

COUNCIL MEMBERS PRESENT: Hinesly, Smith, Morales, Gonzalez

COUNCIL MEMBERS ABSENT: Harness

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

CALL TO ORDER

Mayor Smith called the meeting to order at 6:37 pm.

INVOCATION

Pastor Frances Leibert led the invocation.

FLAG SALUTE

Chief Thompson led the flag salute.

CITY ATTORNEY

10.1. Universal Inc Lease Agreement

Dr. Thusu, Universal Inc., explained what the vocational center will hold in terms of education and training. He also explained how Reedley College is involved with the education program. Dr Thusu said there are two possibilities for the upper floor. One is state funded the other privately funded. He said he would like to keep the cost to students down. The quality of students is the most important thing to consider. He said that Universal, Inc. may want to utilize the Strand Theater across the street at some time in the future.

Dr. Thusu reviewed the layout of the proposed facility at the vocational center and the proposed elements.

The City Council discussion followed.

The City Council asked questions of Dr. Thusu as to the facility and its students.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to direct staff to enter into the proposed lease agreement with Universal, Inc. for the Dinuba Vocational Center as proposed.

AYES: Hinesly, Smith, Morales, Gonzalez

NOES: None

ABSENT: Harness

ABSTAIN: None

10.2. Universal Inc Purchase and Sale Agreement, Alta Hospital

City Manager Todd said Dr. Thusu asked for payment term of four years which would allow him with flexibility to operate the facility and do what is necessary to make it work.

Dr. Thusu said he believes there will be 100 to 150 jobs available at the hospital which include jobs for dialysis and skilled nursing labs; he said people are waiting to get started.

Vice Mayor Hinesly said people are concerned about parking around the facility.

Dr. Thusu said this area is a medically underserved area and whenever he begins something he said he always tries to work with others to work together toward the common goal of healthcare.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to authorize staff to enter into an agreement with Universal, Inc. for the purposes of leasing the Dinuba Vocational Center facility to Universal, Inc as proposed.

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

COMMUNITY RECOGNITION AND APPRECIATION

4.1. Janelle Cochran, Historic Preservation Commission

Mayor Smith presented a certificate of appreciation to commission representative Nancy Hoyt as Janelle Cochran was not present.

PUBLIC COMMENT

5.1. Christy Myer Introducing 2011 Miss Dinuba Candidates

Christy Myer introduced 2010 Miss Dinuba Hanadi Hamad. Miss Hamad shared information about the upcoming pageant to the City Council and the audience. Miss Hamad introduced the 2011 Miss Dinuba Candidates to the City Council.

Mayor Smith presented the contestants each with lapel pins.

5.2. Sandy Sills, Dinuba Chamber of Commerce – Raisin Day Event Request for Co-sponsorship and Exclusive Use of Vuich Park, September 22-25, 2011

Sandy Sills, Dinuba Chamber of Commerce requested that the City co-sponsor the Raisin Day event with the Chamber and authorize exclusive use of Vuich Park. Sills said this year marks the 100th anniversary of Raisin Day.

Sills said this year the event will focus on bringing back the youth element with “youth night in the park” and the “church night” and, she added, the traditional things are being included. The Iron Man Competition will be held this year. She explained that the committee tried to get the local non-profits to participate in the food booths; the craft booths are not exclusively local. Sills said the committee will be mindful of noise as it affects the surrounding neighborhoods. Sills added that there will be a Mega 97.9 live remote at the event.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to approve the co-sponsorship and request for exclusive use of the park for the Raisin Day event.

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

5.3. Pastor Frances Leibert, First United Methodist Church – Handicap Parking

Pastor Frances Leibert requested that the City Council authorize handicap parking in front of the First United Methodist Church. She explained the problems faced in trying to access the church by current physically challenged church members.

Council and staff discussed the matter at hand.

Director Beltran said staff should be able to accommodate the church with little expense.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to approve the request to provide an area for handicap parking on the church site that would help alleviate the accessibility issues.

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

5.4. Unscheduled

Monique Garcia introduced her son Israel Garcia, a junior golfer. Mrs. Garcia explained Israel is part of the Northern Golf Association. Mrs. Garcia went on to talk about Israel's golf accomplishments and said he wants to be a professional golfer. She thanked the Council for the City's sponsorship of her son in the recent tournament.

Mayor Smith recollected his first meeting with Israel. Council Member Gonzalez commented on how well Israel plays golf. Council Member Morales wished Garcia well with his golf future.

Marion Buller presented a plaque thanking the City of Dinuba for the support given to Relay for Life over the past seven years.

CONSENT CALENDAR

- 6.1. City Council / Redevelopment Agency Joint Meeting, August 9, 2011
- 6.2. City Council / Redevelopment Agency Special Joint Meeting, August 24, 2011
- 6.3. Acceptance – Other Agency Meeting Minutes
 - a. Citizens Oversight Committee, April 29, 2011
 - b. Dinuba Economic Development Committee, August 9, 2011
 - c. Parks and Community Services Commission, June 21, 2011
 - d. Planning Commission, August 2, 2011
 - e. Police Advisory Commission, August 2, 2011
- 6.4. Parks and Community Services Commission Draft Agenda, September 20, 2011
- 6.5. Pro Youth Dinuba Commission Draft Agenda, September 22, 2011
- 6.6. Master Development Schedule
- 6.7. Set Hearing – State COPS 2011 Grant, September 27, 2011
- 6.8. Set Hearing – West El Monte Way Commercial Study, September 27, 2011

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

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

WARRANT REGISTER

- 7.1. Approval – City Council, August 12, 19, 26, September 2, 9, 2011
- 7.2. Approval – Redevelopment Agency, August 12, 19, 26, September 2, 9, 2011

It was motioned by Vice Mayor / Vice Chair Hinesly, second by Council / Board Member Gonzalez, to approve the warrant register.

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

MAYOR'S / CHAIR'S MINUTE

- 8.1. Senior Housing Project - Proposed Names

Assistant City Manager Anderson presented information in regard to the senior apartments and said it is time to name the development. She explained that the facility, a senior complex, needs a name and she requested that the City Council offer suggestions.

Mayor Smith said the community, 55 and older, should have a say about naming the facility. The name suggestions could then be selected by a committee or by the Council. He said there should be a prize for selecting the winning name like dinner for two for a restaurant in Dinuba. Mayor Smith said staff should put a time limit on the contest.

The Council directed staff to place an ad in the local paper for the contest naming the facility.

8.2. Dinuba High School Class of 1956, Proclamation No 2011-07

Mayor Smith said he would like to personally present the proclamation to the class of '56 at their reunion.

Discussion followed.

8.3. Information Sharing

None

COUNCIL /AGENCY COMMENTS

9.1. Request for Excused Absence – Scott Harness, August 24, 2011

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to excuse the absence of Council Member Harness at the Council / Redevelopment Agency meeting of August 24, 2011.

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

9.2. Request for Excused Absence – Emilio Morales, August 24, 2011

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to excuse the absence of Council Member Morales at the Council / Redevelopment Agency meeting of August 24, 2011.

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

9.3. Historic Preservation Commission Application – Bob Raison

City Manager Todd presented Bob Raison's application for appointment to the Historic Preservation Commission. Todd said Raison is very qualified for position as he is a natural Dinuba historian having been a longtime resident and owner of the Dinuba Sentinel.

Mayor Smith asked when the second volume of Dinuba's history book will be written. Council discussion followed.

City Manager Todd said this is an opportune time to consider a second edition because the Historic Preservation Commission is currently talking about their ten year goals.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to appoint Bob Raison to the Historic Preservation Commission.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to excuse the absence of Council Member Harness at the Council / Redevelopment Agency meeting of August 24, 2011.

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

9.4. Proposed Addition of Red Curb on Palm Drive, Resolution No 2011-37

City Manager Todd said this issue was brought to the attention of Council Member Harness who made staff aware of the situation.

Director Beltran reported that the resident at 1486 Akers Way has expressed concerns with on-going damage to his rear yard fence which is located in the alley behind the United Market Shopping Center. The issue being large delivery trucks cannot safely exit the alleyway onto southbound Palm Drive due to parked vehicles along the west side of the street. As a result, trucks are forced to reverse into the alley and inevitably damage the fence belonging to 1486 Akers Way. This has occurred several times over the years.

In considering the issue, it is clear the direction of travel through the alley cannot be changed due to access of the loading docks for the United Market store. To address this issue, City staff is recommending the following measures:

1. Fifty feet of red curbing be painted on the west side of Palm Drive from the alley driveway southward. The space should be sufficient to allow truck traffic to complete the turn onto Palm Drive without the need to reverse into the alley.
2. Ten feet of red curbing be painted on both sides of the alley approach on the east side of Palm Drive. This is recommended to keep vehicles from parking right up to the drive approach further limiting the ability for large trucks to exit the alley.
3. Install a steel bollard at the rear right-of-way line of 1486 Akers Way in the alley to shield the fence in the event trucks are still forced to reverse.

The adjoining businesses, Mariscos Mi Vallarta and Adventist Health Community Care Clinic, have ample parking within their respective parking lots and should not be adversely affected by the “no parking” restrictions on Palm Drive. The City’s Public Works Department staff will be responsible for the installation of both recommendations upon City Council.

Beltran recommended that the Council consider and approve Resolution #2011-37 designating 50’ of red curbing on the west side and 10’ on each side of the alley drive approach of the east side of Palm Drive, between El Monte Way and Akers Way; and authorize the installation of a steel bollard in the adjacent alley.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to adopt Resolution No 2011-37 as presented.

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

9.5. Reminder – League of California Cities Annual Conference, September 21-23, 2011

City Manager Todd said this is a reminder of the League’s Annual Conference which coincides with the Raisin Day Event.

9.6. American Veterans Traveling Memorial– Request for Senior Citizen Transportation

Vice Mayor Hinesly talked about the Veteran’s Traveling Memorial Wall and she said several seniors have expressed interest in assistance with transportation to the event.

Director Beltran said there are no issues with this request but she said, at some point in the future, she would like the council to consider authorization to utilize an old bus expressly for these kinds of requests in the future.

Discussion followed as to the cost of the transportation and City Manager Todd said staff could find sponsors for the cost involved.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize the transportation of senior citizens utilizing a city vehicle.

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

9.7. Information Sharing

Vice Mayor Hinesly said the Dinuba Woman's Club has taken on a new project that involves mentoring the Miss Dinuba Candidates. Hinesly talked about the recent birthday party she hosted for the R.O.M.E.O.'s.

Council Member Gonzalez congratulated Hinesly on the birthday party and effort Hinesly made for the R.O.M.E.O.'s.

Vice Mayor Hinesly thanked Director Nunes for helping with food preparation for the birthday party.

Council Member Gonzalez urged the audience to take their children to see the Veterans Memorial Wall which is coming to the area in November.

Discussion followed about the Council's participation in the Raisin Day Parade.

Council Member Gonzalez talked about the recent wildfires and CDF's participation.

CITY ATTORNEY

10.3. AT&T Utility User Tax Lawsuit

Discussed in closed session.

10.4. Update of Redevelopment Agencies' Statewide Litigation

City Attorney McCloskey said staff is awaiting the Supreme Court's decision which he indicated should come before the end of the year. McCloskey said he feels it will be in the City's favor.

10.5. Information Sharing

None

PUBLIC HEARING

11.1. Consideration of Council District Options

City Manager Todd presented information in regard to the proposed Council District Maps. He explained how changing the boundaries will, per our Charter, "unseat" the current Planning Commissioners while option 3B keeps all the Commissioners in their districts except for District 3 and 5. Todd requested the Council open the public hearing in regard to consideration of Council District options.

Mayor Smith opened the Public Hearing; no comments from the public were brought forward and the hearing was closed.

City Manager Todd said the boundaries wouldn't apply until the next General Election which is in 2012 but it would require some appointments if 3B is selected.

Discussion followed.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly to select Council District Option 3B.

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

- 11.2. Proposed Rezone from R-1 to PO for 1329 and 1413 N Alta Avenue
a. City Council Resolution No 2011-35
b. Ordinance No 2011-07, First Reading, Read Title, Waive Reading in Full

Planning Tech Carrillo requested presented the information in regard to the proposed rezone for 1329 and 1413 North Alta Avenue. Carrillo requested that the Council hold a public hearing in regard to the rezone of the properties at issue.

Discussion followed.

Mayor Smith opened the public hearing, no comments from the public were brought forward; Mayor Smith closed the public hearing.

Carrillo requested that the Council adopt Resolution No 2011-35 as presented and then consider the introduction of Ordinance No 2011-07.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to adopt Resolution No 2011-35.

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

It was motioned by Council Member Gonzalez, second by Council Member Morales to approve the introduction and first reading of Ordinance No 2011-07.

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

Deputy City Clerk Barkley read the title of Ordinance No 2011-07 into the record.

11.3 2009-2014 City of Dinuba Housing Element Amendments, Resolution No 2011-36

Engineer Uota presented the amended Housing Element and explained that in 2010, the City of Dinuba Planning Commission adopted the Draft Housing Element of the General Plan. An Administrative Draft Housing Element had, at that time, been submitted to the State Housing and Community Development Department (State HCD), and State HCD's original comments had been incorporated into the Draft Housing Element.

Since that time, State HCD reviewed the revisions to the Draft Housing Element and determined that additional revisions were required before the document would meet State requirements. State HCD has worked with City staff and the City's consultants, Quad Knopf, to ensure that needed revisions

were incorporated into the Draft Housing Element. On June 9, 2011 the City received notification from State HCD that the Draft Housing Element would be certified if the revisions proposed in this Amendment were adopted by the City.

Based on State HCD's comments, staff prepared revisions to the Adopted Housing Element. The Planning Commission considered the revised document at their August 2, 2011 hearing and recommended it to the City Council for formal adoption, which is the purpose of this hearing.

This report describes the process undertaken to update the 2009 Housing Element, depicts the contents/changes to the document that resulted from the update process, and outlines the final steps necessary for completion and adoption of the Revised Housing Element.

In 2009, City staff began the review of the 2003 Housing Element, with the intent to comply with State requirements to prepare an updated housing element every five years. The City's planning consultant, Quad Knopf, assisted with State required public participation efforts in February 2009.

Steve Brandt, Quad-Knopf presented a PowerPoint presentation in regard to the Housing Element.

Brandt recommended after the public hearing that the Council adopt the amendment determine the previously adopted negative declaration remains valid.

Discussion followed in regard to what affordable housing availability entails. Brandt said the state determined years ago that the affordable housing must be provided for but not that it must be built. We must be able to show where the zoned affordable housing is in the city.

Council Member Gonzalez left the dais at 8:41 pm and returned at 8:42 pm.

City Manager Todd explained affordable housing as provided through the Housing Element.

Vice Mayor Hinesly asked if Quad-Knopf has argued successfully in the past with other cities. Brandt said yes and he explained.

Mayor Smith opened the public hearing, no comments were brought forward and he closed the hearing.

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly, to adopt Resolution 2011- 36, amending the Housing Element (as revised with the incorporation of comments) and to determine that the previously adopted Initial Study/Negative Declaration remains valid and in effect.

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

CITY MANAGER / EXECUTIVE DIRECTOR

12.1. Request for Authorization to Apply for HUD Community Challenge Planning Program Grant – East El Monte Way

Assistant City Manager Anderson presented a request for authorization to apply to HUD for a Community Challenge Planning Grant Program to fund a planning study and implementation of strategies for the area of Crawford/East El Monte Way with the goal of promoting sustainability.

The fiscal impact of the grant if authorized, is \$2,000 to hire a consultant and, the grant has a 20% match. The fiscal impact will be recovered in impact fees charged to the subdivision as it develops.

Council discussion followed.

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

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

12.2. KemperSports Contract Amendments

Budget Manager Cook reported on the financial condition of the golf course and said it continues to improve. For fiscal year 2010/11 revenues exceeded expenses including the Kemper Management fee. This success can be attributed to cutting costs while maintaining revenues. Beyond the numbers there is even more reason to celebrate the success at the course.

The Kemper Management contract has three years left on a seven year term. Given the success of this golf course not only for the City but for KemperSports, now might be a good time to consider renewing the contract for an additional period of time. Provided, as a part of the renewal, Kemper Sports is willing to provide some management cost reductions and include profit based incentives as a part of their management fee increases. Specifically a greater cost sharing for the overall accounting effort, needed to operate the course, which could potentially save the City \$10,000 to \$15,000 a year; and increases in their management fee changing from a straight 3% per year to a percent based on annual net profit. Council consideration and direction on this matter is requested.

City Manager Todd further explained the proposed amended agreement to the Council.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly, to approve the amended agreement with KemperSports.

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

Mayor Smith complimented the golf course on their service to customers.

12.3. Information Sharing

City Manager Todd said the 2011 Council Goals board is now up in the Council Chambers.

FINANCE AND COMMUNITY SERVICES

13.1. June 30, 2011 City of Dinuba and Redevelopment Agency Financial Investment Report

Budget Manager Cook presented the Investment Report and requested that the Council accept the Cash and Investment Report for the quarter ending June 30, 2011.

It was motioned by Council / Board Member Morales, second by Council / Board Member Gonzalez, to accept the Cash and Investment Report for the quarter ending June 30, 2011.

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

13.2. Discussion of Community Christmas Tree Location and Authorization to Purchase a Tree

Director Nunes shared that location of the current Community Christmas tree has become more and more difficult to light. The location is also not favorable to post-parade events. She requested that the Council consider authorization to change the location of the Community Christmas Tree to the Entertainment Plaza at the corner of Ventura and L Street. Staff has been working with Nyal Carver

to purchase a tree, have it planted and remove the tree currently planted at the Entertainment Center where the new tree will be most favorably located.

Discussion followed in regard to placement of Christmas lights on the tree and public access.

Director Nunes said staff will address those issues as they might arise.

Mayor Smith asked when it will take place and Nunes said it will be completed this year.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to authorize staff relocate the designated place for the community Christmas tree and to purchase a tree.

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

13.3. Fiscal Year 2010-2011 City of Dinuba and Redevelopment Agency Budget Amendments

Budget Manager Cook reported to the Council the final budget amendments are before them for review and consideration. Cook reviewed the amendments then requested that the City Council approve the budget amendments as presented.

It was motioned by Council / Board Member Morales, second by Vice Mayor / Vice Chair Hinesly to approve the City of Dinuba and Redevelopment Agency budget amendments as presented.

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

13.4. Information Sharing

Director Nunes shared that soccer season is currently in process as is the After School Program which has 265 participants. Staff is getting ready for basketball signups. The parks crews have been busy working with Chamber of Commerce to prepare the park for Raisin Day. Staff is meeting with the Chamber in regard to the upcoming Dog Days event.

Nunes shared that staff received information in regard to the Prop 84 grant for the Bob Barker building. Staff was informed that the total park acreage is considered much lower than originally thought which makes our project very competitive for the grant opportunity. Nunes reported that staff has been working with Four Creeks on the facility design.

Director Nunes reported she has been working with the seniors to get a new air conditioner for the Senior Center. The Dinuba Woman's Club and the City partnered to help the Senior Center purchase an air conditioner.

Nunes shared her experience with the R.O.M.E.O.'s birthday party.

Hinesly shared that she recently stopped at the Bob Barker building looking it over and there were several youth on their bikes riding around who asked her when the skating ramps are going to be moved at the facility. Hinesly explained to them what the city is currently planning for the facility amenities. The youth said they want to be involved in the process.

Council discussion followed.

Director Nunes shared a reminder about the Good Morning Dinuba meeting tomorrow morning at Double Dot Ice Cream downtown.

Nunes shared that on September 15 there will be a speed networking meeting at 5:30 at Rabobank.

Vice Mayor Hinesly said that first Relay for Life meeting will be held the same evening.

BREAK

Mayor Smith declared a break at 9:32 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 9:48 pm.

ENGINEERING SERVICES

14.4. Kamm Avenue Warehouse Award of Bid

Engineer Uota requested that the City Council consider awarding the bid for the construction of a new City warehouse on Kamm Avenue to Webb and Sons in the amount of \$298,000. The City Council authorized the construction of a City-owned warehouse on March 22, 2011. The project will be used by the Police and Fire Departments, City Hall, Public Works, and the Chamber of Commerce to store and secure equipment and a variety of records. Several qualified local contractors submitted a bid for this project. Three bids were received and all of the bids received exceeded the identified project budget of \$300,000.

On August 9, 2011, the City Council approved the City Engineer's recommendation to reject all bids and to re-advertise the project with revisions to reduce the project costs. In an effort to make this project more fiscally attainable the City Engineer and the Building Official made modifications to the project's scope of work: On August 15, 2011, the project was re-advertised and a bid opening date of September 6, 2011 specified. As a result the following bids were received and opened:

○ Webb & Sons	\$298,000
○ APCO Etnel	\$299,928
○ Gary Interrante	\$319,000
○ Les Felland Construction	\$333,385
○ Beckenhauer Construction	\$343,796
○ Quality Construction	\$344,092
○ Klassen Corporation	\$446,000

Staff recommended that the construction of a new City-owned warehouse on Kamm Avenue be awarded to apparent lowest responsive bidder, Webb and Sons, in the amount of \$298,000. The cost to construct this project will be funded by a loan from the water, sewer and disposal enterprise funds. The General Fund will pay back the amount loaned plus interest over a seven year period.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to award the bid to Webb and Sons in the amount of \$298,000.

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

14.1. Hayes Avenue Update and Budget Amendment(s)

Engineer Uota requested that the City Council review the subject Project updates and consider the proposed Budget Amendments for approval.

The Hayes Avenue Project was identified prior to the 2006-2010 Capital Investment Program (CIP) as a priority project for street widening with proposed funding primarily by the State Safe Routes to Schools (SR2S) Program. The previously completed improvements to the west half of Euclid Avenue from Bloomingdale to the Roosevelt School were largely funded by a SR2S grant. The CIP estimated the Project to cost \$297,000. Prior to 2005, the City had twice applied for SR2S funding for Hayes Avenue without success. Another application for SR2S funding was submitted in 2005

without success. It was determined in 2007 that other sources of funding for the Project needed to be explored. The 2008-2012 CIP increased the Project cost estimate to \$600,000 and identified Transportation Construction funds as the primary source of funding. Staff reviewed the scope of the proposed Project again in 2007 and determined that additional work was needed to resolve issues with drainage, sanitary sewer replacement and water main replacement. A December, 2007 Engineer's Estimate for the revised Project scope indicated a total estimated cost of \$915,000. The 2009-2013 CIP revised the Project budget to \$800,000 and reallocated funding from Transportation, Sewer and Water Construction funds and Water SDCs. Beginning in 2008, the State's budget deficit issues resulted in the State's taking of \$1.7M in Dinuba Redevelopment Agency funds in 2009 and 2010, which were actually funded from numerous capital and operation funds. The impact of the State's RDA taking on the Hayes Project was that CIP identified funding sources were no longer available. The 2010-2011 Budget increased the Project budget to \$915,000 without confirmed funding due to the State taking of funds. Preliminary engineering was initiated in August, 2011 and the Project cost estimate has been revised to \$750,000.

- For 2011/2012, staff has proposed new funding sources as follows:

- Sewer Construction, \$30,000
- Water Construction, \$72,000
- Water SDC, \$40,000
- Transportation Construction, \$178,000
- 2007 Transportation Bond, \$430,000

- The proposed project schedule is as follows:

- Begin Design-August, 2011
- Plans and Specifications Started-September, 2011
- Rights-of Way acquisition documents-October, 2011
- Neighborhood Meeting for Project update and ROW acquisition-Nov/Dec, 2011
- Plans and Specifications Completed- February, 2012
- Advertise for Bids-March, 2012
- Award Project and Begin Construction-April, 2012

Funding for this project is secure and on-hand. The portion that will be paid for out of the Transportation Bond is coming from the funds that were set-aside for the Avenue 416/ El Monte Way Expansion project match. The estimated \$430,000 that will be used toward the Hayes Avenue Improvements project will be replenished by Transportation SDC monies.

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

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

14.2. Whitney Avenue Street Lighting Plan

Engineer Uota reported that the residents along Whitney Avenue between Saginaw Avenue and North Way have long expressed a need for street lighting to improve public safety for pedestrians, vehicles and area residents. Staff began discussions with PG&E in April of this year to determine a cost effective way to construct additional street lights along Whitney Avenue. He explained the original options and PG&E's response to the application.

August 8, 2011, Staff requested a scope and fee proposal from 4 Creeks for the work required by PG&E. On August 22, 2011, PG&E advised Staff that upon further consideration it had been determined that the lowest cost option available to the City would be for PG&E to design and construct a system of wood pole mounted street lights and committed to have the design completed in two to three weeks, including a construction cost estimate. The schedule for the project and final cost will be known when PG&E prepares the Construction Agreement for City review and

acceptance. Upon receipt of PG&Es plans and cost estimate, staff will bring the final recommendations to the Council for approval.

Pending an actual PG&E Agreement for construction, the amount of the proposed project is currently estimated at \$20,000. Funding source for said amount will be General Fund reserves.

No action was taken.

14.3. Approval of Measure R Program Supplement – Piping of Town Ditch on Ave 416

Engineer Uota requested that the City Council consider authorizing the City Manager to execute the Program Supplement for the Avenue 416/El Monte Way Widening Project authorizing additional funding for construction of piping of the Alta Irrigation District's Town Ditch subject to TCAG Board approval at their October, 2011 meeting.

Uota explained that the Tulare County electorate approved the 2006 ½ cent Transportation Sales Tax Measure in 2006 to fund various transportation improvements in the County of Tulare. An Expenditure Plan was developed to guide the orderly and equitable implementation of the anticipated revenues from this measure.

In 2007 a Cooperative Agreement was executed between the City and the Tulare County Transportation Authority. This agreement set the groundwork for the receipt of funding for the El Monte Way/ Avenue 416 Widening project. The Cooperative Agreement becomes effective only after a fully executed and project-specific "Program Supplement" is executed.

The piping of the Alta Irrigation District's Town Ditch is a planned part of the Avenue 416/El Monte Way (EMW) Widening Project. The limits of the proposed work begin along the south side of EMW in front of the Adventist Health (AH)-Dinuba Ambulatory Care Clinic, proceeds north across EMW with the replacement and upsizing of the existing culvert, continues north through the property owned by Otis Denney (El Monte Market), crosses the UPR/SJVR tracks and ends at the north side of the railroad property. Both the AH and Denney projects were planning to construct their respective parts of the above described Town ditch piping; however, the Alta Irrigation District (AID) recommended that the two proposed projects be combined and include the replacement of the culvert crossing of EMW. The AH project then offered to assume (subject to reimbursement from the Ave 416/EMW Project) the lead to construct the piping of the Town Ditch from their site, crossing EMW and ending at the south limits of the railroad's property. The AID has approved this described revision to the Town Ditch piping shown on the Ave 416/ EMW Widening Plans. The cost of the revised piping of the Town Ditch has been estimated to be approximately \$250,000. The AH project will assume the responsibility to construct the piping of the Town Ditch with plans provided by the City and will solicit bids for the work. The requested Measure R Program Supplement is in the amount of \$250,000 and will be paid to the AH project for their actual costs upon their completion of the described piping of the Town Ditch. The entire \$250,000 estimated cost will be funded by Measure R.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize the City Manager to execute the Program Supplement for the Avenue 416/El Monte Way Widening Project authorizing additional funding for construction of piping of the Alta Irrigation District's Town Ditch subject to TCAG Board approval at their October, 2011 meeting.

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

14.5. Sale of Property Located at 175, 191, 225, 243, 251 and 285 West El Monte Way, Dinuba, California

Closed session item

14.6. Information Sharing

Uota shared that there are poles on the east side of Rd 80 south of Tulare from which PG&E has removed its equipment.

Building Official Hartley said that Perko's plans to open for business before Thanksgiving.

Mayor Smith asked when the half-demolished building is coming down. Uota said we are awaiting Citibank to sign the documents.

FIRE SERVICES

15.1. Authorization to Apply for Homeland Security Grant – Radios

Chief Thompson reported that each year, the department of Homeland Security provides each state with grant funds that are to be distributed to public safety agencies throughout the state in order to improve response capabilities and preparedness. The City of Dinuba Fire Department has taken advantages of this opportunity for multiple years. Last year, the department received approximately \$21,000 to purchase a Medical Oxygen Generator.

This year, the City of Dinuba Fire Department would like to request \$20,000 to replace our handheld programmable radios with radios that are compliant with the Federal Interoperability Standards. The new radios will allow our personnel to communicate with other public safety agencies throughout California while on multi-agency incidents such as strike team assignments. The grant will fund 100% of the request if awarded.

Chief Thompson requested that the City Council consider authorizing the Fire Department to apply for the 2011 Homeland Security Grant.

It was motioned by Council Member Hinesly, second by Council Member Gonzalez, to authorize the Fire Department to apply for the 2011 Homeland Security Grant.

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

15.2. Request for Extended Leave of Absence – Leann Chambers

Chief Thompson shared information in regard to the request for leave of absence by Firefighter Chambers.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize the request for extended leave of absence for Leann Chambers.

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

15.3. Information Sharing

Chief Thompson said Battalion Chief Doyle was requested specifically as a strike team leader to escort teams in southern California fighting multiple fires.

Chief Thompson said there was a residential structure fire on Golden Way yesterday but staff had it controlled.

POLICE SERVICES

16.1. Project Listen Update

Lt. Popovich reported on the first meeting of Project Listen held earlier in the day. The committee discussed several ways of disbursing the information and survey to the community. Chief Olvera will keep the Council apprised of the committee's progress.

16.2. Information Sharing

Public safety was honored twice this week. New covenant care event and at Junior Academy along with fire services.

Appreciation potluck recently held for Chaplain Willie and Diane Williams both volunteers, before they left for Reno recently.

PUBLIC WORKS

17.1. Award of Bid - California and Perry Avenue Property Demolition

Engineer Uota said the Redevelopment Agency purchased the 259 N. Perry Avenue property in 2008 for expansion of the Rose Ann Vuich Park. This property was mitigation offset for rights-of-way that is needed across the south side of Rose Ann Vuich Park. On April 22, 2008, the Redevelopment Agency purchased 366 California Avenue for expansion of the Roosevelt Park. This property acquisition was for Park expansion to offer community residents additional sports activities such as additional baseball / softball batting cages and other amenities.

Request for proposals (RFP) for asbestos abatement and demolition and/or removal of the houses and buildings located at 259 N. Perry Avenue and 366 California Avenue Dinuba were mailed out to various qualified local and area contractors. A public notice was published in the Dinuba Sentinel newspaper on August 11, 2011 and August 18, 2011.

The RFP deadline was August 26, 2011 and the City received four proposals. The proposals received were from:

1) Housely Demolition	\$ 26,280
2) Bryan Company	28,800
3) DKI, Inc.	32,821
4) Wise Engineering	38,327

Housley Demolition submitted the apparent lowest bid in the amount of \$26,280 but was rejected due to submitting a non-responsive bid. This leaves the Bryan Company whose lowest responsive bid was \$28,800 as the apparent lowest responsive bidder. Uota said he has reviewed their proposal and has certified it as complete.

The amount of \$11,800 in expenses for the 259 N. Perry Avenue property will be funded by Measure R monies since the purchase of the property was required as a result of the El Monte Way Expansion project. A total cost of \$17,000 for the property at 366 California Avenue will be funded by the Parks Reserve fund.

Engineer Uota requested that City Council approve the award the proposal received from Bryan Company in the amount of \$28,800 for asbestos abatement and demolition and/or removal of the acquired structures at 259 N. Perry Avenue and 366 California Avenue. It is also requested that the City Manager be authorized to sign and execute all related documents.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to approve the award of bid to Bryan Company for the demolition work as presented.

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

17.2. Authorization to Renew 2011-12 Dinuba Connection Agreement

Director Beltran said this is a request to renew the agreement between the City of Dinuba and Fresno County Rural Transit. She explained that the 2007-2009 City Council Goals identified the development of transit routes to Reedley and Cutler-Orosi as a top priority goal to strengthen and enhance programs at the Vocational Center and to make Dinuba a regional retail, educational, and entertainment center.

In August 2008, the City implemented the Dinuba/Reedley route (Dinuba Connection) in partnership with FCRTA. The route includes one-hour headways with bus stops at the Vocational Center, Sierra Kings Hospital, Reedley College, Palm, Village, and Wal-Mart and Tulare County Library; and provides for service connections with FCRTA to Parlier, Sanger, Fresno, and with TCAT to Cutler-Orosi. Fares are \$1.50 for general public, \$1.25 for students, children, and seniors. Student passes can be purchased for \$25.00.

City staff recommends that the agreement with FCRTA be renewed for the 2011/12 fiscal year. The City and FCRTA will continue to split the cost of the Dinuba Connection route as well as split fare box recovery from this service.

Council discussion followed.

Beltran requested that City Council authorize the Transit Manager to renew the agreement with FCRTA for the 2011/12 fiscal year.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to authorize the Transit Manager to renew the agreement with FCRTA for the 2011/12 fiscal year.

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

17.3. Information Sharing

Beltran shared a copy of street sweeper routes. Council discussion followed.
Mayor thanked Beltran for helping him with the Miss Dinuba Candidates.

CLOSED SESSION ACTION

18.1. Sale of Property Located at 175, 191, 225, 243, 251 and 285 West El Monte Way Dinuba, California

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Engineer Uota and City Attorney McCloskey to discuss the sale of real property as above described.

No action was taken.

BREAK

Mayor Smith declared a break at 10:29 pm.

CLOSED SESSION ACTION

18.2. AT&T Utility User Tax Lawsuit

Pursuant to Government Code Section 54956.9, the City Council met in closed session with City Attorney McCloskey to discuss the AT&T Utility Users Tax Lawsuit.

No action was taken.

ADJOURNMENT

Mayor Smith adjourned the meeting at 11:00 pm.

Mayor

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary