

CITY COUNCIL PRESENT: Reynosa, Smith, Harness, Thusu

CITY COUNCIL ABSENT: Morales

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

WORK SESSION

- 1.1. Update on Proposed Tulare County Transportation Impact Fees (Ben Guiliani)
Work session began at 6:00 pm

Ben Guiliani was present to give a presentation about the proposed Tulare County Transportation Impact Fees. Guiliani stated the information is the result of what has happened thus far, providing options for cities and the County to deal with traffic congestion. Tulare County initiated the process to find input.

Council Member Thusu said assumptions must have been made and asked, "What years do these numbers encumber?" Guiliani replied to the year 2040.

Council Member Thusu said we are a long way from Hwy 198, and asked what other cities are closer to Visalia's Hwy 198 than Dinuba. Guiliani said "That's where the reduced fees came about." He couldn't produce a basis and said "it is just a thumbnail estimate."

Council Member Smith asked why change the fee and Guiliani said there is no transportation impact fee now.

Council Member Reynosa asked how long the fees will be in place. Guiliani said it would be in place for 20 years. It has to be reviewed every 5 years.

Council Member Smith asked where the funding for the projects will come from for the projects. Guiliani said funding will come from the fees but it won't cover everything. They assume some of the money will still come from the state. Smith asked if the state's fees go up how it will impact these fees. Guiliani said it the fees will likely only go to road maintenance.

Vice Mayor Harness said it's his opinion that we are at the breaking point right now with fees. He said that we can't develop our golf course because of it.

Director Beltran said also to consider is that it is a fee that will be added to our impact fees. The other thing to consider is if the state or federal money doesn't come through what happens to the projects. She feels there needs to be Plan B. Will it impact development in our community because of the loss of funds should the state or federal monies not come through.

Guiliani said it is possible that if federal and state funds do not come in, the projects can be delayed. He said if we can at least have the larger cities to agree to something, then there just won't be enough money to do the projects.

Vice Mayor Harness said he would like to see what Guiliani can get out of those larger cities and bring it back to the Council with how important it is to them. Guiliani said this discussion will help the TCAG rep when it goes back to TCAG for discussion.

Guiliani said the TCAG transportation fee study will be provided to the Council. This has been a 3-year process. Guiliani reported that Visalia wanted the County to pay the same amount as the larger cities' contributions. Not all cities have been approached.

Director Beltran said the TCAG board's consideration will be to either continue the study or forget it altogether. Guiliani confirmed Beltran is right.

The work session ended at 6:28 pm.

OPENING CEREMONIES

2.1. Welcome & Call to Order – Mayor

The meeting was called to order at 6:32 pm.

2.2. Invocation

The invocation was led by Chaplain Garcia.

2.3. Pledge of Allegiance

The Pledge of Allegiance was led by Chief Thompson.

AGENDA CHANGES OR DELETIONS

None.

NEW EMPLOYEES/PROMOTIONS

4.1. Finance Services - Amy Garcia, Full-Time Billing Clerk

Director Cook said Garcia could not be present this evening and he introduced her and gave a brief background about her.

4.2. Public Works - Lourdes Chavez, Part-Time Account Technician

Director Beltran introduced Lourdes Chavez who was recently promoted to part-time Account Technician. Chavez recently worked for the Parks and Community Services Department. She will be transferring to the Transit Center to take her position as Part-Time Account Technician.

PRESENTATIONS/CEREMONIAL MATTERS

5.1. Mike Bodourian – Request for Sponsorship of the Dinuba Noon Rotary Club 2nd Annual Fall Banquet, October 2, 2015

Mike Bodourian, 130 E Tulare Street, was present with two high school performers. The performers performed for the Council a number from the upcoming Fractured Fairy Tales performance.

Bodourian requested that the Council sponsor the annual banquet.

A motion was made by Council Member Thusu, second by Council Member Reynosa to authorize a gold sponsorship of \$2,000.

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

REQUEST TO ADDRESS COUNCIL

Sandy Sills and Barbara Thiesen were present to give City Manager Patlan a “Where’s Dinuba” t-shirt and a greeting card ribbing him about the location of Dinuba.

Sills reminded the Council that the Good Morning Dinuba meeting will be held at Me ‘n Martha’s tomorrow and the Chamber Mixer will be held at the Island on Thursday from 5-8 pm.

Vice Mayor Harness said he discussed with Sills in the past the subject of police protection for large events. Sills said Chief Popovich has been able to secure police from other agencies for our events in the past. Sills said the cost has been very high; discussion followed in regard to police protection at events.

Barbara Thiesen announced that Ruiz Foods will not host the annual Ruiz 4 Kids event in Visalia this year but there will be a Dinuba event for kids on October 30 modeled after the annual Ruiz event. Thiesen said the event will include a taco truck throw-down.

Chris Launer was present to report that recently a mother and her 5 children left an abusive home. Facebook pleas in regard to the woman and children yielded help for the many things they needed to relocate.

Launer asked what is the role and responsibilities of the fire department in regard to Dinuba football games. He reported that the school district owes the fire department over \$900. The school district has an outstanding bill they owe the department and he said the district is a role model to our children. He reported that Alta Clinic has stepped in at the games providing medical presence at the games and wondered if it was some sort of stunt.

Council Member Thusu stepped off at the dais at 6:56 pm. He spoke representing Alta Family Health Clinic. He said he was approached by coaches that they needed medical coverage for all field games. A roster of physicians and PA's was provided. He said he is insulted by the statement. Dr. Thusu said Alta Family Health Clinic doesn't need any one's help with publicity.

CONSENT CALENDAR

7.1. SUBJECT: Meeting Minutes for August 11, 2015 (LB)

RECOMMENDATION: City Council to review draft minutes and adopt as final.

7.2. SUBJECT: Chamber of Commerce Annual Raisin Day Event - September 25-26, 2015

RECOMMENDATION: City Council to approve co-sponsorship of the annual Raisin Day Event including use of Vuich Park, temporary street closure for a parade, and placement of event banner across Alta Avenue.

7.3. SUBJECT: Acceptance of Minutes from City Commissions

RECOMMENDATION: Council to review and accept minutes from the Dinuba Economic Development Commission, Planning Commission, and Historic Preservation Commission.

7.4. SUBJECT: Second Reading of Ordinance 2015-07 Amending Title 2 of the Dinuba Municipal Code establishing a Public Safety Commission (JA)

RECOMMENDATION: City Council to conduct second reading of Ordinance 2015-07 by title only, waiving full reading, and adopting Ordinance 2015-07, repealing Ordinance 2015-06, and correcting Title 2 and Chapter 2.34 of the Dinuba Municipal Code establishing a Public Safety Commission.

- 7.5. **SUBJECT:** Proclamation No. 2015-13 – 120th Anniversary of the Dinuba Woman’s Club (LB)

RECOMMENDATION: Council to adopt Proclamation No. 2015-13 recognizing the 120th Anniversary of the Dinuba Woman’s Club.

- 7.6. **SUBJECT:** Proclamation No. 2015-14 – Fire Prevention Week (LB)

RECOMMENDATION: City Council to adopt Proclamation No. 2015-14 declaring October 4 - 10, 2015 as Fire Prevention Week.

- 7.7. **SUBJECT:** Proclamation No. 2015-12 – Freedom from Workplace Bullies Week (LB)

RECOMMENDATION: City Council to adopt Proclamation No. 2015-12 declaring October 18 - 24, 2015 as Freedom from Workplace Bullies Week.

- 7.8. **SUBJECT:** Master Development Schedule (DU)

RECOMMENDATION: Information item only.

- 7.9. **SUBJECT:** Authorization to Execute an Agreement between the City of Dinuba and National University (CT)

RECOMMENDATION: Council authorizes the Fire Chief to execute an agreement between the City of Dinuba and National University.

- 7.10. **SUBJECT:** Authorization to purchase one new cardiac monitor/defibrillator (CT)

RECOMMENDATION: Council authorizes the Fire Department to purchase one (1) new cardiac monitor/defibrillator from Physiocontrol in the amount of \$34,264.

- 7.11. **SUBJECT:** Award of Contract to repair City Water Well #18 (BB)

RECOMMENDATION: Council approve repairs to City Water Well #18 to include acidification of perforations and lowering of pump bowls and award the contract to Alta Pump Company in the amount of \$53,796.

- 7.12. **SUBJECT:** Bi-weekly update of West El Monte Widening Project (DE)

RECOMMENDATION: Information item only.

- 7.13. **SUBJECT:** Public Hearing for 2015 Citizens Option for Public Safety (COPS) Grant

RECOMMENDATION: Council set a public hearing for September 22, 2015, to receive public comments on the use of grant funds from the 2015 Citizens Option for Public Safety (COPS) Grant.

A motion was made by Council Member Smith, second by Council Member Thusu, to approve the Consent Calendar as presented.

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

WARRANT REGISTER

8.1. SUBJECT: Approval of Warrants for August 14, 21, 28 and September 4, 2015

RECOMMENDATION: Council to review and approve warrants as presented.

A motion was made by Council Member Thusu, second by Council Member Reynosa, to approve the Warrant Register as presented.

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

PUBLIC HEARINGS

9.1. SUBJECT: Public Hearing – Application No. 2015-08, Zone Text Amendment

RECOMMENDATION: Council conduct a public hearing, receive public testimony; close the public hearing and take the following action:

1. Conduct the first reading and introduction of Ordinance No. 2015-08 by title only, waiving full reading, amending various Chapters of Title 17 of the Dinuba Zoning Ordinance; and
2. Schedule second reading and adoption of Ordinance No. 2015-08 for September 22, 2015.

Consultant Steve Brandt was present to give information to the Council about the proposed Zone Text Amendments.

Deputy City Clerk Barkley read the title of Ordinance 2015-08 into the record.

A motion was made by Council Member Smith, second by Council Member Thusu, to adopt the first reading and introduction of Ordinance 2015-08 and scheduled a second reading and final adoption for September 22, 2015.

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

DEPARTMENT REPORTS

10.1. City Manager

- A. **SUBJECT:** Appointment of Maria McElroy to fill vacancy on the Dinuba Economic Development Commission (JA)

RECOMMENDATION: Council to consider making appointment of Maria McElroy to fill a vacancy on the Dinuba Economic Development Commission.

Assistant City Manager Anderson presented McElroy as an applicant for the Dinuba Economic Development Commission.

Maria McElroy was asked by Council Member Smith what her vision for the EDC is and she said we need to look long term. She feels that our strategy is almost always only looking to the next step.

She was asked by the Council how we could expand the east side of the city.

McElroy said look at what we already have there. Part of the specifics is not telling people what we need to do or where we need to go with it. It's important to have a plan.

It was motioned by Council Member Thusu, second by Council Member Reynosa, to appoint McElroy to the Dinuba Economic Development Commission.

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

- B. **SUBJECT:** Letter of Support for State Center Community College District 2016 Facilities Bond (LP)

RECOMMENDATION: Council approve letter of support for the proposed State Center Community College District 2016 Facilities Bond.

City Manager Patlan said he met with Ron Nishinaka of Reedley College recently who provided an update to the facilities bond the State Center Community College District is considering; a \$500 to \$600 million bond in 2016 to add and update existing facilities. It's a bond that everyone is paying toward and he feels all colleges should receive proceeds from the bond. Reedley College has been providing education since 1926. City Manager Patlan presented a draft letter for the Council's review and signature if the Council approves and will present to Nishinaka.

Council Member Smith asked if the bond is successful how it will affect the Dinuba Vocational Center.

City Manager Patlan said Reedley College is not planning to hold classes at the DVC. In a recent meeting with Dr. Caldwell the message was that at this point they are focused on their onsite vocational education.

Vice Mayor Harness said he would like to see what impact to households, use rate, and specific uses. He said he wants to know more about the bond.

A motion was made by Vice Mayor Harness, second by Council Member Thusu, to table the item until there is more information.

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

10.2. Public Works

A. **SUBJECT:** Termination of Consolidated Waste Management Authority (CWMA) Joint Powers Agreement (BB)

RECOMMENDATION: Council review and consider termination of Consolidated Waste Management Authority (CWMA) Joint Powers Agreement (JPA) and authorize Public Works Director to submit appropriate notification.

Director Beltran reported to the Council that the cities of Visalia, Porterville, Lindsay, Dinuba, and Tulare entered into a Joint Powers Authority to form the CWMA in an effort to comply with the California Consolidated Waste Management Act of 1989 (referred to as AB 939). The cities of Exeter, Farmersville, and Woodlake joined in 2002, followed by Tulare County in 2005. Woodlake subsequently withdrew from the JPA.

In December 1999, the cities of Visalia, Porterville, Lindsay, Dinuba, and Tulare entered into a Joint Powers Authority to form the CWMA in an effort to comply with the California Consolidated Waste Management Act of 1989 (AB 939). Exeter, Farmersville, and Woodlake

joined in 2002 followed by Tulare County in 2005. Woodlake subsequently withdrew from the JPA.

The passage of AB 939 set mandates for the diversion of solid waste to the landfill of 25% by 1995, 50% by 2000, and 75% by 2020. The CWMA was formed to combine reporting among the jurisdictions in Tulare County in an effort to collectively achieve the mandated diversion rates set forth by AB 939. This was particularly valuable to the smaller jurisdictions that did not have the staffing and/or fiscal resources to implement all of the programs to achieve compliance with AB 939. It is important to note that the CWMA's diversion rate for 2014 was 68.08% and the City of Dinuba's diversion rate was 69.15%, well above the 50% diversion mandate by 2000.

The CWMA is funded by State Bottle Bill funds and member agency contributions.

Consolidate Waste Management Authority Fiscal Year 2015-2016 Revenues:

State Bottle Bill Funds	\$123,163
Member Dues	<u>\$260,304</u>
TOTAL:	\$383,467

Member contributions are currently based on the prior three-year average of tonnage disposed. The City of Dinuba's estimated FY 15/16 Bottle Funds are \$6,372 and member dues are estimated at \$13,637.

There are two major expenditure components that make up the CWMA operating expenses. These include:

- A full-time CWMA Administrator, supervised by the City of Visalia, to fulfill the CWMA's responsibility for financial oversight, annual CIWMB reporting, Bottle Bill fund program coordination, legal updates, staff and board meeting preparation, liaison with State, haulers, and cities, and overall accountability for CWMA administration and coordination and related operational expenses; and
- Existing Programs – CWMA recycling programs include, Construction and Demolition (C&D), Household Hazardous Waste (HHW), Mandatory Commercial Recycling (MCR), Sharps Waste Management Program, Battery Collection, blue containers, and recycling education efforts (media, materials, and website).

Recent years have brought about significant changes since the CWMA was originally formed. First, CalRecycle, the State regulatory agency overseeing recycling and waste management, changed its preference of consolidated reporting of waste disposal and diversion to now holding individual jurisdictions directly responsible for compliance. Thus, the advantage of combined or collective reporting under the CWMA no longer exists. Second, larger jurisdictions have the ability, on their own, to provide the reporting and implement recycling and diversion

programs required by CalRecycle. Third, many smaller jurisdictions are now contracting with franchise waste haulers who are able to implement the programs to meet the diversion targets and provide the reporting required by CalRecycle. Lastly, the recent retirement of the CWMA Administrator has prompted the CWMA Board to evaluate the future of the CWMA.

Despite several meetings to determine what role that the CWMA may serve member agencies in the future, the Visalia City Council on August 17th voted to withdraw from the CWMA effective June 30, 2016. At the CWMA board meeting of August 20, most of the cities represented agreed that the CWMA has been an effective organization in the past, but its purpose is no longer viable. The CWMA Board took action to request member agencies to return to their respective governing boards for formal action to elect to terminate the JPA and assigned senior staff the task of preparing a close-out plan for winding up the CWMA. The CWMA Board will hold another meeting in October to discuss the termination details.

In anticipation that the City Council may elect to terminate the CWMA, staff met with Pena's Disposal to discuss the reporting requirements, bottle bill funds, outreach, and recycling programs. Pena's Disposal assured staff that they would be able to provide these services in compliance with State laws. Current CWMA membership dues and Bottle Bill funds totaling approximately \$20,000 would be used to fund these activities. In terms of ongoing diversion, the Franchise Agreement with Pena's Disposal includes language assuring that the City will achieve the 75% diversion goals by 2020 and commits the City to supporting local regulations, programs, and/or activities to achieve diversion. Again, the diversion rate for the City of Dinuba in 2014 was 69%. The diversion goal of 75% should be achievable by switching to the 3-can disposal system, implementing commercial recycling and food scrap collection programs.

City staff recommends that the City Council elect to terminate the CWMA. The CWMA has been an effective organization but its purpose is no longer practical. Staff is confident that by working closely with Pena's Disposal the City can implement the programs needed to continue to meet its diversion rate. City staff intends to continue to communicate with other senior staff of the various agencies as it relates to waste management issues.

The fiscal impact for participation in the CWMA is approximately \$20,000 annually (\$6,000 in Bottle Bill funds and \$14,000 in member dues). These funds will now be available for all waste management and diversion activities. The CWMA reserves of approximately \$1.0 million will be returned to member agencies on a pro-rata share once all of the affairs of the Authority have been settled.

Vice Mayor Harness asked waste-hauler services provider Art Peña if this is already in place or will it add increase to our services from Peñas.

Peña said we should not see fees over what the bottle bill fund provides. Peña said it should be a seamless transition.

Council Member Smith said he has not seen a value in the CWMA for over a year and that he has known for a long time that CWMA staff turn in the information and don't do a good job of it. He said he has commented to the rest of the Council that he would be willing to see someone hired to do some work for us. He said he's excited that programs were one size fits all but locally we might be able to do something that fits us better.

Vice Mayor Harness said he would like to do the same with Tulare County EDC and he said he would much rather give the contributions to Dinuba EDC.

A motion was made by Council Member Smith, second by Council Member Thusu, to elect to terminate the Consolidated Waste Management Authority (CWMA) Joint Powers Agreement.

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

MAYOR/COUNCIL REPORTS

11.1. Chamber of Commerce Business and Community Mixer – Thursday, September 10 from 5 to 8 pm at The Island, 2099 E El Monte Way, Dinuba (Mayor)

Vice Mayor Harness shared information about the upcoming community mixer.

11.2. League of California Cities Annual Conference – September 30 through October 2, San Jose (Mayor)

Vice Mayor Harness shared information about the League's annual conference.

11.3 Woman's Club 120th Anniversary – October 27 at 5:30 pm, Alta Historical Society (Mayor)

Vice Mayor Harness shared information about the upcoming Dinuba Woman's Club 120th Anniversary Celebration event.

11.4. Items from Council Members

Council Member Smith announced that the LNTC welcome reception will be held September 17 from 5:00 to 6:30 at golf course.

Council Member Smith thanked Beltran for her work with CWMA.

Smith said he is concerned about the school district not paying their bills. He asked staff if they are paying staff when they are present at school games.

Council Member Smith announced he will be absent at the September 22nd meeting.

Council Member Thusu announced AB 31 has been repealed. He said cities must carefully justify impact fees. If they aren't done right we will have to return the money. Council Member Thusu complimented staff on reporting procedures.

Vice Mayor Harness said he wants to get something in black and white on how the City funds the Chamber and he wants to have something developed. Harness also said he wants to discuss the topic of our legal counsel and how we handle our legal services. He said he wants to clarify if legal counsel is a contract employee or a department head.

CITY MANAGER/STAFF COMMUNICATIONS

12.1 Items from Staff

City Manager Patlan announced that on September 10 the League Division Board will be hosting a special Board meeting at la Piazza Restaurant in Tulare.

ADJOURNMENT

The meeting adjourned at 7:45 pm.

Emilio Morales, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk