

COUNCIL MEMBERS PRESENT: Harness, Hinesly, Gonzalez

COUNCIL MEMBERS ABSENT: Morales, Smith

STAFF MEMBERS PRESENT: Anderson, McCloskey

CALL TO ORDER

The meeting was called to order at 6:33 pm.

INVOCATION

The invocation was led by Chaplain Garcia.

FLAG SALUTE

The flag salute was led by Attorney McCloskey.

NEW EMPLOYEES & PROMOTIONS

4.1. Fire Services

- Michael Banks

Chief Thompson presented Michael Banks who was recently promoted to full-time firefighter. Chief Thompson explained that two-years ago Banks began employment here as a part-time firefighter. Mayor Hinesly administered the oath of office to Firefighter Banks and his wife pinned the official badge on him.

- Evan Morgan

Chief Thompson presented Firefighter Morgan who was recently promoted to firefighter /paramedic.

4.2. Finance Services

- Jacqueline Lopez

Finance Director Cook introduced Jacqueline Lopez who was recently hired as part-time cashier.

4.3. Public Works

- Craig Liebau

Director Beltran introduced Craig Liebau recently hired as part-time maintenance worker.

- Roy Ramirez

Director Beltran presented Roy Ramirez who was recently promoted to Management Analyst over the Transit Center. He will be managing the housing program and commercial recycling programs.

The City Council congratulated the new hires and promoted staff members.

PUBLIC COMMENT

5.1. Yosh Toyota and Evan Morgan – Request City Sponsorship for ACS Relay for Life Team

Firefighter/Paramedic Morgan said the annual Relay for Life event will be held once again this year and staff is interested in organizing the City's team. Morgan presented a request for sponsorship in the amount of \$3,000 for the City's team.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to authorize the sponsorship of the City's team for the ACS Relay for Life event in the amount of \$3,000.

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

5.2. Unscheduled Items

None

CONSENT CALENDAR

- 6.1. City Council Draft Meeting Minutes, November 26, 2013
- 6.2. City Council & Dinuba Financing Authority Meeting Minutes, December 10, 2013
- 6.3. Historic Preservation Commission Draft Meeting Minutes, December 9, 2013

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

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

WARRANT REGISTER

7.1. Approval – January 17, 24, 2014

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

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

MAYOR'S MINUTE

8.1. Certificate of Sufficiency of Petition by the Elections Official for the Recall of Mayor / Councilmember Janet Hinesly, Ward 2

Assistant City Manager/City Clerk Anderson said she issued a Certificate of Sufficiency for recall petition and tonight she issued it as an administrative action. The Certificate of Sufficiency is now filed in the City Clerks' office. Anderson explained that the City Council must within 14 days call for an election per the Elections Code. The next scheduled meeting of the City Council is February 11 where the appropriate resolution will be presented officially calling for an election.

Mayor Hinesly asked if the City has to pay for the election and Anderson replied yes and there will be a cost to the City.

Discussion followed. No action was necessary as a result of the report.

8.2. Information Sharing

None

COUNCIL COMMENTS

9.1. Reminder- Annual Dinuba Chamber of Commerce Awards Banquet, January 31, 2014

Mayor Hinesly said the annual Dinuba Chamber of Commerce awards banquet will be held on January 31. She advised she will not be present but Vice Mayor Morales will be there to deliver the State of the City address.

9.2. Information Sharing

None

CITY ATTORNEY

10.1. CLOSED SESSION ACTION: CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Name of Case: City of Dinuba v. Ryan Clifton

Name of Case: City of Dinuba v. Thusu

Name of Case: Smart v. City of Dinuba

10.2. CLOSED SESSION ACTION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8: To discuss the sale and option of real property owned by the City of Dinuba.

Council discussed the third matter (Smart v. Dinuba) and then came out of closed session and took action on Smart v. Dinuba to accept the settlement offer from plaintiff's attorney and authorize the City Manager to sign the settlement agreement. The terms of the settlement are that the City would waive its right to seek costs or any other claim against the plaintiff and plaintiff would dismiss the complaint with prejudice.

A motioned was made by Council Member Harness, second by Council Member Gonzalez, to accept the settlement offer from the plaintiff's attorney and authorize the City Manager to sign the settlement agreement.

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

10.3. Information Sharing

None

CITY MANAGER

11.1. Information Sharing

City Manager Nunes shared information about destination places for workers employed in each of the Tulare county cities. She pointed out that the majority of the residents work in the Dinuba area. The remainder travel to other Tulare county cities and the unincorporated areas.

Discussion followed.

Assistant City Manager Anderson said staff will meet tomorrow with a Reedley College instructor who will begin teaching at the Vocational Center in March and with the CVBI business incubator contact.

Mayor Hinesly asked if there are vendors who provide classes like computer instruction and so forth who would fall within the guidelines of the Vocational Center's EDA grant guidelines.

Anderson said it would depend the instructor would have to meet the criteria for instruction.

Nunes said she discussed with Will Marshall of the EDA recently what classes can be held in the building but it would have to include instruction for people who could go on to the job market.

ENGINEERING AND PLANNING SERVICES

12.1. Authorization to Extend Specialized Engineering Services Contract to AECOM

Director Beltran reported the item for City Engineer Uota who was not present.

Beltran reported that AECOM is currently working on the CNG station for the City. Their performance continues to be positive. The City Council previously authorized the City Manager to execute contracts with various firms dependent on their expertise of services. AECOM / Boyle, among other firms submitted proposals resulting in interviews. AECOM / Boyle was selected as the best qualified Specialty Civil Design firm and ultimately the City contracted with them. The firm is uniquely qualified for more complex Capital projects design like the CNG Fueling facility expansion Phase II and they are currently working on the project with staff. AECOM has completed 80% of the plans and specifications for the project.

Director Beltran said AECOM's current agreement expired January 25, 2014 and an addendum to the Professional Service Agreement which will allow the firm to continue to offer professional services for an additional three years is requested. There is no cost associated with the action and staff will negotiate the contract price for each capital project that warrants engagement with AECOM. The cost for professional services will be funded by each capital project budget.

Council Member Gonzalez asked when the deadline is for the completion of the CNG station and Beltran said September 2015 but staff will request an extension on the deadline. Beltran reported that staff is applying for CMAQ funds for the funding shortfall for the project.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to authorize an addendum to the professional services agreement with AECOM Engineering for an additional three years and authorize the City Manager to execute the addendum.

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

12.2. Information Sharing

None

FINANCE SERVICES

13.1. Ground Emergency Medical Transportation Program (GEMT)

Finance Director Cook presented a request for authorization to enter into an agreement to participate in the Ground Emergency Medical Transportation Services Program or GEMT.

Cook explained the program provides funding to eligible Fire Department-based ambulance services that provide emergency medical transportation services to Medi-Cal beneficiaries. The program provides

funding for the federal share of the supplemental reimbursement payments based on uncompensated costs for Medi-Cal fee-for-service transports effective January 30, 2010.

Cook described the terms of the program. He explained the City is projecting reimbursement of approximately \$170,000 per year. Administrative costs would be approximately \$3,000 per year.

Discussion followed.

Cook recommended that the City Council authorize staff to enter into an agreement with Sacramento Metropolitan Fire District for administrative costs related to the Ground Emergency Medical Transportation (GEMT) program and authorize the City Manager to sign the necessary documents.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to authorize staff to enter into an agreement with Sacramento Metropolitan Fire District for administrative costs related to the Ground Emergency Medical Transportation (GEMT) program and authorize the City Manager to sign the necessary documents.

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

13.2. FY 2012-2013 Year-End Financial Report

Director Cook presented a PowerPoint presentation to aid in the presentation of the City's FY 2012-2013 Financial Report.

Cook said the Public Safety sales tax is strong; the Health Insurance fund was cut back by over \$300,000 by the end of the fiscal year; The Vocational Center annual debt service payments ended the year with a negative fund balance. In the previous year we weren't able to make the debt service payments. Cook said the general fund revenues are higher and it allows us to do more things with the funds.

Finance Director Cook requested that the City Council accept the Financial Report and authorize staff to file the report.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to accept the report and authorize staff to file the report as presented.

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

13.3. Information Sharing

Director Cook said staff implemented new citywide software system from New World Systems. He said the old data will be put into the new system and updated.

FIRE SERVICES

14.1. Information Sharing

Fire Chief Thompson shared that the annual Pull for a Cure event benefitting the ACS Relay for Life event will be held on April 5. There will be a new element added to the Pull for the Cure event.

PARKS AND COMMUNITY SERVICES

15.1. Information Sharing

Director Carrillo said this past Saturday the Ronald McDonald House fundraiser was held at the Community Center with 35 participants in attendance and ten activities. Carrillo noted:

The City's After School Program students made 95 participants who created artwork for the benefit of Children's Hospital.

Kathy Lamb personally hand-made 90 beanies for the patients at the hospital.

\$700 was raised for the Ronald McDonald House.

A benefit dinner will be held at the Ronald McDonald house on February 14, if approved by the Ronald McDonald House.

Carrillo talked about the drought and how it's currently affecting the City's trees. Carrillo said staff will have to water the City trees to prevent loss but will guard the amount of water used. He said the turf will likely not be watered.

POLICE SERVICES

16.1. Tulare County Peace Officers' Memorial & Education Foundation – Support

Chief Popovich presented the information about the Tulare County Peace Officers' Memorial & Education Foundation. He recounted that at the last Council meeting, Deputy Sheriff Conley was present to talk about the memorial honoring fallen peace officers of Tulare County. The presentation included options offering support for the memorial.

Chief Popovich recalled that one of Dinuba's own, Officer Ron Hill, is named on the memorial. The memorial serves to remind all of the sacrifice made by all peace officers in Tulare County while protecting our citizens.

Chief Popovich said the Dinuba Police Officers Association supports the memorial and has agreed to make a donation to offset the entire cost to the City in supporting the memorial.

Chief Popovich requested that the City Council authorize staff to make a corporate donation in the amount of \$1,000.00 to the Tulare County Peace Officers' Memorial and Education Foundation. An 8x8 brick would

be engraved with the City's logo and a message agreed upon from both the City of Dinuba and the Dinuba Police Officers Association.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to authorize staff to make a corporate donation in the amount of \$1,000.00 to the Tulare County Peace Officers' Memorial and Education Foundation as described.

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

16.2. Information Sharing

Chief Popovich shared one of our police officers submitted a resignation; first time in a long time a resignation has occurred in the police department. The backgrounds have been completed on two reserves and we hope to get them onboard soon. We will soon receive our two electric motorcycles purchased with grant funds from the Air Board.

PUBLIC WORKS

17.1. Review of City Zoning Ordinance on Garage Sales

Director Beltran shared the information about the City's Zoning Ordinance in regard to Garage Sales.

Mayor Hinesly asked Marie Sanchez to speak to the issue she previously brought forward.

Marie Sanchez stated that she is a Dinuba school nurse and therefore, works with many children. She said she sees many families who have a great economic need. She said she would like to see the ordinance changed to increase garage/yard sales.

Discussion followed.

Council Member Harness said he respects her reasoning and agrees with staff that the ordinance should remain as it stands.

Mayor Hinesly said our code was developed because we have more complaints about yard sales that have become habitual.

Beltran agreed and explained that many residents often begin yard sales on Thursday and continue through the weekend. The yard sales often result in several more than the two that are permitted per year.

Mayor Hinesly said that she would like to see the city do a community-wide yard sale and combine it with our spring clean-up and she used Morro Bay as an example. She said Relay for Life holds a yard sale to benefit the relay event.

City Manager Nunes said staff is looking at having a yard sale the weekend before the spring clean-up. She said multi-family yard sales could be an option; one is only limited by the property not the people.

No action was taken.

17.2. Limited Parking 100 Block South L Street, Resolution No 2014-04

Director Beltran reported that a request was received at the last council meeting for limited time parking signs on the 100 block of South L Street. Beltran explained that the limited parking may be authorized by ordinance or resolution. She explained parking has been an issue in the downtown area for merchants and patrons.

After Consideration, staff recommends that one 20 minute limited parking space to accommodate businesses requiring short-term parking should be erected. She noted that although the sign is erected and limits parking, without police enforcement, it may not be helpful.

Discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to adopt resolution No 2014-04 establishing the limited parking in the 100 block of South L Street as presented.

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

17.3. Authorization to Apply for FY 2013-2014 California Transit Security Grant Program Transit Assistance Fund, Resolution No 2014-05

Director Beltran presented a recommendation to the City Council to authorize the City Manager or Public Works Director to apply for fiscal year 2013-14 funding through the California Transit Security Grant Program, California Transit Assistance Fund (CTSGP-CTAF).

The CTAF program was approved as part of Prop 1B for the purpose of funding Transit System Safety, Security, and Disaster Response measures.

The City is eligible to apply for approximately \$16,246 for fiscal year 2013-14. Staff has determined the best use of the money is to install additional surveillance systems in the transit fleet with front-facing cameras to help alleviate liability exposure.

Beltran requested that the City Council consider the request and adopt Resolution No 2014-05 authorizing the City Manager or Public Works Director to submit an application as described and to execute associated documents performing action necessary for successful implementation of the program to obtain financial assistance from the Cal OES.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to adopt Resolution No 2014-05 authorizing staff to apply for the FY 2013-2014 California Transit Security Grant Program Transit Assistance Fund.

AYES: Harness, Hinesly, Gonzalez

NOES: None

ABSENT: Morales, Smith

ABSTAIN: None

17.4. Information Sharing

Director Beltran said a preconstruction meeting has been scheduled with the Avenue 416 Preconstruction Team and Construction Manager in mid-February.

Director Beltran shared information she received from the Governor's office as relates to Californians reducing water usage by 20%. She explained that Dinuba's ordinance allows for conservation to be voluntary at this time. She plans to bring back information to the City Council in the near future about the issue. She said she is not surprised by the governor's order since the urban water management plan already asked that we conserve water beginning in previous years. Staff is working on the urban water management plan. She talked about the conservation incentives. Right now the City's tier system is structured to the more water you use the less expensive it is as opposed to the opposite like other utilities such as PG&E. Beltran said staff is monitoring water levels more frequently than in the past. The levels are now monitored monthly and she said she plans to bring the reports to the Council more often to keep them apprised.

Discussion followed.

Director Beltran shared that a recent street closures went smoothly as staff worked on the sewer lateral. No issues were brought forward.

Mayor Hinesly dismissed staff who were not going to be involved in closed session at 7:55 pm.

CLOSED SESSION

18.1. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Number of Cases: (three (3) cases)

Name of Case: City of Dinuba v. Ryan Clifton
Name of Case: City of Dinuba v. Thusu
Name of Case: Smart v. City of Dinuba

The Council met in closed session with the City Attorney and City Manager on Item 18.1 and took information regarding two cases (Dinuba v. Clifton and Dinuba v. Thusu). No action taken.

18.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8: To discuss the sale and option of real property owned by the City of Dinuba.

Property subject to possible sale: approximately 38.54 acres the Property consisting of lots 1-68; 85-114; 136-149; 172 and Out-lots A-N, P and T, of the Ridge Creek Ranch Tentative Map.

Property subject to possible option: approximately 20.01 acres consisting of lots 69-84; 115-135; 150-171 and Out-lots O, Q-S; and, U-Z of the Ridge Creek Ranch Tentative Map.

Agency negotiator: City Manager Beth Nunes
Negotiating parties: RIDGE CREEK RANCH PARTNERS, LLC

Under negotiation: Instructions to the negotiator will concern price, term, conditions of payment, option price, option terms and conditions.

Council discussed the third matter (Smart v. Dinuba) and then came out of closed session and took action on Smart v. Dinuba to accept the settlement offer from plaintiff's attorney and authorize the City Manager to sign the settlement agreement. The terms of the settlement are that the City would waive its right to seek costs or any other claim against the plaintiff and plaintiff would dismiss the complaint with prejudice.

A motioned was made by Council Member Harness, second by Council Member Gonzalez, to accept the settlement offer from the plaintiff's attorney and authorize the City Manager to sign the settlement agreement.

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

ADJOURNMENT

The meeting was adjourned at 8:30 pm.

Janet C. Hinesly, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk