

COUNCIL / BOARD MEMBERS PRESENT: Harness, Smith, Morales, Gonzalez

COUNCIL / BOARD MEMBERS ABSENT: Hinesly

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

#### CALL TO ORDER

Mayor / Chair Smith called the meeting to order at 6:31 pm.

#### INVOCATION

The invocation was led by Council Member Harness.

#### FLAG SALUTE

The flag salute was led by Fire Chief Thompson.

#### NEW EMPLOYEES AND PROMOTIONS

##### 4.1. Finance and Community Services

- Amanda Barbosa
- Judy Estala

Director Nunes introduced Finance and Community Services employees Barbosa and Estala.

##### 4.2. Public Works

- Raphael Ayala
- Crystal Yanez

Director Beltran introduced newly hired Public Works employee Ayala and Yanez who was recently promoted within the department.

Council Member Gonzalez arrived to the meeting and was seated at the dais at 6:35 pm.

Mayor Smith presented the new employees with a commemorative Dinuba Centennial Book.

#### PUBLIC COMMENT

##### 5.1. Evi Hernandez – Request for Street Closure, Block Party, July 4, 2012

City Manager Todd informed the Council Members that this is an annual request by the folks in the Morningside neighborhood and there are no significant differences from past requests to hold a fourth of July block party with a street closure.

It was motioned by Council Member Morales, second by Council Member Harness, to approve the request for a street closure as presented.

AYES: Harness, Smith, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: Hinesly

##### 5.2. John Machoian – Avenue 416

John Machoian, Rd 70, talked about issues he said “are not unique to Dinuba.” Machoian said his appearance before Council is a result of problems that have been reported in local papers. Three articles appeared in the Bee on the subjects of garbage, lack of self-respect, the Mayor and the city’s trash.

Machoian said the article noted that there are no signs posted along El Monte Way to deter littering. Machoian said his concerns are excessive littering along El Monte Way at Rd 72 and in the city limits of Dinuba. He asked that the Council consider signage and he compared the problem with other states.

Machoian talked about speed limit signs and said in particular, a 55 mile an hour sign approaching Dinuba. Machoian said he thinks road repairs will help with traffic but it will not help with the trash and littering problems. He called the problem a “scar.”

Mayor Smith thanked Mr. Machoian for the concerns he shared and said some of the issues he brought forward will be addressed by the road widening project.

5.3. Request City Application for HOME Funding (Davis Park Apartments), Resolution No 2012-37

Davis Slackerd, Willow Partners said the development company has extensive experience working with community projects and he shared information about a similar project in Kerman. He commented he would like to build a comparable project in Dinuba. Slackerd said the proposed project site is located on Davis Avenue, and is an affordable median income, workforce housing project. He described the units as consisting of 2 and 3 bedroom apartments. Slackerd said the application must be made to the State’s Housing and Community Development Department for an amount of \$4.5 million but there will be no required financial participation by the City. Davis said he wants to submit the application by mid-August but in order to complete the application, the Council must adoption a resolution authorizing the City Manager to sign the documents to allow the project to move forward. Slackerd thanked the Council for the attention given to the project.

Council Member Harness said he saw the Kerman project and said it is a beautiful project. He said however, the proposed Dinuba area does not need another project like this one on the north side of the city but it would better serve on the south side. Harness said the Northpark Apartments, as previously reported by the police department, has the most calls for assistance. The Self Help project in Viscaya is also not favored by the neighborhood on the west side. He recommended that the city work with Willow Partners to find a different location for the project.

Council Member Gonzalez said he understands what Willow Partners is trying to do and thinks it’s a great idea.

Council Member Morales said it’s a great project but the residents who live in the area are opposed to having more apartments in their neighborhood; although there will eventually be apartments in the area as it is zoned. He said it would be nice if Willow Partners considered the southeast side of the city to locate the apartment project. He said he thinks they should hold back on putting the apartment complex there.

Council Member Smith said he lives on the north side of the city and in the 12 years since he’s been on the City Council, all these projects have been built on the north side. He questioned staff about apartments that were recently built where it’s reported to house rival gangs. He clarified that he is bringing the matter up in order to respond to residents when they ask; he added he prefers to have some control over the project once it’s built. Smith said we’re probably better off having someone who manages the project they build. He said if it wasn’t for the HOME money needed to build the project, Willow Partners wouldn’t ask the City for assistance and the project would be constructed anyway as zoned.

Slackerd said the City and Willow Partners are partners; he said he understands apartments have a poor record in many communities. He said it’s true that the area is zoned for apartments but he urged the Council to make sure that whatever project is allowed to be constructed there is properly managed to curtail problems. Slackerd said in the event Willow Partners is not successful in acquiring HOME funding the developer will try to build a comparable apartment project. He said he understands the hesitation with multi-family projects but he asked the Council to consider their project because the developer knows how to build the project and is prepared to follow through with due diligence.

Mayor Smith said the multi-family apartments he knows of are located on the northwest and northeast sides of the city.

Slackerd recommended that if the City is having problems with other complexes that they hire a management company like Buckingham. He said he respects the Council's decision but this is a project that has multi-family housing with good management.

Mayor Smith said he feels better about allowing developers build it with whom the City has some control.

Council Member Harness made his comments in regard to apartment projects in the city. He said he doesn't see how the City can influence after the complex is built.

Mayor Smith asked Chief Olvera if the Northpark Apartments are a problem. Chief Olvera commented on existing apartments and concurred that management is the key.

Council Member Gonzalez said he's lived in local apartments and he understands that it's a controlled environment. He gave the example of someone coming in and building a different complex that may allow unfavorable elements. He said a controlled way is better than uncontrolled and he clarified that perhaps "controlled" is not the correct term to use. Gonzalez said there is good and bad in all apartment projects and there will always be issues and said again it is his opinion that a controlled environment is better than an uncontrolled environment.

Mayor Smith asked how long the area has been zoned for multi-family use and City Manager Todd said it's been zoned about 20 years.

It was motioned by Council Member Gonzalez, second by Mayor Smith to adopt Resolution No 2012-37.

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

The motion was lost due to a split vote and the absence of Council Member Hinesly. After discussing the outcome, the Council directed staff to place the item on the July 10, 2012 agenda to be considered by the entire Council.

#### 5.4. Unscheduled

Evi Hernandez apologized for arriving late and started to ask the City Council to consider his request on the agenda as item 5.1. City Manager Todd informed Hernandez the item was considered and approved earlier in the meeting. Hernandez thanked the Council for the approval.

#### CONSENT CALENDAR

- 6.1. City Council and Dinuba Housing Authority Joint Meeting Minutes, June 12, 2012
- 6.2. Avenue 416/El Monte Way Widening Project Rights-of-Way and Property Acquisitions, Certificates of Acceptance
  - APN 012-290-053, 6525 Avenue 416- Grantor-Jorge G. Jalil, Trustee of the Jalil Family Trust: TCE
  - APN 012-282-014, 6998 Avenue 416- Grantor- Peter A. Sherwood, Deputy Public Administrator of the Estate of Frank Guerra, Deceased: Grant Deed (Partial Take) and TCE
- 6.3. Certificates of Acceptance – Hayes Avenue Real Property
  - APN 014-173-015, 147 N. Hayes – Grantor- Manuel Dicochea and Diane B. Dicochea, Husband and Wife as Community Property: GOE, TCE
  - APN 014-174-007, 148 N. Hayes- Grantor- Miguel Pacheco and Maria Pacheco, Husband and Wife, As Joint Tenants: GOE, TCE
  - APN 014-174-006, 164 N. Hayes- Grantor- Debra Joann Hayes, an Unmarried Woman: GOE, TCE

- APN 014-173-021, 165 N. Hayes – Grantor- G.L Narayan Md Inc. Defined Plan, a California Corporation: GOE, TCE
  - APN 014-174-005, 180 N. Hayes – Grantor- Guadalupe Lizarde, a Married Man as His Sole and Separate Property: GOE, TCE
  - APN 014-173-020, 181 N. Hayes- Grantor- Joseph Stevens, an Unmarried Man: GOE, TCE
  - APN 014-173-023, 201 N. Hayes- Grantor- Somvang Silapachai and Vangkeo Silapachai, Husband and Wife, as Joint Tenants: GOE, TCE
  - APN 014-173-022, 219 N. Hayes- Grantor- Maria D Rodriguez and Juan A Rodriguez Wife and Husband as Joint Tenants: GOE, TCE
  - APN 014-174-004, 222 N. Hayes- Grantor- Nhan T Lam and Nhu N Tran, Husband and Wife as Joint Tenants: GOE, TCE
  - APN 014-173-018, 235 N. Hayes- Grantor- Abel Rodriguez: GOE, TCE
  - APN 014-174-003, 244 N. Hayes- Grantor- Oscar Duran, a Married Man: GOE, TCE
  - APN 014-174-002, 272 N. Hayes- Grantor- Martin M Landin and Marselina Landin, Husband and Wife, as Joint Tenants: GOE, TCE
  - APN 014-173-019, 275 N. Hayes- Grantor- William E. Ellis and Gayle C. Ellis, Husband and Wife as Joint Tenants: GOE, TCE
  - APN 014-174-001, 288 N. Hayes- Grantor- Francisco Morfin and Teresa Morfin, Husband and Wife as Joint Tenants: GOE, TCE
  - APN 014-186-004, 325 N. Hayes- Grantor- Jose L. Rios and Leticia S. Rios, Husband and Wife as Joint Tenants: GOE, TCE
- 6.3. Certificates of Acceptance – Hayes Avenue Real Property
- APN 014-185-007, 330 N. Hayes- Grantor- Francisco Joel Morfin and Teresa Morfin, Husband and Wife as Joint Tenants: GOE, TCE.
  - APN 014-185-006, 340 N. Hayes- Grantor- Jason A. Elizondo and Estella Elizondo, Husband and Wife as Joint Tenants: GOE, TCE.
  - APN 014-186-003, 365 N. Hayes- Grantor- Ernest Holbrook, an Unmarried Man: GOE, TCE.
  - APN 014-185-005, 370 N. Hayes- Grantor- Octaviano Montejano and Beatris Montejano, Husband and Wife, As Joint Tenants: GOE, TCE.
  - APN 014-185-002, 380 N. Hayes- Grantor- Juan Vasquez, An Unmarried Man as his sole and separate property: GOE, TCE.
  - APN 014-186-002, 385 N. Hayes- Grantor- Apolonia Jiminez, an Unmarried Woman: GOE, TCE.
  - APN 014-185-001, 392 N. Hayes- Grantor- James L. Merlo and Rhonda P. Merlo, Husband and Wife as Community Property: GOE, TCE.
  - APN 014-186-001, 395 N. Hayes- Grantor- Lino G. Reyes and Maria V. Reyes, Husband and Wife as Joint Tenants: GOE, TCE.
  - APN 014-173-025, 1249 E. El Monte Way- Grantor- Johney C. Jespersen, A Married Man as his Sole and Separate Property and Albert Gene Belcher, Jr. a Single Man, each as to undivided equal interest: GOE, TCE.
  - APN 014-174-008, 1271 E. El Monte Way- Grantor- Oscar Nino a single man and Miguel Nino, a single man: GOE, TCE.
- 6.4. General Election, November 6, 2012
- A. Calling Election and Requesting Consolidation, Resolution No 2012-40
  - B. Requesting County Clerk to Render Services, Resolution No 2012-41
  - C. Determining Candidate Statement Regulations, Resolution No 2012-42

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

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

#### WARRANT REGISTER

- 7.1. Approval –Warrant Register, June 15, 22, 2012

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

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

#### MAYOR'S / CHAIR'S MINUTE

##### 8.1. Information Sharing

Mayor Smith said he attended the League Division meeting in Clovis on June 21 with staff; he attended Council Member Hinesly's birthday party given by the R.O.M.E.O.'s; he attended the a birthday party at the Seniors Center; and he attended the Flag Day event which, he said was good but not as well attended as he'd hoped it might be.

Council discussion followed in regard to Flag Day.

#### COUNCIL / BOARD COMMENTS

##### 9.1. Information Sharing

Council Member Harness said he attended the Vice Mayor's birthday party along with his daughter. He said he's spent quite a bit of time on the proposed multi-family project. He listed some issues that he feels are eminent with apartment complexes.

Council Member Gonzalez iterated again that control of apartment projects with management is best and he said it's the better of two evils.

Council Member Harness said he visited the residents in the project area and said many of them are not in favor of the project and he said he must vote no on the project.

Council Member Morales said he's not been able to attend several community events lately for various reasons.

#### PUBLIC HEARING

##### 10.1. Authorization to Levy Assessments on Lighting and Landscaping Districts, Resolution No 2012-38

Finance Manager Cook presented information to the City Council in regard to Lighting and Landscaping Districts. Cook reported that the action is necessary to support the annual Landscape and Lighting Districts' process for fiscal year 2012/2013 which would allow the City to recover some of the costs associated with maintaining and providing services to various City neighborhoods.

Cook reported that there are 19 special assessment districts; 17 are Landscape and Lighting Districts, one is an Integrated Financing District and another is a Downtown Assessment District. Any change between the assessment amount levied in FY 2011/12 and FY 2012/2013 is in accordance with the terms approved by all implicated property owners. City staff has made certain that the City has complied with all laws pertaining to the collection of special assessments and has confirmed the validity of this process. Cook asked that the Mayor open the public hearing to take comments on the matter.

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

Finance Manager Cook requested that the City Council consider and adopt Resolution No 2012-38 authorizing the levy of assessments on Lighting and Landscaping Districts as presented.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to adopt Resolution No 2012-38 as presented.

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

10.2. Sale of Building Trades House at 1502 Nutcracker, Resolution No 2012-05

Business Manager Avila presented a request to the Housing Authority Board to consider adopting Resolution Number 2012-05 approving the sale of real property to Ramiro and Isabel Calderon under the Affordable Housing Program, approve the associated Affordable Housing and Real Property Disposition Agreement, and authorize the Executive Director to execute all associated sale documents.

Avila reported that City staff has worked closely with the Dinuba High School to create a Building Trades Construction Program with the objective being to provide affordable housing to persons of low-to-moderate income. This program also creates a great opportunity for students to learn valuable skills in various construction trades (e.g. plumbing, electrical, HVAC installation, landscaping, etc.) The subject property is the seventh house constructed through this program and was completed in May 2012. The house is approximately 1,200 sq. ft. has a living room, three bedrooms, two bathrooms, a kitchen, and a dining area. The sale of this property has been announced on an advertisement billboard located on the property and in the local newspaper.

Avila reported that once the sale becomes final approximately \$130,000 will be deposited into the City's Housing Authority fund. The revenue will be used to fund the FY 2012-13 Industrial Trades Program. He requested the Chair to open a public hearing to take testimony on this matter.

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

It was motioned by Board Member Morales, second by Board Member Gonzalez, to adopt Resolution No 2012-05 of the Dinuba Housing Authority approving the sale of real property to Ramiro and Isabel Calderon under the Affordable Housing Program.

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

CITY ATTORNEY

11.1. Acquisition of Real Property, APN 014-032-011 (Murillo)

This item was presented in closed session.

11.2. Resolution of Necessity No 2012-39 – APN 012-220-015; 016 (Family Tree Farms)

City Attorney McCloskey said this item is a request to the City Council to consider a Resolution to proceed with the acquisition of real property on Avenue 416 belonging to Family Tree Farms. Staff met with the owners and his representative, attorney John Smith. McCloskey said this is a request to the Council to consider a Resolution of Necessity to move forward with acquisition.

Attorney Smith asked why it's necessary to adopt a Resolution of Necessity. Attorney McCloskey said it's necessary because of the short time frame with the street widening project.

Attorney John Smith was present with Dan Clenney and Matt Young of Family Tree Farms. He described the company. Attorney Smith said he and his clients had a good meeting with staff yesterday and said he appreciated it. He commented that City Manager Todd was optimistic in moving forward with the project. Smith explained that under the law the property owner must raise objections or waive those rights. He asked that his comments not be misconstrued.

Smith submitted copies of documents for the administrative record.

1. Appraisal Summary Statement with March 22, 2012 purchase offer
2. Notice of Hearing regarding Adoption of a Resolution of Necessity, May 23, 2012
3. Transmittal dated June 22, 2012 of June 26, 2012 Dinuba City Council and Dinuba Housing Authority Joint Meeting Agenda and Dinuba City Council Resolution No 2012-39 in partial response to public records act request

Smith read hand-delivered correspondence which contained information discussed at the meeting yesterday with staff. He stressed that with the progress of yesterday's meeting his hopes are that these items will not be necessary.

Mayor Smith said his position is not in favor of eminent domain but he said he understands that the project must go forward.

Council Member Harness said he feels Family Tree Farms is in good hands and yesterday's discussion should be proof of that.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to adopt City Council Resolution of Necessity No 2012-39 as presented.

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

#### 11.3. Information Sharing

None

#### CITY MANAGER

#### 12.1. Information Sharing

City Manager Todd thanked the Family Tree Farms representatives and added that yesterday's discussion proved favorable. Todd said we appreciate their business in the community and want them to remain and expand and, he added, we appreciate the jobs they bring to the community.

Todd said last Thursday evening he heard some things said that bothered him, coupled with what is going on at the State level and some information about AB1484 that has come to light and with the power that's being shifted to the Department of Finance through the Redevelopment Process. When ABX26 came out there were two sentences that described them. In new legislation there is the ability to demand what they want and if they don't get it they can do some damaging things to municipalities. We're in a unique position because we have three representatives; Conway, Perea and Rubio who represent our area.

Council Member Gonzalez left the dais at 7:52 pm.

Todd discussed issues that may be of concern surrounding sales tax profits. If the election goes bad for the governor in November there will be many entities scrambling for funds.

Gonzalez returned to the dais at 7:53 pm.

Mayor Smith said he'd forgotten but he takes a more cautious opinion. He described a problem that could occur with "point of sale right to sales tax."

Council discussion followed.

Gonzalez returned to the dais at 7:54 pm.

## ENGINEERING AND PLANNING SERVICES

### 13.1. Information Sharing

None

## FINANCE AND COMMUNITY SERVICES

### 14.1. Fiscal Year 2011-2012 Budget Amendments

Finance Manager Cook presented the budget amendments staff report to the City Council and requested that the Council consider approval of the amendments as proposed.

It was motioned by Council Member Morales, second by Council Member Harness, to approve the Fiscal Year 2011-2012 Budget Amendments as presented.

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

### 14.2. Information Sharing

Finance Director Nunes shared that the first Summer Night Lights event was held last Friday and the event drew a large crowd. This Friday night is the Independence Day celebration that will include a band, street level fireworks, free food, relay races, face painting, and games.

Mayor Smith asked staff to consider bringing back an aerial fireworks show for the community.

Discussion followed.

Nunes shared that baseball/softball season is slowing down and soccer signups are being taken. She reported that the swim program is presently ongoing.  
Nunes shared that the City's Auditors will be here this week.

## FIRE SERVICES

### 15.1. Authorization to Apply for Assistance to Fire Fighters Grant

Chief Thompson presented a request to the City Council for authorization to apply for a Fire Fighters Grant. The primary purpose of the grant is to provide assistance to meet fire departments and nonaffiliated EMS organizations' firefighting and emergency response needs.

Thompson said the Dinuba Fire Department is seeking to apply for the AFG Grant in order to purchase four new Cardiac Monitors because our monitors are becoming old and outdated and, the manufacturer has informed staff that they've stopped making parts for our cardiac monitors. If awarded the grant, the Dinuba Fire Department will be able to replace aging cardiac monitors with new monitors of the latest technology. The cost of four cardiac monitors is approximately \$136,000 and the City will need to match 10% of the cost which equates to \$13,600 and the department is ready to utilize Ambulance funds for this purpose. The application period closes on July 6th, 2012. If awarded the grant, the fire department will be notified after December 1, 2012.

Chief Thompson requested that the City Council approve the Fire Department's request to apply for the Assistance to Firefighters Grant as presented.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize staff to apply for the Assistance to Fire Fighters Grant for the purposed specified.

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

#### 15.2. Information Sharing

None

### POLICE SERVICES

#### 16.1. Information Sharing

Chief Olvera informed the City Council that the patrol sergeant position closes this Friday, and selection should be final in place in August.

Chief Olvera shared that a saturation patrol is scheduled for Saturday.

Discussion followed in regard to the reason why the patrol sergeant position is being brought back and Chief Olvera explained it is a remedial position in lieu of a lieutenant until staffing can be fully filled again.

A discussion followed in regard to the process of how to report marijuana grows in residential areas. Chief Olvera shared the process and discussion followed.

### PUBLIC WORKS

#### 17.1. Authorization to Apply for 2012 HOME Investment Partnership Program (NOFA), Resolution No 2012-36

Business Manager Avila presented a report to the City Council in regard to a request for authorization to apply for the 2012 HOME Investment Partnership Program in response to the 2012 HOME Notice of Funding Availability (NOFA) and authorize the City Manager or the Public Works Director to execute a standard agreement and all other necessary documents if the grant is awarded.

Avila reported that since the early 1980's, the City of Dinuba has had very successful Homebuyer and Housing Rehabilitation Programs and as of May 31, 2012, a total of 293 families have been assisted with loans valued at over \$11 million dollars. Avila reported that HCD released a NOFA for 2012 HOME Grant funds on June 1, 2012 allowing eligible jurisdictions to apply for up to \$700,000 to fund Homebuyer and Housing Rehabilitation Programs.

Business Manager Avila shared that the applications must be submitted by August 17, 2012 and requires that the governing body of each jurisdiction adopt a resolution that accomplishes two things:

1. Authorizes the submission of an application in response to the NOFA; and
2. Designates a City representative to execute a HCD Standard Agreement, amendments (if applicable) and any related documents necessary to participate in the Home Investment Partnership Program (HOME) if the grant is awarded.

The City has an existing grant writing agreement with Self-Help Enterprises and Staff believes it would be beneficial to use their services for the preparation of the subject grant application. The cost to use Self-Help Enterprises for grant writing services is \$3,000. The cost will be funded by local operating funds.

Council Member Harness asked staff to provide some of the projects that have been funded by the program for either this year or next. He said the information is for the benefit of a constituent who is disabled and who was denied assistance.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize staff to apply for the 2012 HOME Investment Partnership Program.

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

#### 17.2. Information Sharing

Director Beltran directed comments about that the stockpile of concrete on El Monte Way where houses were removed on the north side of the street. The contractor asked authorization to grind the material at the site and staff felt it was not a good idea. The county has contacted staff in this regard and the contractor wants to visit the immediate neighborhood to get signed petitions with the residents' approval. In the interest of time, they have asked that the list of residents be supplied to staff rather than Council and it be approved at the staff level.

Beltran said she along with the Mayor and City Manager visited Pena's Disposal to view their grinding procedures and she said, it was dusty and loud.

Council discussion followed.

Beltran reported that the contractor offered to limit their hours of operation. After discussion of the request to grind the material onsite, Beltran requested that the Council direct staff in the matter of how to proceed. The Council agreed to allow staff to handle the matter.

Director Beltran shared information recently received on the Kern and K Street water main mishap caused by a contractor. She reported that she received a letter from the contractor who denies all liability for the mishap. Staff has directed the City Attorney to direct correspondence on behalf of the City position in response to the matter.

BREAK

Mayor Smith declared a break at 8:37 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:46 pm.

CLOSED SESSION ACTION

#### 18.1. Real Property Right-of-Way Acquisition, APN 014-032-011 (Murillo)

Pursuant to Government Code Section 54956.8, the City Council met in closed session with the City Attorney to discuss acquisition of real property.

The City Council authorized the City Manager to execute documents to accomplish the acquisition of real property; and, the acquisition of a temporary construction easement in the amount of \$10,000 for the purposes of accomplishing the widening of Avenue 416.

#### 18.2. Real Property Right-of-Way Acquisition, APN 012-220-015; 016 (Family Tree Farms)

Pursuant to Government Code Section 54956.8, the City Council met in closed session with the City Attorney to discuss acquisition of real property.

The City Council authorized the City Manager to execute the Use and Possession Agreement with Family Tree Farms for the purposes of accomplishing the widening of Avenue 416.

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 9:15 pm.

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Mike Smith, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk / Secretary