

**COUNCIL MEMBERS PRESENT:** Reynosa, Smith, Morales, Thusu

**COUNCIL MEMBERS ABSENT:** Harness

**STAFF MEMBERS PRESENT:** Anderson, Barkley, Beltran, Carrillo, Cook, James, McBrearty, Meinert, Popovich, Thompson, Uota

#### **CALL TO ORDER**

The meeting was called to order at 5:35 pm.

George Avila presented preliminary information about the impact fees study.

Dino Serafini, PMC Michael Baker International, was present to make a report of the impact fees study to the Council.

The City Council discussed waiver of fees per Serafini's comments and discussed reasons for not wanting to waive fees for any periods of time.

Council Member Smith said the money will have to come from somewhere if fees are waived.

#### **BREAK**

Mayor Morales declared at 6:26 pm.

#### **INVOCATION**

Chaplain Jim Sussee gave the invocation.

#### **FLAG SALUTE**

Chief Thompson led the flag salute.

#### **PRESENTATIONS**

5.1. Peace Officers' Memorial Day and National Police Week, Proclamation 2015-05

Mayor Morales read the proclamation into the record.

5.2. Sister City Malsch Germany 95<sup>th</sup> Anniversary, Proclamation 2015-06

Mayor Morales read the proclamation into the record.

Interim City Manager Meinert stated we are in receipt of a letter from Mae Ewert in regard to the relationship established with Malsch Germany in 1976 and Meinert read the letter. Ewert requested via the letter that the Council correspond with the sister city. The Council directed staff to correspond accordingly.

5.3. David Gonzalez, Community Gardens – Request for Waiver of Facility Use Fees

David Gonzalez was present to talk about community gardens. Gonzalez said he owns 20 acres centrally located between Reedley, Dinuba and Orange Cove. He would like to start a community garden for the three communities. He explained what a community garden is and he said he will eventually seek nonprofit status. He said all nonprofits are encouraged to partner with him once established. He asked for the City's support in his endeavor to create a community garden.

Council Member Thusu asked the primary goal of the garden and Gonzalez said it depends on who are the participants. He would like to help community groups such as the senior citizens who often live in limited garden friendly places.

Council Member Thusu asked if he could provide a breakdown of how the proceeds will be utilized.

Gonzalez replied not yet, the details of how the layout of the garden will be laid out. He said he has invited master gardeners to take part. He shared a hand out to the Council with more information.

Thusu asked how it will help Dinuba residents.

Gonzalez said there are potentially 120 leasable parts of the garden on the 4 acre plot. People who live in limited areas can participate in it because they don't possess the area or access to garden. Gonzalez said Dinuba has a transportation system that may in the future benefit the gardeners wishing to travel to and from the garden.

Director Carrillo said the cost to hold 4 meetings in the community center is \$464. Carrillo asked Gonzalez how the fees would be used in the future. Gonzalez said they would be used toward becoming a 501(c) 3 organization.

It was motioned by Council Member Reynosa, second by Council Member Smith to waive the facility use fees for the 4 meetings as presented.

AYES: Reynosa, Smith, Morales, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: Harness

**NEW EMPLOYEES & PROMOTIONS**

6.1. Jordan Webster, Fire Captain

Chief Thompson introduced Fire Captain Webster and introduced his family and friends present.

Mayor Morales administered the oath of office to Webster.

Mrs. Webster pinned the newly promoted Fire Captain Webster with his Captain's badge.

The Council congratulated Webster on his promotion.

Webster thanked the Council and staff for the opportunity to work for the City of Dinuba.

#### **PUBLIC COMMENT**

##### 7.1.     Unscheduled

Lt. Son was present with the community volunteers to present a check of in-kind service, for hours volunteered in 2014, to the City Council. Lt. Son shared information about what the volunteers do for the City. The amount of the check was \$124,832.02 representing 3772.5 hours. Lt. Son said there are 21 volunteer members and over the last 8 years they have volunteered 30,000 collective hours.

Council Member Smith said he has been a volunteer for about 16 years. He feels the program is stronger than it's ever been. He said the group is dedicated and it's also Lt. Son's leadership style. He thanked Lt. Son for his leadership.

#### **CONSENT CALENDAR**

- 8.1.     City Council Meeting Minutes – April 14, 2015
- 8.2.     Notice of Completion - Sierra Way Shoulder Stabilization Construction Project – Congestion Management and Air Quality (CMAQ) Project No. CML-5143(28)
- 8.3.     Notice of Completion– Road 72 Shoulder Stabilization Construction Project – Congestion Management and Air Quality (CMAQ) Project No. CML-5143(27)
- 8.4.     Set Hearing - Impact Fees Adjustment, May 12, 2015
- 8.5.     Claim for Consideration – Thuong C. Dang
- 8.6.     Claim for Consideration – Elizenda Chavarria
- 8.7.     Claim for Consideration – Juan Villarreal
- 8.8.     Claim for Consideration – Estate of Elijah Villarreal

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

AYES:           Reynosa, Smith, Morales, Thusu  
NOES:           None  
ABSTAIN:       None  
ABSENT:        Harness

#### **WARRANT REGISTER**

##### 9.1.     Warrant Register – April 17, 24, 2015

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

AYES: Reynosa, Smith, Morales, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: Harness

#### **MAYOR'S MINUTE**

##### 10.1. Information Sharing

Mayor Morales shared his experience at the Pull for the Cure event. Discussion followed about the enjoyable event.

Mayor Morales said he also attended the Relay for Life event and the Cinco de Mayo Pageant that same evening.

#### **COUNCIL COMMENTS**

##### 11.1. Medical Marijuana Regulation Legislation

Interim City Manager Meinert said the Letter of Support for AB266 (Cooley) is in regard to medical marijuana legislation. The other is a letter of opposition for AB34 (Bonta) for the same matter.

Meinert reported that the League of Cities hopes that most cities will vote to keep local control of medical marijuana. He requested the Council authorize the Mayor to sign the Letter of Support for AB 266 and the letter of opposition for AB 34.

It was motioned by Council Member Reynosa, second by Council Member Thusu, to authorize the Mayor to sign the letter of support for AB 266 and the letter of opposition for AB 34.

AYES: Reynosa, Smith, Morales, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: Harness

##### 11.2. Reminder – Visitors Welcome Dinner, Eumsong County, Chungcheongbuk-do, Republic of Korea; April 29, 2015; 6:30 pm

Interim City Manager reminded the Council about the dinner scheduled for April 29 at 6:30 pm at Three Finger Jacks Restaurant.

Interim City Manager Meinert said in addition to tomorrow night's dinner, the tour of the region on Thursday; on Friday staff will host a group to visit Yosemite. Meinert added that after the trip to Yosemite, staff will be taking the visitors back to Fresno so they can fly out to New York.

- 11.3. Reminder - Vietnam Veterans Memorial Wall Ribbon-cutting Ceremony, April 30, 2015; 11:00 am

Interim City Manager Meinert said the Korean visitors plan to attend the Vietnam Veterans Memorial Wall Ribbon-cutting Ceremony.

- 11.4. Reminder - Cinco de Mayo Event, April 30-May 3, 2015

Interim City Manager Meinert said the Cinco de Mayo event will occur this weekend at Vuich Park.

- 11.5. Reminder – Tulare County Peace Officers Memorial Ceremony, May 6, 2015; 9:00 am

Meinert reported the Memorial event will be held in Visalia.

- 11.6. Reminder – Special City Council Meeting, May 7, 2015

Meinert said this is a reminder of the special City Council meeting next week to interview the finalists for the City Manager appointment.

- 11.7. Reminder – Budget and CIP Hearings May 11 and 12, 2015

Meinert said this reminder is in regard to the budget and CIP hearings on May 11 and 12.

- 11.8. Reminder – City Employee BBQ, May 22, 2015

Meinert invited the City Council to attend the City Employee picnic at Vuich Park on May 22.

- 11.9. Information Sharing

Council Member Smith said he attended the Fire Truck Pull. The following day was the Vietnam Memorial Wall arrival and there was a great turn out for its arrival.

Council Member Reynosa said she too attended some of those events. She announced that the Cinco de Mayo class is looking for volunteers to help with the upcoming Cinco de Mayo event.

#### **CITY ATTORNEY**

- 12.1. Closed Session Conference with Legal Counsel: Existing Litigation, City of Dinuba v. Thusu

No action was taken as a result of the Closed Session discussion.

- 12.2. Information Sharing

None

**CITY MANAGER**

13.1. City Manager's Budget Message

Interim City Manager Meinert presented the City Manager's Budget Message.

Council Member Smith said Meinert reported we have a \$200,000 shortfall in the water fund and we heard the consultant tell us earlier we should lower our rates.

Meinert said keep in mind that those fees are impact fees for future development and what we are talking about now are current fees. He said we should look at the study and see if there is something we can do in the future to mitigate those fees. Meinert said we could do a rate study that could be taken from water, sewer and disposal which might cost about \$75,000.

Council Member Smith talked about historical rate increases.

Council Member Thusu said he wants to know how the fees are determined and what the assumptions are based upon.

Finance Director Cook said those questions will be answered in detail and he continued to explain. Cook said the details will be discussed at the budget hearings in detail.

13.2. Information Sharing

None

**ENGINEERING & PLANNING SERVICES**

14.1. El Monte Way Widening Project Update

Interim City Manager Meinert shared the El Monte Way Widening Project information with the Council.

14.2. Information Sharing

None

**FINANCE SERVICES**

15.1. Purchasing Policy Review

Finance Director Cook presented the review.

Council Member Smith said it's worth noting that at times we use sole source companies.

Director Cook said when we deal with someone who has a very specialized service the Charter allows sole source within the policy.

Council Member Smith said “piggybacking” on other agencies’ grants are also utilized.

Cook agreed and said emergency services utilize piggybacking on grants through other agencies.

Council Member Reynosa said in the bidding process the city may use within the bidding process.

Discussion followed in regard to purchasing locally.

It was motioned by Council Member Smith, second by Council Member Thusu to amend the purchasing policy to update the titles.

AYES: Reynosa, Smith, Morales, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: Harness

#### 15.2. Successor Agency Update

Finance Director Cook presented information to the City Council in regard to the purpose of the Successor Agency and winding down its use.

Redevelopment Agencies in the state were dissolved in 2012. In their places Successor Agencies were created to wind down the affairs of the former Redevelopment Agency. Winding down consists primarily of paying down debt obligated to the Agency, but also disposing of property owned by the Agency.

At the time of dissolution, the Department of Finance directed the successor agencies to hire an independent auditor to review the Agency financials. The purpose of the audit was to ensure the agencies remitted any excess funds to the various taxing entities. The Department of Finance reviewed the audit and determined that \$1 million was due from the City of Dinuba to its Successor Agency.

At the time of the completion of the Recreation, Reclamation and Conservation (RCR) project, the Redevelopment Agency advanced approximately \$1,000,000 towards the completion of the project as well as its startup costs. It was anticipated over time the project would pay back the Redevelopment Agency. The dissolution of agencies across the state has pushed the payback period to the present day.

Currently the Successor Agency is hindered in its ability to dispose of property because State law will not allow disposal of property until January of 2016 unless the Agency has an approved Property Management Plan. In January of 2016 the Agency will be able to dispose of property, but only on a parcel by parcel basis. A Property Management Plan would allow for the Agency to dispose of property now without having to receive permission from the Department of Finance to sell each and every piece of property. In effect the Agency will have already approved the sale. Based on current law, property management plans need to be approved by January 2016.

Receiving an approved Property Management Plan is contingent on obtaining a Finding of Completion from the Department of Finance. As previously discussed the City owes the Agency approximately \$1,000,000. To obtain a Finding of Completion and ultimately to receive a Property Management Plan, the \$1,000,000 will need to be paid off.

While the City owes the Successor Agency \$1,000,000, prior to the dissolution of redevelopment agencies the City had advanced over \$6 million to the Redevelopment Agency. The City is unable to be repaid those loans until the Successor Agency receives a Finding of Completion. Once a Finding of Completion is obtained the process to pay back the loans to the City can begin.

Cook said in summary, the Agency needs a plan to efficiently dispose of its property. To obtain the plan, a Finding of Completion is needed from the Department of Finance. To receive the Finding of Completion, the City needs to pay back its advance to the Successor Agency. Once the Agency advance is paid back, the City can begin to collect on its loans to the Agency.

It is anticipated that the debt service on the \$1,000,000 owed to the Agency will be offset by the pay back the City will receive on its loans.

The Council accepted the report and directed staff to pursue debt financing to pay off the advance between the City and the Successor Agency.

### 15.3. Information Sharing

None

## **FIRE SERVICES**

### 16.1. Information Sharing

No information

## **PARKS AND COMMUNITY SERVICES**

### 17.1. Annual Fireworks Show and Agreement

Director Carrillo reported that in the past two years, the City of Dinuba Community Services contracted with the Pyro-Spectaculars company to provide an aerial fireworks display. The event took place at the Ventura and "M" Street Parking lot and utilized the Entertainment Plaza for the Independence Day Celebration event.

At last year's event there was a fireworks equipment malfunction that caused fireworks to enter the viewer safety area. Staff discussed the incident and recommends the event should be moved to Centennial Park which has 8-acres of open park area. If approved, the staging area would be adjacent to the park at least 1500-2000 feet from Sierra Way.

Staff seeks approval to use Centennial Park for the Independence Day Celebration event. This event includes live music, food and beverage vendors, game booths, information vendors, just as past practice has been with this event.

Informal request for proposals for the aerial fireworks display were sent to the following:

Pyro-Spectaculars, P.O. Box 1720, Coarsegold, CA 91903  
Fireworks & Stage FX America, P.O. Box 488, Lakeside, CA 92040

Only one proposal was received and that was from Pyro-Spectaculars which has supplied the last two years' pyrotechnics.

Pyro-Spectaculars submitted a proposal of \$20,000 which includes Insurance, Operator, Permits filings and Transportation cost.

The financial impact for this year's event is approximately \$30,000 and is funded from the General Fund/Community Promotion. There is an increase of \$5,000 in the proposed contract from (\$15,000 to \$20,000) due to changes in the pyrotechnics.

The additional \$10,000 consists of event programming cost:

- Stage Sound / Lighting
- Entertainment
- Advertising
- Rental Equipment – Portable Lighting
- Rental Equipment – Portable Restrooms & Wash Stations
- Staffing – Police, Fire, P&CS
- Miscellaneous Cost

Carrillo requested authorization to sign the agreement with Pyro-Spectaculars for pyrotechnics services and utilize Centennial Park for the Dinuba Independence Celebration on July 3, 2015.

It was motioned by Council Member Thusu, second by Council Member Reynosa, to authorize staff to sign the agreement with Pyro-Spectaculars for pyrotechnics services and utilize Centennial Park for the Dinuba Independence Celebration on July 3, 2015.

AYES: Reynosa, Smith, Morales, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: Harness

#### 17.2. Information Sharing

Director Carrillo reported that opening day ceremonies for baseball and softball were cancelled due to the storm.

Carrillo reported that the Cinco de Mayo event is happening this weekend, staff is preparing for the event.

Fire Chief Thompson said he will be driving the grand marshal's family in the parade.

Assistant City Manager Anderson said the honorary grand marshal is former city manager Nunes so her family will be there in her place.

Thompson reported the fire engine will be in the parade and the Council is welcome to ride it in the parade.

### **POLICE SERVICES**

#### 18.1. Information Sharing

None

### **PUBLIC WORKS**

#### 19.1. Water Conservation Update – Utility System Information; A request for Authorization to Request Proposals for Professional Services

Director Beltran shared the report.

Council Member Smith said other cities have electronic meters and he asked what electronic water meters would cost.

Director Beltran said hundreds of thousands of dollars to replace the city's meters.

Beltran explained that we have had in the past shared proposals and she described the process. She shared that the timing to proceed with electronic meter purchasing/installation is not good right now.

Council Member Reynosa stepped off the dais at 9:36 pm and returned to her seat at 9:38 pm.

Discussion about the age and production and depreciation of wells followed.

It was motioned by Council Member Thusu, second by Council Member Smith, motioned to authorize staff to issue a request for proposals for professional services from qualified consultants to conduct a Utility Rate Study and a Cost Allocation Study.

AYES: Reynosa, Smith, Morales, Thusu

NOES: None

ABSTAIN: None

ABSENT: Harness

#### 19.2. Information Sharing

Director Beltran reported that the annual Spring Cleanup event happened even though it rained.

Mayor Morales presented Chief Thompson with Relay for Life items given him in regard to the Relay for Life event for the City's support.

Mayor Morales presented a birthday card signed by Council and staff to Interim City Manager Meinert.

**BREAK**

Mayor Morales declared a break at 9:47 pm.

Mayor Morales reconvened the meeting and went into closed session at 9:56 pm.

**CLOSED SESSION**

20.1. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Number of Cases: (ONE (1) CASE)

Name of Case: City of Dinuba v. Thusu

**ADJOURNMENT**

The meeting was adjourned at 10:29 pm.

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Emilio Morales, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk