

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

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, McCloskey, Nunes,
Olvera, Thompson, Todd, Uota

WORK SESSION

The work session was called to order at 5:38 pm.

1.1. BUDGET DISCUSSION (Continued from May 25, 2010)

- A. Fire Services
- B. Police Services
- C. Other

Chief Thompson presented the proposed 2010-2011 Fire Services budget.

Chief Olvera presented the proposed 2010-2011 Police Services budget.

BREAK

Mayor Wallace declared a break at 6:33 pm.

CALL TO ORDER

The joint meeting was called to order at 6:44 pm

INVOCATION

The invocation was led by Council Member McKittrick

FLAG SALUTE

The flag salute was led by Director Uota.

COMMUNITY RECOGNITION

5.1. Larry Roberts, 2010 Cinco de Mayo Grand Marshal

Mayor Wallace presented Roberts with a Certificate of Appreciation for his service while serving as the 2010 Cinco de Mayo Grand Marshal.

Roberts thanked the LNTC Class for the opportunity to be the Grand Marshal and the Council and staff for their support as well.

PUBLIC COMMENT

6.1. Sandy Sills, Executive Director, Dinuba Chamber of Commerce

Sandy Sills, Executive Director Dinuba Chamber of Commerce, was present to invite everyone to the car show on Saturday. She thanked the City for past support of the annual event.

Arts Festival in May was the beginning of something good. The high school has put together an art display at the Historical Society. The Chamber expanded on the idea and now wants to try to make this as an annual event. Sills explained that the importance of art continues to diminish in the school system and so they want to expand on the idea. Sills requested that the council consider the month of May to be Dinuba's Art Appreciation Month each year to encourage the community grasp and celebrate art. She also said she would include churches and other institutions to join in the idea. She said her purpose tonight is to "plant the seed" for the future.

Sills introduced Priscilla Madrigal owner of Manzanita Pupuseria located on Tulare Street. Sills recalled the City's 1992 Streetscape project and she said at that time, the alley was proposed to be used for temporary closures for outdoor dining. Restaurant proprietor Madrigal would like to visit this again and utilize the option during the car show event of June 12.

Priscilla Madrigal, restaurant proprietor, said would like to have an outdoor dining area because it lends a nice ambience to her business. She added that she would like to open for business earlier than she currently does in order to serve breakfast.

Council discussion followed as to the closure for the car show. She was directed to work with staff in this regard.

- 6.2. *Unscheduled. At this time, the public wishing to address the City Council and/or Redevelopment Agency on any matter should approach the podium and state their name, address and the nature of their request.*

Edith Allensworth, President of the Senior Center Board, was present to thank the Council for what they have done for the Senior Center. She said that the last six months has been rough but she was glad to say the Center is not currently in debt. Allensworth added that the handicap parking was recently painted in their parking lot. She thanked Nunes for joining the board meetings when she is available. Allensworth said the Center is on a volunteer basis now. Debbie Carter has been volunteering to handle the books for the Center and she too has been very helpful.

Allensworth said there will be a fundraiser BBQ on Saturday, June 26 at the Center and tickets are available. Again, she was very thankful for the City's support. She also thanked City Attorney McCloskey for lending a legal ear to the Center.

CONSENT CALENDAR

- 7.1. City Council / Redevelopment Agency Meeting Minutes, May 25, 2010
- 7.2. Other Agency Meeting Minutes
 - A. Parks and Community Services, March 16, 2010
 - B. Pro-Youth Commission, April 15, 2010
 - C. Dinuba Economic Development Committee, May 16, 2010
- 7.3. Amendment to the Local Miscellaneous CalPERS Members Contract to Provide Two Additional Years Service Credit for Additional Local Miscellaneous Employees, Resolution No 2010-26
- 7.4. Tulare County Association of Governments Joint Powers Amended Agreement, Resolution No 2010-30
- 7.5. Set Hearing Date, June 22, 2010
 - A. Gann Appropriation Limit
 - B. Capital Investment Plan
 - C. 2010-2011 Fiscal Year Budget
- 7.6. Set Hearing Date – Utility Rate Adjustment, July 27, 2010
- 7.7. Set Hearing Date – Levy Assessments on Lighting and Landscaping Districts, June 22, 2010
- 7.8. Targeted Employment Areas for the Sequoia Valley Enterprise Zone, Resolution No 2010-29
- 7.9. Master Development Schedule

It was moved by Vice Mayor / Vice Chair Morales, second by Council / Board Member McKittrick, to approve the consent calendar as presented.

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

WARRANT REGISTER

- 8.1. Approval – City Council Warrant Register, May 28, June 4, 2010
- 8.2. Approval – Redevelopment Agency Warrant Register, May 28, June 4, 2010

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

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

MAYOR'S / CHAIR'S MINUTE

9.1. Information Sharing

Mayor Wallace said his son Joshua will be wed on Saturday.

COUNCIL / AGENCY COMMENTS

10.1. Council of Cities Memorandum of Understanding

City Manager Todd said the Council of Cities recently joined in a lawsuit against the County in regard to the EIR. The overall concern of the Council of Cities is that the incorporated communities have a greater control primarily in their boundary. Staff has been working with the cities in the county to help us regulate and give cities ultimate control of the 20 year boundary and at the same time share with the county the revenues that come off that growth. We feel cities are better suited to manage their own boundaries. It creates issues when standards are instituted that don't adequately deal with urban issues. To a certain extent the County agrees with that and the COC has made a lot of headway in developing the MOU. Last December we had a draft that we felt everyone was going to sign but didn't. Now there is a more confrontational approach that will not build the relationship with the County. It's important that the County and cities understand the core issues that we have worked on for the last year and a half. It is important to pick up the baton once again and resurrect the areas of agreement and see if we can move forward to the appoint where cities can agree to the issues that are important to the County. The County is willing to do that and there are issues that the county won't agree on and we can leave those for another time. We need to recognize that there are differences in the needs of all cities. It may be important to recognize that we won't have a "one size fits all" MOU and we craft an MOU that has flexibility. Staff doesn't think anyone wants to push this away for another time. It is important and we should at least give it a try.

Council Member McKittrick agreed with City Manager Todd and he thinks we are very close to a solution with the County unlike other cities. He doesn't feel that we are going to battle or even to a lawsuit down the line, it is unnecessary. McKittrick said we are close enough that we can reach an agreement with the County and we can craft our own. We have chosen Dan Meinert and he has agreed to continue working on this as he has already done so much of the work. McKittrick said he feels we should go forward to "lead the charge."

Mayor Wallace asked if Visalia is the only city that is not in agreement with the County on certain issues. He also asked if Visalia was taken out of the equation are we close in striking a deal with the County?

Todd said Visalia has unique issues, like the freeway and Goshen, those are not issues that will get solved with the MOU and to the extent that it is the only way to resolve those issues, maybe that is the case. Tulare has unique things too, the freeway, annexation, development. Each of the larger cities has sticking points but as a Council of Cities, we agree on 80 to 85 percent of the issues. That is the core of the MOU. You let the cities craft their particular needs and they can decide how hard to push or not to get to the MOU in regard to their particular issues. We can put together the core MOU and then have boxes that can be checked as to how important they are.

City Manager Todd said the other element is that we all recognize that fact that there needs to be revenue sharing because that helps the County justify the MOU. The state, to the extent that it can get revenues from cities, it gets them what they want without getting into the development business as the state is not equipped to do so like cities. The revenue sharing piece can then decide the value of the extra things from the County in terms of what they are or are not willing to share with the County.

If we get back to the zero to 85 percent, the rest they can work out in terms of other gives and take the County wants.

Council Member Smith said if everyone's having their own understanding, why can't we be independent.

McKittrick said we're trying to bring all the cities together, which may not be possible. This started 5 years ago so each city came together to really see what we can do to bring it together and unify the cities because at that time it was cities against the County. We are trying to bring it together where we can all get together.

City Manager Todd said when it started it was because cities were treated differently by the same policy that the County had on annexation. We all shared that concern. We need to stick together to resolve shared interest because there is value in the County seeing us together but recognize we are all a little different. We want them to know we are with them on this but we are not willing to go toward a lawsuit. We may very well have to do our own thing.

Council Member Smith said we have already wasted enough time on this. He feels we should take our own MOU to the County now.

Council discussion followed.

Todd said he feels we have to take that step to the Council of Cities and see if we can make it work and then make them understand we are going to go forward.

Mayor asked what of the time frame.

Todd said at the next COC meeting it can be approached and get a handle on how they feel. Next meeting is in July. We must also discuss with the County as well.

Mayor Wallace asked if we took it to the county and some of the cities are not on board, do we partner with them and let the others do their own thing?

City Manager Todd said at some level you have to do so but they need to understand that some of the issues are important to us and some aren't. We need to put something together before October this year. The county has to be in agreement too.

Council discussion followed.

Mayor Wallace compared the County's cities to the League's cities. At some point you have to do what is best for Dinuba and leave the rest.

Todd said we aren't saying that we would do anything that we haven't all agreed that we would do.

Mayor said lets camp around those agreeable and if they aren't leaning in that direction we need to cut ties.

Todd said we are going to try to make this work by October.

Council discussion followed.

10.2. Information Sharing

Each Council Member said Patty Hartman called them individually thanking them for their support during her employment with the City.

PUBLIC HEARING

11.1. Downtown Parking Safety Strategy, Resolution No 2010-31

Director Beltran reviewed the history of the downtown parking issues. On December 8, 2009, the City Council was presented a request to install multi-way stop signs at intersections in the downtown where visibility issues exist. With that request staff collected the traffic data for the identified intersections to determine if multi-way stop sign installation was warranted and the results were presented to City Council on February 9, 2010. Based on the data collected it was determined multi-way stop signs are not warranted per MUTCD standards. The City Council conducted a public hearing on March 9 as to the proposed “no parking” setbacks/visibility clearances in the downtown area to deal with visibility issues as a result of not meeting warrants for other traffic control devices. Having received no conflicting public comments the City Council directed staff to implement “no parking” setbacks at various intersections for a 60-day trial period and directed that another public hearing be held to determine if the setbacks should be permanently implemented. The affected intersections are Tulare and J Streets, Fresno and K Streets, K and Merced Streets, and Tulare and M Streets. Per Police records one additional accident occurred at the Tulare and J Street intersection during the trial period, however this was a DUI related occurrence. To date, no negative comments regarding the “no parking” setbacks have been received.

Beltran added that a second notice of a public hearing was mailed twice to all affected businesses or residences within one block of the respective intersections and a paid advertisement was printed in the Dinuba Sentinel and Advertiser. With this Beltran requested that the Mayor open the public hearing to gather public comments in regard to this matter.

Mayor Wallace opened the public hearing for public comments.

Lupe Hernandez, 133 West Tulare Street, said the P&A Café will be affected by the closure of several parking stalls. He said the business is already affected because of other business traffic. Hernandez was assured that no additional parking stalls would be removed other than those that were already temporarily eliminated.

Council discussion followed.

Beltran recommended that “no parking” setbacks at Tulare and J Streets, Fresno and K Streets, K and Merced Streets, and Tulare and M Streets become permanent, and that the City Council adopt Resolution 2010-31 approving the “no parking” setbacks.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to adopt Resolution No 2010-31 as presented.

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

11.2. [Public Hearing Requesting Authorization to apply for 2010 CDBG First-Time Home Buyer/ Rehabilitation funding](#)

A. A Resolution Of The City Council Of The City Of Dinuba Approving A 2010/2011 Application For Funding And The Execution Of A Grant Agreement And Any Amendments Thereto From The General/Native American Allocation Of The State Community Development Block Grant Program, And The Commitment Of Local Leverage Funds, Resolution No 2010-28

B. A Resolution Of The Board Of Directors Of The City Of Dinuba Redevelopment Agency Supporting A 2010/2011 Application For Funding From The General/Native American Allocation Of The State Community Development Block Grant Program, And The Commitment Of Local Leverage Funds, Resolution No 2010-03

Fiscal Analyst Avila presented a report in regard to the 2010 CDBG First-Time Home Buyer/Rehabilitation funding. He reported that the City has successfully applied for CDBG funds in the past to assist eligible first-time homebuyers to purchase homes and owner-occupants to rehabilitate their homes.

Avila reported that the City proposes to submit an application for \$600,000 to continue funding its First-Time Homebuyer and Owner-Occupied Housing Rehabilitation Programs, including funding for infrastructure in support of a Senior Housing Project. It is anticipated eight (8) households will be assisted with these funds.

The City is considering providing the following local leverage of \$51,000:

In-Kind City Staff Time	\$ 12,500
Contribution for Program Audit Expense	\$ 1,500
RDA – Housing Set Aside Fund	\$ 35,000
Contributions for Building Permit Fees	\$ 2,000

Avila requested that the Mayor conduct the public hearing to take comments from the public regarding the Application for 2010-2011 Community Development Block Grant General/Native American Allocation Funds and following the public hearing, staff requests that the City Council and Redevelopment Agency Board adopt Council Resolution 2010-28 and Redevelopment Agency Resolution 2010-03.

Mayor / Chair Wallace opened the public hearing.

No comments from the public were brought forward.

Mayor / Chair Wallace closed the public hearing.

It was moved by Vice Mayor / Vice Chair Morales, second by Council / Board Member McKittrick, adopt Resolution Nos. 2010-28 and 2010-03 as presented.

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

OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

12.1. Information Sharing

City Manager Todd said he will be out of town Wednesday and Thursday representing the City in Kemper Rewards Program.

DEVELOPMENT & ENGINEERING SERVICES

13.1. Request for Deferral of SDC Fees - AM/PM Market

Fiscal Analyst Avila said this is a request from Alta Fuels Inc. to defer the payment of their land System Development Charges (SDC) on the Arco AM/PM development project.

On May 22, 2010 Alta Fuels Inc., the developer for the Arco AM/PM project submitted a request to defer the payment of their System Development Charges (See Exhibit "A") for a total amount of \$111,000. The Dinuba Municipal Code includes the provision of installation payments. This provision is granted only if it is in the best interest of the City. The payment installation option that is generally offered to commercial projects includes a 20% down payment and five (5) equal installment payments (principal only) due on the anniversary of the issuance of the Certificate of Occupancy. Only the "land" component of our System Development Charges can be deferred. The building permit fee, related development fees and the "building" component of our System Development Charges must be paid at the time the building permit is issued. If the request for a deferral is granted, the developer must agree to execute a Promissory Note, secured by a Deed of Trust that shall be recorded against the subject property and shall constitute a lien. Granting this request will delay the receipt of the impact fees due on this project. Although the City will eventually receive payment in full, the installation of extra capacity facilities may have to be delayed.

Council discussion followed.

It was moved by Council Member Mckittrick, second by Vice Mayor Morales, to approve the request to defer the SDC fees for AM/PM Market as presented.

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

AM/PM Market partner Paul Kailey said the project is now in the financing stage and he is attempting to get it constructed in 2 to 3 months. It should be open between 90 to 120 days and he hopes it will be open for business by the end of the year.

13.2. [Accept Engineer's Report, Authorization to Mail Assessment Ballots and Set a Public Hearing \(Lincoln-McKinley Estates\)](#), Resolution No 2010-27

Fiscal Analyst Avila presented the request to the City Council to consider adopting Resolution No. 2010-27 approving the Engineer's Report prepared for the Lincoln-McKinley Estates Landscaping and Lighting District; authorizing the City Clerk to mail assessment ballots; and setting a public hearing date for July 27, 2010.

Avila said that the purpose of a Landscape and Lighting District is to provide a source of funding for the maintenance and service of landscaped areas and public lighting facilities installed in a new residential development. A comprehensive Engineer's Report has been prepared for the subdivision known as Lincoln-McKinley Estates. Only the amenities that represent a direct benefit to the residents that will live in the new development have been included in the scope of the proposed district. Per the Engineer's Report, the total cost to maintain the referenced development is estimated to be \$4,146 per year. It is therefore recommended that each of the 15 residential units be assessed \$276.38 annually, to fund these costs. Pursuant to current California legislation, an assessment on real property can only be imposed if it has been elected by the record property owner. All property owners affected by the formation of this Landscaping and Lighting District will be given the opportunity to vote on this matter through a mail ballot election. In order to account for inflation and other cost increases, it is proposed that the identified total maintenance cost be adjusted annually commensurate to the Consumer Price Index (CPI), all Urban Consumers, US City Average, December to December. The provisions of Proposition 218 require that a public hearing be held no sooner than 45 days after the ballots have been mailed. At the public hearing, ballots will be opened and excluding a majority protest, the assessment district will be formed and the identified per-unit amount will be levied beginning in fiscal year 2010/2011.

Avila pointed out that the annual cost to maintain the amenities in the proposed district is estimated to be in excess of \$4,000 per year. If the expense is not recovered through the formation of a special assessment district, the cost to maintain the newly installed amenities will likely need to be subsidized by the general fund or other local operating fund(s)

Council Member Smith asked if we sent out two ballots.

Avila said there are 3 ballots.

Council discussion followed.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to adopt Resolution No. 2010-27 approving the Engineer's Report prepared for the Lincoln-McKinley Estates Landscaping and Lighting District; authorizing the City Clerk to mail assessment ballots; and set a public hearing for July 27, 2010.

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

13.3. Information Sharing

None

FIRE SERVICES

14.1. Homeland Security Grant Program

Chief Thompson reported that the United States Homeland Security Agency has awarded the County of Tulare \$975,720 to be dispersed to various agencies throughout the county. These funds are specified for projects that enhance security and safety for the citizens in our county including the citizens in Dinuba. Agencies wishing to fund a project that matches the program's goals and objectives are welcomed to submit a proposal for their project by June 11, 2010.

The Dinuba Fire Department would like to submit a proposal to purchase a Medical Oxygen Generating System. This system will allow our department to generate medical grade oxygen and fill bottles in house. This will eliminate the possibility interrupted supply of medical oxygen. This system will also allow Dinuba Fire department to provide oxygen to clinics, doctor's offices and other agencies in emergencies or during times of disaster. Our proposal to the Grant Approval Authority will request \$74,000 to purchase the system. If the Council approves the request, one hundred percent (100%) of the funding would be provided from the Homeland Security Grant Program.

Chief Thompson requested that the City Council approve the Fire Department's request to submit the proposal to the Approval Authority Board as presented.

It was moved by Council Member McKittrick, second by Vice Mayor Morales, to authorize staff to submit the proposal for the Homeland Security Grant as presented.

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

14.2. Information Sharing

None

POLICE SERVICES

15.1. Valley Oak SPCA Agreement Renewal

Chief Olvera shared that the City of Dinuba has participated in a service agreement with Valley Oak SPCA for the sheltering of impounded animals since 1995. Due to the increased cost of operations, SPCA was forced to raise their fees.

In previous years, the per-animal calculation method did not cover all costs associated with animal control. Valley Oak SPCA paid the unpaid costs associated with annual city contracts with the donations and bequests from the community. Valley Oak SPCA cannot continue to subsidize the costs and has therefore, revised the contract charging each city the actual costs associated with animal care and control services that are being provided, which include dog impounds, dog and cat quarantines, livestock, and disposal of animals.

The SPCA cost for fiscal year 2009/2010 is projected at \$35,668. The cost for fiscal year 2010/2011 is estimated to be \$37,292.

Olvera requested that the council consider and approve the proposed agreement renewal with Valley Oak SPCA as presented.

Council discussion followed.

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

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

15.2. Information Sharing

Chief Olvera reported that gang officers and detectives and detective supervisor put into place a detail to apprehend some parole and probation violators. The action was done this afternoon and the results are not yet known. There were six locations to be searched throughout the community. The presence of officers and identification of gang members is important.

ADMINISTRATIVE SERVICES

16.1. Information Sharing

Director Nunes reported she attended the Senior Center's ice cream social on May 26. Their next board meeting is on June 18 which she said she plans to attend.

CITY ATTORNEY

17.1. Information Sharing

None

COMMUNITY SERVICES

18.1. Information Sharing

None

PUBLIC WORKS

19.1. Information Sharing

None

BREAK

Mayor / Chair Wallace declared a break at 8:11 pm.

RECONVENE FROM BREAK

Mayor / Chair Wallace reconvened the meeting at 8:20 pm.

BUDGET DISCUSSION (Continued from May 25, 2010)

1.1.C. Other

Director Nunes presented the "Other" fund information which are the Redevelopment Agency Administration Funds 012; 022; 031; 032.

Council/Agency discussion followed.

20.1. Public Works

Director Beltran presented the Public Works budget presentation.

Council discussion followed in regard to the utility rates. The Council was in agreement to raising the rates in 2010/11. Discussion continued as to the City's reserve account. The Council said we need to cut back more due to our low reserves.

City Manager Todd said we shouldn't cut more right now because we will cut into our "core" services. He recommended that we wait. It would be detrimental to a community's service point of view to cut core services.

Mayor Wallace asked whether or not we know if the state is coming back for more funds from us and if so, what are we going to do?

Todd said the state is coming after social services, there was a comment in the LAO information that hinted they are not coming back after redevelopment again and so we don't know where they will come for more money.

Council discussion followed. They talked about raising the rates in 2010/11 by \$3.84 per month and the senior discount remains. The Council agreed that the proposed budget should include the proposed increase.

CLOSED SESSION ACTION

20.2. Meet and Confer

Pursuant to Government Code Section 54957.6, the City Council met in closed session with City Manager Todd to discuss meet and confer.

Council directed staff to continue negotiation efforts.

ADJOURNMENT

The meeting was adjourned at 11:20.

Mark Wallace, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary