

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

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

#### CALL TO ORDER

Mayor Smith called the meeting to order at 6:02 pm.

#### ADJOURN TO REDEVELOPMENT AGENCY MEETING

Mayor Smith adjourned to the Redevelopment Agency meeting at 6:02 pm.

#### RECONVENE FROM REDEVELOPMENT AGENCY MEETING

Mayor Smith reconvened the regular meeting at 6:50 pm.

#### ADJOURN TO RECEPTION

#### RECONVENE FROM RECEPTION

Mayor Smith reconvened the regular meeting.

#### INVOCATION

The invocation was led by Chaplain Garcia.

#### FLAG SALUTE

The flag salute was led by Chaplain Garcia.

#### NEW EMPLOYEES AND PROMOTIONS

- 6.2. Police Services
- Robert Garcia

Chief Olvera introduced Chaplain Garcia. Deputy City Clerk Barkley administered the oath of office.

- 6.1. Fire Services
- Evan Morgan
  - Kevin Sirr
  - Yosh Toyota
  - Matthew Uskali

Chief Thompson introduced the newly hired firefighters and their badges were pinned on them. Deputy City Clerk Barkley administered the oath of office.

PUBLIC COMMENT

7.1. Leadership Northern Tulare County – Request for Exclusive Use of Vuich Park and Co-sponsorship of Cinco de Mayo Event, May 4-6, 2012

Ruth Medlin LNTC Facilitator and LNTC class members were present to request exclusive use of Vuich Park and the City's co-sponsorship of the 2012 Cinco de Mayo event.

Class Members present were Cristobal Carrillo; Nancy Cerda; Lisa Woods-Bayse; Domingo Martinez; Angelina Jaime. Those not present were Cecelia Bobst and Antonio Quintanilla.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize exclusive use of Vuich Park and the City's co-sponsorship of the 2012 Cinco de Mayo event.

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

7.2. Jordan Webster – Request City Relay for Life Team Sponsorship

Firefighter Webster was present to request that the City Council authorize sponsorship of a City team for the American Cancer Society's Dinuba Relay for Life event.

Discussion followed as to the amount in being requested and it was clarified that the cost would be \$3,000.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize sponsorship of a City team for the American Cancer Society's 2012 Dinuba Relay for Life event.

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

7.3. Dale Margosian, 6885 Avenue 416 Widening Project Property Negotiations

Mr. Margosian was not present.

7.5. Unscheduled

Sandy Sills, Dinuba Chamber of Commerce Executive Director was present to request that the City Council consider authorization to utilize storage at the City's warehouse for the Chamber of Commerce.

It was the consensus of the City Council to direct Chamber staff to work with City staff on this matter.

City Manager Todd recommended the agreement should make considerations for liability and the consideration that if the space is needed by the City we could work it out with Chamber staff.

The Council conceded to the recommendations.

Jeff Franklin, 554 North Lindsay Way, said his neighbor a few doors down is planning to grow medical marijuana in her yard. He said he understands prescriptions but he expressed fear of the trouble that may occur with the marijuana. He requested the Council consider restricting growing marijuana in residential zones.

City Manager Todd said this item is not on the agenda but staff will discuss it and bring it back. He said the Supreme Court is looking at state law and should have a ruling in couple months and staff will bring back ideas for the Council to consider. Perhaps a moratorium can be placed until we have a chance to look at the court ruling.

Discussion followed.

#### CONSENT CALENDAR

- 8.1. City Council / Redevelopment Agency Joint Regular Meeting Minutes, January 10, 2012
- 8.2. City Council / Redevelopment Agency Special Joint Meeting Minutes, January 10, 2012
- 8.3. Notice of Completion – Construction of a Pre-engineered Metal Building
- 8.4. Set Hearing – Request to Designate a “Lost but not Forgotten” Historic Resource
- 8.5. Right-of-Way – El Monte Way / Avenue 416, Certificate of Acceptance 517 West El Monte (Denney)
- 8.6. Caltrans Disadvantaged Business Enterprise (DBE) Program-Goals Establishment for Federal Fiscal Year 2011-2012, Resolution No 2012

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, 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, January 13; 20, 2012

It was motioned by Council Member Morales, second by Council Member Gonzalez, 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

Mayor Smith said he attended the First Tee Golf meeting last week. He and Vice Mayor Hinesly along with Director Beltran attended the CWMA meeting.

## COUNCIL COMMENTS

### 11.1. League of California Cities South San Joaquin Valley Division General Meeting, February 9, 2012

City Manager Todd said this is a reminder of the next general meeting. Todd explained that Vice Mayor Hinesly is the City's representative on the Executive Board.

### 11.2. Information Sharing

Council Member Gonzalez attended the First Tee meeting where he was asked about burned out street lights. Gonzalez said he received a phone call from a citizen who reported lights out at Crawford and El Monte and staff has attended to it. He reported there appears to be a pothole at Nebraska and Alta. He also noted that Premier Auto Sales opened up the business once again.

Vice Mayor Hinesly said she attended the League of Cities Board Meeting and the CWMA meeting.

## PUBLIC HEARING

### 12.1. Business Incentives for Commercial Zones C-2 and C-3, Resolution No 2012-01

Assistant City Manager Anderson presented the draft commercial business incentives for C-2 and C-3 zones. On November 2, 2011, EDC Chair, Dan Meinert, requested that the City Council consider incentives for potential tenants in the former "Save Mart" building. City Council directed staff to return with proposed incentives that would benefit businesses in other areas of the community. She explained that the City has commercial retail areas in the C-2 and C-3 zones which tend to experience high vacancy rates. These areas would benefit the most from incentives to attract tenants to their sites.

Anderson recommended that the Council consider the proposed incentives applicable for vacant commercial sites in zones C-2 or C-3 with the following qualifying factors:

1. The building must be vacant at the time of application and have been vacant for a minimum of two consecutive years;
2. The building must have been constructed prior to June 2008 (last update to the General Plan);

3. The property owner must be willing to reduce the lease rate to the tenant by 20% (subject to lease rate validation).

Anderson requested the Mayor open the public hearing and consideration of the proposed Business Incentives.

Ruth Padilla, 620 West Northway, suggested working with the Small Business Association to educate people on how to start a business; she added that it takes a good business plan.

Robert Cervantes, 1365 W Kelly Drive, said Selma has something similar. They are cleaning their neighborhoods. They plan to clean up property as an incentive.

Dan Meinert, 868 Sequoia Drive, Dinuba EDC Chair, said the initial focus was on mercantile row. Now we're looking at the community for this purpose, he added, "The interesting point is if you do nothing, you get nothing; if you have incentives you may get something."

Mayor Smith said he was looking for location then cost.

Sandy Sills, a member of the COC, and EDC, said people still believe that Kmart's location is still a good location.

Paulie Romero, 1496 E El Monte Way, said he supports Meinert's comments. The EDC discussed the incentives and the committee is glad it's happening. He said he visits the east side shopping center and he believes the pharmacy seems to be keeping the shopping center open.

No other comments were brought forward.

Mayor Smith closed the public hearing.

Vice Mayor Hinesly asked if we can commit to the fast tracking process; do we have adequate staff to meet those commitments.

City Manager Todd said yes we do.

Harness said he was concerned with the wording of the resolution and he wants to make sure we don't create a vacancy by taking the action before the Council.

Council discussion followed and it was decided that provisions should be added to the proposed resolution and brought back to Council for consideration.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to bring the resolution back at a later date with revisions for Council consideration.

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

12.2. Authorization to Apply for Prop 84 Grant, Sustainable Communities – East El Monte Commercial Planning Study, Resolution No 2012-06

Assistant City Manager Anderson shared a request to conduct a public hearing in regard to an authorization to apply for the Proposition 84 Grant for a planning study along the East El Monte Way Commercial corridor. Anderson then asked Mayor Smith to open the public hearing to gather comments from the public on this matter.

Mayor Smith opened the public hearing.

Dan Meinert, 868 Sequoia Drive, said not as many houses are being built on the east side of the city as the west side. The element of infrastructure should probably go into this discussion because of its the lack. Sanitary sewer is also needed out there. Meinert said the key elements need to be considered.

Ruth Padilla asked Anderson how the information will be disseminated to people. Anderson explained how the meetings are advertised. Padilla shared radio stations may be helpful to get the information out to the community.

Mayor Smith closed the public hearing.

Council discussion followed.

City Manager Todd suggested that at their next joint meeting, the School Board and City Council should meet and have this item on their agenda.

Mayor Smith agreed.

Todd said the next joint meeting of the two boards should be in February or March.

It was motioned by Council Member Harness, second by Council Member Morales to adopt Resolution No 2012-06.

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

CITY ATTORNEY

- 13.1. Compliance With Provisions of Assembly Bill 936
- A Resolution Pursuant to AB 936 Concerning Forgiveness of Loans, Advance or Other Indebtedness, Resolution No 2012-07

City Attorney McCloskey said the Agency took action earlier in the meeting to approve the item.

City Attorney requested that the City Council adopt Resolution No 2012-07.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to adopt Resolution No 2012-07.

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

13.2. Designation of the City of Dinuba as Successor Agency for the Dinuba Redevelopment Agency, Resolution No 2012-08

City Attorney McCloskey said this item relates to AB 1X26. The action before the City Council is to make affirmative action to designate this Board as the Successor Agency to the Redevelopment Agency to carry out its obligations. The resolution before the City Council designates the Council as the Successor Agency to the Redevelopment Agency.

City Manager Todd explained what the Successor Agency is and what it does and requested the Resolution be considered and adopted.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to adopt Resolution No 2012-08.

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

13.3. Mayor's Appointment to the Oversight Board Pursuant to Chapter 4 of the Provisions of Assembly Bill AB X1 26

City staff and Meinert agreed to serve.

City Manager Todd clarified the appointment goals and council discussed the item.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to appoint Dan Meinert to the Successor Agency Oversight Board.

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

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to appoint Ed Todd to the Successor Agency Oversight Board.

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

#### 13.4. Schedule of Significant Dates Related to the Dissolution of the Redevelopment Agencies

City Attorney shared the schedule of significant dates related to the dissolution of the Redevelopment Agency.

Council discussion followed.

#### 13.5. Information Sharing

None

#### BREAK

Mayor Smith declared a break.

#### RECONVENE FROM BREAK

Mayor Smith reconvened the meeting from break.

#### CITY MANAGER

#### 14.1. Information Sharing

City Manager Todd shared some 2011 accomplishments with the Council. The Mayor will share them at the annual Chamber Awards Dinner.

#### FINANCE AND COMMUNITY SERVICES

#### 15.1. Information Sharing

Director Nunes shared youth basketball games began January 14; 38 teams and 375 participants; youth baseball sign-ups started as well as youth softball; staff is looking at banning bats for safety reasons.

Nunes shared the first First Tee Program meeting was held and she explained some of the elements of the program.

Park rentals have been up lately but expect them to subside for the rain.

Nunes shared that the Bradford Pear trees downtown will be taken out because of issues with dropping fruit and issues with

ENGINEERING SERVICES

16.1. Information Sharing

None

FIRE SERVICES

17.1. Redevelopment Property Identified as Future Fire / Police Training Facility

Chief Thompson shared with the Council identification of a future site for the Fire / Police Training Facility. He requested they discuss the site which is 18 acres located south of the Buddhist Temple and west to Sierra Way.

Discussion followed in regard to a heliport and the best location for such a site.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize staff to discuss, and approve to designate the property located on the 600 block of South Alta Avenue ( APN 017-020-045) as the future site for the City of Dinuba Public Safety Training Facility.

AYES: Harness, Hinesly, Smith, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

17.2. Information Sharing

None

POLICE SERVICES

18.1. Dog Nuisance Ordinance – Discussion

The City Council discussed with staff the current dog ordinance and some possible amendments.

Chief Olvera said he will bring the item back for Council consideration with the amendments.

18.2. Information Sharing

None

PUBLIC WORKS

19.1. Authorization to Purchase Forklift for Wastewater Treatment Facility

Director Beltran shared that this is a request for authorization to purchase a forklift for the wastewater treatment facility. She explained the quote process that was followed and those who responded to the request for quotes.

FSI Yale was the vendor that staff recommended to the City Council for

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to authorize the purchase of the forklift from FSI Yale.

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

#### 19.2. 22<sup>nd</sup> Annual Velo-Promo Dinuba Criterium Bicycle Race, February 20, 2012

Director Beltran shared this is an annual request; Beltran was contacted by Robert Leibold who proposed to hold the same type of event as in previous years. She shared there have not been any negative feedback as a result of the race and so staff recommended that the race be approved.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize the request to hold the annual Velo-Promo Dinuba Criterium Bicycle Race.

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

#### 19.3. Information Sharing

Director Beltran said she attended the TCAG meeting in Woodlake. Dinuba will host the meeting next month on the 21<sup>st</sup> at the Community Center.

Transit and Streets and Roads money should be received soon as they were approved.

On March 19 there will be an unmet needs hearing and will be held at the Visalia Convention Center. This is an annual meeting to express to the TCAG Board unmet needs and an opportunity for us to acquire money for those projects.

Washington DC trip is scheduled for March 27 and 28. TCAG is reducing the amount of representatives going to DC and so Woodlake is representing small cities and Tulare is representing the large cities.

TCAG staff is in the new offices and the grand opening will be held February 16.

CLOSED SESSION ACTION

20.1. Dale Margosian, 6885 Avenue 416 Widening Project Property Negotiations

None

ADJOURNMENT

Mayor Smith adjourned the meeting at 10:02 pm.

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Mike Smith, Mayor

ATTEST:

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Linda Barkley, Deputy City Clerk