

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

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Carrillo, Cook, McCloskey, Nunes,  
Popovich, Thompson, Uota

## WORK SESSION

The work session began at 5:40 pm.

### 1.1. Roundabouts

Director Beltran introduced Ted Smalley, Executive Director TCAG, who talked roundabouts and their use and benefit to communities.

Director Beltran shared that staff would like to include roundabouts in the City's street improvement plans.

Smalley shared a video about roundabouts. One of the videos depicted large and oversized vehicles and how they utilized the roundabouts with ease. Smalley said other local county cities are planning to install roundabouts. Smalley shared statistics for the use of roundabouts. He reported improvements are funded at 88%. The maintenance is not as costly as there are no lights or poles that the usual intersection contains.

Dan Meinert, 4 Creeks Engineers was also present to share a video about the benefits of roundabouts. Meinert then described possible pros and cons of roundabouts.

Pros: overall reduction in driver contact; reduces injury related crashes; reduction in vehicle stops; reduction in air pollution; less maintenance.

Cons: overall space requirements; lack of driver familiarity. They are a little more costly to construct than a new signalized intersection; require more lead time before construction.

Meinert explained that the high school has problems with traffic entering and leaving the premises; loading and unloading students is a problem. We have looked at constructing a roundabout at a 5-spoke intersection at college and Sierra Way. Another good candidate is where College, Magnolia, Kern and I Streets meet. He said that Alta Avenue and Nebraska is also a good intersection for a roundabout. Meinert explained that there may be several areas that are potential roundabout candidates even along El Monte Way.

Director Beltran thanked Meinert and Smalley for their time. She reminded the Council that the staff report will be presented at a later time in the meeting for Council's consideration.

City Manager Nunes asked Smalley about the second improvement phase on El Monte Way. She asked if funding will be more readily available for El Monte Way if roundabouts are planned along that corridor.

Smalley said yes the timing of projects affects projects. He said Farmersville used CMAQ funding for their roundabout project.

Director Beltran asked if the same would apply at the Alta/Nebraska intersection since the project is in the second phase. Smalley said yes that is correct.

The work session adjourned at 6:11 pm.

#### CALL TO ORDER

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

#### INVOCATION

Chaplain Garcia led the invocation.

#### FLAG SALUTE

Council Member Smith led the flag salute.

#### COMMUNITY RECOGNITION AND APPRECIATION

##### 5.1. Clotila "Dolly" Pedroza - Celebrating 100 Years

Vice Mayor Morales presented a plaque to Ms. Pedroza who recently celebrated her 100<sup>th</sup> birthday. She was accompanied by her daughter Elvina Russell. Ms Pedroza said a few words and thanked the Council for the recognition.

##### 5.2. Soccer Teams League Champions

- Jr. Bantam Division - Dinuba Youth Soccer Storm

Sports Coordinator Zavala was present to give the Jr. Bantam Division team members plaques. Vice Mayor Morales presented the players with individual plaques.

- Bantam Division - All State Insurance

Sports Coordinator Zavala introduced Coach Pedro Contreras and the players who were given plaques for their accomplishments.

City Manager Nunes was sworn in by Vice Mayor Morales.

#### BREAK

A break was declared at 6:44 pm.

RECEPTION – Beth Nunes, City Manager

## RECONVENE

The meeting was reconvened at 7:07 pm.

### 5.3. Dinuba Emperor Football Team Valley Champions

Vice Mayor Morales presented a certificate of recognition to the Dinuba High School Emperor Football Team for their recent accomplishment to gain title as High School Valley Champions.

Most of the Dinuba team was present to accept the recognition.

## MAYOR'S MINUTE

### 11.1. Matt Conley - Tulare County Peace Officers' Memorial & Education Foundation

Deputy Matt Conley, Tulare County Sheriff's Department was present to present a request for support of the revitalization project on the current Peace Officers Memorial. The current memorial names all fallen County peace officers except for Woodlake who has never had a fallen officer. Conley explained the project committee wants to add a water feature and greenery to it. They are currently selling memorial bricks and he explained the information which can be placed on the brick. Conley explained it's a way to show support for the community, peace officers, and it's a memorial for fallen peace officers. It's designed for 2,000 4"x8" bricks or 1,000 8"x 8" bricks. The fund drive is open to everyone and the goal is to have it completed by the end of Sheriff Whitman's term.

Conley explained that leftover proceeds will go toward an education benefit for the families of fallen officers or funds for times of need when an officer's death occurs or the need arises. He explained it will be an ongoing project.

## PUBLIC COMMENT

### 8.1. Lilia Trevino, Fresco Market WIC Stores – Downtown Parking

Lilia Trevino was present to discuss downtown parking. Trevino stated she has been doing business at the downtown location on Tulare Street for the last 15 years. She said other downtown business is hurting her business. She requested that the Council authorize 2-ten minute parking stalls near her location.

Director Beltran said staff received a letter from Ms. Trevino regarding the parking limitations. Beltran explained the current parking stall design. She recommended the Council consider granting at least one 20-minute parking stall. She pointed out the parking downtown is public parking and the designated stall cannot be designated exclusively to Trevino's business. She pointed out that lack of enforcing the downtown parking laws won't help Trevino's situation. She may find herself in a position to have to call the police department who will have to take enforcement measures.

Council Member Harness said he understands the issues. He said he's heard that the stalls are inhabited by the merchants themselves.

Trevino said the other merchants park in the stalls.

Harness said he is willing to allow the 20-minute parking stall but an outreach is needed.

Council Member Smith said he can appreciate the 20-minute parking stall idea. He said he's been on the Chamber board for many years and half of the merchants want it enforced while the other half don't. He said downtown is becoming busy which is a good thing.

Director Beltran said the action must occur through an ordinance or resolution which can be done at the next meeting.

The council conceded to allow one 20-minute parking stall at the designated location on South L Street and to have the Resolution come back to them for adoption at the next City Council meeting.

## 8.2 Robert Cervantes – Water Rates and Ed Todd's Legal Defense

Robert Cervantes, 1367 Kelly Drive, asked Director Beltran about the water rates.

Attorney McCloskey told Cervantes that he cannot question staff but to direct the questions to the City Council.

He asked that the 2012 Budget Water fund balance projected to meet reserves.

Councilmember Harness pointed out that Cervantes was referring to the City Budget book which was the third year of the deferred water rates as previously approved by City Council.

Cervantes asked, "what section under the Brown Act does it say they are protected? Where does it say that employees are grandfathered? Cervantes said he can't find anything where they are protected.

City Attorney McCloskey said Director Beltran had a constitutional right under the Meyers Mills Act to receive the 25% discount of her water rates and, she was also protected under the Constitution of the United States and the Constitution of the State of California.

Cervantes asked if they were talking about water.

City Manager Nunes responded, we're talking about employment benefits. She explained that the Attorney said Beltran has a right to employment benefits.

Cervantes asked for clarification on Ed Todd's defense in the Thusu v. Dinuba lawsuit. McCloskey explained the process and referred to the California Government Code.

## 8.3. Unscheduled Items

Mayor Hinesly arrived at 7:55 pm.

Bev Keel-Worrell, 1080 Lincoln Avenue, Dinuba, asked for clarification on the draft November 26, 2013 City Council minutes.

Discussion followed.

City Manager Nunes said the Clerk will listen to the recorded meeting to clarify the minutes.

Worrell also commented that the minutes reflected that this is not the first solar project but she said in a sense, it is the first project because the City is purchasing and not leasing the equipment.

City Manager Nunes clarified that it is the second solar project.

Norma Mendoza, 1250 E El Monte Way, Dinuba, stated she has a concern that there is no sidewalk and curb along her residence. She said across the street there is sidewalk and curbing. She asked if there is any funding to complete the project.

Director Beltran was directed to respond to the question. Beltran said our code puts the burden of sidewalk installation on property owners. She said sometimes there are projects where sidewalks are included. Last budget year the Council approved a \$50,000 budget to assist with sidewalk installation. We have not been able to kick the program off because of some sales tax issues which is where the funding would come from.

Discussion continued and Mayor Hinesly directed Mendoza to visit Director Beltran to see what options might be available.

Mendoza continued to talk about her sidewalk issue.

She said she was at the last meeting where new trash cans were approved and she asked if there is a specific date for implementation.

Beltran said as of this point, the goal is to move into the new three-can service July 1.

#### CONSENT CALENDAR

- 9.1. City Council Draft Meeting Minutes, November 26, 2013
- 9.2. Acceptance of Other Agency Meeting Minutes
  - a. Historic Preservation Commission Meeting, November 5, 2013
  - b. Planning Commission, November 5, 19; December 3, 2013
  - c. Police Advisory Commission, October 1; December 3, 2013
- 9.3. Citizens Oversight Committee Draft Agenda, January 24, 2014
- 9.4. Master Development Schedule  
*An up-to-date copy of the MDS listing current building projects.*

- 9.5. Parkside Village Subdivision – Right-of-Way Certificate of Acceptance  
*A recommendation to the City Council to accept the interest in real property conveyed by the Grant Deed and authorize the City Clerk to execute the Certificate of Acceptance.*
- 9.6. Authorization to Change Signature Authority – CDBG, HOME, and CalHome Grants, Resolution No 2014-03  
*A recommendation that the City Council adopt a resolution to add the Business Manager and Management Analyst Position as authorized signers on all matters pertaining to CDBG, HOME and CalHOME grants.*

It was motioned by Council Member Harness, second by Council Member Gonzalez, to omit item 9.1. and approve the remainder of the consent calendar as presented.

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

#### WARRANT REGISTER

- 10.1. Approval – December 13, 20, 2013; January 3, 10, 2014

It was motioned by Council Member Harness, 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

- 11.2. Information Sharing

Mayor Hinesly said she was late to the meeting because she was in the emergency room with her father.

#### COUNCIL COMMENTS

- 12.1. Reminder – Retired City Manager Ed Todd Dinner Event, January 17, 2014; 6:00 pm; Ridge Creek Golf Course

City Manager Nunes announced that there will be a retirement at Ridge Creek Golf Course the evening of January 17 for retired City Manager Ed Todd.

- 12.2. Reminder – Cutler-Orosi Chamber of Commerce Awards Banquet, January 23, 2014; 6-9 pm

Eddie Valero representing the Cutler-Orosi Chamber of Commerce announced that the annual Chamber dinner will be held next week. Tickets are \$25 each, and organizations can decorate the tables for \$50 each. Valero said some of the recognition items will be the man and woman of the year, the educational leader and business leader of the year. Valero encouraged everyone to visit the neighboring community.

#### 12.3. Reminder – Annual Chamber of Commerce Dinner, January 31, 2014

Mayor Hinesly said Vice Mayor Morales will present the State of the City address at the annual chamber dinner on January 31 as she will not be available to attend.

#### 12.4. Approval of City Manager's Employment Agreement

Assistant City Manager Anderson presented the information regarding the City Manager's employment agreement. Anderson noted that the contract is basic and similar to the current department heads' contracts. The contract is for 4 years which is typical for the city manager. The insurance plan offered is the same as the department heads' and all other city employees.

Anderson referred to the exhibit and pointed out that Nunes salary will be 5% more than the highest paid director placing her salary in the center of the comparator cities.

Council Member Harness said it's a great contract and he said he is glad what we are able to do. It's very fair. He said there is one issue with the contract and that is the severance pay. He noted that other cities like Visalia or some of the other contracts he reviewed don't offer severance for the entire four years. He said that this being her first year, the Council has very high expectations for Mrs. Nunes. He said he would like to see severance for year one and then negotiate annually as need be.

Mayor Hinesly asked if the job doesn't work out can she descend in the ranks.

Assistant City Manager Anderson said it is not an option at this level.

Council Member Smith said he wouldn't do the job for what Nunes is being paid.

Council Members Harness, Gonzalez and Morales all agreed the severance piece should be reconsidered.

Nunes commented that she will prove herself and that is why the level of salary is where it is. The contract gives her some assurance in the political climate having followed the last city manager who was here 25 years.

Hinesly asked when the compensation study will be completed.

Assistant City Manager Anderson said it should be done soon. There were several benchmarks to get the positions current before we could go out with the descriptions so she is hoping to get them back in a month.

Council Member Harness said he would like to have the severance reconsidered but said he has no issue with the salary.

Council discussion followed.

Attorney McCloskey said it's important to have a more limited severance when you are hiring new people but Nunes has been an employee for over 15 years and the Council has approved of her performance.

Bev Worrell posed some questions about the proposed contract. Worrell asked if lifetime health benefits are normal.

Assistant City Manager Anderson said the lifetime health benefit is not for newly hired employees which went away as of July 1, 2013. Nunes has already been with the City for many years.

Attorney McCloskey said Nunes qualifies for the benefit since she's been an employee over 15 years with continuous employment.

Worrell questioned the 3-year buyout and pointed out that it's a 4-year contract. She asked about the 12 month termination notice.

McCloskey said it would be at the end of the current contract. Anderson said the intent is that the contract renews. The contract may be renewed, or amended, annually by the Council.

Nunes said the first contract will be for four years, then three years and annually amended after that should Council renew it.

Robert Cervantes asked about the comparator cities saying that those cities are larger. He asked why we don't compare with Selma and why neighboring cities can't be used.

Assistant City Manager Anderson said these are cities that our compensation consultant used in the compensation study. Anderson said when the compensation study is completed it will affect salaries going forward but it doesn't affect the City Manager's salary now.

Norma Mendoza said she doesn't understand on what the salary is based.

Attorney McCloskey said the contract is between the Council and the employee and they consider what the last city manager was paid and they consider the salaries in the comparator cities.

Anderson said the comparator cities weren't listed to say they were used to try to decide what to pay the incoming City Manager.

Mayor Hinesly pointed out Nunes will be paid a mere 5% more than her charges.

McCloskey said there is no mathematical formula. It's an agreement between the Council and the employee.

Anderson said the Council has the power and the right to place the salary where they wish.

McCloskey said there are many variables that are considered when salaries are formulated.

Council Member Smith motioned, second by Council Member Gonzalez to adopt the City Manager's contract as presented and to authorize the Mayor to sign the contract.

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

#### 12.5. Reappointment of Planning Commissioner, Ed Smither District 3

It was motioned by Council Member Harness, second by Vice Mayor Morales, to reappoint Smither to the Planning Commission, representing District 3.

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

#### 12.6. Information Sharing

None

#### CITY ATTORNEY

#### 13.1. Joe's Pawn Shop Update

City Attorney McCloskey reported that Joe's Pawn Shop was shut down on the grounds that it was a public nuisance.

#### 13.2. Dymally-Alatorre Bilingual Services Act

City Attorney McCloskey explained the Dymally-Alatorre Bilingual Services Act as information only.

Smith said he's had the opportunity to talk with people about the subject but he would like to see that notices and like items be translated into Spanish.

#### 13.3. CLOSED SESSION ACTION: Conference with Real Property Negotiators pursuant to California Government Code Section 54956.8 to discuss the sale and option of real property owned by the City.

No action resulted from the Closed Session discussion.

13.4. Information Sharing

None

CITY MANAGER

14.1. Authorization to Apply – Parks Grant, Resolution No 2014-01

Assistant City Manager Anderson presented the request to apply for the Parks Grant. Anderson pointed out there is no match for the grant and staff just found about its availability. Staff learned about it through Chelsea Investment Corp. Chris Westlake used to be the division director at the state level. The grant is based on the construction or rental of housing projects for low and very low income residents. It's a non-competitive type grant so if a city has the types of projects that qualify then you just apply. The grant process must take effect through a resolution. Anderson said projects as far back as 2010 and through 2013 can qualify and staff would like to apply for projects in those years. Anderson said that just the Emperor Apartments project alone could allow us to apply for approximately \$170,000 but it looks like we could apply for up to \$300,000. There is no paying it back nor a match involved.

Mayor Hinesly asked if there's a fixed amount of money available that can be applied for in the grant.

Anderson said not that she's aware of and she added, surprisingly most agencies aren't really aware of this particular grant. She said staff plans to use it as much as possible.

Council Member Harness asked if we have to be specific about the types of things we want to purchase.

Anderson said we would list them on the application.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to authorize staff to apply for the Housing Related Parks grant and adopt Resolution No 2014-01.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

14.2. Information Sharing

None

ENGINEERING AND PLANNING SERVICES

15.1. Award of Construction Project - Alta Heritage Square

Engineer Uota reported that the Alta Heritage Square project begins at the Alta Historic District Society property along K Street. He explained the scope will include reconstruction of the four corners of K Street and Kern Street, enhanced bulb outs, removal and replacement of existing sidewalk. There will be a continuation of the decorative lighting that is currently in place downtown and public benches and trees will be added. He explained that funding for the project will be by a TE grant or Transportation Enhancement. The project was conceived several years ago about the time there were plans to build a smaller vocational center. When that project went away, this project had to be redesigned.

Uota explained the Engineer's Preliminary Opinion of Probable Construction Cost is \$22,340. Six bids were received and JT2 Inc. Todd Co. was the lowest responsive qualified bidder at \$194,841.00. Uota recommended that the Council award the bid to JT2 Inc. Todd Co. for the bid of \$194,841.00.

Council Member Harness asked if that particular company is working at the Transit Center.

Uota said yes they are a subcontractor working at the Transit Center. They also did work for the Adventist Health Clinic.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to award the construction contract to JT2 Inc. Todd Co. for the bid of \$194,841.00.

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

## 15.2. Information Sharing

None

## FINANCE SERVICES

### 16.1. FY 2014-2015 Budget Calendar

Council Member Gonzalez stepped down from the dais at 9:17 pm.

Finance Director Cook presented the budget calendar to the City Council for review and requested that the Budget Calendar be adopted as presented.

Council Member Smith this is a good time to find out where the money goes and where it comes from.

Council Member Gonzalez returned to the dais at 9:19 pm.

It was motioned by Council Member Harness, second by Vice Mayor Morales, to adopt the Budget Calendar as presented.

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

#### 16.2. Fiscal Reserve Policy, Resolution No 2014-02

Finance Director Cook presented a report to the City Council requesting that they consider establishing a policy for administration of reserves defined as governmental fund and net working capital in proprietary funds. The policy is in accordance with Governmental Accounting Standards Board (GASB) Statement Number 54 which is required by our CAFR.

Cook explained governmental fund reserves.

Mayor Hinesly said this looks like it's more of a restrictive policy.

Cook said what it is doing is first, naming or classifying the fund balance and second, it's formalizing the two-month operating reserve. Cook said we have always done it but adopting a resolution formalizes the procedure.

Council discussion followed.

It was motioned by Council Member Smith, second by Council Member Gonzalez, to adopt Resolution No 2014-02 establishing a policy for the administration of reserves defined as fund balances in governmental funds and networking capital in proprietary funds.

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

#### 6.3. Information Sharing

Finance Director Cook said the governor proposed a budget and it seems that the COPS funding will continue which could potentially grant us \$100,000 to fund a police officer. Cook said it looks like the state will be paying off a bond early which the state entered into and it will affect the city. He explained that once the bond is paid off, our obligation to it goes away. It would give us a one-time bump in sales tax and he added that it is not for sure.

Mayor Hinesly asked if our internet sales tax issue has been resolved.

Cook said we are receiving about 40%, staff has requested the paperwork but have not yet received it.

Cook said there is a program called GEMT having to do with emergency transportation that the city receives for our ambulance fund. It goes back to 2010. There are over 100 entities that have applied for the funds and we are one of 5 that have been approved and we should receive the money in 6 to 8 weeks.

Mayor Hinesly asked if there is any change in the VLF.

Cook said no change yet.

## FIRE SERVICES

### 17.1. Information Sharing

Chief Thompson said tomorrow is the kickoff to meet with consultants to start the fire master plan which should be completed in May.

## PARKS AND COMMUNITY SERVICES

### 18.1. Ronald McDonald House Fundraiser and Request for Co-sponsorship, January 18, 2014

Recreation Coordinator Hurtado presented a request to co-sponsor an event in conjunction with David Fuentes. Hurtado explained that Fuentes recently lost a young child to cancer. She explained that the Children's Hospital of Madera was helpful to the family allowing them to utilize the Ronald McDonald House when they needed to be near the child.

Mr. Fuentes and his children were present. Fuentes shared a video.

Hurtado explained the multi-purpose room became available on January 25, 2014, which was the original date Mr. Fuentes requested to utilize the facility to hold a fundraiser event for the Ronald McDonald House. She explained Mr. Fuentes is requesting co-sponsorship and a waiver of the facility use fees. Waiver of the fees would allow more of the funds raised to go toward the Ronald McDonald House cause.

Mayor Hinesly remembered Dominic Fuentes at the annual Relay for Life event. She said she's proud Mr. Fuentes came forward for this cause.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to approve co-sponsorship of the charity event in conjunction with David Fuentes benefiting the Ronald McDonald House; and, the waiver of the facility rental fees.

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

### 18.2. Youth Sports Code of Conduct

Sports Coordinator Zavala said that at the November 2013 Pro-Youth / Parks & Community Services Commission meeting, some of the Youth Sports coaches addressed the Commission with concerns about the Code of Conduct for the sports program, particularly baseball. There was discussion about incidents that occurred during the baseball season between parents and coaches. Inappropriate comments and behavior are being displayed during games and the concerned coaches want disciplinary action for those responsible. The coaches expressed that the current practice is to have coaches sign a code of conduct but excludes parents. The coaches feel the parents should sign the code also and be held accountable for their behavior.

As a result staff contacted two local cities to see what was in place for their youth programs for the Parents Code of Conduct. Zavala described what other cities practice.

In the past the City of Dinuba Community Services has not required parents/guardians to sign but as games become more competitive throughout the season or playoffs, issues with parents and spectators have warranted removing them from games.

Requiring parents to sign a code of conduct form would hold them accountable for their actions. After the code of conduct form is signed the parents must adhere to the standards listed in the code of conduct and, if not, it may result in a verbal warning or possible game/league suspension. The parent/guardian who signs the code of conduct form is responsible for making sure that any family member or fans supporting his or her child show good sportsmanship. If the parent/guardians refuse to sign the form before the players' first game, the player will not be allowed to play.

The Pro-Youth/Parks & Community Services Commission has recommended posting signs at every field with a general code of conduct. The rules would be for everyone: coaches, players, parents, and all spectators. Posting of the code of conduct at each field will make all spectators aware of our rules and inform them that they must abide by them.

Signage for Sports Fields and Courts is estimated to be \$1000. The printing of the Code of Conduct form and tracking is estimated to be \$500 annually.

Director Carrillo said we are having issues not only in the competitive league but also in the rookie program. There have even been issues in the t-ball league.

A motion was made by Council Member Smith, second by Council Member Morales to approve a posting of the code of conduct at each field/facility site; and, require parent/guardian to sign the code of conduct form at the time of registration.

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

### 18.3. Information Sharing

Zavala explained that youth basketball begins Saturday and there are 40 teams with just under 400 players participating.

Director Carrillo reported that several downtown Bradford trees will be removed and Keith Davies Chinese Pistache trees will replace them.

## POLICE SERVICES

### 19.1. K-9 Police Officer Selection

Chief Popovich presented Officer Jim Garcia and his newly purchased narcotics dog, Walker, a German Shepherd. Garcia was recently selected as the next K-9 Officer.

### 19.2. Information Sharing

Chief Popovich reported 5 conditional offers were extended for reserve officers.

He reported that 2 people were captured today in connection with residential burglaries.

Discussion followed in regard to the press releases.

Council Member Smith asked Chief Popovich, "with all the discussion of how overpaid our city employees may or may not be, how many police employees do we lose per year?"

Chief Popovich said, "maybe 1 to 2 per year." Popovich said we have officers who want to come to work here from larger agencies.

## PUBLIC WORKS

### 20.1. Authorization to Apply for Congestion Mitigation Air Quality (CMAQ) Program Grant Funding

Director Beltran said the staff report accompanied the work session item. She said earlier the Council saw a presentation on roundabouts. She explained that they are some of the highest scoring projects for funding. She explained that TCAG has issued a call for projects for the CMAQ program and pending no changes in federal funding apportionments, approximately \$5.3 million in CMAQ funding is available each fiscal year for 16/17 and 17/18. Funds in fiscal years 14/15 and 15/16 have already been programmed, but possibilities exist to fund projects with allocations from those years as well, due to agency project advancement.

The purpose of the CMAQ program is to fund projects that assist regions in meeting federal air quality standards. For Tulare County, CMAQ projects must demonstrate a reduction of particulate matter and/or ozone causing pollutants. CMAQ projects are based on cost-effectiveness, i.e. the amount of emissions reduced by the project in relation to the cost of the project and project life.

Betran shared examples of eligible projects. She said staff has identified potentially eligible projects under the CMAQ program:

- Roundabouts
- Alta/Nebraska Intersection
- El Monte Way/Perry/Tulare Intersection
- El Monte Way/Lincoln Intersection
- College/Sierra/K/Mono Intersection
- College/Kern/Magnolia/I Intersection
- Alternative Fuel Infrastructure – CNG Facility Expansion

A local match of 11.47% is required and can be funded in the Transportation Fund and/or the CNG Station Fund. The deadline for submitting applications is February 7, 2014.

Director Beltran requested authorization to apply for funds under the program and the potential projects. She added some projects could potentially get funded through Measure R. There is a match unless it's a Measure R project. The fiscal impact depends on the project or number of projects awarded and the application deadline is February 7.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales, to authorize staff to request funding through the Tulare County Association of Governments (TCAG) for Congestion Mitigation and Air Quality (CMAQ) funding.

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

#### 20.2. 24th Annual Dinuba Criterium 2014, February 17, 2014 – Request for Street Closure

Director Beltran reported this is an annual request. The event is typically held on Presidents Day. The requestor has contacted staff and the Chamber of Commerce to work with him on the annual event. She added that this is Dinuba's 24<sup>th</sup> annual event.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to authorize the 24<sup>th</sup> annual Dinuba Criterium and the street closure as presented.

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

**20.3.** Authorization to Award – Professional Services Contract for Impact and Development Services Fees Study

Business Manager Avila reported that since August 1990 the City of Dinuba has collected Impact Fees (also referred to as System Development Charges or SDCs) from all new residential and commercial development. The fees are collected to defray the cost of expanding City infrastructure as a result of the increased system demands created by the new development. The rate structure was updated in December 2005 and was based on a General Plan and infrastructure Master Plans that have since been updated.

Development Services Fees (i.e. Building, Planning and Engineering Fees) are classified as “user fees” and are intended to offset the expense created by providing a service to the public. The fee structure for the Planning and Engineering fees has not been reassessed since March of 1992. The Building Permit fees were updated in November of 2007 but do not reflect the existing organizational structure of the Public Works Department.

A properly aligned fee structure for both the Impact and Development Services Fees is critical to Dinuba’s future. If fees are not set at the appropriate levels the City can potentially be faced with inadequate infrastructure to support new residential, commercial, and industrial growth. This could adversely impact job creation and economic development in Dinuba.

In September 2013 the City Council authorized staff to request proposals for professional services and on November 22, 2013 a Request for Proposals (RFP) announcement was published. A total of three proposals were received by the deadline. They were received from:

Revenue & Cost Specialists, LLC	\$47,360
Pacific Municipal Consultants (PMC)	\$74,850
Matrix Consulting Group	\$79,800

The evaluation committee carefully reviewed every proposal received and made a selection using the criteria identified in the RFP. The evaluation committee believes all three firms are capable of performing the identified scope of work however, of the three, the Committee recommended that the contract be awarded to Pacific Municipal Consultants (PMC) for the not-to-exceed amount of \$74,850.

Although the proposal from Revenue & Cost Specialists, LLC is significantly lower than the proposal received from PMC, the proposal from Revenue & Cost Specialists, LLC did not adhere to the instructions identified in Section III of the RFP, “Contents of Proposal”. Therefore the committee did not have enough information to be able to fairly compare the proposal from Revenue & Cost Specialists, LLC to the other two proposals received. Additionally, the significantly lower proposed budget raises the concern that Revenue & Cost Specialists, LLC did not completely understand the scope of the subject professional services.

PMC is a nationally recognized firm that presented a very thorough proposal and has performed a similar scope of work for various other jurisdictions. Their proposal also indicates a very clear understanding of applicable State laws such as the Mitigation Fee Act as contained in Government Code Section 66000 et

seq. The PMC Project Team includes a member of the American Institute of Certified Planners (AICP), a Civil Engineer and strong administrative staff. Since their establishment in 1995, PMC has provided services to more than 800 cities, counties, and special districts throughout California.

During the fiscal year 2013-2014 budget process, staff tentatively set a \$150,000 budget anticipating this effort. The proposed \$74,850 budget is well within budget parameters. The Development Services portion of the scope of work will be funded by the Development Services fund and the Engineering fund. The Impact Fee portion will be funded proportionately by the City's Impact Fee funds.

Business Manager Avila requested that the City Council award a professional services contract to Pacific Municipal Consultants in order to perform an Impact and Development Services Study.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to award a professional services contract to Pacific Municipal Consultants to perform an Impact and Development Services Study.

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

#### 20.4. Planning Commission Action, January 7, 2014

Director Beltran reported the action of the Planning Commission at the meeting of the January 7, 2014 meeting.

#### 20.5. Information Sharing

Beltran said staff received information from CAL-Recycle that Dinuba was awarded \$150,000 for purchase of 3-can system disposal containers. The program only funds recycling containers and it will fund 2500 3-can containers for us. Our city needs 5000 containers but we will incorporate the award funding with our funds to purchase the containers and implement the program.

Council Member Smith stated the waste contractor will pay for half the cost.

BREAK

Mayor Hinesly declared a break at 10:24 pm.

CLOSED SESSION

#### 21.1. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Dinuba v. Thusu, et. al. Tulare Superior Court Case No. 252803)

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (One (1) case)

21.2. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Name of case(s):

Dinuba v. Thusu

Dinuba v. Clifton

21.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8:

To discuss the sale and option of real property owned by the City. Property subject to possible sale: approximately 38.54 acres the Property consisting of lots 1-68; 85-114; 136-149; 172 and Outlots A-N, P and T, of the Ridge Creek Ranch Tentative Map.

Property subject to possible option: approximately 20.01 acres consisting of lots 69-84; 115-135; 150-171 and Outlots O, Q-S; and, U-Z of the Ridge Creek Ranch Tentative Map.

Agency negotiator: City Manager Beth Nunes

Negotiating parties: RIDGE CREEK RANCH PARTNERS, LLC

Under negotiation: Instructions to the negotiator will concern price, term, conditions of payment, option price, option terms and conditions.

ADJOURNMENT

The meeting was adjourned at 11:12 pm.

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Janet C. Hinesly, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk