

COUNCIL / BOARD MEMBERS PRESENT: Payan, Smith, Morales, and McKittrick

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

#### CALL TO ORDER

The joint meeting was called to order at 6:35 pm

#### INVOCATION

The invocation was led by Council Member McKittrick

#### FLAG SALUTE

The flag salute was led by Pastor Hall.

#### EMPLOYEE SERVICES AWARDS

- 4.1 Jayne Anderson was recognized for 20 years of service.
- 4.2 Joseph Brockbank was recognized for 5 years of service.

#### PUBLIC COMMENT

- 5.1. City Manager Todd explained the request made by the First United Methodist Church to conduct their annual event. The Department Heads have reviewed this request and recommend that the Council approve the request for street closure at Fresno Street between J Street and K Street.

It was moved by Council/Board Member McKittrick, and second by Council/Board Member Smith to approve the street closure.

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

- 5.2. Pastor Hall approached the Council regarding the Dinuba First Assembly of God request to close Mono Street between L Street and College to conduct a Fresno Community Food Bank Fair.

It was moved by Council/Board Member Smith and second by Council/Board Member McKittrick to approve the street closure.

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

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

#### CONSENT CALENDAR

- 6.1. Other Agency Minutes
  - A. Parks and Community Services, June 15, 2010
  - B. Planning Commission, June 10, 2010

- 6.2. Fire works Ordinance Amendment, Ordinance No 2010-05, Second Reading, Waive Reading in Full.

It was moved by Council/Board Member McKittrick and second by Council/Board Member Smith to approve the consent calendar as presented.

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

#### WARRANT REGISTER

- 7.1. Approval – City Council Warrant Register, July 16, 2010  
7.2. Approval – Redevelopment Agency Warrant Register, July 16, & 22, 2010

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to approve the warrant register as presented.

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

#### MAYOR’S / CHAIR’S MINUTE

- 8.1. Information Sharing

Vice Mayor Morales said that Mayor Wallace was absent due to illness.

#### COUNCIL / AGENCY COMMENTS

- 9.1. Cancellation of August 24, 2010 City Council/Redevelopment Agency meeting

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to approve the cancellation of the August 24 meeting.

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

- 9.2. League of California Cities South San Joaquin Valley Division General Membership Meeting (Reedley) August 12, 2010.

City Manager Todd told Vice Mayor Morales to contact Linda if he plans to attend and she will make his reservation.

- 9.3. Information Sharing

Council Member McKittrick said that he attended the TCAG meeting and the discussion was in regards to Road 80 and Ave. 416. Both projects are on schedule with continuation of Road 80’s Phase II and soon to begin phase III. Currently they are waiting on funding for the plans to expand Avenue 416 and the bridge. Hopefully this will go into effect within the next two to three years. The Korean Consulate was here to visit the monuments and to introduce the new Consulate General. They presented Council Member McKittrick with a letter opener, decorative box and pearl inlay coasters. The City in turn gave a gift basket. In the last four to five years the City has been working towards establishing a sister city with Korea.

Council Member Payan said that he also attended the TCAG meeting and was very interested in the information shared at the meeting. They spoke of past Korean residents of Dinuba, Johnny Chang, Judge Kim and a few others.

Council Member Smith said that Korea has become a global player. Bobcat has been in business since 1958 and is the largest manufacturer of the American built skid steers. Doosan, a Korean, company bought them out. Rumor has is that Doosan has their sites on Caterpillar. Bobcat, being one of the largest dealers of the Doosan Company, had Korean visitors out in February.

Vice Mayor Morales said that the old tire shop, H&H, and the house next to the Nakashima store, has been demolished.

#### OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

##### 10.1. 2010/2011 HOME Investment Partnership Project Grant, Resolution No. 2010-37

Assistant to the City Manager, Jayne Anderson stated that this is in regards to the Senior Housing Project that has been in the planning stages for a while. Requesting authorization for home funding of 6.1 million grant under the State Department of Housing and Community Development. This is a joint project with the Chelsea Investment Corporation. The Chelsea Co. has applied for tax credit funding again, but should they be unsuccessful, they will need to seek funding under the Home Project funds, therefore, this request is to authorize application. The request is for Council to adopt resolution No. 2010-37 authorizing application. There is one correction on the resolution; it indicates the amount of 5,100,000 but it is actually 6.1 million.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to approve Resolution No. 2010-37.

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

##### 10.1. Information Sharing

None

#### PUBLIC HEARING

##### 11.1. Lincoln/McKinley Estates, Formation of Lighting and Landscaping District, Resolution No. 2010-42

Fiscal Analyst Avila presented this item to the Council. He stated that this item represents the final step in the established formation proceedings for new special assessment districts. These special district funds are necessary to fund the expenditures associated with new residential development which include maintenance of landscape areas, utility expenses, and vandalism mitigation. A comprehensive engineer's report was prepared for this subdivision, identifying the total cost to maintain the Lincoln/McKinley Estates Lighting and Landscape District. On June 10, 2010 assessment ballots were mailed to all property owners of the proposed district. It was then requested that Council open a public hearing to take testimony regarding this matter, and immediately following, the results of the assessment ballots will be tabulated and announced.

Vice Mayor Morales opened the public hearing.

Jennifer Kubar, who resides at 640 Lincoln Ave. approached the Council. She stated that her property is an existing home next to the Lincoln/McKinley Estates. She is confused as to why she and her neighbor Mr. Burgen and the vacant lots will be paying for this assessment. She then quoted Council, "Each of these parcels receives special benefits above and beyond any general benefit to the public". She asked "what special benefit is it to her, since she has no children attending the school.

She also stated that she was made aware that several residents attended a past City Council meeting and voted for a walkway or a street. Several of the nearby residents voted for a walkway, but yet they are not being asked to pay for the walkway. The walkway is used by children who attend Lincoln School and Washington Jr. High. She asked for an explanation as to why the assessment is being imposed on only three property owners?

City Manager Todd explained that the assessment is not used for the walkway, but for the maintenance of the landscaping and the cost of electricity and the public improvements that are part of that sub-division that requires on-going maintenance. Either the general community pays for that cost of the assessment or the properties who asked for the amenities through the act of the sub-division. The amenities of each sub-division are requested and paid for by the property owners within every sub-division in this community.

Less Feland resides at 610 Newton Dr. approached the Council. Developer of the sub-division wanted to know why the established standard sufficient lighting that was installed was not considered sufficient after damage had been done to the lights. Now it is required to install additional taller lighting and make the property owners pay for that electricity expense. Request that the Council adjust the itemized list of expenses being imposed on the 15 lots, and eliminate some of the items. He also questioned how this will be handled if the 15 lots voting do not have a majority ballot outcome.

City Manager Todd explained that an option is to form an HOA to pay for the cost in that manner. He also explained that this will need to be resolved per the agreement with the city before any further building permits are issued. Either the Lighting and Landscape District be established or an HOA must be in effect.

Fiscal Analyst Avila approached the Council with the ballot results. He explained that there are three total property owners of the 15 lots. Ballot results were 4 No votes, and 11 yes votes which is a majority to form the district.

The Council discussion followed, and it was decided that this issue would be reviewed due to past circumstances which have been amended due to similar issues at another sub-division within the City. This issue will be reviewed and be presented to the Council at a later date.

Less Feland approached the Council and explained that he had initially installed the lighting that the City had established on the punch list. When damage had been done to the lights, he was approached by a city employee who informed him that he would need to install additional lighting.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member Smith and second by Council / Board Member McKittrick to review the existing property in the newly established sub-division and the lighting history.

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

11.2. Sign Ordinance Amendment, Ordinance No. 2010-04, First Reading, Read Title, Waive Reading in Full, Resolution No. 2010-45

City Engineer Uota presented the update to the Sign Ordinance and explained the revisions to the ordinance per the Councils direction given at the June 22, 2010 public hearing. The version presented has been revised to incorporate the use of A frame signs in other commercial districts. Uota requested that the City Council consider adopting Sign Ordinance No. 2010-45.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

Vice Mayor Morales requested the first reading of the Sign Ordinance.

City Attorney McCloskey; An ordinance of the City Council of the City of Dinuba amending Title 7, Chapter 72 of the Dinuba Municipal Code regarding sign standards and providing for the enactment and publication thereof. Ordinance No. 2010-04

It was moved by Council / Board Member Smith and second by Council / Board Member McKittrick to approve the introduction and the first reading of Ordinance 2010-04 and adopt Resolution No. 2010-45.

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

#### 11.3. 2008/2009 CDBG Grantee Performance Reports

Director Beltran made introduction of Self Help, Program Administrator, Karen Saucedo to conduct the presentation of this item.

Saucedo stated that this public hearing has been called to provide information to the citizens of Dinuba about the Community Development Block Grant Program. She then, presented a review of the annual grantee reports of 2008 and 2009 CDBG grants, the City's revolving loan accounts, and the 2011/12 CDBG program funding opportunities.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to approve the Annual Grantee Performance Reports for the City's 08-STBG-4842 CDBG Grant, 09-STBG-CDBG Grant, and the City's CDBG Revolving Loan Accounts.

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

#### 11.4. Public Necessity or Convenience, 393 South Alta Avenue, Resolution No. 2010-41

Director Beltran requested that the Council conduct a public hearing and take public testimony to consider making a determination that the off-sale of alcoholic beverages at the AM/PM to be located at 393 S. Alta Avenue is a "Public Necessity or Convenience" prior to the Applicant's processing the required liquor license with the State of California Alcoholic Beverage Control Board (ABC) and take action to adopt Resolution No. 2010-41.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to adopt Resolution No.2010-41.

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

- 11.5. Utility Rate Adjustment(s)  
A. Water, Resolution No. 2010-38  
B. Sewer, Resolution No. 2010-39  
C. Disposal, Resolution No. 2010-40

Director Beltran asked that the council conduct a public hearing regarding the proposed utility rate adjustments and then consider the information presented during the budget discussions and the utility rate review work session regarding the need to adjust utility rates and then adopt the enclosed resolutions making the necessary adjustments.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Payan to adopt Resolutions No. 2010-38, No. 2010-39, and No. 2010-40.

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

- 11.6. 2010 Edward Byrne Memorial Justice Grant (JAG), resolution No. 2010-44

Chief Olvera requested that the Council conduct a public hearing to allow public input on the expenditures of the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) funds and following the public hearing, that the Council consider and adopt Resolution No. 2010-44.

Council Member Smith asked if all vehicles would have this capability.

Chief Olvera said that it was unsure as to how many would be purchased, but it would definitely be in all first line vehicles.

Vice Mayor Morales asked how many vehicles.

Chief Olvera stated that there are approximately 22 vehicles.

Vice Mayor Morales opened the public hearing.

No comments from the public were brought forward.

Vice Mayor Morales closed the public hearing.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Smith to adopt Resolution No. 2010-44.

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

## PUBLIC WORKS

- 12.1. Information Sharing

None

## FINANCE & COMMUNITY SERVICES

- 13.1. Information Sharing

Director Nunes stated that soccer registration is in progress and so far there are 84 signed up to date. Summer Fun in the park ends on Friday and 102 youth were served. The After School Program will begin on August 23<sup>rd</sup>. The next Senior Center Board meeting will be held on August 12<sup>th</sup>, and it has been reported that they are doing well, money in the bank and bills are being paid. The Senior BBQ fundraiser was very successful and they look forward to having a yard sale and possibly a spaghetti dinner in the future. Finance is busy closing out the fiscal year end and preparing for our audit.

#### CITY ENGINEER

##### 14.1. Information Sharing

City Engineer Uota stated that he attended the upper Kings Basin Intergraded Regional Water Management Authority Board meeting. The board took action to accept two additional members, which are counties of Fresno and Tulare, which makes the total membership to 17. Need to update the Intergraded Regional Water Management Plan as a result of the AB32 Greenhouse Gas Reduction Measure. The next round of funding is coming from Prop. 84 and there is a very clear requirement of Prop. 84 that these regional plans need to be updated to address items in AB32 and the follow-up SB375 implementation bill. An RFP has been developed in draft form and has been sent out to seven select consultants and the final RFP will be issued by the end of the month. This means that the consultants will only have 2 to 3 weeks to prepare and submit their proposals. The Authority is up against a pretty hard deadline to have that process under way before they can apply for funding to pay for that update and subsequently for any projects that are going to follow up in the next fiscal year. They have decided to separate from the plan update is the model update which is a very expensive under taking when it was completed a couple of years ago. The model update is not a necessity to update the management plan therefore we have time to deal with the model update and that cost separately, which I think was the intention of the Authority.

Uota also added that he attended the monthly Project Development Team meeting for the 416 E. Monte Way widening project. The plans have advanced to the 65% stage, so the internal review will begin. The design is progressing on schedule, and we are looking to be bid ready in the spring of 2011. The right-of-way acquisition process is also going very well, and on schedule, with the exception of one property that has previously been discussed in closed session. Everything is going through the process in a very cooperative manner, and he does not see any problem in closing all transactions by the end of the year.

Council Member Smith asked if they pass the suspension of AB32, what is the effect? Will they move forward as if AB32 was still in place?

Uota answered that at this moment we are proceeding on that basis, because of the fact that is the way Prop. 84 was written in terms of addressing AB32.

#### CITY ATTORNEY

##### 15.1. Information Sharing

None

#### FIRE SERVICES

##### 16.1. Information Sharing

Chief Thompson stated that a request for assistance was received this morning from the community of River Kern up near Lake Isabella. An engine was sent as part of a strike team at 10 a.m. Update, as of this morning, on the fire is 4500 acres, 1500 homes threatened, 6 homes destroyed and they expect the fire to double today. Since they responded to the fire, two more fires have erupted, one in Tehachapi which is bigger and moving even faster and the second near Lake Isabella. Initially he was expecting our crews to return on Friday at the latest, but with the other two fires they may be diverted.

POLICE SERVICES

17.1. Review of Rotation Tow Agreements

Chief Olvera stated that the purpose of this memorandum is to update the Council regarding issues of concern and possible fee increases for tow companies operating under the City's Towing Agreement. He recommended that the City Council consider maintaining the current towing and storage fee rates until the April 2010, when open enrollment occurs.

Council discussion followed.

Randy Lyles of Rager Towing approached the Council and asked that the council consider keeping the current rates until April 2010.

It was moved by Council / Board Member McKittrick and second by Council / Board Member Payan to approve maintaining the current towing and storage rates until April 2010.

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

17.2. Information Sharing

None

CLOSED SESSION ACTION

Closed session called to order at 8:12 p.m.

18.1. Personnel Action

Pursuant to Government Code Section 54957.6, the City Council met in closed session with City Manager Todd to discuss personnel action.

Information only, no action taken at this time.

18.2. Sale of Agency Real Property Located at Corner of L Street and Fresno Street

Pursuant to Government Code Section 54956.8, the Redevelopment Agency will meet in closed session with the negotiator to discuss the sale of real property located at corner of L Street and Fresno Street.

Council gave direction to continue.

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

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Mark Wallace, Mayor / Chair

ATTEST:

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Linda Barkley, Deputy City Clerk / Secretary