

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

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

CALL TO ORDER

Mayor / Chair Smith called the meeting to order at 6:06 pm.

ADJOURN TO SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

Mayor / Chair Smith adjourned the regular meeting to the Joint City Council and Redevelopment Agency Meeting.

RECONVENE FROM SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

Mayor / Chair Smith reconvened the regular Joint Meeting at 6:12 pm.

BREAK

Mayor / Chair Smith declared a break at 6:12 pm.

RECONVENE FROM BREAK

Mayor/Chair Smith reconvened the regular meeting at 6:26 pm.

INVOCATION

Police Chaplain Susee led the invocation.

FLAG SALUTE

Chief Thompson led the flag salute.

COMMUNITY RECOGNITION AND APPRECIATION

The City Council recognized Jake Enns for serving on the Dinuba Rotary Raisin Day Parade Committee for over 48 years.

PUBLIC COMMENT

- 7.1. Self-Help Enterprises Multi-Family Facility Design in Viscaya Subdivision
 - Request to Set Public Hearing for Authorization of Use of Tax Credit

- Request for Red Curbing

City Manager Todd read into the record a letter from Jayke Bayham, Program Manager with Self-Help.

Council discussion followed the letter.

City Manager Todd requested that the Council authorize the setting of the public hearing for March 13, 2012 per Self-Help's request.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to set a public hearing for March 13, 2012.

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

No action was taken on red curbing.

7.2. Dr. Thusu – Update on Purchase of Hospital and Request for Consideration on Lease Payments for Vocational Center

Dr. Thusu was present and thanked staff for all the help afforded with the leasing process. He explained what has occurred over the past few weeks with the hospital purchase and the lease of the Vocational Center.

Dr. Thusu said he will begin training classes in the Vocational Center building soon and has had ads published for students to apply to the school. Reedley College is already in the building but not for long as the College has opted to continue classes at Reedley College campus. This means that income for the property goes away and so Dr. Thusu requested that the Council consider deferring the lease payments until the end of October 2012.

He added that the purchase of the hospital is nearing an end.

City Manager Todd said an amendment to the agreement will have to occur if the Council wishes to defer the lease payments and other funds will have to be used to make the bond payments which the lease payments were intended to do.

Council discussion followed.

It was motioned by Council Member Morales, second by Mayor Hinesly to defer the lease payments.

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

ABSENT: None

7.3. Fire Explorers - Request Funding for Uniforms

Firefighter Espinoza was present with several Fire Explorers to request funding specifically for uniforms. The cadets are six months into the program and there are 17 explorers. The explorers are learning the basics of being firefighters and they are also receiving emergency medical training. The 2012 Explorer application was renewed and the money was raised to pay for program. The fee is \$20 per year each cadet. Staff recently received estimates for the uniforms for a total of \$980 not including other costs for items such as shoes, etc. Espinoza requested \$1,300 for uniforms and misc items.

The plan is to train the Explorers in fire training and equipment use. Once they turn 18 they can be trained in the Paid Call Firefighter program. The department is short staffed, in PCF now, but getting them interested now they can move up later.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to authorize \$1300 for the Explorer Program as requested to purchase uniforms and miscellaneous items associated with uniforms.

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

7.4. Otis Denney – Right-of-Way Negotiations on 517 West El Monte Way

Otis Denney asked the Council why he has to make a lease hold payment to his tenant as the road widening project was made by the City and not by him. He said he has not caused his tenant harm because he's giving him a brand new building and a new ten-year lease. He said he has not signed a purchase agreement but would have if he had been asked to when he signed the grant deed. He has engaged a new appraiser. Denney said the City's acquisition agent insists on reducing his negotiated payment by \$80,000. He said he has not yet engaged an attorney but feels confident that one can be found with the same opinion as he.

CLOSED SESSION

20.1. Right-of- Way Acquisition of Real Property, 517 West El Monte Way, Dinuba, APN 014-033-010 Resolution of Necessity No 2012-03 (Denney)

Mayor Smith adjourned the meeting to closed session at 6:55 pm.

RECONVENE FROM CLOSED SESSION

Mayor Smith reconvened the meeting at 7:20 pm.

Mayor Smith asked Mr. Denney what was his original understanding of the negotiations. Mr. Denney explained he understood it was to be \$260,284.16 back on June 7, 2010 but since then through a series of events the number has dropped by \$80,000.

Mr. Denney was asked if he would accept \$260,284.16 and he replied that he would like to see what his appraiser's numbers are.

Council discussion followed.

Mr. Denney did not accept the offer of \$260,284.16.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to adopt a Resolution of Necessity 2012-03 as presented.

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

7.5. Unscheduled

None

CONSENT CALENDAR

- 8.1. City Council / Redevelopment Agency / Dinuba Housing Authority Joint Meeting Minutes, December 13, 2011
- 8.2. Acceptance – Other Agency Meeting Minutes
 - a. Historic Preservation Commission, November 14, 2011
 - b. Planning Commission, December 6, 2011
 - c. Police Advisory Commission, December 6, 2011
- 8.3. Pro-Youth Draft Agenda, January 19, 2012
- 8.4. Authorization to Apply for Transit Operating Assistance Grant
- 8.5. Master Development Schedule
- 8.6. Set Hearing – Authorization to Apply for Prop 84 Grant, Sustainable Communities
- 8.7. Dinuba Transit Center/Chelsea Senior Apartments Project PG&E Rule 20A Application District

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

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

ABSENT: None

WARRANT REGISTER

- 9.1. Approval – City Council Warrant Register, December 16, 22, 30, 2011; January 6, 2012
- 9.2. Approval – Redevelopment Agency Warrant Register, December 16, 22, 30, 2011; January 6, 2012

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

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

MAYOR’S MINUTE

- 10.1. Information Sharing

None

COUNCIL /AGENCY COMMENTS

- 11.1. Request for Appointment / Reappointment to City Committees/Commissions
 - a. Historic Preservation Commission
 - Nancy Hoyt
 - Ron Gerstenburg

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to reappoint Hoyt and Gerstenburg to the Historic Preservation Commission as presented.

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

- b. Parks and Community Services Commission
 - Mark Carrion

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly, to reappoint Carrion to the Parks and Community Services Commission as presented.

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

ABSTAIN: None
ABSENT: None

11.2. Parks and Community Services - Mark Wilson, Resignation

Vice Mayor Hinesly asked if the possibility of merging Parks and Community Services and Pro-Youth is still a possibility.

Council discussion followed.

Mayor Smith asked that the discussion of merging the two commissions be brought back at a later date.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to accept the resignation of Mark Wilson.

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

11.3. Dinuba Chamber of Commerce Awards Banquet, January 27, 2012

City Manager Todd talked about the annual Chamber Awards Banquet and asked the Council if they would like to sponsor a table in conjunction with the Alta District Historical Society. He offered that ADHS could decorate the table.

Discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales to sponsor a table and ask ADHS to decorate.

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

11.4. Upcoming Meetings

- a. SSJVD Executive Board, January 12 at 6:00 pm, Tulare
- b. Council of Cities, January 18 at 3:00 pm, Visalia

City Manager Todd said there will be a CWMA meeting on January 19 at noon; and there will be a League of Cities general division meeting on February 9. He asked the Council if they wish to attend to notify staff.

11.5. Information Sharing

None

PUBLIC HEARING

- 12.1. Business Incentives for Commercial Zones C-2 and C-3, Resolution No 2012-01 (continued to January 24, 2012)

The hearing was continued to January 24, 2012.

- 12.2. Joe Wisocki – Request to Purchase City Real Property, 6236 Avenue 408, Dinuba

Director Nunes reported that a purchase proposal was received from Joseph and Ana Wisocki for the property at 6236 Avenue 408 for an amount of \$175,000, which includes an “as in” condition, as well as a condition offering the City a first Right of Refusal if the property is ever sold by the Wisockis. The Wisocki’s are requesting to finance the purchase with a short-term note and balloon payoff in five years. The interest rate charged to the Wisockis will be the market rate of 4% annually. Because of the access to the Golf Course and the maintenance equipment stored on the property, the City will benefit from additional security for the Golf Course if the property is sold to a Kemper management employee.

Director Nunes requested the Mayor open the hearing to gather public comments in regard to the sale of the subject property.

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

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Morales to authorize the sale of real property to Wisocki.

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

CITY MANAGER / EXECUTIVE DIRECTOR

- 13.1. Grand Jury Request for City Council Compensation Information

City Manager Todd shared that staff received a request from the Grand Jury inquiring about the Council’s compensation and benefits. Todd shared the response with the Council and said that the information will be sent to the Grand Jury in response to their request.

- 13.2. Information Sharing

Assistant City Manager Anderson briefly shared some discussion that occurred at the Historic Preservation Commission meeting in regard to the Korean Parade that will occur in March.

Mayor Smith asked that staff gather information for him to share at the Chamber's Annual Banquet in regard to the State of the City.

CITY ATTORNEY

14.1. AT&T Claim – Pending Litigation

This item was discussed in Closed Session.

14.2. Information Sharing

None

FINANCE AND COMMUNITY SERVICES

15.1. Consideration of FY 2012-2013 Budget Calendar – Adoption

Budget Manager Cook highlighted some of the dates on the Budget Calendar in preparation for the annual budget preparation and asked the Council to consider the proposed dates and accept the schedule.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt the FY 2012-2013 Budget Calendar as presented.

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

15.2. Information Sharing

Director Nunes shared that the Supreme Court ruled on the RDA matter maintaining that AB 1X26 is constitutional. But AB 1X27 is unconstitutional and as far as cities are concerned that is the worst case scenario. Staff is preparing to wind down our Redevelopment Agency and we have been doing so with Urban Futures. She talked about the steps that need to be taken and some deadlines. February 1 is the deadline for these matters and staff will return to Council on January 24 with the appropriate resolutions to declare the City as the successor agency.

Council discussion followed.

Nunes shared that Youth Basketball has begun and there are 350 participants and 38 teams. Baseball and softball signups will begin soon but signup is slow because of marching band competition.

Nunes shared that the Spring Fling will be held on March 31 and it is the same day as the Relay for Life event.

She reported that there staff received from the engineer drafts for the Bob Barker building.

Nunes reported that she missed the Christmas luncheon this year but she attended the Christmas dinner at the Senior Center. She shared that the seniors are very happy with the meal program and Council's support.

ENGINEERING SERVICES

- 16.1. Right-of- Way Acquisition of Real Property, 517 West El Monte Way, Dinuba, APN 014-033-010 Resolution of Necessity No 2012-03 (Denney)

This item was discussed in Closed Session earlier in the meeting.

- 16.2. Parkside Village Subdivision City Abandonment of Alley, Correction of Exhibits to Resolution No 2007-91

Engineer Uota requested that the Council review Resolution 2007-91 adopted in 2007 by the City Council. The resolution authorized the abandonment of a 10-foot wide, 2,100-foot long unpaved partial alley rights-of-way south and parallel to Golden Way.

Uota said should the Council authorize tonight's request and affirm Resolution 2007-91 with revised Exhibits, the Resolution will be recorded and the correct exhibits will be filed with the Records Office. Uota asked the Council to review the resolution affirm the resolution with revised exhibits and request authorization to record the resolution with corrections.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to affirm Resolution No 2007-91 and approve its recording with amended exhibits.

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

- 16.3. Information Sharing

Engineer Uota shared that Perko's is awaiting the final inspection and is expected to open soon.

Uota shared that PG&E is moving forward with its part of the road widening project. Communication companies are still working; some of their poles remain in the roadway and there may be a complication when service is transferred over by the cable companies. The railroad has not provided a schedule to the county as to when it will complete its portion of the project. The Board of Supervisors approved a bid opening for the project's phase IV which should be a notice to proceed in March or April.

Uota shared that the new warehouse is essentially complete but needs to be cleaned up inside so the City's items can be moved over from the leased facility.

FIRE SERVICES

17.1. Request for Leave Without Pay – Kary Welch

Chief Thompson reported that due to medical reasons, Kary Welch has been off work since May 3, 2011. He has depleted all of his FMLA leave and he is now requesting an extension of unpaid leave.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Morales to approve the request made by Welch for leave without pay.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

17.2. Clean-up Update

a. Marquis Subdivision, Southeast Corner of Englehart / Kelly

Chief Thompson said it is his opinion that the unfinished Marquis homes are a hazard. The site contains weeds and rubbish that could potentially be a fire hazard and proves to be a nuisance to citizens around the site. Although boarded up, it is apparent that entry is still possible. Thompson said he contacted Shayla Lever, the spokesperson for the ownership group, with several letters but to no avail.

Chief Thompson said he fears people will make access into the empty houses and start warming fires. He cited some recent fires in a neighboring city where an individual lost his life in a fire in a similar setting.

Mayor Smith he would like staff to pursue abatement of the property.

Council discussion followed.

City Manager Todd said staff will proceed with the abatement process.

b. Saginaw Commercial Property, Southwest Corner of Alta Avenue / Saginaw

Chief Thompson shared that the Saginaw Commercial property is a success story; once the company was contacted management was quick to respond and took care of the concerns within five days.

17.3. Information Sharing

Thompson shared that there was a structure fire on Griggs Avenue on Christmas morning. The structure was occupied at the time of the fire and there were two injuries; one minor but the second victim had major injuries.

Thompson reported that there was a structure fire last week which was difficult to contain and it was believed to be an electrical fire.

POLICE SERVICES

18.1. City of Visalia /SPCA Contract Options Update

Chief Olvera shared the information in regard to the SPCA building proposed by the City of Visalia.

Council Member Gonzalez left dais at 8:39 pm.

Council Member Gonzalez returned to the dais at 8:41 pm.

Discussion followed as to an animal shelter within the City limits and the possibility of leasing the facility.

18.2. Information Sharing

Chief Olvera AB109 release of inmates, the tally to date is 206 released in Tulare County. City of Visalia has had 11 of those released recommit crimes with one of those being a double offense. He said he believes that at least one of the 7 released in our community has committed a crime since being released. Chief Olvera said he has requested current information from the county to have a good handle on the inmates who are released.

PUBLIC WORKS

19.1. College of the Sequoias Student Transit Pass Program Agreement Second Amendment

Director Beltran shared the report and requested that the City Council consider authorizing the extension of the STPP agreement between the City and TCAG through the Spring 2012 school semester.

Beltran explained that in September 2010 the College of the Sequoias student body voted in favor of a Student Transit Pass Program that would provide students unlimited fixed route transit services throughout Tulare County. TCAG will coordinate the program between COS and County cities. The City of Dinuba's participation was formalized by an agreement with TCAG that became effective on December 14, 2010. The original agreement expired in May 2011 and was subsequently extended through December 2011. Due to the County-wide success of the Program, it is requested that the agreement expiration date be extended once again. The amendment will extend the City's participation through May 31, 2012.

Although Dinuba has not seen much participation in this program its geographical location and the neighboring Community College may be contributing factors. However, staff believes this is a worthwhile program the City should support and make available to COS students.

Vice Mayor Hinesly said that it seems to her we have more residents going to Reedley and so she asked if staff has ever considered asking Reedley to do the same type of program.

Beltran said we did at Reedley College and Porterville College and a meeting was held to discuss that proposal. The consultant felt the program would work for students at Reedley College.

Council Member Harness left the dais at 8:52 pm.

Not all students were interviewed at Reedley College only the bus riders. It would require the entire school's support of the program, initiated and marketed by the college.

Vice Mayor Hinesly said she thinks there will be a demand when Dr. Thusu's program at the vocational center gets up and running.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to approve the second amendment to the COS STPP Agreement as presented.

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

19.2. Measure R Advance – Program Supplement (Transit Center Design)

Director Beltran requested the City Council authorize the execution of a program supplement with the Tulare County Association of Governments (Local Transportation Authority). The program will allow the City to receive an advance of Measure R monies to front the design expenses for the Transit Center project. The City plans to initiate the construction of a new Transit Center in downtown Dinuba in the spring of 2012 which will serve as northern Tulare County's transit hub.

The design expenses will be funded by the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA). Although the City's Transit Center Design Project is included in the list of funded projects, the receipt of grant funds is contingent on the sale of State bonds. The State has recently been successful in selling these bonds but the disbursement of funds is difficult to project.

Due to the delay in receiving funds and given that the other grants associated with this project include hard deadlines, the City requested that the amount apportioned to us by the PTMISEA be advanced to us with Measure R monies and will be reimbursed once the PTMISEA monies are received. The TCAG board and the California Department of Transportation have reviewed and approved this funding plan.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to authorize the execution of a program supplement with the Tulare County Association of Governments (Local Transportation Authority).

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

Council Member Harness returned to the dais at 8:55 pm.

19.3. Authorization to Apply for Transit Security Grant, Resolution No 2012-02

Director Beltran requested that the Council consider Resolution Number 2012-02 authorizing the City Manager or Public Works Director to apply for fiscal year 2011-12 funding through the California Transit Security Grant Program, California Transit Assistance Fund (CTSGP-CTAF).

The California Transit Assistance Fund program was approved as part of Proposition 1B with the stated purpose of funding Transit System Safety, Security, and Disaster Response measures. The City is eligible to apply for \$16,246 for fiscal year 2011-2012 and it was determined by staff that the best use of the money would be to install security cameras on two additional transit buses.

Beltran explained that Resolution 2012-02 authorizes the City Manager or the Public Works Director to submit an application for the subject funding, execute the associated contract and perform any action necessary for the successful implementation of the program and to obtain financial assistance from the California Emergency Management Agency (CALEMA).

Council discussion followed.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to adopt Resolution Number 2012-02.

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

19.4. Planning Commission Action, January 3, 2012

Director Beltran reported on the Planning Commission's January 3 meeting.

19.5. Information Sharing

Director Beltran shared the next CWMA meeting is scheduled for January 19 at noon. Beltran shared that the question should be asked by our CWMA representative if there really is a shortfall in the CWMA budget.

Council discussion followed.

Mayor Smith adjourned to closed session at 9:14 pm.

CLOSED SESSION ACTION

20.1. Right-of-Way Acquisition of Real Property, 517 West El Monte Way, Dinuba, APN 014-033-010 Resolution of Necessity No 2012-03 (Denney)

Pursuant to Government Code Section 54956.8, the City Council / Agency met in closed session with City Manager / Executive Director Todd, to discuss acquisition of real property located at 517 West El Monte Way, Dinuba.

The Council voted earlier in the meeting to adopt Resolution of Necessity No 2012-03.

20.2. AT&T Claim – Pending Litigation

Pursuant to Government Code Section 54956.9, the City Council met in closed session with City Attorney McCloskey to discuss pending litigation.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to direct the City Attorney to settle the claim.

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

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 9:27 pm.

Mike Smith, Mayor / Chair

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary