

COUNCIL / AGENCY MEMBERS PRESENT: Harness, Hinesly, Smith, Morales,
Gonzalez

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

CALL TO ORDER

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

INVOCATION

The invocation was led by Pastor Nicolay.

FLAG SALUTE

The flag salute was led by Battalion Chief Doyle.

COMMUNITY RECOGNITION AND APPRECIATION

- 4.1. 2010-2011 Cinco de Mayo Queen
- 4.2. 2010-2011 Cinco de Mayo Princess

2010-11 Cinco de Mayo Queen Jacqueline Montejano thanked the community for supporting her during her reign.

2010-11 Cinco de Mayo Princess Stacy Garcia Rendon thanked the community for supporting her during her reign.

Mayor Smith presented the Montejano and Rendon with certificates of appreciation on behalf of the City of Dinuba honoring their community service.

The City Council members individually thanked and congratulated the young women.

PRESENTATION OF LIFE SAVING AWARD

- 5.1. Dispatcher Rosalva Flores

Lt. Popovich gave an account of the life saving actions made by Flores. On May 13, 2011 Flores received a call from Carol Meinert who had received a call from an anonymous caller requesting help. Mrs. Meinert was not able to immediately identify the caller but she in turn called 911 and Dispatcher Flores answered her call. It turned out that the caller was Meinert's great aunt living in the mid-west. After she terminated her call with Flores, Mrs. Meinert then realized who the distressed caller was and tried calling her back but to no avail as the line was left open by the caller. Meinert called Flores back who in the meantime had contacted emergency services in Illinois. By that time, assistance had been dispatched to Meinert's great aunt's location. Meinert believes it was Flores' call from the Dinuba Police Department that got the emergency services people to her great aunt in time to rescue her from a fall that rendered her immobile.

Mayor Smith presented Flores with a "life saving award" for extraordinary efforts to help save the life of Carol Meinert's great aunt thousands of miles away.

Chief Olvera described the award and said these types of honors are normally extended to military personnel, police and firemen for efforts above and beyond the normal call of duty.

Flores thanked God for giving her the opportunity to do what she does daily.

The City Council Members thanked Flores for excellent response to an emergency situation. The Council congratulated Flores.

PUBLIC COMMENT

6.1. Adventist Health – Dinuba Ambulatory Care Center, Mitch Goddard

Randy Dodd, FACHE, Executive Director, presented information about Adventist Health. He said Adventist Health is looking to bring basic medical services in order to augment the services of other health care providers in the community. Some of the services they plan to offer are urgent care, radiology, laboratory, Jobcare (occupational Medicine). Dodd shared an original concept drawing of the facility with the Council. He said the ground breaking project will be produced utilizing Starizon Studio; Disney Imagineers; Boulder Associates; GL Bruno Associates. They were all employed to help design the building to give the facility a greater experience for those who might need to attend. Dodd said they began looking at Dinuba for a long time before they prompted contact. Dodd shared that the ground breaking event is planned for July 7, 2011.

He continued saying the facility is planned to be modern, in technology and design. Dodd brought a site plan design. He provided a design plan and pointed out the building is a prototype; a template for future projects; a branding statement; it will support the majority of healthcare needs. Only 11 percent of the population needs an inpatient stay so there is a need for easy access urgent care and many communities have lost their hospitals. What does it mean to Dinuba? It will bring new services to the community, it will mean less travel for services, it means it's a business attraction and retention of new jobs and it's a community resource.

Council Member Harness asked Dodd to share what types of partnership they have with other communities.

Dodd shared they have partnerships with vendors for the gardens. A refreshment bar would be nice to have so they will seek to be able to partner with local vendors. At this point they are not sure what that means but they want to bring in the community to participate with them to make this concept work for the community.

Mayor Smith said he looks forward to the ground breaking. Dodd said the project will actually begin next week.

6.2. Sandy Sills, Dinuba Chamber of Commerce – Fireworks Display, July 1, 2011, Public Right-of-Way Closure(s) Request

Sandy Sills, 210 North L Street, presented a street closure request for the annual fireworks display. Sill shared the street level fireworks display will be held on July 1, a Friday. Some of the items planned for the event are a DJ, vendors, games for kids, watermelon for the participants, a bounce house, and fireworks in the evening. The chamber plans to solicit donations from others in the community to make this a nice event.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales to approve the street closure request for the fireworks event as presented.

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

Executive Director Sills said there were lots of cars for cruise night last Friday. There were 176 cars on Saturday. Sills expressed gratitude for the city's support for the annual event.

6.3. Ted Taylor, Dinuba Chamber of Commerce - Sidewalk Sales, June – October
2011, Public Right-of-Way Closure(s) Request

Taylor presented a request to hold sidewalk sales on Friday evenings after 5:00 pm in order to keep people downtown a little longer. He said his second goal is to have people see what there is downtown and expressed many people don't know what there is available downtown. Taylor said streets won't be blocked but tables will be placed on the sidewalks during the sales.

Council discussion followed.

City Manager Todd recommended that the Council have Taylor come back in a couple of months to see whether or not it's successful. If the events are successful the Council may at that time want authorize them for a few more weeks. City Manager Todd talked about the need for insurance which the Chamber of Commerce may be able to provide.

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly to authorize the sales for June and July and directed Taylor to return at the end of July to see whether or not the sales are effective and should be continued a while longer.

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

Robert Cervantes, 1365 West Kelly Drive, was present with questions about street sweeper schedules. He wanted to know how many street sweepers there are and how often they run their scheduled routes.

Director Beltran said there are two routes scheduled per month and they run twice a week.

Cervantes said there is a lot of trash and debris in the streets. He suggested fining people for not moving their cars off the streets on days streets are swept. He felt it was a way to create jobs. He said he would like to see something like this implemented as is in other communities.

6.5. Frank Bennani

Frank Bennani, 181 South L Street, was present to request authorization to place large pots in front of his downtown restaurant. He proposed cypress trees and in pots (2.5 feet in circumference). He also suggested bistro tables to create an ambiance for guests who are waiting for their meals.

City Manager Todd said these are good ideas and if Council would direct staff to work with Mr. Bennani to acquire the insurance and design standards approval, we could work with him to make it work.

Vice Mayor Hinesly said her only concern would be plants need water and the water will be on the sidewalk.

Council Member Harness asked if it would be a problem with other merchants because of the sign ordinance.

City Manager Todd explained that it would not be a problem and watering plants would need to be handled appropriately.

6.6. Unscheduled

Terrance Barnes, 41577 Rd 70, longtime resident, said he came to the meeting to share his feelings on the widening and possible eminent domain of taking part of the children's garden. He feels the problem is the negotiator whose ideas of the money he's invested in his property are incorrect.

Barnes talked about safety issues he felt are relevant. He talked about the landscaping and public use. He continued to talk about the proposal to take his property and redesign it.

Mayor Smith talked about the road widening project and the impacts its made on property owners.

Council Member Harness said he understands Mr. Barnes' frustration.

Council Member Morales said he too understands Mr. Barnes' frustration. Unfortunately, we are at the mercy of the state.

Barnes said his neighbors are also very upset about the project.

Vice Mayor Hinesly thanked him for the information that will help them make a more informed decision.

Sal Medina, 2099 East El Monte Way, asked for direction on an event he is handling for a client. His clients are having a 50th wedding anniversary celebration and they want to take a horse and carriage ride along El Monte Way from Villa to "The Island" where the event will take place. He asked if the police department needs to escort the carriage given the nature of the speed of the carriage.

Chief Olvera said the California Vehicle Code allows horse travel on California roads but only on 25 mph roads. El Monte Way is a 35 mph street. There is a fee for police escorts similar to funeral processions. He said he would like to look further into the CVC to see if there is a way to accommodate the request.

Staff and Medina were directed to work together on the request.

Council Member Harness asked if there will be further discussion about the store near the school in regard to the liquor license.

City Manager Todd said the item as brought to the Council relative to the liquor license. He said the time to appeal has passed but discussion can be raised about ABC's requirements. Now is the time to discuss if measurements are from property line to property line or to store line, so it can be brought back for that discussion. The only other opportunity to visit the action would be through the standards brought by ABC.

CONSENT CALENDAR

- 7.1. City Council / Redevelopment Agency Joint Meeting, May 24, 2011
- 7.2. City Council / Redevelopment Agency Joint Special Meeting, June 7, 2011
- 7.3. Acceptance – Other Agency Meeting Minutes
 - a. Dinuba Economic Development Committee, May 5, 2011
 - b. Parks and Community Services Commission, March 15, 2011
 - c. Pro-Youth Commission, January 20, 2011
 - d. Planning Commission, May 3, 2011
 - e. Police Advisory Commission, May 3, 2011
- 7.4. Parks and Community Commission Draft Agenda, June 21, 2011
- 7.5. Pro-Youth Commission Draft Agenda, June 16, 2011
- 7.6. Master Development Schedule
- 7.7. Authorization for HOME Project Administrator RFP
- 7.8. SRO City / School Agreement
- 7.9. Set Hearing – Levy Assessments on Lighting and Landscaping Districts, June 28, 2011

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

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

WARRANT REGISTER

- 8.1. Approval – City Council Warrant Register, June 3, 10, 2011
- 8.2. Approval – Redevelopment Agency Warrant Register, June 3, 20, 2011

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

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

MAYOR’S / CHAIR’S MINUTE

- 9.1. Information Sharing

Mayor Smith shared a little about his experience in the US Marine Corp and his recent experience having lunch with the seniors.
Mayor Smith said he attended the car show Friday and Saturday.

- 10.1. Request for Excused Absence – Council Member Emilio Morales, May 24, 2011

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to approve the excused absence as presented.

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

- 10.2. Request for Excused Absence, Council Member Scott Harness, June 7, 2011

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to approve the excused absence as presented.

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

- 10.3. Appointment of Planning Commission

Council Member Morales introduced Fernando “Fred” Munoz to the City Council.
Munoz has served in the service and worked in the insurance industry for many years.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to appoint Munoz to the Planning Commission to finish former Commissioner Saldivar’s term through December 2012.

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

10.4. Dinuba Vocational Center Lease Proposal – Dr. Thusu

City Manager Todd shared history about the Dinuba Vocational Center.

Dr. Thusu was present to talk about the proposed lease of the vocational center. He said he has high school volunteers who are training with him. He wants to train our community's residents to a level of serving the community. He plans to have a dialysis unit in the center because the closest center is in Reedley and consequently there is a 6 to 7 day waiting period for patients.

Some of the training and services Dr. Thusu plans for the facility are:

- Dialysis
- Medical internship
- Culturally sensitivity
- Diabetes education
- Nutrition
- CPR/Ortho tech bio-med engineering
- X-Ray
- Ultra-sound
- Molecular laboratory
- Tele-ophthalmology 6
- Tele-dermatologist
- Tele-psychiatry

In all approximately 136 training positions and 93 jobs are proposed at the facility. In addition, Reedley College would like to occupy space for their CNA program and San Joaquin College is hoping to expand their PA program at the vocational center.

Council Member Morales thanked Dr. Thusu for all he's done for this community.

Mayor Smith asked where we are on the proposal.

City Manager Todd said staff has been talking with Dr. Thusu about leasing the facility to him for 60 cents a square foot (\$160,000 per year) and he is interested in possibly purchasing the facility at some term. There would have to be some option to give him that privilege and we're talking about building out the second floor in the first five years. If he's able to do additional types of programs he could build out the second floor. He would be the tenant that would be in charge of subleasing the building for uses that are consistent with the grant and what we agree to, he would pay utilities and insure the property. We would have minimal involvement in the facility.

Cervantes commented it's a great opportunity for Dinuba.

City Manager Todd said we plan to have an agreement at the next Council meeting. He mentioned that Pastors Bill and Cheryl Nicolay have been very supportive of the project.

10.5. Reminder – Joint Meeting City Council / DUSD Board, June 23, 2011

City Manager Todd said this is a reminder of the joint meeting with the school board on June 23, 2011 at Lincoln Elementary School.

PUBLIC HEARING

11.1. Designation of Local Historic Resource, Resolution No 2011-23

Planning Tech Carrillo presented a report to the Council requesting designation of a residence as a historic resource. He requested the Council consider and adopt the resolution to designating 179 E. El Monte Way as a local historic resource. The house is currently the home of Dr. Allen McGee. Carrillo requested the Mayor open the public hearing to gather public testimony in this matter.

Mayor Smith opened the public hearing.

No comments from the public were brought forward.

Mayor Smith closed the public hearing.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly to adopt Resolution 2011-23 as presented.

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

11.2. FY 2011-2012 Budget Adoption
a. Gann Appropriation Limit, Resolution No 2011-21

Budget Manager Cook presented the information in regard to the proposed Gann Appropriation Limit. Cook requested that the Mayor open the public hearing to gather public testimony in regard to the Gann Appropriation Limit.

Mayor Smith opened the public hearing.

No comments from the public were brought forward in regard to the Gann Appropriation Limit.

It was motioned by Council / Board Member Morales, second by Vice Mayor / Vice Chair Hinesly, to approve the Gann Appropriation Limit.

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

b. FY 2011-2012 Budget and CIP Approval, Resolution No 2011-24

The proposed budget was presented by Manager Cook.

Mayor Smith opened the public hearing.

There being no further discussion Mayor Smith Closed the public hearing.

It was motioned by Council Member, second by Vice Mayor Hinesly to adopt Resolution No 2011-24 with the addition of \$7,500 to the FY 2011-2012 Budget for the Historic Preservation Commission.

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

c. FY 2011-2012 Redevelopment Agency Budget, Resolution No 2011-06

Director Nunes presented the proposed Redevelopment Agency budget and asked Chair Smith to open the public comment period to gather public testimony.

Chair Smith opened the public hearing but no comments were brought forward.

It was moved by Board Member Gonzalez, second by Vice Chair Hinesly, to adopt Resolution No 2011-06 approving the FY 2011-2012 Redevelopment Agency Budget.

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

11.3. City of Dinuba Adoption of New Fees, Charges and Fines, Resolution No 2011-26

Budget Manager Cook presented the proposed resolution for the city's fees, charges and fines and asked Mayor Smith to open the public hearing.

Mayor Smith opened the public hearing.

No comments from the public were brought forward.

Mayor Smith closed the public hearing.

It was moved by Council Member Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2011-26.

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

CITY MANAGER'S OFFICE

12.1. Information Sharing

City Manager Todd said the Cruise Night and Car Show were good events. Todd shared a book with the Council he received at the last division LOCC meeting.

FINANCE AND COMMUNITY SERVICES

13.1. Ridge Creek Golf Club Monthly Non-Resident Membership Fee

Golf Course Manager Wisocki requested that the Council consider a monthly non-resident membership fee. The Council adopted a fee schedule for Ridge Creek that included a monthly pass for adults but did not establish a fee for a monthly pass for junior players or a monthly range pass. A junior monthly pass rate was then approved by Council on July 22, 2008 as a result of several requests from the community. A junior player is considered to be a high school age player or younger. Monthly passes were for players who live in or own a business within the 20 year Growth Boundary of the City or the Dinuba High School Boundary. The current monthly rates are:

Adult	Green Fees, Cart Fees, and Range Balls (seven days per week/ weekdays only)	\$ 250/\$220
Seniors	Green Fees, Cart Fees, and Range Balls (seven days per week/ weekdays only)	\$ 218/\$198
Juniors	Green Fees	\$ 95
	Monthly Range Pass	\$175

Since then, several requests have been made by the public to offer monthly passes for adults and juniors who are residents within the City's 20 year Growth Boundary or the High School Boundary, and, also include a monthly pass for Non-Residents as well. As a

result the staff at Ridge Creek surveyed other regional courses to compare their monthly pass charges. As a result of the requests, Ridge Creek staff has recommended establishing the fee of \$299.00 per month for a Non-Resident monthly pass (seven days per week and holidays). In addition, the Non-Resident player must have an active Rewards Membership Card to be eligible to purchase the monthly pass.

Staff recommended that the Council adjust the approved fee schedule for Ridge Creek Golf Course to include a monthly pass for Non Resident players at \$299.00/month.

It was motioned by Council Member Morales, second by Council Member Gonzalez to authorize the monthly pass for Non Resident players at \$299.00 per month.

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

Director Nunes shared this is the third year the golf course has been in business. This year it will be profitable with a minimum of \$15,000 profit. Nunes commended Wisocki and his staff. She said that even though this year has been so wet a profit was managed.

Mayor Smith offered positive comments for Ridge Creek Golf Course and staff. Council Member Gonzalez shared similar comments.

Wisocki said the golf course has won two awards for customer service and it looks like they should win a third very soon.

BREAK

Mayor Smith declared a break at 9:12 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 9:18 pm.

CLOSED SESSION ACTION

14.1. Resolution of Necessity APN 012-320-006, Resolution No 2011-28

This item was discussed in closed session.

14.2. Amending Municipal Code Section 2.32.085, Ordinance No 2011-04, First Reading, Read Title, Waive Reading in Full

City Attorney McCloskey said the proposed ordinance is a proposed amendment to the start time for Planning Commission meetings. The current ordinance dictates the meetings begin at 7:00 pm but the change is proposed for 6:30 pm. He requested the Council direct the Deputy City Clerk to read the title into the record and following the reading, accept the first reading and introduction of Ordinance No 2011-04.

Deputy City Clerk Barkley read the title of Ordinance No 2011-04 into the record:

“ORDINANCE NO. 2011-04
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF DINUBA AMENDING THE DINUBA MUNICIPAL CODE
TITLE 2, CHAPTER 2.32 BY AMENDING OF SECTION 2.32.085
REGARDING THE PLANNING COMMISSION REGULAR
MEETING TIME AND PLACE AND PROVIDING FOR THE
ENACTMENT, PUBLICATION, AND EFFECTIVE DATE THEREOF”

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to approve the introduction and first reading of Ordinance 2011-04 as presented.

14.3. Pending Litigation - Muni-Services

This item was considered in closed session.

14.4. Information Sharing

None

ENGINEERING SERVICES

15.1. Award of Bid – El Monte Way ROW Demolition

Engineer Uota shared that on May 10, 2011 staff was authorized to request proposals for asbestos abatement and demolition and/or removal of various houses and buildings that included 251, 285, 286, 317, 333, 336/338, 347, 383, 395, 517, 595, 597, 725, 767, and 789 W. El Monte Way, Dinuba.

An RFP was issued and the City received six (6) proposals from:

1) Wise Engineering	\$ 97,700
2) Kroeker, Inc.	117,285
3) Housley Demolition	118,824
4) Bowen Engineering	135,000
5) All Service Demolition	138,348
6) Caglia Demolition	139,500

Wise Engineering submitted the apparent lowest bid in the amount of \$97,700. The City Engineer reviewed the proposal and has certified it as complete. Wise Engineering is also the contractor awarded the demolition contract by Tulare County for the Road 80 widening project.

The \$97,700 cost of the project will be funded by Measure R monies. There will be no impact to City funds. Uota requested that City Council approve and award the proposal received from Wise Engineering in the amount of \$97,700 for asbestos abatement and demolition and/or removal of the acquired structures along El Monte Way/ Avenue 416. In addition, authorize the City Manager to sign and execute all related documents.

It was motioned by Council Member Morales, second by Council Member Harness, to approve and award the proposal received from Wise Engineering in the amount of \$97,700 for asbestos abatement and demolition and/or removal of the acquired structures along El Monte Way/ Avenue 416 and, authorize the City Manager to sign and execute all related documents.

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

15.2. Information Sharing

None

FIRE SERVICES

16.1. Information Sharing

Chief Thompson said in regard to the Flag Day event, the committee could not get a flyover by military jets so they contacted Kent Lane to sky jump with a large flag

tomorrow evening after Colors are presented by the honor guard. He said among other things in the program, the bagpipes will play taps.

POLICE SERVICES

17.1. Information Sharing

Chief Olvera reported on the recent Click it or Ticket Campaign statistics. He said that on June 9 staff was provided in-house training for sexual assault and mental health training by the District Attorney's office.

PUBLIC WORKS

18.1. Action of the Planning Commission, June 7, 2011

Director Beltran shared the action of the Planning Commission meeting of June 7.

18.2. TCAG JPA Amendment One, Resolution No 2011-30

Director Beltran shared that the TCAG Board has requested that staff move from its current location to a different location. This is not allowed in the current JPA. The amended JPA would allow the move and the ability to dispose of real property. Beltran requested that the council consider the amended JPA with TCAG and adopt Resolution No 2011-30 and authorize the Mayor to sign the amended JPA.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to adopt Resolution No 2011-30.

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

18.3. Authorization to Apply for PTMISEA Grant

Director Beltran said the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B, includes a program for funding to be deposited in the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA). Funding from the PTMISEA program is to be available to transit operators in California for allocation to eligible transportation projects nominated by an applicant transportation agency.

PTMISEA funds can only be used for capital projects for the purpose of rehabilitation, safety or modernization improvements or capital service enhancements or expansions but can't be used for operations.

The City received \$281,173 in PTMISEA funds for FY's 07/08 and 08/09 for the purchase of CNG buses (Two CNG buses from the 07/08 funds). The 08/09 funds were received recently. An additional CNG bus will be ordered as a result of receiving \$124,145 in funds for the 08/09 FY. The City's apportionment for fiscal years 10/11-12/13 is \$406,048 or \$135,349 annually. Because the PTMISEA program is contingent on the State selling bonds and the timing for funding projects is uncertain, remaining on schedule with staff's proposed capital expenditure plan has been difficult to achieve. For example, when the City received Prop 1C funding for transit related infrastructure improvements connecting to the Senior Housing project, City staff planned for the FY 9/10 PTMISEA funds to be used for the design of a Transit Center near the Vocational Center, subsequent years funding was planned for Transit Center Construction. When the 9/10 application came due, the City was in the process of selling the Vocational Center, creating the need for selecting a new Transit Center site. Luckily, the program is such that changing project scope at the last minute has not been an issue.

Given that sale or permanent use for the Vocational Center is pending and the Prop 1C Senior Housing Project is still feasible, it is staff's recommendation that consideration be given to designating the property at 123 M Street, the corner of M and Merced Streets (behind Alta Irrigation District Office), as the location for the future Transit Center. The advantages with this site are City ownership, proximity to the existing cross-connection point with for City/County transit systems, ability to achieve the goals of the Prop 1C grant requirements, consistent with the City's Transit Development Plan and Downtown Circulation Study, and will not interfere with the possible sale of the Vocational Center. There are no local match requirements with this grant.

Beltran recommended that PTMISEA FY 10/11 funds be used for Transit Center Design.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize staff to submit an application for Prop 1B (Transportation Bond) PTMISEA Transit funding for Transit Center Design.

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

18.4. Information Sharing

Mayor Smith about amplified music.

City Manager Todd said staff is looking into it and it will be coming back to Council soon.

CLOSED SESSION ACTION

19.1. 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.

It was motioned by Vice Mayor / Vice Chair Hinesly, second by Council / Board Member Gonzalez to adopt the Resolution of Necessity No 2011-18.

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

19.2. Pursuant to Government Code Section 54956.9, the City Council / Agency met in closed session with City Attorney McCloskey and City Manager / Executive Director Todd to discuss pending litigation.

It was motioned by Vice Mayor / Vice Chair Hinesly, second by Council / Board Member Morales, to accept the proposed settlement agreement with MuniServices and to authorize the City Manager to sign the agreement with the following changes as approved by the City Attorney:

1. That the City would have three business days to pay under the provisions of the agreement instead of the one business day as proposed by MuniServices; and

2. That the agreement contain a provision in which the parties acknowledge that the settlement agreement is a public record subject to disclosure and would be disclosed by the City if requested and, that the agreement state that the City's disclosure of this agreement and it's terms pursuant to a request from the public, would not be a violation of section 7 of the agreement.

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

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 10:10 pm.

Mayor

ATTEST:

Linda Barkley, Deputy City Clerk/Secretary