

COUNCIL / BOARD MEMBERS PRESENT: Harness, Hinesly, Smith, Gonzalez
COUNCIL / BOARD MEMBERS ABSENT: Morales
STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, McCloskey, Nunes, Olvera,
Thompson, Todd, Uota

CALL TO ORDER

Mayor / Chair Smith called the meeting to order at 6:33 pm.

INVOCATION

The invocation was led by Pastor Mark Wallace.

FLAG SALUTE

The flag salute was led by Council Member Harness.

Carol Meinert, 868 E Sequoia Drive, Dinuba, was present to publicly thank the dispatch center and specifically Dispatcher Rose Flores for diligently assisting Meinert's great aunt.

Meinert explained she received a call on her cell phone from someone unidentified to her at the time who asked for "help" so she said she placed a call to the local dispatcher and Flores was on duty who determined the call did not originate from this call area. Flores was able to find the dispatch center phone number in the caller's locale and told Meinert she would continue to determine who the caller was and get them help. Fifteen minutes passed and Meinert received a call from Flores whom Meinert explained, was instrumental in getting help to the caller. It was later determined the caller was Meinert's great aunt calling her from the Midwest by pressing a number on her cell phone. Meinert said she feels it was Flores diligence that helped save her great aunt and Meinert thanked Rose and the dispatch center for the diligent work done to help her great aunt in distress.

Mayor Smith said it has been experience in the past to help callers who need assistance.

The Council commented on Flores' actions.

Mayor Smith stepped down from the dais at 6:42 pm to attend the Alternative Education graduation exercises.

Vice Mayor Hinesly took over the meeting in Mayor Smith's absence.

Instructor Chris Brown was present with the G.A.T.E. students to present a class project which must be presented in a public forum entitled Project Citizen Anti-Animal Abuse Advisors.

The five students asked City Council to consider utilizing the recreation department to hold a dog training course for the public.

The presentation was introduced by Brown who elaborated on the presentation.

Council Members Harness and Gonzalez commented on the presentation and encouraged the students.

PUBLIC COMMENTS

4.3. Vocational Center Comments

John Moore, 981 Lincoln Ave, Executive Director of the Dinuba Medical Center, shared information about his career and being a part of Dinuba. He shared some history about Dinuba Medical Clinic and he said he is present tonight to share about medical care. He added that Dinuba Medical Center is not a typical care facility because its staff tries to keep people healthy and out of the hospital. He shared the various services offered at the clinic and he said that the clinic has outgrown the space of 4500 sq. ft. He claimed the clinic needs space of about 10,000 sq. ft. He shared his vision of providing a medical home for the community which would include a lab, medical, dental and among other services x-ray. He said he recently signed a one year lease for the building the clinic currently occupies but shared that another larger facility must be found or they must build a new one. Moore said he foresees a possible future utilizing the vocational center as a medical facility.

4.4. Robert Cervantes

Cervantes was not present.

4.5. Unscheduled

Maria Rocca, 8093 Ave 428, invited the City Council to attend a Dawnings Pregnancy Center "Dreams and Desserts" Fundraiser on June 2, 2011.

Mark Wallace, 1710 E Gerald, said his church several years ago hosted an event called Honor our Heroes and is planning to do so again in the new church facility at 105 Auto Mall Drive. The event is planned for September 11, 2011. He said he will take nominations for candidates for the event. The event will feature a tribute and commemoration to 911 and its victims.

Moore stood up and added that the Dinuba Medical Clinic takes all patients not exclusive medi-cal and medi-care patients.

CONSENT CALENDAR

- 5.1. City Council/Redevelopment Agency Joint Meeting, May 9, 10, 2011
- 5.2. Claim for Consideration - Gabriel Benavidez
- 5.3. Claim for Consideration - Fareed O. Saphieh
- 5.4. Appointment of Decennial Review Committee, Dinuba Planning Commission
- 5.5. Avenue 416/El Monte Way Widening Project Right-of-Way and Property Acquisition Certificates of Acceptance
- 5.6. Final Parcel Map, Arroyo, APN 014-101-010
- 5.7. Muirfield III Development Agreement, Ordinance No 2011-03, Second Reading, Waive Reading in Full
- 5.8. Set Hearing Date – June 13, 2011
 - a. FY 2011-2012 Budget Adoption and Gann Limit Appropriations
 - b. City Rates and Fees Adoption
 - c. Designation of Local Historic Resource

It was motioned by Council / Board Member Harness, second by Gonzalez, to approve the consent calendar as presented.

AYES: Harness, Hinesly, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales, Smith

WARRANT REGISTER

- 6.1. Approval – City Council Warrant Register, May13, 20, 2011
- 6.2. Approval – Redevelopment Agency Warrant Register, May 13, 20, 2011

It was motioned by Council / Board Member Harness, second by Gonzalez, to approve the warrant register as presented.

AYES: Harness, Hinesly, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales, Smith

COUNCIL / BOARD COMMENTS

- 10.1. Cancellation of City Council / Redevelopment Agency Meeting, June 14, 2011

It was motioned Council / Board Member Harness, second by Council / Board Gonzalez, to approve the cancellation of the City Council / Redevelopment Agency Meeting of June 14, 2011.

AYES: Harness, Hinesly, Gonzalez
NOES: None
ABSENT: Smith, Morales
ABSTAIN: None

10.2. Set Special City Council / Redevelopment Agency Meeting, June 13, 2011

It was motioned by Council / Board Member Harness, second by Council / Board Gonzalez, to approve the June 13, 2011 City Council / Redevelopment Agency Meeting.

AYES: Harness, Hinesly, Gonzalez
NOES: None
ABSENT: Smith, Morales
ABSTAIN: None

10.3. Set Special Joint Meeting City Council / DUSD Board June 23, 2011

City Manager Todd said historically the City Council and Dinuba Unified School District Board meet periodically and the next scheduled joint meeting is proposed for Thursday, June 23, 2011. the meeting will be hosted by the DUSD Board.

10.4. City of Dinuba/ Tulare County – County General Plan Update MOU

City Manager Todd reported the process to develop an MOU with the County with regard to its General Plan Update began as a joint effort of all cities in Tulare County with the formation of the Council of Cities in early 2008. During the summer of 2010 it became apparent to the City of Dinuba that many of the issues troubling the other members of the Council of Cities did not apply to Dinuba. The City of Dinuba approached the then County Board Chair Worthley about the possibility of finalizing an MOU independent of the other cities. Subsequently, the City and Tulare County reached agreement in principle on the attached MOU in October 2010. Working on behalf of the City of Dinuba, 4Creeks, Inc. was authorized to finalize work on the MOU with the Tulare County Chief Administrative Officer (CAO) to develop the final form of the attached MOU. That MOU was considered and approved in concept by the Dinuba City Council. No final action was taken subject to the consideration and action by the Tulare County Board of Supervisors. They have since approved the MOU at an Official Meeting held May 10, 2011,

The MOU contains several key provisions:

- The SOI and the 20-year Urban Development Boundary (UDB) will be the same line. Currently the City's SOI is closer to its 10 year UDB.
- All development occurring in the SOI / UDB will be consistent with all applicable City development standards, such as land use designation, public improvement standards and financing mechanisms.
- All development that occurs in the 50-year Urban Area Boundary (UAB) will be subject to adopted City plan lines, setback standards and facility master plans.
- The City and County will work together to consider the adoption, imposition and/or collection for payment to the respective agencies Development Impact Fees (DIFs) within the City and and/or the City UDB, as may be proposed and adopted by the City or County from time to time to offset the impacts of development. The County has no DIFs but is considering their adoption.
- The City will share revenue with the County. This provision applies only to sales tax and Transient Occupancy Tax (TOT) generated from developments occurring outside the amended SOI/UDB. Pursuant to this provision the City would share an additional 3% of the sales tax and 8% of the TOT generated from developments outside the SOI. This would likely take affect 10 to 20 years in the future.

The benefits of having the MOU in place are:

- The City would have significantly more control of its future with regard to developments occurring in the SOI/UDB and UAB.
- Conflicts on development-related issues in the SOI/UDB and UAB between the City and County would be minimized.
- Future development occurring in the SOI/UDB would be consistent with City standards unlike past issues the City had with areas like the Lindara Tract and North Dinuba.
- The City would get DIFs from developments outside the City Limits in the SOI/UDB and UAB as applicable.
- The County would get DIF's from all County development to help pay for certain new or expanded County facilities, specifically roads, jails, regional parks and administrative facilities.

The only real “downside” of the MOU for the City is the provision for revenue sharing (sales tax and TOT) with the County on developments occurring outside the SOI/UDB.

Aside from the revenue sharing provision in the MOU, which will not likely occur for 10 to 20 years, there are no adverse fiscal impacts associated with this action.

Mayor Smith returned to the dais at 7:19 pm.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, for Mayor Smith to enter into the agreement to sign an MOU with Tulare County.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

City Manager Todd said the Dinuba City Council broke the log jam by saying “we’re not going to sue because the suit won’t get us anywhere.”

Vice Mayor Hinesly said this reminds her of the situation with the Holiday Inn several years ago at Rd 80 and Hwy 198 when there was a struggle between the county and the City of Visalia.

10.5. Reminder – Spring Barbecue, May 26, 2011

City Manager Todd said this is a reminder of the spring barbecue and he invited the City Council to attend.

10.6. Reminder – League of Cities South San Joaquin Valley Division Meeting, June 9, 2011

Todd reminded the City Council of the monthly South San Joaquin Valley Division League of California Cities meeting next month in Hanford.

10.7. AB 1000 (PEREA) Health Care Coverage: Cancer Treatment, Resolution No 2011-22

City Manager explained the resolution before the Council is a resolution of support for health care coverage for cancer treatment.

Council discussion followed.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly, to adopt Resolution No 2011-22 in support of AB 1000.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

MAYOR’S / CHAIR’S MINUTE

9.1. Flag Day Proclamation No 2011-06

Mayor Smith will present the proclamation at the June 14 event.

9.2. Information Sharing

Mayor Smith said he attended the following events:

Seniors Board Meeting
Holiday Inn Open House
Alternative Education graduation this evening

10.8. Information sharing

Vice Mayor Hinesly said she along with several staff and Council members attended the project open house event last week.

She noted that the recent Woman’s Club Tea was a success.

She said she can't wait for the seniors' first meal as provided by the City.

Council Member Gonzalez said he recently attended the firefighters' golf tournament.

CITY ATTORNEY

11.1. Resolution of Necessity – APN 012-320-006

This item was discussed in closed session.

11.2. Information Sharing

None

CITY MANAGER / EXECUTIVE DIRECTOR

12.1. Authorization to Withdraw EDA Grant Application

Assistant City Manager Anderson reported that on December 14, 2010, the City Council authorized staff to submit a grant application to the Economic Development Administration ("EDA") for a Public Works and Economic Development Facilities grant. The grant application was subsequently submitted on February 14, 2011. This was in anticipation of the sale of the Vocational Center to Ruiz Foods. The City was attempting to recapture EDA grant funds used to construct the original facility that might be applied toward a similar use. Ruiz Foods, however, has since chosen not to purchase the facility which negates the need for a new EDA grant.

Anderson requested that the City Council authorize the cancellation of the EDA grant application.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to authorize staff to withdraw the EDA Grant application.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

FINANCE AND COMMUNITY SERVICES

13.1. Authorization to Apply for Statewide Park Program Grant, Prop 84, Resolution No 2011-20

Director Nunes presented information about the Prop 84 grant, a Statewide Park Program Grant which staff would utilize to improve the for the Dinuba Recreation and Activity Center Project at the Bob Barker Building.

Nunes reported that In May 2009, the City of Dinuba purchased the Bob Barker building, with Redevelopment Funds for future use. Since that time the 43,000 square foot building has sat idle until the City was approached by Dinuba High School (DHS) to utilize part of the building as an indoor practice center with indoor batting cages and fundamental practice station areas. The DHS Softball program was granted limited use of the building with the Joint Power Agreement (JPA) between the City and the School District. The DHS Softball team, parents and a few local business supporters came together to cleaned up the interior of the warehouse and installed three temporary batting cages, three pitching area, twelve hitting stations and an overall training area.

At the February 8, 2011 City Council Meeting, the Finance and Community Services Department informed the Council that the City Youth Basketball program uses the Washington Intermediate School (WIS) gym for practices and games mid-December through March for 40 teams ranging from 1st – 8th grade divisions. The program had limited use of the gym since WIS also used the gym for school games, practices, tournaments and special events. A limited amount of gym time was allotted for the 40 Youth basketball teams. Because of the restricted time use of the gym the City program was limited to one practice per week per team in the WIS gym. It was then at this meeting that the proposal to use the Bob Barker Building for additional practice courts as part of a Dinuba recreation and activity center was then proposed. Staff also suggested that the building could be developed to offer other amenities such as Indoor batting cages for both softball & baseball; Baseball & softball pitching cages; Indoor soccer training; Indoor Basketball Courts; Volleyball Courts; Tennis training area; Training rooms; Meeting rooms; Party rooms; Arcade Area; Concession / Snack bar area; Skate Park (To be located in loading dock area); Youth / Teen Center; Youth Group Outings; and a YMCA.

Council approved the use of the Bob Barker Facility to be utilized by the Finance and Community Services Department as a recreation facility and rejected the two purchase offers for the property currently on file with the City. It was also noted during the February 8, 2011 Dinuba City Council Meeting that the funding for the facility could be the State (Proposition 84) Park Program Grant now in the second round of funding if received, various community grants available from local banks and businesses, one-time General Fund monies, as well as Park Reserve Fees as new development occurs. Staff then began to prepare the State Parks Grant Program application for the Prop 84 funding.

As part of the Grant Application process, Council must approve the filing of the State Park Program Grant Application by Resolution, and delegate the authority to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.

Nunes requested that the City Council consider and adopt Resolution 2011-20 authorizing staff to submit a State Park Program Grant application for the new Dinuba Recreation and Activity Center to be constructed at the Bob Barker Building and authorize the Finance and Community Services Director to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to adopt Resolution No 2011-20 as proposed and authorize Director Nunes to conduct negotiations, sign and submit documents necessary for the completion of the grant scope.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

13.2. Budget Amendments

- a. General Fund
- b. Redevelopment

Budget Manager Cook presented the proposed budget amendments and requested that the Council / Agency consider and adopt the proposed amendments.

It was motioned by Council Member Hinesly, second by Council Member Gonzalez, to approve the budget amendments as proposed.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

13.3. Dinuba Redevelopment Agency 2006 and 2007 Tax Allocation Notes Refunding

Director Nunes shared that the Agency previously issued its \$7,000,000 Subordinate Tax Allocation Notes, Issue of 2006, and its \$7,500,000 Subordinate Tax Allocation Notes, Issue of 2007. Based upon a modest increase in the assessed valuation of the Project Area due to new construction and resale activity, as well as a current decrease in interest rate, the Agency is in a position to issue refunding tax allocation bonds, to reduce the overall debt as another step in maintaining the Council's goal of Financial Stability. The original use of the 2006 and 2007 Tax Allocation Note proceeds was for improvements to the Wastewater Reclamation Plant for water removal and percolation.

The (proposed) Senior and Subordinate Tax Allocation Bond Issue (the "2011 Bonds") will include a defeasance of \$1,000,000 of current 2006 and 2007 Tax Allocation Note Principal. The source of the note retirement will come from one-time monies from Internet Sales Tax which will be a loan from the General Fund to the Redevelopment Fund at 7% interest. After meeting Thursday, May 19th with our financial advisor, Marshall Linn, it was determined that by proceeding with the refunding of the Notes issues at this time, instead of waiting until the call date of the Notes in October 2011 as well as reducing the amount of total debt required to be refunded to the bond issue, the City could save over 1.5% in interest over the term of the bonds, approximately \$3 to \$4 million.

The 2011 Bonds will be priced in the market by the second week of June, and the closing is tentatively scheduled for June 23, 2011.

The proposed Bond Issue will be secured solely by tax increment revenues generated from the Redevelopment Project Areas as amended, and will not be a debt of the City or the State, or any of its political subdivisions (except the Agency).

She added that Instead of waiting until they're due, we could save about 1.5 percent in interest over the term of the bonds.

It was motioned by Board Member Gonzalez, second by Vice Chair Hinesly, to authorize the funding as presented.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

13. Information Sharing

Director Nunes shared she enjoyed lunch with the seniors and taking the R.O.M.E.O.S. to the Bob Barker building a couple weeks ago. She expressed they are a lovely group of people whom she would enjoy spending time and having lunch with in the future.

ENGINEERING SERVICES

14.1. Purchase of CMAQ Vehicle(s)

Engineer Uota asked the City Council to consider information regarding the purchase of six (6) CNG Medium Duty Trucks and six (6) Gas/Electric Hybrid Automobiles utilizing Federal Congestion Management and Air Quality (CMAQ) grants and required local matching funds.

Uota said the CMAQ grants provide a maximum of 88% Federal funding per vehicle up to the maximum grant amounts per vehicle type. The local match required for each vehicle will be provided by the respective Department budgets. He requested authorization to proceed with the vehicles purchase.

Council discussion followed.

Mayor Smith said he would like to see us stay local and Engineer Uota said we will do so.

City Manager Todd said we have a ten percent preferential rate for local contracts. We will try to do so with these. It's not the difference in costs but its meeting the grant requirements.

It was motioned by Vice Mayor Hinesly, second by Vice Mayor Harness, to authorize staff to proceed with the vehicles purchase with the stipulation they keep the purchase local.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

14.2. Information Sharing

Engineer shared an update of the Rd 80 construction progress and said the large hole at Kern is backfilled with progress going southward. The west half of Road 80 has been ground up and is not drivable. The County and the consultant have made progress to get PG&E back on track. Utilities will be relocated.

Hinesly said the county is responsible for the houses north of the old coffee place at the corner of Alta and El Monte.

The question was raised "Why did the two houses get demolished?"

Uota said the widening of the intersection is winding up with dual right turn and left turn lanes which is seven lanes so it's a substantial widening.

Council Member Gonzalez stepped down from the dais at 8:20 pm.

Discussion continued.

Gonzalez returned to the dais at 8:21 p.m.

FIRE SERVICES

15.1. Information Sharing

Chief Thompson said a fire at South L and Ventura destroyed structural members in the attic and building is unsafe for habitation. Red Cross assisted with placement of the family.

Council discussion followed.

POLICE SERVICES

16.1. Information Sharing

Chief Olvera shared that final interviews for reserve officers were held and six candidates will be going through the process.

Chief Olvera also said that saturation DUI patrol checks will be held on May 27.

June 3 marks the beginning of the Click it or Ticket Campaign and that same day, he will host a BBQ luncheon for the officers. The location of the barbecue is yet to be determined but he said he will notify the Council of the luncheon details.

PUBLIC WORKS

17.1. Conditional Use Permit Modification Fee

Director Beltran shared information in regard to a proposed fee for Conditional Use Permit modifications.

Beltran requested that the Council set a hearing for June 13 to accept public comments regarding the adoption of a CUP modification fee.

City Manager Todd said that a driving factor for this item is the work load and staffing. Original fees required a different mix of staffing and we now have a different level of staffing so we are able to pass on reduced costs.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to set the public hearing for June 13, 2011 as proposed.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

17.2. Information Sharing

Director Beltran said with the spring semester at Reedley College ending next week DART will be changing to summer hours and return to regular hours at the end of the fall semester.

Staff received a federal earmark for another phase of expansion for the CNG station and related to transit system by installing additional stations and bays for transit buses. Funding was put into Federal administration 5309 funding and as a result we don't have the ability to enter into web system to tap into funds. We will work with Visalia because they are able to tap in. Visalia would complete the application for us and we are working with them to prepare an MOU for a small administrative fee. The draft MOU will come back to Council to consider and when and if approved staff will move forward with funding and all other elements of the process.

City Manager Todd asked if the Council wants to hold a special meeting for refunding schedule. One reason to push is rates are good but fearful fact RDA will go away in next 60 days. He added that the climate is changing again. Todd said Republicans are now backing ideas that may cause them to turn to another direction. If the Council members have time on Friday, staff will meet Conway in Tulare on this matter. If agencies are eliminated, there is no provision in proposed law to deal with refunding of notes and agencies can get caught where redevelopment is eliminated and there is now provision to refund

agencies. It's important to get this done before June's end. He asked the preference of the council to meet for a special meeting. The Council agreed on June 7, 2011 at noon.

Council discussion followed.

City Manager Todd said tomorrow is the council of cities meeting and he plans to attend with Council Member Hinesly.

Todd reported the 2001 Project LISTEN survey was located and staff plans to share the information with the Council soon.

CLOSED SESSION ACTION

18.1. Resolution of Necessity – APN 012-320-006

Pursuant to Government Code Section 54956.8, the City Council / Agency met in closed session with City Attorney McCloskey and City Manager / Executive Director Todd, to discuss a resolution of necessity in regard to APN 012-320-006.

It was motioned by Vice Mayor / Vice Chair Hinesly, second by Council / Board Member Gonzalez, to follow through with the Resolution of Necessity and bring it back to the Council / Agency for consideration.

AYES: Harness, Hinesly, Smith, Gonzalez
NOES: None
ABSTAIN: None
ABSENT: Morales

ADJOURNMENT

Mayor Smith adjourned the meeting at 9:10 pm.

Mike Smith, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary