

**COUNCIL MEMBERS PRESENT:** Reynosa, Smith, Morales, Harness, Thusu

**STAFF MEMBERS PRESENT:** Anderson, Barkley, Beltran, Carrillo, Cook, James, McCloskey, Popovich, Thompson, Uota

## **WORK SESSION**

### 1.1. Municipal Government Overview – City Charter

Attorney McCloskey reported information about the City Charter process. He explained that the Charter is our constitution. He explained there are Charter and General Law Cities and touched on the main differences. Attorney McCloskey described several bills that have affected Home Rule for Charter cities. He reviewed the first half of the City Charter with the City Council.

The work session ended at 6:14 pm.

## **CALL TO ORDER (6:30 pm)**

The meeting was called to order at 6:30 pm.

## **INVOCATION**

Chaplain Garcia led the invocation.

## **FLAG SALUTE**

Chief Thompson led the flag salute.

## **PRESENTATIONS**

### 5.1. Award of Valor - Art Jaime

Chief Thompson reported that the actions of citizen Art Jaime saved the lives of senior citizens. Chief Thompson explained Jaime utilized fire extinguishers to quench the fire and halted its spread. Thompson said there is no doubt that his actions saved the lives of several senior residents in the complex that day.

The Council thanked Mr. Jaime for his heroic actions.

### 5.2. Sandy Sills, Executive Director Dinuba Chamber of Commerce Annual Report

Sandy Sills, Executive Director of the Dinuba Chamber of Commerce annual report. She said the Chamber has continued to work with local businesses and worked in local events and community activities. She said the Chamber has tried to put people together for existing businesses and to offer help to struggling businesses. Sills explained that the Tourism Board puts together a magazine that goes out to the entire state. She added that it's a great networking tool for Dinuba.

Vice Mayor Harness said he's received calls from business members and Chamber members concerning the Chamber and he asked Sills if it's time to review fees.

Sills said it's good to review fees and suggested a public meeting for people to share ideas and look at what other communities are doing. Sills said she tries to talk to potential business owners before they go into debt. Sills talked about a class the City and Reedley College gave to help businesses start. She said it's a good idea to listen to the merchants because business people like to know they are heard.

Sills invited the Council to the annual Awards Banquet on January 30, 2015. She invited them to Alta Hospital Clinic grand opening and the Good Morning Dinuba meeting there. She also noted that a new funeral business has opened up, Sterling & Smith Funeral Home and they will have a ribbon-cutting on January 27.

## **PUBLIC COMMENT**

### 6.1. Mark Carrion – Eli Villarreal Memorial Park

Mark Carrion was present and said he spoke with Director Carrillo but hasn't spoken with the family of Eli as previously directed. Carrion said he'd like to see a memorial park at the site of the tragedy, specifically where the child came to rest. Carrion said there should be a memorial park in the area. He said the Marquis development is a large area that would be, in his opinion, a great location.

Vice Mayor Harness said the Marquis folks are still hoping to build and it doesn't seem that would be an option.

Council Member Smith said there are several efforts to memorialize Eli and he said it seems to him that one effort would be more effective.

Carrion said he feels his suggested site would be the right place for a memorial park.

### 6.2. Real Property at Saginaw / Hayes Avenue – Nehf-Gapen

Dorothy Nehf was present with Phillip Gapen and a third family member to talk about their real property located at Whiney, Saginaw and Hayes. Nehf stated that Hayes Avenue is a hazard for children. She read a script to the Council about an agreement she said was made between the City and the Nehf-Gapen family in 1987 and again in 1990. Nehf referred to a letter written by the City to the Nehf/Gapen families in 1997 about the property supposedly after a meeting that occurred in the home of Clarence Nehf on October 2, 1997 a day after the premature demolition of 890 Whitney. Nehf said the meeting was attended by Mr and Mrs Nehf and City staff members Ed Paz, Rick Hartley and Paul Magyar.

Phillip Gapen, 740 Hayes Avenue, said the initial agreement was that the City had an agreement with them in 1997. Gapen said nothing has transpired since 1997 and the premature demolition of the house in March 1998 has not been addressed. Gapen said they have not been reimbursed for the property and the property has not been developed. Gapen said the Nehf-Gapen family has a subdivision map that was drawn up years ago but nothing has been done since then. Gapen and Nehf recounted issues they have had on the property over the years and expressed concern.

Vice Mayor Harness said this began in 1989 when the City approached the Nehf-Gapen families about dedication of real property to widen the city street behind their property. Many of those folks mentioned in the letter are no longer employed in Dinuba. Harness said he asked the families to come back to the Council to work toward some resolution.

Acting City Manager Anderson asked for copies of what the Nehf-Gapen Family brought and the item can be agendized for council discussion at a later date. She said we need to research what we can and cannot do and what the options are for resolution. She said staff will bring it back and the Council will have to discuss the matter.

Discussion followed.

### 6.3. Unscheduled Items

Maria McElroy, Heather Avenue, District 4, reported residents in her neighborhood had their first annual Cookie Walk on December 23. Host families participated by placing tables, chairs, blankets and maps of the walk in front of their homes. She said this was an opportunity to reach out to the neighbors. She thanked the Fire Department and City Council Members who participated to help strengthen the community. McElroy said several families have asked to participate next year. McElroy said the success of the Cookie Walk is one reason why she is a member of this community.

Mayor Morales asked what the funds were used for and McElroy said the Cookie Walk was free of charge. She invited anyone who willed to attend and participate next year.

Romelia Castillo was present to give the City Council members books about the Veterans Wall. Castillo said there will be another fundraiser for the Wall on Thursday at the Community Bingo event held weekly at the Veterans Memorial Hall. She reported that sponsorship letters were sent to businesses and soon will be sent to corporate America. e explained where and when the wall will be constructed.

### **CONSENT CALENDAR**

- 7.1. Acceptance - Other Agency Minutes
  - a. City Council Meeting Minutes, November 25; December 9, 2014
  - b. Dinuba Economic Development Commission, November 6, 2014
  - c. Historic Preservation Commission, November 10, 2014
  - d. Parks & Community and Pro-Youth Commission, November 18, 2014
  - e. Planning Commission Meeting, December 2, 2014
  - f. Police Advisory Commission Meeting, October 7, 2014
- 7.2. Citizens Oversight Committee Meeting Draft Agenda, January 23, 2015
- 7.3. Master Development Schedule
- 7.4. Claim for Consideration – Nicole Morgan

It was motioned by Vice Mayor Harness, second by Council Member Thusu, to remove item 7.1.a. from the consent calendar.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

It was motioned by Council Member Smith, second by Vice Mayor Harness, to approve the remainder of the consent calendar as presented.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

### **WARRANT REGISTER**

- 8.1. Warrant Register – December 12, 19, 2014; January 2, 9, 2015

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

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

**MAYOR'S MINUTE**

9.1. Information Sharing

None

**COUNCIL COMMENTS**

10.1. Consideration of Search for Interim City Manager

Acting City Manager Anderson said this item was to discuss the consideration of hiring an interim City Manager if they wished to consider an interim.

Council discussed the matter and voiced their opinion as to whether or not an interim City Manager was necessary. Vice Mayor Harness said Anderson already has two jobs and now she is acting City Manager. He said he doesn't want to rush the process of hiring a permanent City Manager and that is why he feels an interim would be a good idea. Harness said he didn't feel that four months was long enough.

Council discussion followed.

Council Member Smith said he doesn't see how hiring an interim manager would be effective. A temporary City Manager may not make decisions in the best interest of the City. Smith said it's a waste of money and Anderson would have to train the interim. He said if the Council is doing a good job they should be able to hire a city manager by the end of 4 months.

Council Member Reynosa said not only would she have to train the interim but she will also have to train the permanent city manager.

Council Member Thusu said he feels 4 months is too short a time to hire a permanent City Manager. He said in his opinion it will take longer than 4 months and he wants to make sure the person will last a long time.

Council Member Smith said having been on the Council and having hired several department directors it's a job that can be done in a timely manner. He said he feels there won't be very many applicants for the position.

Discussion followed.

Acting City Manager Anderson was asked what type of list she received for the interim City Managers. She said it was a good list of well-seasoned past City Managers.

Vice Mayor Harness asked about former City employee Daniel Meinert who has served as interim City Manager for City of Tulare. Harness said he couldn't find anything online about it in his research.

City Attorney McCloskey said there are people who take that role and are not driven by money; there are several out there.

Council Member Thusu said he agrees with Council Member Smith that there won't be very many people who apply.

Council Member Smith asked Anderson said she is the Assistant City Manager and she is not overwhelmed. The city team is very capable. She said there were times like when the two children lost their lives when she felt overwhelmed but who wouldn't be so. She said she probably wouldn't have to train someone because the manager would be a very seasoned individual. The next few months there will be several challenges but she said she feels very confident we could do the work.

Anderson said she and Mayor Morales interviewed the firms for the recruitment of the City Manager and one of them was Gary Phillips of Bob Murray and Associates. Phillips was present to answer questions about interim City Managers for the Council.

Phillips talked about candidate pools and said there are not as many as there were ten years ago. He said the baby boomers are retiring; "we used to get several hundred applicants per position ten years ago and now maybe 30 or 40 applicants." Phillips said they would typically be screened down according to specific requirements. He said perhaps a dozen applicants will be gleaned. Phillips said his firm has run the process in as little as 3 months and, he said 4 months is typical for this type of recruitment. He said that it's up to the Council if a national search is warranted. The criteria are yet to be determined.

Council Member Smith asked how often he sees that happen and he asked if California is unique.

Phillips said yes, California is unique because of labor laws and other factors. Many cities won't look outside of California but some will. Phillips said once the criteria are defined, it would typically run its course in 3 to 4 months. He asked the Council to keep in mind there are great candidates out there that are assistant City Managers in larger cities who are running the cities, typically like Acting City Manager Anderson. They may not necessarily be a City Manager right now.

Council Member Smith said we won't advertise the salary.

Phillips advised we advertise, "based on experienced. You don't want to put the salary on the job description because you want to get applicants who are really interested. "

Council Member Smith said the process can be done in less than 4 months. Arvin's City Manager was placed in less than 4 months.

Vice Mayor Harness said he's thinking about the City as a whole he said think about the what we've had in the past.

It was motioned by Vice Mayor Harness, second by Council Member Thusu, to seek candidates for interim City Manager.

A roll call vote was taken:

Council Member Reynosa:	No
Council Member Smtih:	No
Council Member Harness:	Yes

Council Member Thusu: Yes  
Council Member Morales: Yes

Acting City Manager Anderson said she will bring resumes for interim City Manager candidates to the City Council at a future City Council meeting.

#### 10.2. City Council Member(s) Appointment to Outside Agency Boards

Acting City Manager Anderson reported that this item was brought before the Council to appoint Council Members to outside agencies as City representatives. The main reason being that many of those former appointments were held by prior Council Members.

It was motioned by Council Member Smith, second by Council Member Thusu to appoint Vice Mayor Harness as the representative to the Council of Cities.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

Anderson noted that Council Member Smith is the primary representative to the Consolidated Waste Management Authority Board.

It was motioned by Vice Mayor Harness, second by Council Member Reynosa, to appoint Council Member Thusu as the alternate representative to the Consolidated Waste Management Authority Board.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

It was motioned by Vice Mayor Harness, second by Council Member Thusu to appoint Council Member Smith as the City's representative to LAFCo.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

It was motioned by Vice Mayor Harness, second by Council Member Smith, to appoint Mayor Morales as the City's representative on the Upper Kings Basin Integrated Regional Water Management Authority Board.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

It was motioned by Vice Mayor Harness, second by Council Member Smith, to appoint Council Member Thusu as the City's representative on the South San Joaquin Valley Air Pollution Control Board.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

10.3. Request for Reappointment - Historic Preservation Commission

- a. Nancy Hoyt, Alta District Historical Society; Jan 1, 2015-Dec 31, 2017

It was motioned by Vice Mayor Harness, second by Council Member Reynosa, to reappoint Nancy Hoyt to the Historic Preservation Commission.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

- b. Ron Gerstenberg, Alta District Historical Society; Jan 1, 2015-Dec 31, 2017

It was motioned by Council Member Smith, second by Vice Mayor Harness, to reappoint Ron Gerstenberg to the Historic Preservation Commission

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

10.4. Request for Appointment – Historic Preservation Commission

- a. Jesus Pelayo, At-large; Jan 1, 2015-Dec 31, 2015

Jesus Pelayo, architect, was present. He said he resides in Dinuba and told the Council he and his wife own a historical building part downtown. He said the historical part of Dinuba is what led them here.

Council Member Smith asked Pelayo which building he owns and Pelayo said he owns the old Masonic Temple on Tulare and K Street.

The Council interviewed Pelayo in regard to his community involvement. He explained he is an architect who is a member of Rotary, the Alta Historical Society and the Kiwanis Club.

The motion was made by Council Member Thusu, second by Vice Mayor Harness to appoint Pelayo to the Historical Preservation Commission.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

10.5. Request for Appointment – Police Advisory Commission

- a. Pablo Contreras Jr, At-large; Jan 1, 2015-September 30, 2017

It was motioned by Council Member Smith, second by Vice Mayor Harness to appoint Pablo Contreras Jr to the Police Advisory Commission.

AYES: Reynosa, Smith, Morales, Harness, Thusu

NOES: None

ABSTAIN: None

ABSENT: None

10.6. Kary Welch, Disability Retirement, Resolution 2015-02

Acting City Manager Anderson said this is a request to authorize the disability retirement of Kary Welch, Engineer / Paramedic. The Resolution declares Kary Welch disabled as required by the Public Employees' Retirement System (PERS) in order to qualify for disability retirement by the Public Employees' Retirement Law. Welch will retire from his position as an Engineer/Paramedic with the City of Dinuba effective January 30, 2015. Welch has filed an application with PERS for disability retirement.

Medical information received and reviewed by the City indicates that Mr. Welch is disabled to the capacity that he is unable to perform the duties of an Engineer/Paramedic. Anderson requested that the City Council consider and adopt the resolution authorizing the disability retirement.

It was motioned by Council Member Smith, second by Council Member Thusu, to adopt Resolution 2015-02 as presented.

AYES: Reynosa, Smith, Morales, Harness, Thusu

NOES: None

ABSTAIN: None

ABSENT: None

10.7. Set Joint Meeting – Dinuba City Council and Dinuba Unified School Board

Acting City Manager Anderson reported this item is a request to set a joint City Council and School Board meeting. The School Board has requested March 26 at 7:00 pm as it is the Board's turn to host the meeting. Anderson explained the City and School District try to meet quarterly.

The City Council agreed upon March 26 at 7:00 pm for the joint meeting.

10.8. Reminder – New Mayors and City Council Members Conference, January 14-16, 2015

Anderson reported that she, City Engineer Uota, Council Members Reynosa and Thusu are enrolled to attend the New Mayors and City Council Members Conference the rest of this week.

10.9. Reminder – City Council Goal Setting Meeting, January 24-25, 2015, City Hall

Anderson shared the reminder about the Goal Setting session facilitated by Ruth Medlin. The sessions will take place in the Council Members 8-5 on January 24 and if needed, from 1-5 on the 25<sup>th</sup>. She announced that it's a public meeting and anyone who wants to listen can do so. Anderson said there are some preliminary questions for the Council to help the process begin.



**CITY ATTORNEY**

11.1. Information Sharing

None

**COUNCIL COMMENTS**

Vice Mayor Harness said that Planning Commissioner Smither asked him if he could set up a meeting with the managers of Mercantile Row or possibly a conference call because he believed the lease ends this year.

Acting City Manager Anderson said the lease terminates in 2016.

Vice Mayor Harness said that Commissioner Smither also expressed a concern about the Chevron at the corner of El Monte Way and Alta and, the laws pertaining to old gas tanks.

Vice Mayor Harness said that some of the Measure F Oversight Committee Members said they would like information on the ten-year expenditure plan and the Committee’s resolution.

Discussion followed about Reedley covering Dinuba’s ambulance calls.

**CITY MANAGER**

12.1. Selection of Agency for City Manager Recruitment

Acting City Manager Anderson said Council authorized the recruitment process. She reported that first was comprised the ad hoc committee, then a search for the recruiting agency ensued. The committee selected Bob Murray and Associates who the committee felt most closely reflected the interest of the community. Many of the cities they have worked for are close in size to Dinuba. The committee was satisfied how Mr. Phillips interacted with committee members. Anderson requested that the Council authorize the execution of the agreement for services with Bob Murray and Associates. Acting City Manager Anderson introduced Gary Phillips of Bob Murray and Associates who shared sample pamphlets for similar cities with the Council.

Phillips explained the recruitment process. He said this is “their” process, speaking to the Council. He said the agency tries to customize the process to each city. Phillips said he is very aware of the importance of matching the candidates’ profile and personality to the City. Phillips said they did several recruitments through the holidays and it was a very tough time. He said now is actually a good time to recruit.

It was motioned by Council Member Thusu, second by Council Member Reynosa, to authorize the selection of Bob Murray & Associates to recruit a City Manager and to authorize staff to execute the agreement for services.

- AYES: Reynosa, Smith, Morales, Harness, Thusu
- NOES: None
- ABSTAIN: None
- ABSENT: None

12.2. Information Sharing

Acting City Manager Anderson shared that Cass Cook will be Acting in Capacity while she is out of town at the conference this week.

**ENGINEERING & PLANNING SERVICES**

13.1. Planning Commission Action, January 6, 2015

Engineer Uota shared the action of the Planning Commission at the January 6, 2015 meeting.

13.2. Information Sharing

Engineer Uota shared an update about the Avenue 416 widening project. Staff had previously asked the contractor to mitigate the inconvenience to the shoppers around the holidays and that is the reason they were not actively working the project during those weeks.

**FINANCE SERVICES**

14.1. Information Sharing

Director Cook said we were awarded the GFOA award for the budget book. The City Council congratulated Finance Services for receiving the award.

**FIRE SERVICES**

15.1. Authorization to Execute a Mutual Aid Agreement, City of Dinuba Fire & Tulare County Fire

Chief Thompson said this request is similar to a recent agreement that was brought to the City Council for mutual aid between Reedley and Dinuba. The agreement will allow Dinuba Fire to provide backup to Tulare County Fire and vice versa ultimately reducing risk to fire fighters. This action increases the ISO rating for Dinuba as well.

It was motioned by Council Member Smith, second by Council Member Thusu to authorize staff to execute a Mutual Aid Agreement between Dinuba Fire and the Tulare County Fire Department.

- AYES: Reynosa, Smith, Morales, Harness, Thusu
- NOES: None
- ABSTAIN: None
- ABSENT: None

Council Member Smith asked if we are currently staffing a third ambulance.

Chief Thompson said we are not. He reported there are 8 personnel off duty. The department is currently staffing 2 full-time ambulances but once fully staffed, the third will be staffed again.

Discussion followed.

15.2. Information Sharing

None

**PARKS AND COMMUNITY SERVICES**

16.1. Information Sharing

Director Carrillo said the Sportsplex has been open 18 days. He shared an information sheet for the Sportsplex. He offered miscellaneous information about the numbers of participants so far. He shared that overall it's doing very well.

**POLICE SERVICES**

17.1. Information Sharing

None

**PUBLIC WORKS**

18.1. Authorization to Apply for Section 5311 Federal Transit Administration Operating Assistance Grant, Resolution 2015-01

Director Beltran reported the U.S. Department of Transportation has been authorized to award grants in support of capital and operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act since 1964. Funding provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. One of the identified goals of the program is to "enhance the access of people in non-urbanized areas to health care, shopping, employment, public services, and recreation". This Section 5311 grant is an annual recurring grant that is an essential part of the City's transit system operating revenue. The application process is non-competitive. The City will receive the allocation as long as a complete and timely application is submitted.

On December 12, 2014, the California Department of Transportation (Caltrans), Division of Rail and Mass Transportation, announced the FY 2015 Federal Transit Administration Section 5311 call for projects. Pursuant to FTA guidelines, the City is eligible to be reimbursed up to 55.33% of the total cost of transit operations. The apportionment identified for the City of Dinuba for FY 2015 is \$275,000 and is a prorated percentage of the total amount allocated to Tulare County.

The City's projected transit operating expenditures for FY 2014/15 is \$860,823. This budget is funded with a combination of several funding sources. These include Measure R, State Transit Assistance Fund (STAF), Measure C (Fresno County), the subject Section 5311 grant, and fare box revenue. The remaining funds are provided by the Local Transportation Fund (LTF) which is part of the Transit Development Act (TDA). Staff will consult with the Tulare County Association of Governments (TCAG) to determine if there is a possibility of increasing the City's allocation of Section 5311 funds to cover additional operational expenditures created by the Dinuba Transit Center. Operational expenditures will also increase on account of the additional demand-response service the City Council authorized and that became effective the first of the year.

The resolution authorizes the Public Works Director, or designated representative, to execute contracts and sign all

appropriate documentation for the subject grant application. The authorization is valid for three (3) years. An application submittal deadline has not been identified. However, applications are normally submitted in the first part of May of each calendar year.

There is no fiscal impact for submitting the FTA Section 5311 application but not applying for the funds could impact our operating funds. The City is required to use LTF monies on transit operations first. Any remaining monies can be used on the maintenance of streets and roads. Therefore, if the City does not have Section 5311 funding, more of the City's LTF allocation would have to be used for transit and less would be available for streets and roads maintenance.

It was motioned by Council Member Smith, second by Council Member Harness, to adopt Resolution 2015-01 authorizing City staff to apply for the FY 2014-15 Federal Transit Administration (FTA) Section 5311 Operating Assistance Grant and granting signature authority to the Public Works Director for said application process.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### 18.2. Information Sharing

Director Beltran reported Council Member Reynosa will attend her first TCAG meeting with Beltran.

Vice Mayor Harness said the City's Municipal Code says that within 180 days of employment the City Manager must move into town. He asked if it is enforceable. He said that when he asked the question pertaining to past City Manager Nunes that he was told the requirement was no longer valid.

Phillips said he is correct, that rule is no longer enforceable but there are other ways to apply the requirement.

Discussion followed.

Council Member Smith said Mr. and Mrs. Mello were at the December 9 meeting and they made it a point to invite the Council and staff to the Seniors' dinner and he said, the Mellos felt that the Senior Center is no longer a priority since Janet Hinesly and Beth Nunes are no longer with the City. He asked everyone to keep the Senior Center in mind.

Acting City Manager Anderson reminded the Council that item 7.1.a. needs to be voted upon as it was removed from the consent calendar at the beginning of the meeting.

Council Member Thusu stated that the minutes of December 9 meeting had some changes and he stated them.

It was motioned by Vice Mayor Harness, second by Council Member Smith to approve item 7.1.a. with the changes.

AYES: Reynosa, Smith, Morales, Harness, Thusu  
NOES: None  
ABSTAIN: None  
ABSENT: None

ADJOURNMENT

The meeting was adjourned at 9:14 pm.

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Emilio Morales, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk