

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

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Carrillo, Doyle, James, McCloskey, Meinert, Patlan, Popovich, Solis, Uota

CALL TO ORDER

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

INVOCATION

The invocation was led by Chaplain Garcia.

FLAG SALUTE

The flag salute was led by Dan Meinert.

NEW EMPLOYEES & PROMOTIONS

- 4.1. Promotions - Fire Services
- John Rieke, Engineer/Paramedic

Doyle said Rieke not present.

- 4.2. Promotions - Police Services
- Terri Markle, Full-time Evidence Technician
 - Irwin Davalos, Full-time Police Officer
 - Edgar Martinez, Full-time Police Officer
 - Juan Moreno, Full-time Police Officer

Chief Popovich presented the promoted employees and each had their badge pinned on them by family members. The City Council congratulated them and wished them well.

- 4.3. New Employees
- Enrique Chavez, Animal Control Officer

Chief Popovich presented Animal Control Officer Chavez and he was welcomed by the City Council.

- Luis Patlan, City Manager

Interim City Manager Meinert introduced new City Manager Luis Patlan.

RECEPTION

Mayor Morales adjourned the meeting to the reception at 6:43 pm.

RECONVENE MEETING

Mayor Morales reconvened the meeting at 7:02 pm.

PRESENTATIONS

6.1. Veronica Serrano – Request for Street Closure, August 16, 2015

Veronica Serrano was present to request street closure and she said it is the annual event with a similar format to prior years.

A motion was made by Vice Mayor Harness, second by Council Member Thusu, to authorize the street closure as presented.

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

6.2. Romelia Castillo – Veterans Memorial Wall Fund-Raiser

Ruth Padilla was present in Castillo’s place to ask the Council if they would like to purchase tickets to benefit the Vietnam Wall funding. Discussion followed in regard to the tickets. Padilla said the tickets are for the Grizzly game and the purchase affords the Veterans Wall fund with \$5 per ticket while the total cost of each ticket is \$13.

6.3. Art Peña – Organics Recycling Mandate

Art Pena was present to share information in regard to AB 1826b in regard to organic recycling. Pena talked about food waste collection. Pena reviewed critical dates as mandated by AB 1826 and proposed implementation. Pena asked the council to consider supporting the mandate in the near future.

Vice Mayor Harness asked what kind of capital Peña is talking about and Peña said \$1.5 to \$2 million dollars for the composting digester. Discussion followed in regard to the compost process.

Council Member Thusu sked what other cities are involved in the composting process and Peña replied San Francisco, Fresno, and other cities.

Council Member Reynosa asked how the mandate will affect special events.

PUBLIC COMMENT

7.1. Unscheduled Items

Raul Cisneros was present to talk about water conservation. Cisneros said many people don’t take the drought situation seriously. He explained situations of water misuse.

Otis Denney 517 West El Monte, was present and he said there are two distinct areas in the El Monte Way widening project, one part is business and one part is residential. He said both residents and the businesses are inconvenienced through the construction. He continued to speak his mind about the El Monte Way Project.

Robert Cervantes was present to complain about the police department. He also complained about the fire department staff.

Raul Cisneros said he has the greatest respect for the fire and police department because they saved his life while unconcious.

CONSENT CALENDAR

- 8.1. City Council Meeting Draft Minutes, May 26, 2015
- 8.2. Acceptance - Other Agency Meeting Minutes
 - Planning Commission, June 2, 2015
- 8.3. Master Development Schedule
- 8.4. Notice of Completion– 2015 American with Disabilities Act (ADA) Improvements

A motion was made by Vice Mayor Harness, second was made by Council Member Smith, to approve the consent calendar as presented.

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

WARRANT REGISTER

- 9.1. Approval – June 26, July 2, & 9, 2015

A motion was made by Vice Harness, second by Council Member Reynosa, to approve the warrant register as presented.

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

MAYOR’S MINUTE

- 10.1. Information Sharing

Mayor Morales said he attended the Independence Day celebration; he also attended the Friday night lights event at the entertainment plaza; and, the car show. Mayor Morales said he attended the Marymount Institute in San Pedro who he said is also trying to bring their university to Visalia.

COUNCIL COMMENTS

- 11.1. Visit to Eumseong County, Korea – City Council and Staff

Assistant City Manager Anderson reported that visitors from South Korea were here in April as part of a possible Sister City venture. The visitors were thrilled to be here and want to someday become our sister city. They would like Council and staff to visit them in Korea. Discussion followed as to whom should visit Korea representing Dinuba.

A motion was made by Vice Mayor Harness, second by Council Member Smith to approve four persons to visit Eumseong County, Korea .

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

ABSTAIN: None
ABSENT: None

11.2. City Board Vacancies

Interim City Manager Meinert shared the information of current vacancies of city boards. Primary reason for bringing this tonight is many vacancies on boards and want to get them up to capacity. It's best we have full membership on city boards and commissions.

Vice Mayor Harness asked that we once again advertise on social media. Meinert replied we could do so and some advertising in the paper as well.

11.3. Letter of Opposition – AB 1217 (Daly) Orange County Fire Authority

Interim City Manager Meinert asked the City Council to authorize the Mayor to sign the letter of opposition in regard to AB 1217. Meinert explained how the bill, if adopted, would affect the way cities enter into joint powers agreements.

A motion was made by Council Member Smith, second by Vice Mayor Harness, to authorize the Mayor to sign the letter of opposition in regard to AB 1217 (Daly).

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

11.4. Letter of Support – AB 1135 (Perea) Kings River East Groundwater Sustainability Agency

Interim City Manager Meinert said this is a matter of information because action was needed by last week. The letter was already mailed anticipating that the Council would support AB 1135.

11.5. Information Sharing

Vice Mayor Harness addressed comments that were made earlier in the meeting. He said Mr. Cisneros made a good point about the watering schedule. He said at some time enforcement will have to be conducted after hours.

He addressed Mr. Denney's concerns about the Avenue 416 widening project. He said traffic stops, safety and awareness are still Council goals and he would like to see more traffic stops for the safety of our residents.

Council Member Thusu talked about the Spanish software that the Fire Chief requested to purchase last month. Battalion Chief Doyle said staff is working on trying to identify the best solution for the department.

Council Member Thusu said he attended the SSJVD Executive Board meeting last week and he said that he and another member of the SSJVD Executive Board drove to Sacramento to testify in regard to a trailer bill.

Council Member Reynosa reported she attended the Friday Night Lights event and the Independence Day celebration. She said she attended the ministry at the park on Saturday and the car show on Sunday.

Council Member Smith said the Community Services Department did a good job at the Independence Day event. He spoke favorably about our fire and police departments.

Council Member Thusu asked questions about the train that runs across Rd 72 and Nebraska Avenue. He said he observed the train stopped across Rd 72 for quite a while and he said he talked to the engineer who told him he had lost radio contact and could not move for a while. Thusu asked if staff could talk to the railroad company about adjusting their schedule so as not to inhibit traffic.

BREAK

Mayor Morales declared a break at 8:18 pm.

RECONVENE FROM BREAK

Mayor Morales reconvened the meeting at 8:28 pm.

CITY ATTORNEY

12.1. Closed Session Conference with Legal Counsel: Anticipated Litigation

City Attorney McCloskey said there is no need for a closed session as there is no change in the status. He requested the closed session be cancelled.

12.2. Information Sharing

City Attorney McCloskey welcomed City Manager Patlan.

CITY MANAGER

13.1. Authorization to Purchase Real Property – APN 014-171-002-000

Interim City Manager Meinert presented the information in regard to the purchase of real property along Perry Avenue. He stated the property is no longer zoned residential. Finance Manager Cook said the minimum bid is \$9600 for the property. He also said the City has liens against the property. He requested the Council authorize staff to submit a bid toward the purchase of the property to be used for the expansion of Vuich Park in accordance with real property on Perry Avenue purchased in the past for this purpose. He suggested that the Council authorize an amount not to exceed \$15,000 to purchase the property. Discussion followed in regard to the amount.

A motion was made by Vice Mayor Harness, second by Council Member Smith, to authorize staff to purchase the property for an amount not to exceed \$20,000.

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

13.2. Information Sharing

City Manager Patlan thanked the Council and department heads for allowing Meinert to assist with his transitioning period.

ENGINEERING AND PLANNING SERVICES

14.1. Authorization to Negotiate - Ridge Creek Subdivision

Engineer Uota presented a report to the Council in regard to the community development sites at Ridge Creek Golf Course. Uota reported that as a result of the RFP issued, two proposals were received on June 8, 2015. One responsive proposal from Ridge Creek Ranch Partners, LLC (Mark Davis, Managing Partner) and a second non-responsive proposal from AGC Group. Uota requested that the City Council reject the non-responsive proposal and direct Staff to issue a Negotiation Letter to the responsive Applicant, Ridge Creek Ranch Partners, LLC.

Vice Mayor Harness raised several points in regard to the single “broker” who has submitted an RFP and added that the applicant is not a developer.

Council Member Thusu also conveyed some concerns in the same regard. Discussion followed in regard to the concerns.

Audience member Maria McElroy requested that whether or not the City Council votes to go with Ridge Creek Ranch Partners, LLC, that they consider placing more than one performance clause within the agreement. She said she is aware and certainly city staff and council are aware that there have been situations in the past where performance clauses were not in place and the results are still in effect. She asked the Council to please negotiate with performance clauses going forward.

Council discussion followed in regard to the RFP process.

Engineer Uota shared he believes that since we have done the public service of going out for RFPs we can approach other builders about the planned community development.

City Manager Patlan said he would like to see the item continued until a well qualified developer appears.

Attorney McCloskey mentioned a Fresno developer and what he is doing with property he buys in the Fresno area.

A motion was made by Vice Mayor Harness, second by Council Member Smith to table the item.

The item was tabled.

Robert Cervantes said he agrees with the last speaker and with the new city manager’s comments.

14.2. Award of Contract – Engineering Services Consultant

Engineer Uota reported that a request for proposals was sent to five pre-qualified Engineering and Planning firms in November 2010. The firms were AECOM/Boyle, 4Creeks, Inc., Provost & Pritchard, Quad Knopf and Yamabe & Horn. Four firms submitted proposals but Yamabe & Horn did not. Subsequently, Interviews were conducted with representatives of the four responding firms.

Firms were considered on the basis of relevant experience, project management, resource availability, and cost. 4Creeks, Inc. was determined as qualified to provide routine, day-to-day general civil engineering services such as surveying, preparation of legal descriptions and exhibits, review of parcel maps and subdivision maps, review of subdivision improvement plans, local street projects and associated permit work, at competitive hourly rates, while AECOM was determined to be uniquely qualified for more complex Capital Projects design such as the CNG Fueling Facility.

Subsequently, the City entered into a Professional Services Agreement with 4Creeks, Inc. in May 2011 without a specified term, allowing the City to maintain continuous service subject to satisfactory performance.

Caltrans has recently advised City Staff that consultant agreements lacking a specified term were no longer acceptable for projects funded with Federal Transportation monies. Said agreements shall have a specified term and may have a renewal clause if also limited (i.e., two-three year terms). The State Housing and Community Development (HCD) Department also generally requires local agencies to solicit on-call consultant services every three years.

The City was recently advised that its application for an Active Transportation Program (ATP) project has been selected for Federal Transportation funding. The use of a consultant for the design of this new project will trigger a Caltrans review of the City's existing PSA with 4Creeks, Inc. Additionally, Caltrans is now required by the FHWA to enforce local agencies to determine Disadvantaged Business Enterprises (DBE) goals for consultants on Federally funded transportation projects. However, the methodology to determine a DBE goal on an on-call engineering consultant agreement spanning three years in the absence of a project specific scope of services has not been provided by Caltrans. The City Council previously authorized staff to issue a RFP for the subject services with a revised submittal deadline of January 26, 2015.

Four (4) Pre-qualified Engineering firms were sent the RFP: 4Creeks (Visalia), Quad Knopf (Visalia/Fresno), Provost & Pritchard (Fresno/Visalia) and Yamabe & Horn (Clovis), who all submitted proposals. A fifth proposal was submitted by Precision Civil Engineering (Fresno).

A Proposal Review Committee consisting of the Assistant City Manager, Public Works Director, City Engineer and Associate Engineer reviewed the five proposals and provided preliminary scoring. The Committee determined that the three highest scoring firms, Provost & Pritchard Consulting Group, Quad Knopf and 4Creeks, were to be interviewed on June, 1, 2015. Following the interviews of the finalist firms, the Committee made their final, unanimous determination that Provost & Pritchard Consulting Group was the best qualified firm to provide the City of Dinuba with General Civil Engineering Services. Engineer Uota reported the RFP was issued November 2014. We had hoped to get proposals and go through the process. The process was delayed when we found that we would have an interim city manager and ultimately a new city manager. We received 5 proposals we have a committee to review them and we determined that the ranking scoring that three firms would be invited to be interviewed. The result was that Provost and Prichard was the highest scoring firm.

Engineer Uota recommended that the City Council select Provost and Prichard for General Civil Engineering Services and authorize staff to prepare the agreement for City Manager's execution.

A motion was made by Vice Mayor Harness, second by Council Member Smith, to authorize the City Manager to execute the agreement for General Civil Engineering Services with Provost and Pritchard.

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

14.3. Authorization to Surplus Real Property – APN 014-061-021

Engineer Uota reported that the City of Dinuba acquired a parcel located at the southeast corner of Adelaide and Euclid via a court judgement recorded November 6, 1939. The City then sold/conveyed the west 56.9 feet of Lot 13 by Deed 1073/462 dated October 9, 1942. The City retained ownership of the remaining 24.9 feet-wide parcel identified as APN 014-061-021.

In late 2014, Self Help Enterprises retained the services of Neil Zerlang, Land Surveyor, to locate the property corners for the parcel located at 446 West Adelaide Way. Zerlang set replacement property corners as the original property corners were not found that indicated that an existing west boundary fence was incorrectly located by approximately 12 feet. This indicated the need to relocate the fence 12 feet west into what was formerly believed to be a part of the next parcel.

Mrs. Juanita Saldana, owner of the parcel (458 W. Adelaide) to the west of 446 W. Adelaide, approached the City in late 2014 about the possibility of acquiring a portion (approximately one-half) of the City's parcel to offset the loss of the east 12 feet of her sideyard to her neighbor at 446 W. Adelaide. Mrs. Saldana submitted a written offer, dated 11-14-14, in the amount of \$1,250 for the approximately 12.5 feet portion of the City parcel.

The City then contacted the property owner (Jose Guttierrez) of the parcel at 488 W. Adelaide, immediately to the west of the City's parcel to determine if he had an interest in acquiring the remainder; Mr. Guttierrez confirmed his interest and submitted a written offer in May 2015 in the amount of \$3,000 for one-half of the City parcel.

The City has not used the parcel since its acquisition in 1939, primarily due to its limited size for any municipal purpose. At a width of 25 feet, the parcel is too narrow to accommodate any residential structure. Therefore, the subject parcel has no practical use or value to the City and should be considered as relatively valueless surplus property.

Uota said Saldana's offer is reasonable because her neighbor took the east 12 feet of her sideyard and her desire to make her property whole without a costly legal process involving contesting the findings of her neighbor's survey.

Also, Guttierrez' offer is reasonable considering the above description of a parcel that has been unused for over seventy years.

Uota reported that the proposed sale of the parcels would return the area to the tax roles for property tax revenue generation. Uota requested that the City Council declare the subject parcel as surplus property and accept the two offers received to each purchase one-half of the property, direction to staff to prepare the necessary documents for sale of the property.

A motion was made by Council Member Thusu, second by Vice Mayor Harness, to declare as surplus the property as presented and accept the offers from adjacent property owners to purchase the property.

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

14.4. Update – Model Water Efficient Landscape Ordinance

Engineer Uota shared updated information in regard to the State's Model Water Efficient Landscape Ordinance. Uota reported that the ordinance will require a more creative landscape design and construction to make it truly drought tolerant and water efficient.

The State Model Water Efficient Landscape Ordinance (MWELo) was first introduced by AB 325 in 1990 as a largely advisory document. The MWELo was further amended by Assembly Bill (AB) 2717 in 2004. Following a number of limited drought periods, the Legislature approved AB 1881 in 2006 to make substantial changes to the MWELo and provided direction that the Department of Water Resources (DWR) would be responsible for updating and implementation of the revised MWELo. The purpose of the MWELo:

1. To establish a structure for designing, installing, maintaining and managing water efficient landscapes in new and rehabilitated projects;
2. Reduce water use to the lowest practical amount and set an upper limit that shall not be exceeded;
3. To establish provisions for water management practices and water waste prevention for established landscapes;
4. Promote the values and benefits of landscapes while recognizing the need to use water and other resources efficiently.

Proposed Revisions:

1. Landscape Size Threshold -The landscape size threshold (the square footage above which projects are subject to the ordinance) has been reduced for all new constructions projects from 2500 sq. ft. to 500 sq. ft. Previously the threshold was 2500 sq. ft. for public and private development and 5000 sq. ft. for owner built custom homes.
2. Efficient Irrigation Systems -The following measures have been added to the ordinance:
 - a. Dedicated landscape water meters or sub meters are required for residential landscape areas over 5000 sq. ft. and non-residential areas over 1000 sq. ft. (This brings the landscape ordinance into alignment with CalGreen (California Green Building Code) requirements).
 - b. All new irrigation systems will be required to have pressure regulators and master valves.
 - c. Irrigation systems must be designed so that a precipitation rate of 1.0 inch per hour is not exceeded in any portion of the landscape.
 - d. Require flow sensors that detect and report high flow conditions due to broken pipes and or popped sprinkler heads.
 - e. Increased the minimum width of turf from 8 feet to 10 feet that can be irrigated with overhead irrigation (sprinklers). Areas of turf below this threshold must be irrigated with subsurface drip or other technology that produces no over spray or runoff.
3. Graywater Usage -A section (§492.15) was added to encourage the installation of graywater systems to provide on-site landscape irrigation water. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards.
4. Onsite Storm Water Capture -The Stormwater Management section (§492.16) is revised to require friable (crumbly) soil in landscape areas to maximize water retention and infiltration. Additional measures for increasing on-site storm water retention are recommended.

The revised ordinance also requires the application and incorporation to 6 inches deep of 4 yards of compost per 1000 sq. ft. of area planted to turf. This addition of organic matter and tillage increases the ability of soil to capture and hold stormwater.

5. Limiting the Portion of Landscapes that can be Covered in Turf -To limit the area of turf in landscapes, the landscape water budget (Maximum Applied Water Allowance) was reduced from 70% of the reference evaporation to 50% for residential areas, and to 40% of evaporation for non-residential areas. The 50% water budget reduces the area that can be planted to turf in the residential landscapes from 33% to 25%, while the 40% budget for commercial and institutional (non-residential) landscape does not provide enough water to permit the planting of turf. Turf installation is permitted in new commercial and institutional landscape areas when it is used for specific

functions and purposes. The landscape ordinance water budget provides extra water allowances for functional turf (sports, recreational, picnic areas and areas irrigated with recycled water.)

In addition to the reduction in water budgets, no turf will be allowed in median strips or in parkways, unless the parkways is next to a parking strip and a flat surface is required to enter and exit vehicles.

6. Reporting -Per EO (B-19-25) the revised MWELo requires local agencies to report to DWR on the implementation and enforcement of the ordinance by December 31, 2015 and then by January 31st in subsequent years. Section 495 lists 11 specific items that have to be addressed as part of the annual reporting.

The item was informational and no action was required by the Council.

14.5. Update - El Monte Way Widening Project

Engineer Uota shared the El Monte Way widening project update information.

Sidhu Singh said it is too difficult to drive out of his business located on El Monte Way. He said he wants to see the project finished from Alta to Rd 72. Discussion followed in regard to driving in and out of businesses along El Monte Way.

14.6. Information Sharing

Engineer Uota said he attended a special called meeting for the UKBWRB and gave a recap of the meeting.

FINANCE SERVICES

15.1. Authorization to Execute – Intergovernmental Transfer Agreement

Batallion Chief Doyle gave the report. He requested that the City Council adopt Resolution 2015-32 authorizing the City Manager to execute the Intergovernmental Transfer Agreement.

Sylvia Munoz, Ambulance Billing Supervisor was present and explained to the Council how the Intergovernmental Transfer Agreement process works.

A motion was made by Vice Mayor Harness, second by Council Member Thusu, to authorize the City Manager to execute agreements as necessary to participate in an Intergovernmental Transfer with the California Department of health Care Services.

AYES: Reynosa, Smith, Morales, Harness, Thusu

NOES: None

ABSTAIN: None

ABSENT: None

15.2. Utility Billing Software Conversion

Karina Solis, Fiscal Analyst, reported that the City's new billing system conversion will take place on Friday and is expected to be functional by Monday. Solis reported that staff will not be able to take payments on Friday because the entire billing system will be out of commission during the conversion process. Solis reported that residents have been informed of the process through several means of communication. No action was necessary.

15.3. Information Sharing

Fiscal Analyst Solis reported that Director Cook is out of the office and will return on Friday. She reported that the auditors were here last week and will return again in October.

FIRE SERVICES

16.1. Authorization to Apply for Homeland Security Grant

Batallion Chief Doyle presented information in regard to the application for the Homeland Security Grant to purchase equipment for the Fire Department. He requested authorization to apply for the grant.

A motion was made by Vice Mayor Harness, second by Council Member Thusu, to authorize staff to apply for the 2015 Homeland Security Grant as presented.

AYES: Reynosa, Smith, Morales, Harness, Thusu

NOES: None

ABSTAIN: None

ABSENT: None

16.2. ISO Fire Rating Correspondence

Batalliom Chief Doyle shared a letter with the City Council announcing the ISO rating. Doyle reported that the Department is now Class 2 which few fire departments attain. Council congratulated the fire department. No action was required.

16.3. Information Sharing

Batallion Chief Doyle said Chief Thompson is still in Emmeryville. Doyle reported that Firefighter Miller was dispatched to the Gray incident above Three Rivers and was gone for ten days.

PARKS AND COMMUNITY SERVICES

17.1. Information Sharing

Director Carrillo presented information about the independence celebration.

Carrillo talked about the Farmers Market and the next Friday Night Lights event featuring a well known local band.

POLICE SERVICES

18.1. Information Sharing

Chief Popovich the National Night Out event is approaching quickly and the department will work closely with other departments to make the event successful.

Chief Popovich reported that a 69 year-old woman and her dog were viciously attacked by two dogs early in the morning. One dog was shot by an officer and the other was later euthanized after the owner surrendered the dog.

PUBLIC WORKS

19.1. Update - Water Conservation

Director Beltran gave a report concerning the city’s water conservation for June. She reported that In the month of June residents reduced water usage by over 78 million gallons or 37.5% which is above the 32% required by the State.

19.2. Action of the Planning Commission, July 7, 2015

Director Beltran shared the information of the July 7 Planning Commission meeting.

19.3. Information Sharing

Director Beltran shared a CWMA meeting discussion update with the Council.

CLOSED SESSION

20.1. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Number of Cases: (ONE (1) CASE)

Closed session was cancelled.

ADJOURNMENT

The meeting adjourned at 10:38 pm.

Emilio Morales, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk