

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

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

JOINT WORK SESSION - CITY COUNCIL AND PLANNING COMMISSION

2.1. West El Monte Way Commercial Study

Mayor Smith called the work session to order at 5:32 pm.

City Engineer Uota presented a brief history of the commercial center process

Josh Cross of Wahlstrom and Associates presented the Development Master Plan for the proposed West El Monte Commercial Center.

John Wilbanks with RM Design Company presented first the background and process; opportunities and constraints. Wilbanks said the master plan will be grounded with an economic study.

Steve Wahlstrom was present to talk about the purpose of the market study based on realistic market conditions and how it looks in the design.

Some of the elements discussed were:

- Types of retail business we can get in Dinuba
- How much space can be developed?
- How we go forward and implement the Master Plan

Approaches:

- Should the city rely on private developers to implement the master plan?
- Should public/private partnerships be established?
- What incentives should be considered?
- Implementation constraints

Wahlstrom said the City has been very successful in capturing the retail market. Future opportunities are based on regional spending rather than keeping retail sales in town. He said there are retail attraction opportunities and large box stores such as department stores.

Stores with insufficient market demand are Target, Costco, Home Depot or Lowe's; grocery stores and large format consumer electronics stores. Wahlstrom said not to waste time pursuing those stores.

Wahlstrom talked about the east side and the Master Plan impacts. He said the east side may be able to be transformed into a neighborhood area. He said instead of continuing to expand the west side thought might be given to revitalizing the east side in a different fashion than what is there currently.

Josh Cross, Urban Land Use Planner, RRM, presented some background and assumptions. Cross said there are approximately 150,000 to 250,000 square feet of potential shopping center area.

Cross said the EDC was directed to have comments ready by August 19 on this matter at their meeting earlier. The grant expires December 31 so it needs to be done prior.

Council Member Harness said that it sounds as though the City caused the dying east side. He feels a plan needs to be developed for the east side too. Harness commented it's a great idea to develop the north side of El Monte Way but he asked what type of plans are there to make the crossing safe.

Cross said to improve the perceived safety. The street tree plan can also provide the perception of safety by their design.

Morales asked what residential potential there is for the east side.

Cross said there is an opportunity to change the use of the Save Mart building.

Wilbanks commented that it's normal to try to change similar commercial areas into a residential area to try to make it more of a neighborhood rather than a commercial center. He added that we won't be able to solve the east side issue before the grant deadline but they could provide suggestions in this study for the east side.

Gonzalez and Smith said agree with Council Member Harness. Mayor Smith added that whether or not we do anything with the west side, it will grow anyway.

Walstrom agreed but said the purpose of the plan is to find out what people want. He pointed out that the problem is there is a lot more land than there are plans. You want it to work efficiently on the west side. As policy makers, you must also think about the east side. The synergy for the east side is lost. Anything is possible and you will have to work very hard and it may not happen. You may have to give it away to get a large retailer in there.

City Manager Todd said the main reason these folks are here is that two years ago when we knew the road was getting widened and we knew the area between Rd 80 and Rd 72 were getting changed the Council wanted to make sure that we take the things that happen on the west side and integrate them with the south side. We knew the widening of road would change the dynamics and we had a plan going forward. What drove that decision is what is going to happen over the next 18 months. When we originally bought property we put a plan in place and worked toward it. It will take ten or twenty years. We want it to make sense and we'll know what businesses to recruit. The east side needed to be addressed.

Todd said what he hears is that's the next step. Walmart picked their site even though we had alternate sites available for the use but that where Walmart wanted to be. We wanted it done for the best of the community and, he said, the east side is another matter. Todd said he feels we should have someone looking at this as we have the data available.

Council discussion followed.

City Manager Todd talked about how Walmart came to town. We had a plan in place and there was no real legal battle that could have kept them from going into that site. That's what you have to do. Scot Patterson has been instrumental in getting those west side businesses for us.

Council Member Harness pointed out "You understand that we also need to do something for the east side."

Vice Mayor Hinesly said he addresses capturing the "leakage" and that's what the city needs to be successful. She agreed that thinking about a residential area for the east side is something to look into.

Council discussion followed about the possibilities. Todd said we need the consultant to begin planning for the east side and added that we have to have a plan.

Mayor Smith adjourned the work session.

CALL TO ORDER

The Council meeting was called to order at 6:38 pm.

INVOCATION

The invocation was led by Pastor Mark Wallace.

FLAG SALUTE

The flag salute was led by Chief Thompson.

COMMUNITY RECOGNITION AND APPRECIATION

5.1. Roy "Willie" Williams

Mayor Smith presented Willie Williams with a certificate of appreciation for meritorious service to the community serving in various volunteer capacities and recently served as a Planning Commissioner.

5.2. Neighborhood Heroes

Chief Thompson said a month ago there was a fire at Dinuba Downs and four citizens didn't hesitate to help those in need of help.

Battalion Chief Doyle introduced two of the individuals who participated in the June 22 rescue of an elderly woman at Dinuba Downs Trailer Park. They were Oscar Partida and Gustavo Castillo. Joey and Gabriel Garza were not present.

PUBLIC COMMENT

6.1. Chris Kapheim, Alta Irrigation District Comments on HR 1837

Chris Kapheim, General Manager, Alta Irrigation District, said that Senator Feinstein is in the process of writing a bill in regard to HR 1837. He said that from Alta's standpoint there is no direct involvement but the Board will look at both bills and the potential impacts of each.

Council Member Morales asked where we stand with water availability in comparison to the west side.

Kapheim said this is a wet year and we should receive 150% of the water. He said all things are not equal. It took all this time to get a settlement agreement for the 1988 San Joaquin River Restoration and now it's not being funded so there are issues. He said he doesn't know how it's going to work out. Senator Feinstein has been an active participant in the process and it behooves us to see what she puts into the bill.

Smith said he too is inclined to wait and see what Kapheim's input will be on the bill at that time.

Kapheim said he feels Feinstein is enough of a significant figure to wait for her Bill.

The question was asked how the water table compares east v. west.

Kapheim explained the water table and the make-up of the plain. He said it's more complicated than the question. Alta Irrigation wants to bring up the water table. Fortunately on the east side we have been able to stay out of those issues because we don't have the problems faced by the west side of the valley.

Hinesly said Feinstein has never done anything about the issue. She said she was raised on the west side of the valley in Five Points and she recalls Feinstein has never addressed the issue until now.

6.2. Ride for the Red

Director Nunes presented information about a proposed event hosted by the Red Cross. Nunes said the Red Cross is proposing co-sponsorship to the Council and a waiver of fees.

Nunes said the city supports the co-sponsorship and it is a good partnership. Throughout our history we have received a lot of services from the Red Cross. Nunes noted this event happens to be for veterans but, she noted, our city gets a lot of support from the Red Cross.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to approve the request for co-sponsorship and waiver of fees.

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

6.3. Ed Dena, Chamber of Commerce – Request for Co-sponsorship and Public Right of Way Closure for Concert in the Park, August 26, 2011

Charlie Simpson was present to a request co-sponsorship and street closure for a concert in the Entertainment Plaza planned by the Car Show Committee in conjunction with the Chamber of Commerce. He referred to the recent success of cruise night. Simpson said the Chamber of Commerce and Car Show Committee would like to hold a similar car show and concert event from 5:00 to 11:00 pm with two bands and a beer garden like the one held in June.

Chief Olvera said the last event was successful. The success and control are attributed to the command presence of the officers dedicated to the beer garden. He said he understands that it was successful because of the officers but because of the short notice, he doesn't feel the task force can be scheduled to participate again. The police department is not prepared for coverage of the event because of the time issues and scheduling officers and, he added, the cost of the coverage is taxing on the department's budget.

Council discussion followed.

Chief Olvera asked the Council to consider authorizing 4 to 5 officers for the event. He also requested the city's cyclone fencing be utilized again to secure the beer garden. The last event had a problem with

securing the parking on Ventura Street between M and L Streets. He suggested giving parking permits to the residents along the street similar to the parking permits issued along McKinley Avenue adjacent to Vuich Park.

Discussion followed in regard to the temporary fencing proposed for the event and Simpson agreed with the proposed fencing for the beer garden.

Chief Olvera discussed with Council the required officers for the major event. Olvera said normally requests for gang task force officers are at least two months in advance because it is coordinated by the District Attorney's office. He estimated 15 gang task force officers and 4 officers strictly assigned for the park are needed. Olvera talked about scheduling officers.

Mayor Smith asked how much notice should be given to staff prior to major events.

Olvera said the major events are usually made known a year in advance but events of major impact are usually of an emergency nature.

Hinesly asked if the fencing and security will hinder the event.

Simpson said the fencing will probably not be a problem but the security will be a big hit to their budget.

Council discussion followed.

Simpson said the event could support 4 officers at a cost of \$2,000.

Chief Olvera said he wants 4 additional officers for a total of 8.

City Manager Todd asked if we're going to continue to have these events, it sounds like it makes sense to have the beer garden, maybe the city needs to buy the fence and make it available to these types of events and it can be another way the city can participate.

Simpson said the car show committee too was looking at a similar idea.

Council Member Harness said this is good for the community but questioned if it is doing good for the community.

Simpson replied that it is.

Council Member Harness said he agrees with City Manager Todd and added that he would like to help the Chamber of Commerce.

Todd said the City may be able to supply the fencing and the additional 4 officers with no cost to the Car Show Committee. He said he feels us doing groundwork and chipping in is the way to go. He said he feels it is something the City is unable to do because of budgeting constraints but now someone else has taken the lead.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to approve the request for street closure as proposed and to authorize the fencing for the beer garden and four additional officers at no cost to the event coordinators.

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

6.4. Julie Capistran – Viscaya Neighborhood Concern

Mayor Smith said Julie Capistran called him with her concerns in regard to the Viscaya neighborhood. Capistran purchased a house in the Viscaya subdivision and after having bought her house, and said she now finds out there are Self-Help apartments planned for the subdivision.

City Manager Todd said Tom Colishaw from Self-Help Enterprises (SHE) is present to talk about the apartment project. Todd said the apartments were originally planned for senior citizens. The subdivision began having financial problems and so proposed senior apartments were changed to multi-family in the last general plan update. It's currently zoned M-2.

Capistran addressed the Council and said she is familiar with local government and felt this was the place to express her concerns. She read a letter stating her concerns into the record.

David Huerta, 926 Gardenia Avenue, a resident of Viscaya area, said he too is concerned about the proposed development.

Veronica and Angel Linderos expressed the same concerns. Linderos requested the Council change the designated zoning to senior apartments as it was in the previous map.

Todd said it was changed in 2007 to multi-family use. To change the zone you would have to get the property owner to agree to it and it has been done in the past. Todd said the PUD on Rd 72 was originally an apartment. If the property owner wanted to submit an application for rezoning and for single families, they could do that but they are the only ones that could do so. Whether or not Self-Help is the owner, he said he did not know.

Mayor Smith said he is disappointed because he recalls that we need senior retirement apartments. Smith said he can sympathize because he is experiencing the same type of problem in his neighborhood.

James Linderos said he doesn't feel Self-Help thought about the problems they are creating for the neighborhood.

Josh Cully, 1200 Heather Avenue, expressed the same concerns. He said if it has to be built in Viscaya he'd like to see the City come up with creative ideas to make the multi-family units work. He said "We all have to come together to come up with Efforts toward creative solutions."

Council Member Gonzalez said he knows how the neighborhood feels because he has 5 empty houses in his neighborhood that are unfinished and are an eyesore. He suggested making the apartment building smaller to lessen the effects.

Enrique Sandoval 1136 Ashley Court, said he moved to Dinuba out of a rough neighborhood and said if he felt like living in that type of neighborhood he would have stayed there. He said he doesn't feel Viscaya is the right spot for the apartment complex.

Julie Capistran said she had suggested a Self-Help senior community. That would be better for the Viscaya Community. When Best Buy came in the city brought in creative measures.

Armando Chavez, 945 Vladimir asked if speed bumps could be implemented to control traffic in the subdivision. Chavez said the center dividers in the neighborhood are a problem. He asked the Council to do something to correct the problem dividers.

Myrna Ramos, 1145 Astor Ct, said when she moved to Viscaya in 2009, she was told the apartments might come in, then she said she was told it was going to be a park, apartments were going to be built on the other side of the fence.

Tom Colishaw, Vice President Self-Help Enterprises, said he was told this morning from City staff that concerns were raised. He said they understand the concerns of people who own their homes in their neighborhood. He said the first thing he wants to commit to is the community meeting and they want to talk and have dialogue of what we have and what we want to do. He gave statistics about what SHE has throughout the valley in terms of the complexes. SHE wants the opportunity to mitigate concerns and SHE work closely with cities, police and sheriff's departments. Colishaw said the 48-unit complex is way below the number allowed by zoning. The proposed property site has been for sale for some time. The previous owner wanted to build 80 units on the site. Colishaw said SHE doesn't own it the property yet. SHE is proposing a much lower density and wants to have dialogue with the neighborhood. He acknowledged there are clearly issues from what he heard tonight. He named various cities where SHE has apartment complexes. He said they are not absentee landlords they are working landlords.

Smith said the only problems he experiences in his neighborhood are from rentals.

Hinesly asked if Self-Help funds senior housing projects.

Colishaw answered "no."

Hinesly asked if there is something that would prohibit Self-Help from doing so.

Colishaw replied no it just has not been the focus of Self-Help.

Maria McElroy, 1195 Heather, said she has done much thinking about the proposed complex since yesterday. There is a history of low income rentals and she said frightens her. Given that they don't own the property, we do have some room to do some creative thinking; we need to decide what to do.

She addressed Colishaw and said that she wants immediate action. She said if they don't see that happening, the neighborhood will do everything they can to prevent the apartments from being built.

Andres Gonzalez, 875 Rosemary, said regardless how good of a neighbor SHE will be he is not going to let SHE take thousands of dollars from him and the neighborhood. He said he has a personal investment there.

6.5. Unscheduled

Pastor Mark Wallace announced the Mayor's Prayer Breakfast will be held on September 10, the first in three years and will be held at Living Word Fellowship.

BREAK

Mayor Smith declared a break at 8:20 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:36 pm.

ENGINEERING SERVICES

15.4. Alta Irrigation Town Ditch Piping

Engineer Uota said the item is related to the El Monte Way road widening project. Part of the widening of the roadway requires replacement of the existing culvert that crosses El Monte Way.

Uota said Mr. Denny has submitted plans for a new building. He explained he needs it to coincide with the piping when the water stops running in the ditch adjacent to his property which is October or November. On the south side of El Monte Way the Adventist project is progressing with a relatively small piece they need to complete so they can finish the portion of their project. The plaza feature that will be the entrance to the front of their building is something they desire to get constructed now or when Denny does his piece. Uota reported that Alta Irrigation District General Manager Kapheim suggested it would be best if one of the two take the lead and construct the entire part of the project including the construction of El Monte Way in front of their property. JL Bruno said he would like to take the lead of that portion. In the course of the discussion it became apparent that there are some alternatives as to when the El Monte Way construction can be done. Bruno thinks it can be done in 2 to 3 days. The alternative would be to do it in two phases. An alternative is to let them do their projects separately and there is also the alternative of doing nothing. That would cause problems for Denny's parking area and for Adventist to finish their project. The impacts to the local businesses must be considered with respect to any kind of anticipated construction.

Council discussion followed.

Otis Denney, owner of the property where the open town ditch is located on West El Monte, said he would like to impress the wisdom of covering the ditch all at once instead of piece meal. The offer of Mr. Bruno to take the lead in the project is very important. Denney said he will be submitting drawings to the city and railroad in a week to ten days. Consequences of not doing it this year are very grave.

Smith agreed it should be done contiguously.

Uota said he recommends that either scenario would be acceptable as each one has its pros and cons. In order to minimize the impact the three day idea is the best way.

Council Member Harness said the weekend might not be a good idea to close the road for construction. He feels maybe the first part of the week would work better. He asked that staff contact the businesses to see what days the street closure would work best for them.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to shut down El Monte Way for three days and notify the affected businesses of the proposed closure.

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

15.1. Rejection of Bids – City Warehouse

Engineer Uota said the City undertook a project to build a new warehouse at the corporation yard which is planned to replace the warehouse currently leased on Uruapan. Plans of a specification were prepared and a request for bid was issued. Three bids were received in July and the bids received were all above the budgeted amount of \$300,000.

Unfortunately the lowest responsive bid is still considerably above and beyond the available budget. Staff is recommending all three bids be rejected and that the Council direct staff to modify the scope of the project to get the cost below what was budgeted. Uota pointed out that staff will also have to identify additional contractors to look at the revised bid package.

Mayor Smith said he heard on Friday morning about it from a realtor. He asked him what it would cost to build a building similar to the current leased warehouse and he was told it would be about \$.30 to \$.40 cents a square foot. The building and concrete alone were \$240,000 plus the contractors' part. Mayor Smith said it'll be interesting to see if it can be built for under \$.20 cents a square foot.

Uota said that often times bidders ask questions and one of the bidders indicated that the time of completion is tight. That may vary upon the manufacturer and the particular load of business at any given point of time.

Mayor Smith said Westar is building the Three Crowns building in Fowler and the lengthiest part of the project is the concrete.

Engineer Uota said it's not the erection of the building that takes time but the manufacturing and delivery of the material.

Council Member Harness asked if this is preventing Mr. Lunsford from moving his business.

City Manager Todd said it will only set Lunsford back 30 to 45 days.

It was motioned by Vice Chair Hinesly, second by Council Member Morales, to authorize staff to revise the bid for proposal and send it out for rebid.

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

CONSENT CALENDAR

- 7.1. Joint City Council / DUSD Board Meeting June 23, 2011
- 7.2. City Council / Redevelopment Agency Joint Meeting, July 12, 2011
- 7.3. City Council Meeting, July 26, 2011
- 7.4. Redevelopment Agency Meeting, July 26, 2011
- 7.5. Acceptance – Other Agency Meeting Minutes
 - a. Dinuba Economic Development Committee, July 7, 2011
 - b. Parks and Community Services Commission, June 21, 2011
 - c. Planning Commission, July 5, 2011
 - d. Police Advisory Commission, July 5, 2011
- 7.6. Parks and Community Commission Draft Agenda, August 16, 2011
- 7.7. Master Development Schedule
- 7.8. Ordinance No 2011-06, Election to Participate in the Alternative Voluntary Redevelopment Program, Second Reading, Waive Reading in Full
- 7.9. Set Hearing – Proposed Rezone, 1329 and 1413 N Alta Avenue, September 13, 2011
- 7.10. Set Hearing – Amendments to 2009-2014 Housing Element, September 13, 2011

It was motioned by Vice Mayor / Vice Chair Hinesly, second by Council / Board Member Harness, 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, July 29, August 5, 2011
- 8.2. Approval – Redevelopment Agency Warrant Register, July 29, August 5, 2011

It was motioned 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

9.1. Correspondence to Tulare County Board of Supervisors on Redistricting

Mayor Smith said Supervisor Worthley is not in favor of Redistricting Option C and neither is Supervisor Ennis. Supervisor Isihida doesn't like C anymore but Visalia likes C.

City Manager Todd commented the reason being is because it doesn't split Visalia like A and B.

Discussion followed.

Mayor Smith said as far as HR 1837, go with Nunes. Senator Feinstein has actually done wrong. She sees an opportunity and now she's going to step up because Nunes' actions.

Vice Mayor Hinesly said she has family and friends that have lost jobs and farms and she said she resented Kapheim's comments earlier.

Council discussion followed in regard to writing a letter of support for HR 1837.

It was motioned by Council Member Hinesly, second by Council Member Harness, to generate letter signed by the Mayor pledging the City Council formally supports Nunes legislation bill HR 1837.

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

9.2. Information Sharing

Mayor Smith said he and Vice Mayor attended a recent TCAG meeting.

Vice Mayor Hinesly said the Mayor was asked to leave the meeting. Discussion followed in regard to TCAG.

Mayor Smith said the recent BBQ was a nice event hosted by Chief Olvera for the Police Volunteers.

10.1. Consideration of Council District and Charter Revisions

City Manager Todd said in May 2011 the City Council approved the formation of an Advisory Committee to assist with the redistricting of the City Council Boundary lines and review of the City Charter as required by City Charter Section 2.02. The Planning Commission was named the Advisory Committee and charged with recommending new district boundaries, and with reviewing the City Charter to make recommendations regarding any beneficial revisions.

The first meeting of the Advisory Committee was held June 7th at which time their charge and the process was discussed. At the July 5th Advisory Commission meeting staff presented three alternate scenarios. At the Advisory Committee's meeting of August 2nd three draft scenarios were presented for public review and discussion. At that time the community was given a chance to review those alternatives and comment; those comments were taken into consideration as the Advisory Committee determined its' recommendations to the City Council.

Staff submitted the following three scenarios generally meeting the established criteria and thereby meriting consideration by the Advisory Committee. The scenarios were not ranked and their designation (i.e. "1", "2" and "3") as well as the order in which they appeared was altogether random.

Scenario 1 is very similar to the existing plan except it allows district 2 to cross over north of El Monte into what currently are areas represented by districts 4 and 5. District 3 expands north and district 5 west. The total population deviation between districts meets the Charter requirement maintaining a range of +30 to -31. CVAP ranges from 1,730 to 2,099 with the HCVAP ranging from 60.97% to 89.02%. Current Council Members retain separate districts and each district has a public school.

Scenario 2 allows district 4 to cross over south of El Monte into what was exclusively district 2 but stays west of Alta encompassing the commercial center and the golf course maintaining the rural area along the entire the west side. District 2 crosses north of El Monte primarily east of Alta shifting district 5 to the west squaring up generally to Alta Avenue. District 3 shifts south and district 1 shifts west. The total population deviation between districts meets the Charter requirement maintaining a range of +17 to -14. CVAP ranges from 1,722 to 2,122 with the HCVAP ranging from 59.19% to 88.68%. With minor adjustments the current Council Members would retain separate districts and each district has a public school.

Scenario 3 allows district 4 to cross over south of El Monte into what was exclusively district 2 but stays west of Alta encompassing the commercial center and the golf course maintaining the rural area on the west side up to Nebraska Avenue; squaring the east boundary at Alta Avenue and the north boundary at Nebraska Avenue. District 2 squares its west boundary at Alta Avenue and stays south of El Monte. District 5 shifts west squaring up on Alta Avenue except at Nebraska. Districts 1 and 3 both shift to the north. The total population deviation between districts meets the Charter requirement maintaining a range of +46 to -52. CVAP ranges from 1,617 to 2,545 with the HCVAP ranging from 61.18% to 86.46%. Current Council Members retain separate districts and each district has a public school.

All the Scenarios generally complied with the criteria set by the Council and Planning Commission. No public comment was received and after deliberation the Planning Commission recommended Scenarios 3 and 1 in that order. District Three was felt to have better defined boundaries, whereas District One was felt to better maintain the current geographic configuration. Scenario Two was not recommended by any of the Planning Commissioners.

The City Charter was reviewed by the City Attorney. There was no public comment. Generally the Planning Commissioners felt the City Charter has served the community well and had no recommendations for revisions.

The next step is for the City Council to consider the Advisory Committee's recommendations on modifications to the Council District Boundaries and the City Charter, hold a final hearing and make a decision on the preferred Council District Scenario and revisions to the City Charter.

Vice Mayor Hinesly asked if there is a reason to have a public hearing.

Gonzalez said common sense should play a factor in selecting the districts. The idea is to keep it straight and simple. It's a simple proposal and needs to be done. If the Planning Commission came up with the idea, then we should take their recommendation.

Mayor Smith said voting at large is his preference.

Council Member Harness said the idea of having a public hearing was brought up.

Hinesly said she agrees because the districts impact the voters. Even if no one comes to the hearing, we need to solicit input even if no one comes.

Gonzalez asked if a hearing is desired what is the Planning Commission for.

The Council asked if the Planning Commission held public hearings.

McKittrick, Chair, was present and asked if there was a public hearing and he said no because the changes were slight. Each district was represented by the planning commission.

Todd suggested that the Council bring a resolution and have it on the agenda for public comment. The other issue is the revisions to the Charter.

Attorney McCloskey said the Planning Commission reviewed the City Charter.

Gonzalez left the dais at 9:34 pm.

McCloskey reviewed the Charter Index and gave a brief explanation of each chapter.

In his opinion he doesn't feel the charter needs changing and neither did the Planning Commission. Staff does not feel it needs amending. Amending it would mean paying for an election.

Gonzalez returned to the dais at 9:38 pm.

Council Member Harness said the Charter works for us now but it might have to be looked at soon.

Council discussion followed.

The Council directed staff to bring the item back in a public hearing in September.

10.2. Resignation of Janelle Cochran

It was motioned by Council Member Morales, second by Council Member Gonzalez, to accept the resignation of Janelle Cochran from the Historic Preservation Commission.

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

10.3. Reminder - South San Joaquin Valley Division General Meeting, August 11, 2011, Delano

City Manager Todd reminded the City Council of the League's Division meeting on August 11 at Delano.

10.4. Reminder – City Council / Redevelopment Agency Meeting August 23, 2011 Cancelled

City Manager Todd reminded the Council that the August 23 meeting has been cancelled.

10.5. Information Sharing

Vice Mayor Hinesly shared about her vacation and meetings she's recently attended.

PUBLIC HEARING

11.1. Edward Byrne Memorial Justice Grant (JAG)

Chief Olvera reported the Edward Byrne Memorial Justice Assistance Grant (JAG) will assist the department in providing additional funding for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice programs. The Dinuba Police Department is to receive \$13,460.00 in grant funding.

If successful the grant will enable the department to purchase a mobile Radar Speed and Messaging Trailer to inform, deter and educate the motor public of events, detours, school and construction zones, as well as other various uses related to traffic safety and the speed display would remind the motoring public of their actual speed within a designated area.

The Grant (JAG) will provide \$13,460.00 funding for local law enforcement needs. The total cost of the proposed project totals \$20,598.28. The remaining balance of \$7,138.28 will be absorbed in the department's operating budget.

Chief Olvera requested that Mayor Smith open the public hearing.

No comments brought forward.

Mayor Smith closed the public hearing.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2011-34 as presented and authorize staff to utilize the funds as presented.

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

12.1. Information Sharing

City Manager will be out of town on August 11 and 12.

Anderson said senior housing project needs a name. Now would be a good time to start thinking about it. She said it could be brought back for discussion to first meeting in September.

13.1. Redevelopment Enforceable Obligation Payment Schedule

Director Nunes said on June 15, 2011 the state legislature passed ABx1 26 and ABx1 27. The Governor subsequently signed these bills. The purpose of the bills was to eliminate Redevelopment Agencies, except in certain cases when a Redevelopment Agency chooses to make additional payments to the state to fund schools, fire protection districts, transit districts and other taxing districts.

The abolished redevelopment agencies are to be replaced by a successor entity, which will be responsible to continue to pay previous debt obligations of the abolished agency. AB1x26 requires redevelopment agencies to adopt an "enforceable obligation payment schedule" (EOPS) at a public meeting by August 28. The EOPS will be used to determine which obligations will be paid by the successor entity.

Regardless of whether a redevelopment agency chooses to continue its existence by making the additional payment to the state, the agency must adopt the EOPS by the 28th.

Nunes recommended that Council review and approve the Enforceable Obligation Payment Schedule and direct staff to submit the schedule to the State Controller's Office.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to approve the Enforceable Obligation Payment Schedule and direct staff to submit the schedule to the State Controller's Office.

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

13.2. Information Sharing

Director Nunes shared the following items: Youth soccer registration is in progress; the Parks crew is busy with the parks; After School Program registration is in progress; Nunes has been working with consultants on the grant for the Bob Barker building and has received quite a few letters of support for the project. Nunes said that her staff is asking the parents of the After School program registrants to sign the support letter too.

Council discussion followed.

Nunes shared that the senior meal number is up to 65 people served and they are enjoying the menu.

City Manager Todd said last time he attended the senior center during mealtime there were issues about the meals but this month they have a really good menu.

Director Nunes said the seniors are actively participating in the menu choices.

Nunes said the air conditioning went out but with financing from the recent fireworks proceeds and the assistance from City of Dinuba, the air conditioning was repaired.

CITY ATTORNEY

14.1. Information Sharing

City Attorney McCloskey explained that the Council is allowed to deliberate in closed session for per the Brown Act when there is exposure to litigation. We are susceptible to litigation because of those decisions so when we are asked to make them we are allowed to deliberate.

Council discussion followed.

ENGINEERING SERVICES

15.2. Muirfield Village Phase III – Subdivision Final Map and Subdivision Agreement

Engineer Uota explained that staff is requesting that the City Council consider and reaffirm the adoption of Resolution No. 2011-19 approving the Final Vesting Subdivision Map, Muirfield Tract, Phase III, 47 lots Pursuant to the public hearing held on May 10, 2011 regarding the proposed Subdivision Agreement for

the Muirfield Tract, Phase III subdivision, Uota requested that the City Council reaffirm the adoption of Ordinance No. 2011-03 and approve the reductions in performance and labor/materials securities in the Subdivision Agreement.

Uota said that following the Council's previous approval of Resolution No. 2011-19 and Ordinance No. 2011-03, the Developer requested a delay in the execution of the Subdivision Agreement to allow ongoing infrastructure construction to progress to completion and reduce required securities. Meanwhile; sales interests in the subject development have led the Developer to request an amendment to the SA Performance securities to \$10,000 and the associated labor/materials to \$5,000. The \$10,000 represents the value of remaining required infrastructure work as of this date.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member harness to reaffirm Resolution No 2011-19 and Ordinance No 2011-03 and authorize the amendment of the Subdivision Agreement as described.

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

15.3. Action of the Planning Commission, August 2, 2011

Uota shared the action of the Planning Commission at the meeting of August 2, 2011

15.5. Information Sharing

Uota shared that Rd 80 will be temporarily closed about 5 weeks and construction will be completed in two phases; from Kern to Tulare and Tulare to Sierra. It will be similar to what was discussed with El Monte Way and a significant amount of underground work.

The funding for the approval process hit a significant milestone for Avenue 416. The County's intention to have it completed by early spring of 2012 is on time. It looks like the Road 80 project will be completed in February or March. The Railroad agreements have been fully executed and are no longer an impediment to construction progress.

Council discussion followed as to the progress of Perko's Restaurant.

FIRE SERVICES

16.1. Authorization to Apply – Rabobank Grant

Chief Thompson presented the request for application to Rabobank for a grant which funds 100 percent the purchase of new turnouts for the fire department. Thompson requested authorization to apply.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to authorize staff to apply for the grant.

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

16.2. Authorization to apply – Assistance to Firefighters Grant (AFG)

Chief Thompson requested authorization to apply for the Assistance to Firefighters Grant. Thompson said staff applied last year for training trailers and we should be receiving them soon. This year staff wants to apply for an extractor to keep their turnouts clean. The grant would also purchase drying implements. There is a 10% match.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly, to authorize staff to apply for the AFG grant as presented.

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

16.3. Information Sharing

Chief Thompson said the Firefighters have been busy this week. He reported there were three fires but no injuries occurred.

Chief Thompson reported that Firefighter Espinoza was requested to perform as a first line firefighter with the US Forest Service to serve with the Hot Shots Team.

Thompson reported that on Saturday morning crews will take the ladder truck to Visalia for the opening day ceremonies of the Little League World Series. The event will be televised on ESPN.

17.1. Request to Purchase Police Vehicles

Lt. Popovich presented a request to purchase five new marked police vehicles. He reported that the department has not purchased new patrol vehicles since 2007 due to budget constraints. Currently the police patrol fleet has 19 marked patrol cars, five of them being assigned as take home units. The 14 remaining fleet vehicles are shared by 17 patrol officers. Some of these vehicles are driven 24/7, adding mileage and requiring constant maintenance and upkeep. The fleet currently has 2 vehicles with over 100,000 miles and 3 vehicles with over 80,000 miles.

Due to the need to replace 5 police vehicles with high mileage and high maintenance, staff recommends that the Municipal Lease-Purchase Program be utilized to minimize the financial impact to the City. The Municipal Lease-Purchase Program currently contracts with Emergency Vehicle Solutions as the vendor for participating agencies. Bids were requested from Emergency Vehicle Solutions Incorporated, Jim Manning Dodge, and Ed Dena's Auto Center. The estimate submitted by EVS, Inc. provided two estimates using their local vendors on a 2010 Dodge Charger and a 2011 Ford Police Interceptor. The Dodge was \$23,945.00 and the Ford was \$23,975.00. The estimate provided by Jim Manning Dodge was \$28,226.02 for a 2012 model. Ed Dena's was unable to submit a bid due to no pricing available.

Lt Popovich recommended that five new police vehicles be purchased with Measure F funding utilizing the Municipal Lease-Purchase Program. The Municipal Lease-Purchase Program allows annual payments for five years with a \$1.00 buy back at the end of the contract. This would allow the Department to take older vehicles with high mileage and high maintenance costs out of service.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to authorize staff to purchase the new vehicles through the Lease Purchase Program as presented.

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

17.2. Information Sharing

Chief Olvera reported there will be a DUI checkpoint on September 2 and saturation DUI on September 23.

PUBLIC WORKS

18.1. Request to Reinstate Waste Water Treatment Facility Operator Allocation

Budget Manager Avila requested that the Council consider reinstatement of the wastewater operator allocation. He explained that during the 2009/2010 fiscal year budget, the City Council approved drastic budget reductions to deal with the impacts of the national economic recession, drop in local sales tax revenues, and state raiding of local revenues. The reductions included early retirements, layoffs, furloughs, and only filling essential positions. A Reclamation Plant Operator position in the Public Works Department was eliminated with the layoffs leaving one wastewater Superintendent and two Reclamation Operator positions assigned to the division.

In June 2010, the Phase I Wastewater Reclamation Facility Expansion project was initiated to address Facility capacity needs and to replace aged, inefficient equipment, and improve treatment processes.

During the Public Works Department budget presentation for FY 2009/2010, lack of a third Reclamation Plant Operator was identified as a key issue once the WWTF expansion project was completed due to the need for additional support for the new treatment processes. Specifically, the new aerobic digester and solids dewatering facility are additional operations that must be adequately staffed. In addition, the last two years have been a challenge to existing staff as they have the additional burden of 24/7 standby rotation every other week between two operators. The need to provide adequate coverage of the Facility limits their ability to take needed personal time off (i.e. vacations, sick time, etc.). Reinstating the additional Operator position is necessary to address the needs of the expanded Facility and provides for adequate standby coverage. The fiscal impact of reinstating a Reclamation Plant Operator position is approximately \$67,000 (includes salary and benefits) to the Wastewater Fund.

Avila requested that the City Council approve the reinstatement of a Reclamation Plant Operator position in the Wastewater Reclamation Division of the Public Works Department to address the needs of the expanded facility and provide for adequate coverage.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to approve the reinstatement of the Reclamation Plant Operator allocation as presented.

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

18.2. Tulare County Transit Pass Agreement

Budget Manager Avila reported that in September 2010 College of Sequoias (COS) students voted to implement a mandatory transportation fee, which would provide students with an unlimited fixed route transit pass valid on Tulare County fixed route Bus Services (excluding Sequoia Shuttle) and Kings Area Rural Transit fixed routes.

An agreement between TCAG and COS was approved in November 2010 to provide for a two year pilot program or as long as transit agencies are able to meet their average fare per rider on fixed routes. Effective January 2011, enrolled students, who paid their tuition fees, received unlimited ridership on fixed route transit systems in Tulare County (excluding the Sequoia Shuttle). Tulare County transit agencies entered into an agreement with TCAG to participate in the STPP through May 2011. The mandatory transportation fee is \$5 for full-time students and \$4 for part-time students every semester.

TCAG received a Transportation Planning Grant that initiated a Tulare County Transit Study to occur in 2011 to evaluate the region's current transit services specific to the community college education needs of all segments of the County's population and to determine the sustainability of the program. A draft Study is being circulated to all transit agencies for feedback and comments. The Dinuba Connection (Dinuba/Reedley College route) is included in the study. The information collected regarding the Dinuba/Reedley College service can be used to determine if a similar pass program can be supported in the future. Staff is in the process of reviewing the report, providing feedback, and will present the results of the study to the City Council once finalized.

The student transit fee was implemented with the semester of spring 2011. The attached amendment to the agreement between transit agencies and TCAG continues the City's participation in the Student Transit Pass Program through December 31, 2011. Although the City's DART system has not accepted any COS transit passes in the 2011 spring semester, it is recommended that participation in the program continue in the event there is ridership in the future. There is no fiscal impact to the City in participating in the program.

Budget Manager Avila requested that the City Council authorize the City Manager to execute the amendment to the agreement with TCAG for the COS Student Transit Pass Program through December 2011.

It was motioned with Council Member Morales, second by council Member Gonzalez, to authorize the City Manager to execute the amendment to the agreement with TCAG for the COS Student Transit Pass Program through December 2011.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez

NOES: None
ABSTAIN: None
ABSENT: None

18.3. Information Sharing

Business Manager Avila shared that Director Beltran will return to work August 22.

Avila shared there will be a Local Motion award luncheon sponsored by TCAG on September 22.

ADJOURNMENT

Mayor Smith adjourned the meeting at 10:55 pm.

Mike Smith, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary