

COUNCIL MEMBERS PRESENT: Payan, Smith, Wallace, Morales, McKittrick

STAFF MEMBERS PRESENT: Anderson, Barkley, Chamberlin, Hartley, McCloskey,  
Meinert, Nunes, Olvera, Thompson, Todd, Uota,  
Whitfield

#### CALL TO ORDER

Mayor Wallace called the meeting to order at 5:33 pm.

#### INVOCATION

Pastor Frances Leibert led the invocation.

#### FLAG SALUTE

Vice Mayor Morales led the flag salute.

#### PUBLIC HEARING

##### 4.1. Revisions to Downtown Parking

The downtown parking concerns were presented by Assistant Public Works Director Whitfield. The specific intersections for discussion were identified as:

Tulare / J Streets  
Fresno / K Streets  
K / Merced Streets  
Tulare / M Streets

##### Tulare / J Streets

Whitfield reported that the problem seems to be along Tulare Street and so traffic counters were set out for a week to measure traffic. She explained that traffic counts are taken at the 85<sup>th</sup> percentile to try to obtain an accurate count of traffic through the area. After discussion the corners needing attention were identified as the northwest; northeast and southeast corners.

##### Fresno / K Streets

After discussion the intersection identified as needing most attention was along K Street on the northwest corner. The elimination of two parking stalls was discussed on K at the northwest corner.

##### K / Merced Streets

The elimination of one stall at the northeast corner and one on the northwest corner of the intersection were discussed.

##### Tulare / M Streets

It was determined that the landscaping in the bulb-out is too high and replanting it with low growing vegetation would be optimum in improving safety at the intersection. Discussion of removing one space on the northeast corner of the intersection was also discussed.

Mayor Wallace opened the public hearing.

Kathy Lamb, 40671 Rd 88, spoke to the intersection of Fresno / K Streets; she shared concern that traffic along the west side of the church is also a safety hazard.

Frances Leibert, 276 E Fresno St, said that the Council might want to consider blocking off the spaces to see if it remedies the situation rather than permanently make the changes. She added that visibility both east and west is bad. She added for the Council's information that another church is planning to open at J and Fresno Streets and that means the corner will likely be further congested.

No other comments were brought forward from the public so Mayor Wallace closed the public hearing.

Council Member Payan suggested that a four-way stop would fix the problems.

Assistant Director Whitfield said that per our guidelines a stop sign is not warranted and it could create other issues.

Council discussion continued.

Assistant Director Whitfield said that two notices were sent to business owners and residents in the areas discussed and the notice was published twice in an effort to notify those concerned.

Council discussion followed in regard to Tulare and J Streets. The Council thought that the areas of real concern are in front of Haden Company, in front of the old Alta Advocate building, and near Bank of America.

City Manager Todd said he likes the idea of blocking the sites off to see if the changes work prior to making them permanent.

Mayor Wallace suggested blocking off all of the locations at the same time.

After discussion the proposed changes were identified as:

Fresno/K Streets:

Three parking stalls on the northwest side of K Street and one on the northeast corner near the Methodist Church.

K/Merced Streets:

One parking stall in front of the residence at K / Merced Street and two in front of the former Presbyterian Church.

Tulare / M Streets:

Trim bulb-out greenery down and take out one parking stall on the southwest side. Leave the handicap stall.

Tulare / J Streets

The corners identified needing parking stalls removed were the northwest; northeast and southeast corners.

Mayor Wallace requested that the item be brought back in 60 days to hold another public hearing to make a final decision on the parking concerns as identified.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to direct staff to temporarily close the parking stalls as described and bring the item back in 60 days for Council review.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

BREAK

Mayor Wallace declared a break at 6:37 pm.

RECONVENE FROM BREAK

Mayor Wallace reconvened the meeting at 6:45 pm.

COMMUNITY RECOGNITION AND APPRECIATION

- 5.1. 11<sup>th</sup> Annual Tulare County Spelling Bee Championship Participants
- Olivia Nelson
  - Kamea Ramos

The Council congratulated the young students for their academic achievements.

Mayor Wallace presented the students with Certificates of Achievement.

#### PUBLIC COMMENT

##### 6.1. WIC Request Authorization to Hold Farmers' Market at Vuich Park and City Co-sponsorship, May – September, 2010

Jeanne Wheaton, 1433 E El Monte Way, WIC representative, was present to request authorization to start a farmers' market to primarily benefit WIC recipients. Wheaton requested that the Council authorize the market to be held at Vuich Park and that the City Council authorize co-sponsorship of the event. If authorized, the event will be held from May through September this year.

Requirements that might be available are in question. They are asking for Vuich Park but it would require going through a CUP process which would add 45-60 days to the determination but he offered the Plaza Park location for the event which is a C-2 and the request is an allowed use at that location.

Wheaton said WIC has been running FM for about 6 years and prefers to run the market close to the office location for the convenience of the clients. Wheaton said she feels there is a great potential to grow the market. They will be able to support the market with no cash customers and they want to grow the market. The vicinity is important to establish the market. The location would work well because it's close to the WIC office located on El Monte Way. They also want it to be accessible to the general public. They want to have a grand opening on May 10.

City Manager Todd said they could probably take it to the Planning Commission in April and it would probably spill into May. If it's educational it may be done in that venue.

Wheaton said the WIC agency is required to have an educational element at every farmers market they sponsor.

City Manager Todd said that in order to hold the event at Vuich Park, there would have to be an educational, government or non-profit connection.

Director Chamberlin said staff wants to hold a health and nutrition day in conjunction with the first event in May. The City's co-sponsorship would be to involve clinics and health organizations. We currently have partnerships with Healthnet and Adventist Health and WIC also has relationships with other health agencies. Chamberlin explained that this year we just want to get the Farmers' Market started and eventually move it down to the Entertainment Plaza.

City Manager Todd said he would like to discuss this further with Wheaton as there may be an issue with generating funds for profit. The CUP process is not onerous and we can partner with WIC but it does take a little time to go through the proper channels. Todd said that overall the City is supportive of the program.

Discussion followed around the WIC store located downtown.

Armin Majarian said he, as a representative of the Chamber of Commerce, wishes to speak with Wheaton in regard to the proposed Farmers' Market. He said the Chamber of Commerce has for a while now, wanted to get more people coming to the downtown and so he wants to see the market in the downtown not at Vuich Park.

Council discussion followed.

Wheaton said WIC is not closed-minded to the idea of having the Farmers' Market in the downtown but to change the location now, change for the farmer, etc. might be prohibitive. Wheaton said Vuich was selected because of its proximity to the WIC office and because of the bountiful shade. She asked if there was shade in the downtown and she said the hours of the market would be 3-5 pm.

Mayor Wallace pointed out this will be a "for profit" event because the farmer is making a profit. He pointed out that as far as giving food away in the downtown area, Open Gate and others give food away and people seem to make their way to those places so he felt that participants would find their way downtown.

After discussion, Mayor Wallace directed Wheaton to coordinate with staff and the Chamber to see if they can form a “win-win” situation. He said the Council won’t take final action now but directed Wheaton to work with staff members Anderson and Chamberlin.

6.2. Mike Alburn, Delta Vector Control District

Mike Alburn, Delta Vector Control District, spoke in regard to a proposed ballot measure that would provide for a test lab to be built for the Delta Vector Control District. The lab would allow quick test results and thus provide quicker response to the public as to a remedy for problem areas. Alburn explained that as things are now, the results must be sent to Davis, California and it is a three-day turn around before results can be received. Alburn recited Dinuba’s past West Nile activity. We have an effort to control mosquitoes that began July 1 and finished August 2. Currently the samples are taken and shipped to Davis to be tested which delays alerts to residents. If the lab were built appropriate action could be taken from one day to the next instead of waiting 3 days.

Alburn explained the Delta Vector Control District is 712 square miles and the agency mailed out 56,000 ballots. Of those ballots returned, 50 percent plus 1 are what is needed to enable the construction of the laboratory. They are calculated at one vote per assessed value of property. Every property owner within 712 square miles has a vote.

6.3. St. Catherine’s Catholic Church, Request for Street Closure, April 2, 2010

Cruzita Diaz was present representing St. Catherine’s Catholic Church and requested a portion of Villa closed in front of church to perform the annual Stations of the Cross.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to approve the street closure request made for St. Catherine’s Catholic Church.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

6.4. *Unscheduled. At this time, the public wishing to address the City Council on any matter should approach the podium and state their name, address and the nature of their request.*

Irma Faria, 41862 Rd 68, asked the Council why it’s not taking a closer look at Living Word Fellowship Church’s plans to build a large facility on Rd 68.

Meinert said staff has looked at the item and consulted with the County on the item and we understand the scope and as we go forward with our plans to do a sphere of influence amendment, this property will likely be within the sphere of influence and we will have the opportunity to annex it into our city limits. He explained the General Plan was done in 2008 and SOI amendment will be done later this summer.

Jose Faria, 41862 Rd 68, said the City is not coordinating well the projects with the County. Faria said he is concerned for the impact on the groundwater. He asked why the City is not providing sewer services to the proposed church location as he feels the area’s groundwater will be contaminated within a few months. He went over a list of items that the City requires but the County does not. He said he has spoken with the County and he wanted to express his concerns to the City Council.

City Manager Todd said the septic issue is something the property owners must take to the County. Todd said the church has spent close to two years at the County dealing with this very issue and the City supports the position that was just stated by Faria. Staff feels the standards that are used within the 20 year boundary should be used. Todd said we along with 7 other cities have taken that position but the County is reluctant to see it our way. There are people that see it the County’s way and don’t want cities to interfere. The City’s position is that the property is within our 20 year boundary and we feel we have a right to say what the standards are. Todd also said that the County would also not allow the life safety of anyone living in the area to be affected.

CONSENT CALENDAR

- 7.1. Approval – City Council and Redevelopment Agency Joint Meeting Minutes, February 23, 2010
- 7.2. Acceptance – Other Agency Minutes
  - A. Pro-Youth Commission, January 21, 2010
  - B. Police Advisory Commission, February 2, 2010
- 7.3. Community Services Commission Draft Agenda, March 16, 2010
- 7.4. Pro-Youth Draft Agenda, March 18, 2010
- 7.5. Master Development Schedule
- 7.6. Notice of Completion – WWTF Bar Screens Project

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to approve the consent calendar.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

WARRANT REGISTER

- 8.1. Approval – City Council Warrant Register, February 26, March 5, 2010

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

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

MAYOR’S MINUTE

- 9.1. Letter of Condolences to City of Reedley

Mayor Wallace read the Council’s letter of condolence into the record and requested that staff send the letter to the City of Reedley.

Council discussion followed.

- 9.2. 2010 Relay for Life, Proclamation No 2010-03

Mayor Wallace read Proclamation No 2010-03 into the record and presented it to Relay for Life co-chair Maria Rocca. Several Relay for Life committee members were present to accept the proclamation along with Rocca.

The Council commended the committee for their hard work each year to make RLF a successful event.

- 9.3. Report of Washington DC “One Voice” Trip

Deputy City Manager Meinert reviewed the trip and the various meetings the participants had with various legislators and agencies. He said the group met continuously for 3 days on infrastructure, Kern Street storm drain project, transit and the vocational center expansion to complete the second floor. Meinert said that if we are successful in obtaining funding it will be just one more successful trip since staff started participating. We have received good funding in the past at about a 20-fold return. We were able to get grant funding, maintain and cultivate contacts with federal representatives and federal agencies and it’s been valuable for us. Meinert said we personally thanked Senator Boxer for the expansion of the CNG fueling project at the Public Works facility. It is a valuable process and it does return dividends and we should continue participation.

Mayor Wallace said staff did a great job and he commended Townsend Public Affairs for setting up plenty of meetings. The group took a quick tour through the Capitol and was very busy. He felt disappointed with some of the elected officials but he said it's a very different climate in DC from other years when he's attended the "One Voice" trip.

Meinert first pointed out that there is a lot of ARRA or stimulus money and we've received some of it, and Tulare County has received some as well. We haven't seen too much for transportation projects and other projects primarily because you have to have the projects "shovel" ready when the funds are awarded. Our projects didn't rank as well as others in the competition. Another thing going on is that the highway trust fund has issues and they are trying to reauthorize the transportation bill but it's been pushed back. The opportunity for Tulare County is that it appears that if the senators are successful, we should see some funding for the continued widening of HWY 99 to six lanes, we should potentially see some funding for widening of Ave 416 from our extreme western boundary to the 99 as well as some other transportation projects.

Mayor Wallace said we are in a catch 22 situation where the DVC is concerned because there is money for training at the facility but not for the building itself. He said staff pleaded their case to the legislators that it makes no sense to have funds for the instructors and supplies but not for the completion of the building.

Council discussion followed.

#### 9.4. Dinuba Lanes' Proposal, Sale of Lot and Refinancing of Loan

Armin Majarian, 4214 West Sierra, Fresno 93732, said this has been a frustrating year but he remains optimistic. Majarian said he is having trouble securing a loan based on projected sales no one wants to lend money on the bowling alley. Majarian said he realized \$155,000 in sales in 2009 and so he proposed to City Manager Todd that he would give to the City the empty lot adjacent to the bowling center in exchange for reducing the debt he owes to the City. He was told the City might credit him \$75,000 and a low interest rate which escalates over a 15 year period.

Council discussion followed.

City Manager Todd said he feels there would be a way to structure the loan. Majarian is interested in a rate that would allow him to work through difficult economic times. One thing to consider is to figure out what that interest differential amounts to and then add it to the end of the loan too so the City is made whole, not discounting that if the City gets the property back, we also lose the property tax benefit.

Majarian said he spoke to someone in the bowling business who instructed him that if the loan is redevelopment money and the business goes down it's in everyone's best interest. Majarian said he needs incentive and wants to be part of the team for him to make the business work. He said he doesn't want to cheat the City either. He said he needs to look at his finances and see where he needs to be so it works for him.

Council Member Smith asked to see a plan on paper in order to analyze it better.

Mayor Wallace said he would like to see the number of the tax increment in question.

Deputy City Manager Meinert said it's a loss of about \$7,600 per year.

Council discussion followed.

Mayor Wallace said he wants to see different scenarios on paper before a decision is made by the City Council.

City Manager Todd asked if the Council is agreeable with the interest reduction or a balloon payment in 8 to 10 years, how the Council feels about the interest reduction.

Further discussion followed.

The Mayor asked staff to bring back an amortization schedule with a 30-year balloon payment at 1.5 percent and the exchange of the vacant lot in question as discussed before final action can be taken on the request.

9.5. Information Sharing

None

COUNCIL COMMENTS

10.1. Information Sharing

Council Member McKittrick said he attended the Tulare County EDC Entrepreneurship Awards program last month where Alta Family Health Clinic was awarded the Spirit Award.

Vice Mayor Morales commented that Dr. Thutsu was happy he was nominated and won the Spirit Award.

OFFICE OF THE CITY MANAGER

11.1. Information Sharing

City Manager Todd said he spent last Friday and Saturday at a “PETS” Rotary training.

CITY ATTORNEY

12.1. Information Sharing

City Attorney McCloskey said it’s time to file the Form 700 with the filing officer and it’s an even year which means we must review our Conflict of Interest as well later in the year.

McCloskey reminded the Council that in compliance with AB1234, Ethics Training must be completed by December 31 this year and as such will be brought back prior to that date.

COMMUNITY SERVICES

13.1. Dinuba Vocational Center Facility Rental Proposed Multi-Use Discount

Director Chamberlin explained that as a means to generate additional revenues for the Vocational Center, staff will begin marketing the Vocational facility for one-time day usage along with recurring rentals. Staff would like to establish new relationships and encourage repeat business at the Vocational Center and request City Council to consider adding a multi-use discount for rental of the facility.

The criteria for the multi-use discount would require that the organization/group rent the facility for a minimum of 10 uses within a twelve month period. She explained that if the same organization reserves the facility for multiple days or uses multiple rooms, they would be eligible for the following discounts provided the dates were requested on one reservation/facility use application and that those uses occur within a 12-month period.

Chamberlin shared the use / discount breakdown as:

- 10-14 uses = 20% discount
- 15-19 uses = 25% discount
- 20-24 uses = 30% discount
- 25-29 uses = 35% discount
- 30+ uses = 40% discount

Chamberlin further explained the benefits of the multi-use discount. Chamberlin requested that the Council approve the proposed multi-use discount fee schedule for the Dinuba Vocational Center.

It was moved by Council Member McKittrick, second by Council Member Smith, to approve the multi-use discount to the recently adopted Vocational Center fee schedule.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

### 13.2. Information Sharing

None

## POLICE SERVICES

### 14.1. Lexipol Policies and Procedures Manual

Chief Olvera reported that in the year 2000, the Dinuba Police Department implemented a new Departmental Policy and Procedural Manual. The manual is a living document, meaning that it is subject to change as technology revolutionizes modern policing and new court rulings are handed down that affects current police practices. In order to address these changes, a Manual Review Board was established to assist the police administration in formulating Department Manual revisions. However, the process for implementing a new policy or making revisions to a current policy can be time consuming, thereby exposing the department and city to civil action. The process requires that all proposed revisions of the Department Manual be reviewed by the Manual Review Board, the Police Advisory Commission and City Council prior to issuance.

The Lexipol Policy and Procedural Manual was developed by Gordon Graham, Bruce Praet, and Dan Merkle, well known experts in their own fields. Bruce Praet's Law Firm exclusively handles police litigation specializing in aggressively defending police civil matters such as shootings, dog bites and pursuits, while representing management in personnel matters. The "Five Pillars of Success" founded by Gordon Graham, (Training, Supervision, People, Discipline, and Policy) serves as the foundation for Lexipol. The standard Lexipol Manual starts with over 160 individual policies based on the latest statutory and case law, addressing every current issue from use of force, to sexual harassment, to discipline, to racial profiling and everything in between. Currently the Police Department has completed the first five steps in the policy development process, which is referred to as First Year/Initial Manuals and is as follows:

1. Agency completes Questionnaire.
2. Draft Manual Completed.
3. Draft Reviewed and Corrected.
4. Manual Revisions Completed.
5. Manual Published in Print and CD.

The Second and Subsequent Years:

1. Annual Updates Sent for Review.
2. Updated and Internal Changes Reviewed.
3. Agency Changes and Updates Complied.
4. Revised Manual Published.

Chief Olvera explained the four primary advantages of the Lexipol Policy and Procedural Manual:

1. A usable, real world policy manual developed by experienced California law enforcement personnel and legal defense experts.
2. Policies that are court tested and successful in withstanding the numerous legal challenges prevalent today.
3. Annual update, keeping the agency compliant with changes from the variety of influences affecting policy.
4. A customized manual incorporating issues unique to the agency.



Chief Olvera requested that the City Council adopt the manual and authorize the City Manager to approve the Lexipol Policy and Procedural Manual for the proper administration of the Dinuba Police Department.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to adopt the Lexipol Policy and Procedural Manual and authorize the City Manager to approve the Lexipol Policy and Procedural Manual for the proper administration of the Dinuba Police Department.

AYES: Payan, Smith, Wallace, Morales, McKittrick  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 14.2. Information Sharing

Chief Olvera talked briefly about upcoming scheduled Neighborhood Watch meetings.

### ADMINISTRATIVE SERVICES

#### 15.1. Information Sharing

Director Nunes reported the Quarterly Financial Update to the Council. The information will be placed in the Dinuba Sentinel within a couple weeks.

### DEVELOPMENT & ENGINEERING SERVICES

#### 16.1. Information Sharing

Building Official Hartley said the AM/PM Market is working on plans to make corrections and will be getting resubmitted plans to get them approved. The new car wash plans were received today and Hartley said he was informed by their engineer they want to build right away.

### PUBLIC WORKS

#### 17.1. Information Sharing

Assistant Director Whitfield said staff has been investigating the intersection of College/Sierra, because it's a controlled intersection by four stop signs and there are too many people parking there. Staff is looking at eliminating the triangle parking to alleviate traffic concerns. It was originally intended as parking for police but other vehicles are parking there. There will be designated parking along Sierra Way for police vehicles and it will be done over spring break.

### FIRE SERVICES

#### 18.1. Information Sharing

Chief Thompson said the firefighters sold the Bee today for Valley Children's Hospital.

### ADJOURN TO THE REDEVELOPMENT AGENCY MEETING

Mayor Wallace adjourned to the Redevelopment Agency meeting at 8:55 pm.

### RECONVENE FROM REDEVELOPMENT AGENCY MEETING

Mayor Wallace reconvened the meeting at 8:56 pm.

ADJOURNMENT

Mayor Wallace adjourned the meeting at 8:56 pm.

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Mark Wallace, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk