



**June 13, 2023
MINUTES**

COUNCIL MEMBERS PRESENT:

Prado, Nerio-Guerrero, Launer, Thusu, Reynosa

COUNCIL MEMBERS ABSENT:

None.

STAFF MEMBERS PRESENT:

Alaniz, Avila, Hurtado, Iriarte, James, Montejano, Solis, Watts, Webster, Yanez

1. Work Session - 4:30 PM

1.1. Presentation of Preliminary Budget for FY 2023/24 (KS)

Mayor Reynosa opened the work session at 4:31 p.m.

Administrative Services Director Solis continued with the second work session on the Fiscal Year 2022/2023 projections and Fiscal Year 2023/2024 preliminary budget. Solis went over the Enterprise Funds including Water, Sewer, and Disposal funds. Solis reported that currently there is a utility rate study being conducted that will impact the funds. The sewer fund will have a deficit attributed to an increase in repairs and maintenance and a one-time expense for the clarifier.

Solis reported that the city's transit program has had extensive changes offset by TCRTA, with expenses over revenues due to loans given to transit, payment is expected in December 2027. Ridge Creek Golf Course is showing growth in revenue across the board. Future reporting will include separate golf capital expenses that will be provided to the council.

Solis stated that the Ambulance Fund has projected revenues exceeding expenses including the Inter-Governmental Transfer program. The Ambulance fund positions include a reclassification of three Firefighter/Paramedics with pending reimbursement from Alta Health District and one part-time Billing Clerk. The Council expressed the importance of funding the three Firefighter/Paramedic positions regardless of funding from the Alta Health District.

Solis reported that the city is exploring lease options for the CNG station. At this time the CNG station is used by transit buses, Pena's Disposal, the Dinuba School District, and private customers.

Solis reported on Special Revenue, including Public Safety/Measure F, COPS, CDBG, Lighting and Landscaping Districts, and the new Community Facilities District that is similar to the Lighting and Landscaping Districts but with more flexibility in the utilization of funds. Internal Service Funds including Risk Insurance and Health Insurance.

Solis shared that Capital Projects Funds are similar to last year's with projects in progress and necessary adjustments to funds will be presented at the next council meeting. Solis presented the Debt Service summary by fund type along with the debt service payoff summary.

The Council requested that future budget requests be submitted to the Council for review. Mayor Reynosa advised that she contacted the City of Reedley for staff information for comparison to our city. Reynosa believes the Public Works department is understaffed. Reynosa would like another Code Enforcement Officer position under the Police department.

Reynosa inquired about how long before the city outgrows the Wastewater Treatment Plant. City Engineer Watts advised there is no threat at this time. A significant increase in industrial or commercial development would be the only threat.

Mayor Reynosa adjourned the work session at 6:18 p.m.

At 9:08 p.m. after the regular council meeting a motion by Council was made to extend the work session.

Mayor Reynosa inquired about the loss to the Fire Department budget. Administrative Services Director Solis advised that the expense was transferred from the general fund to other funds with no loss to budget. Fire Chief Webster advised that the Fire budget is funded by Measure F, Ambulance, and General fund. Webster advised the Council that the fire department is underfunded. Solis advised that the Ambulance fund does not have the flexibility to absorb any positions if CDFA taxes are withdrawn.

Council Member Launer asked if there were other departments where funds were transferred. Solis advised that there were at a smaller scale. Launer is concerned about funding if Alta Health District withdraws its funds. Council Member Thusu asked if there is a way to minimize liability and find funds, the Council wants to find a suitable solution. Launer asked Webster what the fire department's minimum need was. Webster advised the minimum need is 390k for three Firefighter/Paramedics.

Solis asked for council clarification and advised that funding is limited to the general fund.

Webster advised Council that the need is not for six positions now, but rather, once the second fire station is built. Webster is currently asking for three positions.

Reynosa advised that the Fire department would get their three positions. Webster expressed an issue with the transfer of funds. Council asked staff to review the rules for transfers to ensure that there are no violations.

The Council recommends moving forward with the review of the plans for the second Fire Station. Reynosa asked for the budget process to begin earlier in the year and for the Council to be included in the process.

The Council approved the budget as is with the funding of three fire positions and dropping the contingency of the Alta Health District funding.

Reynosa closed the work session at 10:02 p.m.

2. OPENING CEREMONIES

2.1. Welcome and Call to Order

Mayor Reynosa called the meeting to order at 6:30 p.m.

2.2. Invocation

The invocation was led by Chaplain Sussee.

2.3. Pledge of Allegiance

The pledge of allegiance was led by Firefighter/EMT Jesse Martin.

3. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54954.2(b).

Council requested to hear item 5.3 separately.

4. REQUEST TO ADDRESS COUNCIL

This portion of the meeting is reserved for any person who would like to address the Council on any item that is not on the agenda. Please be advised that State law does not allow the City Council to discuss or take any action on any issue not on the agenda. The City Council may direct staff to follow up on such item(s). Speakers are limited to three (3) minutes. If there is any person wishing to address the City Council at this time please approach the podium and state your name and nature of the request.

Greg Chastain, city fire employee of twenty-four years approached the podium requesting staffing assistance for the ambulance personnel. Chastain expressed that the lack of staffing is dangerous and is requesting for the council to review the budget.

Brian Marsh, city fire employee and the Firefighters' Association President approached the podium to express his safety concern about understaffing within the Fire department. Marsh expressed that the national staffing standard is four staff per engine, Dinuba has one staff on an engine. Marsh expressed that a lack of staff contributes to stress and a longer response time. The current response time is 10 minutes response which is unacceptable. Marsh expressed that more tools, equipment, and staffing are needed to do his job.

Michael Banks, city fire employee of thirteen years approached the podium with concerns regarding adequate response time. Banks advised that the average response time is 10 minutes to the golf course. An emergency like a heart attack or stroke where every minute counts would not receive help in time. During a fire call, proper staffing can make the difference between a rescue or recovery.

Johnathan Gonzalez, city fire employee approached the podium with National Fire Association statistics and guidelines that indicate staffing deficiencies within the department.

Sabrina Scheer, city fire employee approached the podium and expressed concerns regarding budget cuts to the Fire Department budget that are causing danger to staff. Scheer shared her memory of the tragic loss of two Porterville Firefighters and hopes that Dinuba doesn't have to suffer a loss before making a change.

Ashley Greco, city fire employee approached the podium to ask for help in serving her community. Greco is asking the council to approve staffing to an adequate level for the second fire station to better serve the community. Greco shared her experience while solely staffing an engine.

Patricia Wilson spouse of Ryan Wilson approached the podium to express that she worries for her husband's safety. Wilson shared a common saying within the fire community of two in two out, reflecting the importance of staff safety. Wilson is concerned that the lack of personnel is inadequate to serve the community.

Dustin Espino, city fire employee approached the podium in support of his department. Espino is proud to serve and is dedicated to the community. Espino expressed his gratitude to the council and is requesting their support.

Rose Ware approached the podium to report to the council that her neighborhood has started a Neighborhood Watch. Ware would like to thank the Police, Fire, and the Council for their support during her Neighborhood Watch meeting.

Council Member Thusu expressed his support of the staff and is grateful for their sacrifice.

Council Member Launer thanked those in attendance and advised that the council will review the budget and will identify where the needs are.

Council Member Prado expressed his appreciation for the service that staff provides and thanked families for their attendance.

Vice Mayor Neri-Guerrero thanked attendees for participating. Neri-Guerrero understands the concerns in response times. Neri-Guerrero thanked the fire staff for her recent ride-along.

Mayor Reynosa thanked everyone who came out to support the fire department. Reynosa will review the budget and do whatever is possible. Reynosa advised that future budgets will consist of department input and an open line of communication.

Council Member Launer advised that all resources will be reviewed and thanked staff for the information.

5. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.

5.1. SUBJECT

Agreement between the City of Dinuba and Dinuba Unified School District for Senior Meals 2023 (SH)

RECOMMENDATION

Council to approve the agreement with Dinuba Unified School District for the Senior Meals Program in the amount of \$80,275 and authorize the City Manager or designee to execute the agreement.

5.2. SUBJECT

Approval of City Council Meeting Minutes (MA)

RECOMMENDATION

Council to review and approve the City Council meeting of May 23, 2023 as presented.

5.3. SUBJECT

Award of Contract for Landscape Maintenance to Clean Cut Landscaping Maintenance, Inc. (SH)

RECOMMENDATION

Council to award the contract for landscaping to Clean Cut Landscaping Maintenance, Inc. in the amount of \$258,996.00 and authorize the City Manager or designee to sign the contract documents.

Hurtado reported that the city currently contracts for landscape maintenance for city parks and Lighting and Landscaping Districts with Clean Cut Landscaping, the current contract will expire on June 30, 2023. New proposals were solicited and only one bid was received from Clean Cut Landscaping. Hurtado reported that staff has worked well with Clean Cut and recommends that the three-year Landscape Maintenance contract in the amount of \$258,996.00 be awarded to Clean Cut Landscaping and Maintenance.

Council Member Launer inquired about what part of Lighting and Landscape is being maintained by Clean Cut. Hurtado expressed that there is a long list available for review. Clean Cut staff mow and trim, they do not do irrigation.

Launer expressed concern for the streets being filled with small trash and debris. Launer is concerned that the city's maintenance needs are not being met and is unhappy with the upkeep of the flower beds. Launer inquired about sidewalk maintenance and expressed that the service that has been provided is unacceptable.

Hurtado advised that the Parks Supervisor is responsible for identifying areas that need improvement. Hurtado acknowledged the councils' concerns.

A motion was made by Council Member Thusu, second by Vice Mayor Nerio-Guerrero, to award the contract for landscaping to Clean Cut Landscaping Maintenance, Inc. in the amount of \$258,996.00 and authorize the City Manager or designee to sign the contract documents.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

5.4. SUBJECT

Resolution No. 2023-34 Industrial Disability Retirement of Jessica Martin (MA)

RECOMMENDATION

Council to adopt Resolution No. 2023-34 allowing Jessica Martin to be placed on industrial disability retirement.

A motion was made by Council Member Launer, second by Council Member Thusu, to review and approve Consent Calendar with the exception of item 5.3 which was pulled for discussion.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

6. WARRANT REGISTER

6.1. SUBJECT

Warrant Register May 26 & June 2, 9, 2023 (KS)

RECOMMENDATION

Council to review and approve the Warrant Register as presented.

A motion was made by Council Member Thusu, second by Council Member Launer, to review and approve Warrant Register as presented.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

7. PUBLIC HEARING

7.1. SUBJECT

Ordinance No. 2023-05, Adding Chapter 49, 'Unauthorized Encampments and Prohibited Activities on Public Property' to Title 9 of The Dinuba Municipal Code" (DY)

RECOMMENDATION

City Council to receive staff report, open and close a public hearing, and take the following action by one motion:

1. Introduce Ordinance No. 2023-05 by title “ Adding Chapter 49 ‘Unauthorized Encampments and Prohibited Activities on Public Property’ to Title 9 of the Dinuba Municipal Code”; Waive further reading of Ordinance 2023-05 and approve Ordinance 2023-05 either as drafted or subject to any revisions agreed to by the Dinuba City Council; and
2. Schedule the second reading and adoption of Ordinance No. 2023-05 for the City of Dinuba City Council meeting of June 27, 2023 or a later date, inclusive of any revisions agreed to by the Dinuba City Council.

City Attorney Yanez presented Ordinance 2023-05 proposing a permanent change to the city's municipal code that aims to preserve the city's open space while respecting the right of unhoused individuals. Yanez advised that this ordinance is similar to one passed by the City of Fresno. The first option is voluntary compliance then a verbal or written warning, and if necessary, personal property impoundment. Yanez advised that due process is necessary to help enforce and protect the city.

Yanez advised that the permanent ordinance provides procedures for enforcement; including penalties and abatement for nuisance activities in city parks, city facilities, and public areas. Enforcement is discretionary and can include verbal warnings, voluntary compliance, Administrative citations with a penalty not to exceed \$1,000.00, and misdemeanor arrest. Yanez encourages staff training for better enforcement and is happy to provide guidance.

Assistant City Manager James advised there is a homeless team working on a strategy, beginning with code enforcement.

Council Member Launer asked if the implementation would be for the entire city. Yanez advised that discretion should be given to every situation. Launer would like a modification to the ordinance to measure in feet rather than blocks. Council asked for the ordinance to be more specific on "Truck Parking", and specifically state that the city will attempt voluntary compliance as the first step.

Yanez advised that any collected property will be stored at the Public Works yard in a labeled storage container for 90 days.

Reynosa opened the public hearing.

Wyatt Thomason approached the podium and asked what is the goal in implementing this ordinance.

Yanez advised that the goal is to reduce overnight camping in parks. For the community to have the opportunity to visit city parks without the hazard of tent camping obstructing leisure.

Thomason asked if this ordinance aims to tackle homelessness, what is the focus on addressing some of the other problems that cause these camps to pop up in the first place?

Assistant City Manager James advised that there is a city homeless outreach team that targets housing and mental health services that work with the Kings Tulare Homeless Alliance. A key person on the team is Code Enforcement Officer Molina for outreach who has assisted in housing and or reuniting people with families. James advised that there is a presentation available, previously presented to Council, that will be provided to Thomason with the homeless accomplishments.

Mayor Reynosa closed public hearing.

A motion was made by Council Member Launer, second by Council Member Thusu, to receive the staff report, open and close a public hearing, and take the following action by one motion: Introduce Ordinance No. 2023-05 by title " Adding

Chapter 49 'Unauthorized Encampments and Prohibited Activities on Public Property' to Title 9 of the Dinuba Municipal Code"; Waive further reading of Ordinance 2023-05 and approve Ordinance 2023-05 either as drafted or subject to any revisions agreed to by the Dinuba City Council; and schedule the second reading and adoption of Ordinance No. 2023-05 for the City of Dinuba City Council meeting of June 27, 2023, or a later date, inclusive of any revisions agreed to by the Dinuba City Council.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

7.2. SUBJECT

Resolution No. 2023-32 Ordering the Annual Levy of Landscape and Lighting Districts Annual Assessments for Fiscal Year 2023/24; and Resolution No. 2023-33 Approving Certification Compliance and Hold Harmless Statement (KS)

RECOMMENDATION

Council conduct a public hearing to receive public testimony, close the public hearing, and take the following action by one motion:

1. Adopt Resolution No. 2023-32 ordering the levy and collection of assessments within the City's Landscaping and Lighting Assessment Districts for Fiscal Year 2023/24, and
2. Adopt Resolution No. 2023-33 approving the Compliance Certification and Hold Harmless Statement form regarding the levy and collection of assessments within the City's landscaping and lighting assessment districts for fiscal year 2023/24.

Administrative Services Director Solis presented Kristen Harvey Consultant with NBS who reported on Resolution 2023-23. NBS handles the public assessments of the city's lighting and landscaping districts. The firm works on compliance and budget improvements and then calculates allowable rates that include inflation rates not to exceed 5%. Harvey advised that rates listed in the Engineer's Report include upgrades and needed improvements that are shared between all districts.

Mayor Reynosa opened the public hearing.

No comments were made.

Mayor Reynosa closed the public hearing.

A motion was made by Council Member Prado , second by Council Member Thusu, to conduct a public hearing to receive public testimony, close the public hearing, and take the following action by one motion: adopt Resolution No. 2023-32 ordering the levy and collection of assessments within the City's Landscaping and Lighting Assessment Districts for Fiscal Year 2023/24, and adopt Resolution No. 2023-33 approving the Compliance Certification and Hold Harmless Statement form regarding the levy and collection of assessments within the City's landscaping and lighting assessment districts for the fiscal year 2023/24.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

8. DEPARTMENT REPORTS

8.1. SUBJECT

Award of Contract to Courts and Greens, a Corporation for the KC Vista Park Improvements Project (JW)

RECOMMENDATION

Council to award the contract for the KC Vista Park Improvements Project to Courts and Greens, a Corporation in the amount of \$418,551.70 and authorize the City Manager or designee to execute the contract documents.

City Engineer Watts reported that KC Vista Park holds an important part in providing recreational services for the community. Watts advised that this was the second round of bid proposals due to the first round of proposals coming in over budget.

The Council inquired about the project cost and how it was reduced. Watts advised that items were removed from the bid request to reduce the cost. Eliminated items include, fencing around the courts, raised planter beds, and two basketball courts. Included in the project is the installation of courts and lighting. The project is partially funded by ARPA funds and the time frame will be quick.

A motion was made by Vice Mayor Nerio-Guerrero, second by Council Member Thusu, to award the contract for the KC Vista Park Improvements Project to Courts and Greens, a Corporation in the amount of \$418,551.70 and authorize the City Manager or designee to execute the contract documents.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

8.2. SUBJECT

Dinuba Residential Design Guidelines (KSch)

RECOMMENDATION

Council to review draft Residential Design Guidelines and adopt Resolution No. 2023-26 approving guidelines.

City Planner Schoettler presented the draft Residential Design Guidelines. The guidelines are meant to complement other set guidelines by providing developers with direction in the improvement of quality for the design of future residential development within the city. The design guidelines include four chapters for neighborhood and residential design, including park design, street design, and traffic calming devices. The Planning Commission reviewed and approved the guidelines on May 2, 2023.

Mayor Reynosa expressed concern about the tree-lined street and commercial locations. James advised that most of the guidelines apply to residential development.

A motion was made by Council Member Prado , second by Council Member Thusu, to review draft Residential Design Guidelines and adopt Resolution No. 2023-26 approving guidelines.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

8.3. SUBJECT

Notice of Completion - Road 74 Street Improvements Project (JW)

RECOMMENDATION

Council accept the Road 74 Street Improvements Project as complete and authorize the City Engineer to file a Notice of Completion with the Tulare County Recorder's Office.

City Engineer Watts reported that the Road 74 Street Project awarded to Avison Construction is now complete in the amount of \$441,999.71. The final inspection was completed on May 23, 2023. Staff recommends that the project be approved as complete.

A motion was made by Council Member Thusu, second by Council Member Launer, to accept the Road 74 Street Improvements Project as complete and authorize the City Engineer to file a Notice of Completion with the Tulare County Recorder's Office.

Ayes: Launer, Nerio-Guerrero, Prado , Reynosa, Thusu

9. MAYOR/COUNCIL REPORTS

Council Member Thusu reported attending regular ongoing meetings. Thusu is requesting a Just Cause reason to attend the next council meeting via Zoom.

Council Member Launer reported attending the TCAG meeting in Three Rivers and commented that Ted Smally is a great asset to the organization. Launer thanked staff for answering budget questions and making it easier to understand. Launer advised of the passing of Senate Bill 92 and the closing of all juvenile justice detention facilities as of June 30, 2023. Launer would like for staff to research SB92 and advise.

Council Member Prado thanked Public Works staff for their quick response to a community maintenance issue. Prado reported helping at the Car Show event.

Vice Mayor Nerio-Guerrero reported attending the Summer Kickoff event, the Car Show, and a ride along with the Fire Department.

Mayor Reynsa reported attending the TCAG meeting and a neighborhood watch meeting. Reynosa attended the Memorial Day Service and went to the Veterans Wall. Reynosa volunteered at the Cinco de Mayo celebration and for the Car Show event.

10. CITY MANAGER COMMUNICATIONS

Assistant City Manager James advised that he is gathering information on Veteran's banners. James reported that Code Enforcement Officer Molina is scheduled to return to light duty on Thursday. James advised that the Council typically cancels a few meetings for vacations during the summer and asked for the council's direction. The Council recommended that the first meeting in August and the first meeting in September be canceled.

11. CITY STAFF COMMUNICATIONS

City Attorney Yanez advised that there will be another public hearing to extend the temporary homeless ordinance.

Director Solis advised that there will be recruitment for an Accounting Technician and a Part-time Billing Clerk.

Interim Public Works Director Avila advised that his department has recruited for Utility Worker and interviews are scheduled for June 20th. Avila reported that Public Works staff put up city ordinance signs at Ruiz Park and will soon work on Centennial Park. Avila shared that the Waste Water Treatment Plant received a new backhoe. Avila reported that there have been recent break-ins at the Waste Water Treatment Plant and at the Public Works Yard, staff is in the process of updating the surveillance system.

Fire Chief Webster shared that four Firefighters will complete their academy this Friday and that the Firefighter/EMT recruitment is wrapping up. The Council is invited to a celebratory BBQ this Friday. Webster expressed his appreciation for everyone's support.

City Engineer Watts reported that the restrooms have been set at the Entertainment Plaza. The Engelhart roadway is now open, and there are two bid openings tomorrow. Mayor Reynosa asked about cameras around the Entertainment Plaza restrooms. Assistant City Manager James advised that there is a firm working on solar-operated lighting for the area.

Police Chief Iriarte offered condolences for the Sanger Police Officer that was involved in an accident this morning.

Parks and Community Service Director Hurtado reported she will have three position openings next week. The Summer Fun program and the Aquatics programs are going well. Hurtado reported that the Senior Center Father's Day luncheon is Thursday and the Farmers Market is Friday.

City Clerk/Human Resources Director Alaniz reminded the Council that the Employee Appreciation Luncheon is next Wednesday from 11:30 a.m. - 2:30 p.m. at Rose Ann Vuich Park.

12. ADJOURNMENT

Mayor Reynosa adjourned the regular meeting at 9:08 p.m. Council approved to extend the work session, work session was adjourned at 10:02 p.m.

Council rejected the claim.

12. ADJOURNMENT

Mayor Reynosa adjourned the meeting at 7:38 p.m.