

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

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

CALL TO ORDER

Mayor / Chair Wallace called the meeting to order at 5:40 pm.

INVOCATION

The invocation was led by Council Member McKittrick.

FLAG SALUTE

The flag salute was led by Council Member Smith.

EMPLOYEE SERVICE AWARDS

- 4.1. Delia Ruelas, 25 Years
- 4.2. Adam Flores, 10 Years
- 4.3. John Ayala, 5 Years Ayala was not present.

Mayor Wallace asked the employees to approach the dais. The department directors each gave a brief description of their employment.

Mayor Wallace presented Ruelas and Flores with a gift card in recognition of their years of service with the City of Dinuba. Ayala was not present.

PUBLIC COMMENT

- 5.1. Tulare County Supervisor Worthley - Tulare County Status Report

Supervisor Worthley, District 4, said the County budget was recently adopted and it showed more income this year than last because of the roadway money received. The budget is balanced with no borrowing or raising taxes. There was a six percent reduction achieved by holding positions open and using \$2 million in reserve funds, instilling a 9-day furlough; the Sheriff's operation incurred a 1.9 percent reduction. Worthley said that because of good conservancy the County is in good standing today. The State has not yet adopted a budget and the County is concerned. The County held a number of public hearings to make sure the titles along Road 80 project roadway are obtained.

Supervisor Worthley shared that the General Plan is nearly completed.

Discussion followed.

- 5.2. Janet Hinesly, Nebraska Park Dog Days Event, Oct 16, 2010; Request for Co-sponsorship

Janet Hinesly, 250 North K Street, talked about the Dog Days event that will occur on October 16 at Nebraska Park.

Director Nunes also talked about the activities planned for the event.

Hinesly requested that the City Council authorize the co-sponsorship of the event.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, authorize the City's cosponsorship of the event.

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

5.3. Unscheduled.

Paul Cailley, owner/developer of the planned AM/PM Market, thanked the City and Council for fee deferral. He requested that the promissory note be recorded after the bank loans the money and the ARCO loan is authorized. Cailley said the loan should be completed day after tomorrow.

City Attorney McCloskey said this could be referred to staff to work out the details as it is allowed through our municipal code.

City Manager Todd said he has the authority under the circumstances outlined in our Code, to set up a fee deferral and manage the fees to see that they are properly paid and, if not, take proper course of action to make sure that they get paid. He said in this situation, we would be third behind the bank and the ARCO loan. He said he is not too "concerned" because the project is significant enough and the amount of the fee deferral is not so great that it should go forward after the Council shares their concerns.

Council Member Smith said lately he has heard politicians talk about wanting to create jobs but this project is a good thing and it will help us to help business people.

Vice Mayor Morales asked what the amount of the deferral is and staff shared the amount is \$88,000 plus interest over 5 years.

Director Beltran said it is important to note that Mr. Cailley has already put in much of his own funds and is committed to the project.

Mayor Wallace said he agrees with the rest of the Council and yes, we are limited with what we can do to create jobs but he is in agreement.

It was the consensus of the Council to direct staff to work with Cailley as he requested.

Kathy Lamb, Road 88, Dinuba, shared there was an incident at the Methodist Church to which the police responded where a woman was not sure how to get to McKinley. When the officer finished his report he took her where she needed to go. Lamb commended the police department for community-minded staff.

The Council commended the police department for their work in the community.

Donna Mireles, 928 North Vermont, shared her concern about the burglaries in her neighborhood. She said a neighbor of hers, the Neighborhood Watch block captain, could not be present tonight because of health issues, was a victim of burglars. She said her neighborhood would like to hold another Neighborhood Watch meeting in light of the burglaries and car thefts.

Chief Olvera said it would be helpful to get a Neighborhood Watch co-captain in the neighborhood.

Council discussion followed.

Mayor Wallace encouraged Mireles to have the neighbors who have seen the suspicious behavior come forward to report such activity.

Mireles said she has been happy with the police department and she added that she will be the co-captain for the Neighborhood Watch program.

Robert Cervantes, 1365 W Kelly Drive, thanked staff and Chief Olvera for the work at the park during the Raisin Day event. Cervantes expressed concern that the Vocational Center is being sold and the potential loss of the Reedley College presence as well as the other tenants in the building.

Mayor Wallace responded staff is currently meeting all tenants of the vocational center. There is a public hearing scheduled and will invite all public to come and share their concerns on October 26.

Cervantes asked why Ruiz wants to occupy the vocational center rather than another building such as the Bret's Ford building. Cervantes continued saying that the students who attend are seeking education and some are misplaced employees.

City Manager Todd began with saying that it's incredible seeing Mr. Cervantes here tonight in light of his recent accident. He said he was delighted to see him doing so well.

Todd explained that at the last Council meeting Ruiz Foods presented a letter of intent for the purchase of the Vocational Center building. Included with the building is the parking lot on M Street. Ruiz' idea is to move their corporate headquarters and allow them to expand and to give them the type of facility that they feel will portray one of the leading frozen food manufacturers in the United States. The Vocational Center does that.

Todd explained that Ruiz looked at many sites in the City and they did not feel any of them met their criteria. They were set upon moving into something to suit their needs but also economical.

\$4.6 million; \$3 million cash; the \$1.6 million over time secured by a deed of trust against the property and pay off in ten years. Todd said there is grant money in the project and staff has been in contact with HUD and EDA and the terms allows us to pay the money back and the EDA grant would be discounted because of the length of time the facility has been in operation. The other option is that the grant money allows us to construct another facility for the same purpose. There is discretion in the law that allows the grantor to allow the grantee to use the money. We could partner with Proteus to build a facility near the bowling center, who also has funds available for the same type of facility. We could very well see a 15,000 sq ft building at some point near the bowling center for Proteus. All the tenants recognize the importance of keeping Ruiz Foods in Dinuba and keeping them downtown they are very supportive. Todd explained what Ruiz is planning to do with the building. We are trying to get short term rental facilities for both Reedley College and Proteus so it does not cost them any more money than what they are currently paying.

Todd explained more of the public hearing process and the projected timeline.

Todd invited Director Nunes to share what occurred at her meeting with Reedley College.

Nunes met with the Reedley College President and the High School Principle to discuss the classes and how the classes might be accommodated. New Covenant Care is on board to allow a lab be held at their facility and the school district can accommodate four classes.

Council Member Smith further explained why the vocational center sale would be beneficial.

Council Member McKittrick concurred.

CONSENT CALENDAR

- 6.1. City Council Meeting Minutes, September 14, 2010
- 6.2. Amending Title 2, Chapter 2.26 of Dinuba Municipal Code Relating to Dinuba Pro-Youth Commission, Ordinance No 2010-06, Second Reading, Waive Reading in Full
- 6.3. Notice of Completion – 2007 Citywide Street Improvement Project
- 6.4. Certificate of Acceptance - Avenue 416/El Monte Way Widening Project
Right-of-Way and Property Acquisitions

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

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

WARRANT REGISTER

- 7.1. Approval – City Council Warrant Register, September 17, 23, 2010
- 7.2. Approval – Redevelopment Agency Warrant Register, September 17, 23, 2010

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

MAYOR'S / CHAIR'S MINUTE

8.1. 2010 League of California Cities Annual Conference Update

Mayor Wallace said he feel what those who attended gained most is the networking behind the scenes with other communities who had great ideas to circumvent the state taking. It was invaluable to meet with the city of Lancaster and a good time of sharing with each other. The conference, he felt, lacked luster. He said he was disappointed in the League but staff and Council networked and came back with some great ideas. Overall it was a good conference because of what they were able to bring back.

8.2. Fire Prevention Week, October 3-9, 2010, Proclamation No 2010-10

Mayor Wallace read the proclamation into the record.

8.3. National Breast Cancer Awareness Month, October 2010, Proclamation No 2010-11

Mayor Wallace read the proclamation into the record.

8.4. Information Sharing

Mayor / Chair Wallace said he arrived today from visiting his father

Mayor / Chair Wallace said he attended a St Louis Cardinals ballgame last night.

COUNCIL / AGENCY COMMENTS

9.1. Letter of Resignation from Pro-Youth Commission - Lora Febres

Director Nunes said we will need to fill the vacancy on the Pro-Youth Commission soon. Commissioner Febres submitted her letter of resignation.

Commissioner McKittrick indicated she too will be resigning and Janet Hinesly, Council Member elect will also soon resign.

Mayor / Chair Wallace said he would like staff to bring forward the commission/committee status at a future Council meeting.

9.2. South San Joaquin Valley Division League of California Cities General Membership Meeting, October 14, 2010

City Manager Todd said the meeting is the monthly general meeting and will be held in Lindsay.

9.3. Information Sharing

Council Member Smith talked about the Raisin Day Parade and event this past weekend. Smith expressed his concern that it may be time to change the parade route along El Monte Way because of the heavy traffic.

Council Member McKittrick agreed with the Mayor's comments about the League Conference. He said he attended the Miss Dinuba Pageant. He added that the cities are close to coming to a consensus with the County on the MOU.

Vice Mayor Morales said he attended the Kiwanis pancake breakfast on Saturday morning and that he too was in the parade.

OFFICE OF THE CITY MANAGER / EXECUTIVE DIRECTOR

10.1. Tulare County Workforce Investment Board Annual Meeting, October 13, 2010

City Manager Todd said the annual meeting will be held at the Holiday Inn Hotel and Conference Center.

10.2. Information Sharing

City Manager Todd said several things happened at the League Conference that makes it important to attend; two of those are the seminars and our presence at the conference. The League gets all the new laws and staff gets certifications that are important because they may not be able to be obtained in a timely manner otherwise.

Council Member Smith asked about “fuel cells.” City Manager Todd said there is some technology that allows sources of cleaner fuels. Odwalla and WalMart are both utilizing them. WalMart is running theirs off of natural gas which is cleaner and more efficient. Odwalla will be running their energy off of bio-mass which is more complicated.

Engineer Uota said there was an article on 60 Minutes that identified the energy source as cell energy. It still requires electricity but by producing it on site it is a cost saving investment. The savings should pay the system off in three to five years. They come in modular sizes dependent upon the load that is required. WalMart was looking at several of the black boxes to offset their energy needs. The only byproduct seems to be water. There is a significant tax credit to the users of these products.

FINANCE & COMMUNITY SERVICES

11.1. 2009/2010 Fiscal Year End Budget Amendments

Finance Manager Cook presented the year-end budget amendments including Redevelopment. Cook requested that the City council approve the budget amendments as presented.

It was moved by Council / Board Member Smith, second by Council / Board Member McKittrick to approve the budget amendments as presented.

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

11.2. Tulare County Property Tax Administration Fees

Director Nunes said this item is informational. She said two months ago she informed the Council about the administrative fees being charged to the cities. The cities asked the County for reimbursement of the fees. The cities were charged over \$1 million collectively instead of \$38,000. Our city should have a credit of \$152,712 because of the triple flip. We sent a letter to Rita Woodard’s office at the County and they have not yet responded. The letter also requested credit for future fees.

11.3. Information Sharing

Director Nunes shared the following information:
Dog Days in the Park event, October 16 at Nebraska Park
Fall Harvest Fling event, October 30 at Roosevelt Park
After School Program is ongoing
Youth Soccer is in progress
Registration for Youth Basketball will soon occur

CITY ENGINEER

12.1. Award of CNG Fueling Facility Phase I Improvements

Engineer Uota shared that staff applied for CMAQ grant funding through TCAG some years ago for the CNG Fueling Facility Phase I Improvements project. The federal grant was for \$295,000 with a local match. As we worked our way through the approval process, we found that the estimate for the project had increased to \$400,000. We had approval to bid the project and we went back to TCAG to see if there were any other CMAQ funds available and TCAG did in fact find additional funds. We opened bids in June and we received two bids; the apparent low bidder was AMTEK Construction.

Engineer Uota requested that the Council award the bid to AMTEK Construction the low bidder.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to award the CNG Fueling Facility Phase I Improvements project to AMTEK Construction.

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

12.2. Real Property Negotiations, 597 W El Monte Way

This item was conducted in closed session.

12.3. Information Sharing

None

CITY ATTORNEY

13.1. Information Sharing

None

FIRE SERVICES

14.1. Information Sharing

Fire Chief Thompson said the Fire Fighters Association will be wearing pink T-shirts throughout the month of October in support of Breast Cancer Awareness Month.

POLICE SERVICES

15.1. Information Sharing

Chief Olvera said last week was very busy for the police department; burglaries, officer involved shooting; marijuana growers; recovering stolen vehicles. Chief Olvera reported that suspects are in custody.

PUBLIC WORKS

16.1. Fall Cleanup Event, October 23, 2010

Director Beltran shared the details for the Fall Cleanup Event and requested that the City Council authorize the event as presented.

It was moved by Council Member McKittrick, second by Vice Mayor Morales to approve the fall cleanup event as presented.

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

16.2. Well No. 16 Emergency Repair

Director Beltran requested the Council authorize the city manager to approve the emergency repair for Well No 16. She further explained the need for the repair and the cost, \$48,000, to be paid out of the water well fund.

It was moved by Vice Mayor Morales, second by Council Member McKittrick to authorize the city manager to approve the emergency repair for Well No 16.

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

16.3. Building Inspector Coverage

Beltran shared that there is an apparent need to hire a building inspector on a temporary basis. She said that we are at a point where we see the effects of staffing cuts. Development Services was reduced from 13 to 5 employees. Now we have one building official and one inspector. The need arises out of the additional housing permits. Inspections are increasing and have generally been 5 to 7 days out but they have gradually increased so that they are scheduled about two weeks out. Beltran explained incidents of concern surrounding inspection timing.

Beltran went on to explain that the building official for the City of Kingsburg is only working 20 hours a week and he is willing to come in on a temporary basis to help us with inspections. This would only be temporary and we would only keep him as long as we need to.

Mayor Wallace asked how this is helpful if our building official is going to be on medical leave.

Director Beltran said staff is in the process of recruiting another temporary inspector. She explained the process as planned.

Council discussion followed.

It was moved by Vice Mayor Morales, second by Council Member McKittrick, to authorize temporary hiring of a building inspector as presented.

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

16.4. Information Sharing

None

CLOSED SESSION ACTION

17.1. Real Property Negotiations, 597 W El Monte Way

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Manager Todd to discuss real property negotiations.

It was moved by Council / Board Member McKittrick, second by Council / Board Member Smith, to accept the written offer from the property owner for \$285,000; and, the Council directed the City Manager to enter into an agreement and execute the necessary documents based on the counter-offer as presented.

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

ADJOURNMENT

Mayor Wallace adjourned the meeting at 9:25 pm.

Mark Wallace, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary