologies if he came across strongly.

Council Member Morales said it began well, but we can't sell the building until 2021. There is still a vision and a plan; there is room at the vocational center to lease for the doctor's vision.

Council Member Harness thanked the audience for coming to the meeting. He said, remember that staff follows council direction, the Council previously unanimously voted and directed staff to sell the vocational center. Harness said he doesn't want to keep the building, he said he wants to sell the building.

Mayor Hinesly said she met with Dr. Thusu and said that she personally is excited about his proposal but she represents the citizens of Dinuba. She said she is offended that the Council was accused of devaluing the doctor's program. She addressed the audience and said when all of you came to a previous Council meeting and supported the doctor six weeks ago half the people left when they got through talking. She urged everyone to look around the room. She said she is real disappointed that it's come to this and she said Council Member Smith is right on target. The Council knows what the balance owed is, if we were to hold Dr. Thusu to his legal document he would owe the City \$1.36 million. That is what was discussed. She said the Council asked the City Attorney to negotiate with the doctor. We have bent over backwards trying to work with the doctor. She concluded by thanking the audience for their attention.

#### 15.4. Consideration of a Development Agreement and Sale of a Portion of Ridge Creek Golf Course Real Property

Mark Davis briefly reminisced about his great working relationship with Dinuba and city staff and all the projects that have been completed over the years.

Davis, a developer, was present representing Ridge Creek Ranch Homes LLC who is proposing to build 170 homes at the Ridge Creek Golf Course. Davis explained that 115 of the proposed homes will be semi-custom design. There will be 55 lots within a gated community of custom design. He explained the intent to have semi-custom homes of approximate size 1750 to 2750 sq ft. The village part of the project in the non-gated portion would be 2,200 to 2,300 sq. ft. The price of the semi-custom homes would begin in the mid-\$200,000's. The custom home lots pricing would start in the mid \$100,000's.

Davis said Ridge Creek Ranch Homes will have presence at the Raisin Day festival. If all goes well they will begin taking reservations.

Council Member Smith said he feels the houses should be non-affordable, low-density, fully gated with an HOA for the entire project. He said the reason for saying this is because the problems he currently deals with in his neighborhood should not have to be dealt with at the golf course.

Davis replied those are laudable goals. Your entry level pricing by next September or October should be right on. There should be 16 different models but within each model there will be 4 to 5 enhancements levels.

Council Member Harness stepped down from the dais at 9:14 pm and returned at 9:17 pm.

Discussion followed in regard to pricing of the houses.

Mayor Hinesly said she is excited about the subject as the Council talked about it in goal setting this year and a few months later here we are. Mayor Hinesly asked if the City would have full control of the designs. Manager Todd said there are some things that still need to be discussed.

Davis said if we can keep to our schedule we think we can be sold out if not built out in 36 months. It was motioned by Vice Mayor Morales, second by Council Member Gonzalez to direct staff to move forward with negotiations.

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

#### CONSENT CALENDAR

- 8.1. City Council Meeting Minutes, July 23, 2013
- 8.2. Acceptance of Other Agency Meeting Minutes
  - a. Citizens Oversight Committee, April 26, 2013
  - b. Historic Preservation Commission Meeting, June 10, 2013
  - c. Planning Commission, July 2, 2013
- 8.3. Master Development Schedule
- 8.4. Certificate of Acceptance - 920 South College Avenue; APN 018-121-009
- 8.5. Authorization to Renew SPCA Agreement
- 8.6. Authorization to Execute– College of the Sequoias Student Transit Pass Program (STPP) TCAG/City Agreement, Amendment #5

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

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

#### WARRANT REGISTER

- 9.1. Approval –Warrant Register, July 26; August 2, 9, 2013

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

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

ABSENT: None

#### MAYOR'S MINUTE

##### 10.1. Information Sharing

None

#### COUNCIL COMMENTS

- 11.1. Reminder – Completion of Road 80 Project, August 21, 2013; 9 am; Luis Ruiz Park
- 11.2. Reminder – Reception for Reedley College President Dr. Sandra Caldwell, August 22, 2013; 5:30–7:30 pm
- 11.3. Reminder - City of Visalia Retirement Event for Steve Solomon, August 23, 2013, 5-8 pm; Visalia Convention Center
- 11.4. Reminder – Cancelled City Council Meeting, August 27, 2013
- 11.5. Reminder – League of CA Cities Annual Conference, September 18-20, 2013
- 11.6. Information Sharing

Vice Mayor Morales said he attended the Ridge Creek celebration which he said in his opinion was a good event. He said he also attended the LOCC SSJVD meeting at the Fresno PD training facility Thursday last.

#### CITY ATTORNEY

- 12.1. Formation of Dinuba Economic Development Commission, Ordinance No 2013-02, Second Reading, Waive Reading in Full
  - Initiate Filling of Commission Vacancies

City Attorney McCloskey said once the ordinance is adopted the Council can then authorize that the candidates be sought to fill the Economic Development Commission seats. He recommended that the ordinance be adopted with the proposed changes the date and location of meetings.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to adopt Ordinance 2013-02 as presented.

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

##### 12.3. Joe's Pawn Shop Status

City Attorney McCloskey reported the current status on Joe's Pawn Shop saying that he is proceeding to seek an injunction. We had a preliminary hearing last week and it appears that the judge wanted to give

Joe's Pawn Shop a break. McCloskey is getting a preliminary injunction and the hearing will be on August 15 with seven supportive declarations from private citizens who were not able to get their items back from the pawn shop. McCloskey reported that he will advise the Council in September as to the results of the hearing.

#### 12.4. Information Sharing

None

CITY MANAGER

#### 13.1. Process for Consideration of Offers to Purchase Real Property – West El Monte Way

Deputy City Manager Nunes reported that the City became the owner of property at the southwest corner of Arkona/El Monte Way as a result of the land acquisition process of the El Monte Way widening project. The lot consists of two parcels, APN 017-040-020, 017-040-024. Once the necessary right-of-way is utilized for the El Monte Way project, the net square footage remaining area (both parcels) is 7,928 sq. ft. (0.182 acres). The lot is available for sale to interested parties and we have had several individuals share interest in purchasing the property.

The area will be newly developed and landscaped with the El Monte Way widening project. It is important that the City Council consider offers to purchase the property that are in the best interest of the community. Proposals should be considered based on price and what makes the most sense for the community for job creation, commercial development, and sales tax generation.

Deputy Assistant Manager Nunes shared the recommended process for proposals:

- Advertise in our usual public sites (Sentinel, website, Facebook) for 1 month
- Invite those interested parties to present their proposals during a Council meeting (not including amount of offer)
- Council discusses proposal and amount in closed session
- Council selects a proposal, but may continue to negotiate the price

Nunes recommended that the City Council apply the same process to other City properties for sale along the El Monte Way corridor that were acquired as a result of the El Monte Way widening project.

Nunes requested that the City Council direct staff to move forward with the process for sale of city property as recommended.

Gonzalez stepped down from the dais at 9:42 pm.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to authorize staff to move forward with the process for the sale of City real property as proposed.

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

13.2. Consideration of Offers to Purchase Real Property – Portion of APN# 017-290-009, South East Corner of El Monte Way and Auto Mall Drive.

City Manager Todd said this item was discussed in closed session. Todd said he cannot divulge the name of the business who is interested in the purchase of the property at El Monte way and Auto Mall Drive but they are interested in acquiring 2.5 acres for the business and will provide 10-15 jobs. They are interested in purchasing the southeast corner of Auto Mall Drive. The business is willing to purchase the property at \$3.00 a sq. ft. consistent with sales made for other businesses of this type. Given the nature it would be a very good asset for the commercial area. He requested that staff be authorized to move forward for further negotiations. If approved the purchase and sale agreement would come back to the Council at a later date for consideration and approval. Todd added that the Property has been for sale for about 8 years.

Council Member Gonzalez returned at 9:44 pm.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to authorize staff to work with the developer to negotiate the offer to purchase real property at El Monte Way and Auto Mall Drive.

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

13.3. Information Sharing

None

COMMUNITY SERVICES

14.1. Authorization of City Recreation Facilities Naming Process

Director Carrillo reported that names will be needed for the new recreation sites. He talked about the proposed contest and the selection at the September 17 meeting of the PY & CSC meeting. The names will be forwarded to the Council for the September 24 meeting. The cost will be minimal consisting of the cost of advertising and the winners will receive dinner for 2 at a local restaurant.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to authorize the city recreation facilities naming process as presented by staff.

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

#### 14.2. Information Sharing

Director Carrillo said the Summer Sunset Concert Series is coming to an end soon and he talked about the upcoming Hot August Night Concert.

#### ENGINEERING AND PLANNING SERVICES

##### 15.1. Authorization to Bid – El Monte Way / Avenue 416 Widening Project

Engineer Uota reported that the Tulare County electorate approved the 2006 ½ cent Transportation Sales Tax Measure (also known as Measure R) to fund various transportation improvements in the County of Tulare. As a result, an Expenditure Plan was developed to guide the orderly and equitable implementation of the anticipated revenues from this measure.

A Cooperative Agreement was executed between the City and the Tulare County Transportation Authority (TCAC/TCAG) which set the groundwork for the receipt of funding for the Avenue 416/El Monte Way Widening project. In 2008 the City of Dinuba and the County of Tulare Transportation Authority executed a Program Supplement in the amount of \$6,200,000 for design services and the initiation of right-of-way acquisition. The executed Program Supplement included a TCAG determined budget of \$1,550,000 for ROW Acquisition. That identified figure was to serve as a placeholder that would be subject to the outcome of a probable cost opinion prepared by a land acquisition consultant.

On January 15, 2009, the City entered into Agreement with Dokken Engineering for design and rights-of-way (ROW) acquisition services. Design was initiated in February, 2009. ROW acquisition activities were initiated in September, 2009. Subsequently Dokken Engineering estimated that the total cost of ROW Acquisition would be approximately \$7,530,000 including claims for relocation expenditures.

At the August 16, 2010 TCAG Board meeting, a budget amendment allocating additional land acquisition funding was adopted amending the existing Program Supplement to increase the ROW acquisition budget and the project administration budget to move forward with this project. The amended Program Supplement established revised budgets as follows: Design Services, \$4,500,000, ROW Acquisition, \$7,530,000, Design and ROW Administration, \$601,500 for a total of \$12,631,500.

Right-of-Way Certification No. 1 was approved by the City Engineer and Caltrans on April 16, 2013.

In August, 2010 TCAG secured partial construction funding from the State and Local Partnership Program (SLPP) in the amount of \$4.6M requiring a like amount match by Measure R. The SLPP funding was increased in 2012 to \$7.551M.

In March, 2013, the City initiated work for a request of construction allocation of the SLPP funds from the California Transportation Commission (CTC); the CTC approved the City's request on June 11, 2013.

Final Plans and Specifications were completed to a level of 95% complete in early July, 2013 and reviewed by the City; Plans and Specifications will be completed by August 23, 2013 and ready for distribution pursuant to the initiation of bid advertisement.

TCAG's construction budget is:

Measure R	\$14,599,000
SLPP	7,551,000
Dinuba	<u>580,000</u>
Total	\$22,730,000

Engineer Uota requested that the City Council authorize staff to advertise the Avenue 416/El Monte Way Widening Project for construction bids.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales, to authorize staff to formally advertise the Avenue 416/El Monte Way Widening Project for construction bids.

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

#### 15.2. Authorization to Bid – Downtown Alta Heritage Square Improvements

Engineer Uota reported that the Alta Heritage Square project is to continue the streetscape pattern that was established many years ago downtown. Uota said it will increase the crosswalk length in all four directions.

The scope of the Project includes the reconstruction of the four corners of K Street and Kern Street with enhanced bulb-outs; the removal of old uneven existing sidewalk on the west side of K Street and construction of approximately 300 feet of decorative concrete sidewalk to connect with the Alta Heritage Square complex; two decorative street lights and associated appurtenances on K Street; three tree wells and irrigation on K Street; two metal benches to be installed on the sidewalk at the Alta Heritage Square complex; decorative concrete sidewalks consistent with the City's streetscape beginning at the corner of K Street and Kern Street and proceeding to the alley of Kern Street and L Street; and plant street trees along the Kern Street sidewalk.

The right-of way Certification was approved by Caltrans on March 7, 2013. The City's CEQA Environmental Review concluded with a finding that the proposed Project was Categorically Exempt. Caltrans conducted a NEPA review and found the proposed Project to be a Categorical Exclusion. The California Transportation Commission (CTC) approved the allocation of \$100,000 in previously granted STP Enhancement-STIP-TE

Funds for the Construction Phase of the Project. Additional funding includes Measure R-\$49,000 and local match-\$26,000. The total construction funding amount is \$175,000.

The project is currently in the final stages of the design phase and is expected to be completed within the week.

Uota reported that the request for Authorization for Construction documents have been prepared and will be submitted to Caltrans the week of August 19, 2013; it is anticipated that Caltrans will issue the E-76 Federal Authorization for Construction in early September, 2013. Bid advertisement will begin immediately following receipt of the E-76.

The Project Construction Phase is fully funded as described above. There is no fiscal impact from the requested action.

Uota requested that the City Council authorize staff to formally advertise the Dinuba Downtown Entertainment/Alta Heritage Square Connection Project.

It was motioned by Council Member Smith, second by Council Member Gonzalez, to authorize staff to formally advertise the Dinuba Downtown Entertainment/Alta Heritage Square Connection Project.

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

### 15.3. Rejection of Proposal - Avenue 416/ El Monte Way (EMW) Widening Project, Phase1 Construction Manager Services

Engineer Uota said initially had what appeared to be strong interest with several firms attending a pre-proposal meeting at City Hall but resulted in only one proposal. In reviewing the proposal the cost was just over \$1.8 million and it was the engineer's estimate that it would be closer to \$500,000. He recommended that the City Council reject the proposal and direct staff to pursue other means to secure a construction manager.

Council Member Smith asked what alternative would there be.

Uota said there are some firms in Fresno that staff will make contact with to engage a construction manager. Discussion followed.

It was motioned by Council Member Smith, second by Council Member Gonzalez, to a reject the proposal and directed staff to pursue other means to secure a construction manager for the project.

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

ABSTAIN: None  
ABSENT: None

15.5. Planning Commission Action, August 6, 2013

Engineer Uota reported the action of the Planning Commission at the meeting of August 6.

15.6. Information Sharing

None

FINANCE SERVICES

16.1. Information Sharing

None

FIRE SERVICES

17.1. Authorization to Request Proposals for Fire Master Plan

Chief Thompson presented a request to the City Council to authorize staff to request proposals from consultants for the Fire Master Plan.

The master plan RFP requests consultant firms that are qualified and interested in working with Dinuba to update the City's Fire Department Master Plan to submit a proposal. Once a firm is selected, the consultants will be required to re-evaluate and re-analyze the Dinuba Fire Department overall fire and emergency medical service operations, deployment of resources, current and future demands, response times and provide recommendations of potential actions to attain and maintain our current and future goals.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to authorize staff to request proposals for the City's Fire Master Plan.

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

17.2. Request for Extension of Unpaid Leave of Absence, Firefighter Jesse Martin

Fire Chief Thompson reported that Firefighter Martin was injured in an accident earlier this year unrelated to employment and has exhausted his paid leave. As a result, Martin has requested unpaid leave of absence.

It was motioned by Council Member Smith, second by Council Member Gonzalez, to authorize the unpaid leave of absence for Firefighter Martin as requested.

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

### 17.3. Information Sharing

Chief Thompson shared that we sent firefighter / paramedic Rieke to the Aspen Fire. That is a two week commitment but he was asked to extend his stay for 4 additional days to assist with the fire. Firefighter Rieke said it was a great experience. He came back with an excellent evaluation and he represented Dinuba very well.

Council Member Smith asked what is going on with the Maya Theater it is messy.  
Chief Thompson said Chief Doyle is trying to locate the owners but has been unsuccessful.

### POLICE SERVICES

#### 18.1. Reminder – Community Volunteer Appreciation Dinner, August 26, 2013; 6-9 pm, Dinuba Community Center

Lt. Iriarte reported that the Police Volunteer dinner will be held on August 26 at the Community Center.

#### 18.2. Information Sharing

Lt. Iriarte reported that school will begin again tomorrow and so will patrols of the schools.  
Lt. Iriarte reported that the owner of Joe's Pawn Shop came into the police department for an application to sell fire arms.

Lt. Iriarte reported that several arrests have recently taken place and he credited police staff for their efforts.

### PUBLIC WORKS

#### 19.1. Authorization to Execute the Measure R Program Supplement – Transit Environmental Air Quality Program

Business Manager Avila reported that in 2006 Tulare County voters approved a ½ Cent Transportation Sales Tax Measure for transportation improvements in Tulare County. The Local Transportation Authority under the Expenditure Plan and Ordinance 2006-01 is authorized to issue funds to the City of Dinuba for transit expansion projects. The City must enter into the "Measure R Program Supplement to the

Cooperative Agreement” with the Local Transportation Authority in order to receive funding as specified in the Expenditure Plan.

The City Council must authorize the execution of the supplemental agreement which budgets the FY 13/14 Measure R Transit Expansion funding for \$52,500 for the Dinuba Connection (Dinuba/Reedley route). The City Council has committed to using Measure R funding for transit to supplement the fare box requirement for DART operations annually as necessary.

Discussion followed in regard to what it costs for students to ride to and from Reedley College.

Business Manager Avila requested that the City Council authorize the execution of an agreement with the Tulare County Association of Governments/Local Transportation Authority for funding of transit expansion in the City of Dinuba pursuant to the authority provided by the Measure R Transportation Sales Tax.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to authorize the execution of an agreement with the Tulare County Association of Governments/Local Transportation Authority for funding of transit expansion in the City of Dinuba pursuant to the authority provided by the Measure R Transportation Sales Tax.

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

#### 19.2. Authorization to Surplus Certain City Vehicles

Business Manager Avila requested that the City Council authorize Staff to surplus eight (8) out of service vehicles and delete them from the City’s asset list. Avila requested that the City Council authorize the vehicles to be disposed of through a silent auction process.

The vehicles are currently non-operational and range in age from 14 to 31 years old. Their disrepair and age make repair costs extremely high and exceed the vehicles’ value. The vehicles have all exceeded their useful life and have been replaced by newer, safer-to-operate models.

The vehicles listed for surplus are:

- |    |      |            |           |
|----|------|------------|-----------|
| 1. | 1982 | GMC        | S-15      |
| 2. | 1982 | Ford       | F-350     |
| 3. | 1994 | Ford       | F-150     |
| 4. | 1995 | GMC        | Jimmy     |
| 5. | 1996 | Dodge      | Dakota    |
| 6. | 1996 | Oldsmobile | Cutlass   |
| 7. | 1998 | Ford       | Crown Vic |
| 8. | 1999 | Dodge      | Ram 1500  |

If approved, the public auction would be held on Monday, August 26, 2013 at the former Public Works Facility. All vehicles not sold through the silent auction will be sold to a wrecking yard for spare parts. The proceeds received from the proposed auction would be deposited into the City's Fleet Maintenance Fund and will be used to fund fleet maintenance expenditures. Staff estimates sale proceeds to be between \$3,000 and \$6,000.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to authorize staff to surplus the vehicles through the process as described.

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

Deputy City Manager Nunes said she was approached by the school district for a vehicle to use it for the building trades program.

Discussion followed. Carrillo said his department has a truck the school district may be able to use for the program.

### 19.3. Authorization to Award – Bus Shelter Lighting Systems Project

Business Manager Avila reported that there are currently 16 transit bus shelters throughout the City of Dinuba. The shelters serve the Dinuba Area Regional Transit (DART) riders by providing a designated waiting area and some protection from seasonal weather elements. During the fall and winter seasons, the Dinuba Connection and Jolly Trolley routes run as late as 9:00 pm. Since the sun sets several hours before this time, bus shelters can be dark and unoccupied for an extended period of time. These conditions can create some apprehension from bus riders and can encourage criminal activity such as theft or vandalism.

The goal of the California Governor's Office of Emergency Services is to "protect lives and property by effectively preparing for, preventing, responding to and recovering from all threats, crimes, hazards and emergencies." This State agency offers local jurisdictions grants through Proposition 1B for transit system safety, security and disaster response. The City of Dinuba is eligible to apply for approximately \$16,000 every fiscal year to fund transit security related projects. The City has elected to use two years' allocations toward the purchase of solar lighting systems that would be installed on our existing bus shelters.

On July 19, 2013 City Staff released a Request for Bids (RFB) to several local and regional electrical contractors for the subject systems. Bids were requested by August 1, 2013. Three bids were received from Urban Solar Corporation, Caimpro Construction Inc. and W&E Electric Service.

In reviewing the bid received from Urban Solar Corporation it was determined that their proposal meets the specifications described in the RFP. Urban Solar Corporation has designed and manufactured solar powered LED lighting systems for public transit systems for over 30 years. They are an industry leader in

this field and can offer very competitive pricing. Although the source is not from the area, Urban Solar Corporation has made inroads in our region recently. They are currently working with Fresno Area Transit (FAT) and the Porterville COLT system.

Avila requested that the City Council authorize the bid to be awarded to Urban Solar Corporation as proposed.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to award the Bus Shelter Lighting Systems Project to Urban Solar Corporation.

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

#### 19.4. Authorization to Execute Amendment #1 - MOU with the City of Visalia for Grant Management Assistance

It is requested that the City Council authorize staff to execute Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Dinuba and City of Visalia for Grant Management Assistance.

On July 27, 2011 the City of Dinuba executed a Memorandum of Understanding (MOU) with the City of Visalia for grant management assistance for the CNG Fueling Station Expansion Phase II project. The MOU was necessary so that the City of Dinuba could access Federal Transit Administration (FTA) Section 5309 monies that had been earmarked for the City of Dinuba in the FY 2010 Federal Appropriations Bill. This money is a major part of the budget plan for the City's CNG Expansion project.

Section 5309 funds are generally available only to urban transit providers. As a rural transit provider, the City of Dinuba is unable to access this money. However, Caltrans staff recommended that the City enter into an agreement with the City of Visalia, who is designated as an urban transit provider, to facilitate access to these grant funds. To date, the arrangement has worked well and the City has already started receiving reimbursements from FTA for the design expenditures on the CNG expansion project.

Staff wishes to engage the City of Visalia on another project and use the existing MOU as the administrative groundwork. The 2013 Tulare County Federal Transportation Improvement Program (FTIP) included a project for the City of Dinuba to purchase a new CNG trolley. The funding for this purchase would be the Congestion, Mitigation and Air Quality (CMAQ) program.

Given the funding source, the purchase of this new trolley would require that the City follow Federal procurement standards. When the City purchased its first CNG trolley, Staff spent hundreds of hours, over the course of more than a year, developing and satisfying the required procurement process.

The City of Visalia has recently gone through a federally approved procurement process and has purchased three new trollies for their transit system. However, the demands of their system have recently changed

and they no longer need all three of these new trollies. As a result, they have indicated that they would be interested in selling one of these new trollies to the City of Dinuba. In an effort to streamline the procurement process and to continue to keep the City's transit fleet in good working order, the City would like to purchase the available trolley from the City of Visalia.

The MOU includes a provision for a 5% administrative fee charge when providing grant management assistance. However, since this proposed purchase would benefit both agencies, the City of Visalia has agreed to assist the City with the purchase at no charge. The proposed Amendment No. 1 to the existing MOU amends the following sections:

- Section III. Adds the following as the new first sentence: "This MOU is intended to include any transportation related grant that the City of Dinuba might qualify to receive and the City of Visalia agrees to assist the City of Dinuba with managing"
- Section IV. Paragraph 1 is replaced in its entirety with the following: "Administration Fee." The City of Dinuba shall reserve 5% of available grant funds to pay for the City of Visalia's administrative expenses in providing grant management services. The City of Visalia may, at its option, accept a lesser amount. Acceptance of any amount less than 5% or declining the amount by the City of Visalia only impacts the amounts specified and has no bearing on whether the City of Visalia is entitled to 5% of future available grant funds."

All other provisions, terms and conditions of the subject agreement will remain in full force and effect.

There is no cost to execute the subject amendment. However, the execution of this amendment will allow the City to save \$11,250. That amount represents 5% of the grant funds allocated to the City of Dinuba for the purchase of a new CNG Trolley.

Beltran requested that the City Council authorize staff to execute Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Dinuba and City of Visalia for Grant Management Assistance.

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

#### 19.5. 2014 Transit Development Plan / Committee (SRTP) Update

Director Beltran reported that this is a request for the City Council to approve the formation of a Short Range Transit Development Plan Committee to provide stakeholder input for the preparation of the 2014 Short Range Transit Development Plan (SRTP).

The Federal Transit Administration requires public transit agencies to prepare Short Range Transit Plans (SRTP) to receive federal funding for transit capital projects. The SRTP serves as an agency's "blueprint" for the delivery of public transportation (transit) services. The plan analyzes an agency's current

operations and establishes goals for improving transit services over a five-year planning period, including operational and capital needs.

The City's 2009 SRTP is due to expire in June 2014. To prepare the 2014 SRTP, Tulare County Association of Government (TCAG) has employed Jennie Miller, Associate Regional Planner (formerly with TPG Consulting). Miller conducted the analysis, surveys, and data gathering for the preparation of the City's 2009 SRTP.

Community and stakeholder input was an important part of preparing the 2009 SRTP. Once again, city staff recommends feedback from the following stakeholders:

- City Council
- Dinuba Chamber of Commerce
- Planning Commission
- Dinuba Unified School District
- Industry
- Dinuba Senior Citizens, Inc.
- ADA/Disabled
- Dinuba Vocational Training Center/Reedley College
- Social Services
- Transit Users

If Council approves, staff will contact individuals from these categories to appoint committee members. The final list and first meeting of the committee will be reported to the City Council at a later date.

The cost to prepare the Short Range Transit Development Plan is estimated at \$30,000. The City of Dinuba will receive Federal Transit Administration, Section 5303 grant funds through the Tulare County Association of Governments (TCAG). The grant funds will cover 88.53% of the total cost. The balance, \$3,441, will be paid from Local Transportation Fund (LTF) monies.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to approve the formation of a Short Range Transit Development Plan Committee to provide stakeholder input for the preparation of the 2014 Short Range Transit Development Plan (SRTP).

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

#### 19.6. Information Sharing

Director Beltran said we have an issue with a water main on California. The water main was leaking but once crews opened up the main, it was found to be badly rusted and deteriorated. The water main must be replaced. It is located on the corner of El Monte Way and the work must be done prior to the next

Council meeting of September 10. The cost to replace the main is estimated between \$40,000 and \$50,000 and will be funded through the water utilities fund.

Council Member Smith asked who the new code inspector will report to and Beltran said she to her.

Discussion followed

ADJOURNMENT

Mayor Hinesly adjourned the meeting at 10:39 pm.

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Janet C. Hinesly, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk