

COUNCIL MEMBERS PRESENT: Hinesly, Smith, Morales, Gonzalez

COUNCIL MEMBERS ABSENT: Harness

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

CALL TO ORDER

Mayor Smith called the meeting to order at 6:33 pm.

INVOCATION

The invocation was led by Jeff Franklin.

FLAG SALUTE

The flag salute was led by Jeff Franklin.

COMMUNITY RECOGNITION AND APPRECIATION

4.1. Joe Wisocki – “PGA Instructor of the Year”

The Mayor and City Council Members presented a certificate of recognition to Wisocki for his newly acquired designation as PGA Instructor of the Year.”

PUBLIC COMMENT

5.1. Nyal Carver – Proposed Welcome to Dinuba Landscape Design at Tulare Street / Alta Avenue

Nyal Carver, The Rockyard, proposed a landscape design for the southernmost entrance of Dinuba along Tulare and Alta Avenue. Carver said he has been in the community for close to 50 years. He was present with Roger Rodriguez who will supply the equipment that will make a more energy efficient design. He proposed a park-like design with large specimen plants and possibly a gazebo. Along with the proposal is a financial program for budgeting purposes. Rodriguez explained his products.

The Council liked the idea but the cost is prohibitive.

Rodriguez said upkeep is reasonable and low in energy consumption.

The Council talked about the bidding threshold and possibly using private monies to fund the proposed project.

Rodriguez shared that he provides items for pool builders and shared the product information.

City Manager Todd said the City does not own the property but the County does. He said he does not know the status of the property but it would need to be worked through. The adjacent property owner is Dinuba Lumber.

5.2. Nancy Hoyt – Addition of Historic Preservation Question to Project Listen

Nancy Hoyt said this is a request to add questions in regard to historic preservation to the existing community survey currently being circulated to residents. The request is a result of training the Commission has received and recognizing that the commission serves the community.

The Council discussed it and thought it was a good idea.

It was motioned by Council Member Morales, second by Council Member Gonzalez to add the additional questions on the survey.

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

5.3. Brandi Nus-Villegas – End Slavery in the Central Valley; Freedom Week, February 19-26, 2012

Not present

5.4. Alexandra Garrett and Karissa Farrice, Dinuba Chamber of Commerce / Dinuba Woman’s Club - Project REACH

Vice Mayor Hinesly introduced Alexandra Garrett and Karissa Farrice who are her mentees through Project REACH. Hinesly explained that the Dinuba Woman’s Club developed a project to try to keep the young graduating women in the community and keep them focused on getting their projects reached.

The Council Members encouraged the young ladies to learn and give back to the community after reaching their education goals.

5.5 Juanamaria Gonzalez – Request to Use Public Right-of-Way, Shoppers Alley, February 17, 2012

Juanamaria Gonzalez was present on behalf of “Prisioneros en Liberacion” to ask to hold a meeting outside of the normal meeting place in Shopper’s Alley.

It was motioned by Council Member Morales, second by Council Member Gonzalez to approve the request.

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

5.6. Roy Cotton – Request to Use Public Right-of-way, Parking Lot Adjacent to Bowling Center for Alta District Historical Society Farmers’ Day Event, June 6, 2012

Richard Duerksen was present to request permission to use the parking lot south of the bowling center on June 6 for the annual farming equipment display.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to approve the request to use the parking lot south of the bowling center on June 6 for the annual farming equipment display.

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

5.6. Unscheduled

None

CONSENT CALENDAR

6.1. Redevelopment Agency Meeting Minutes, January 24, 2012

6.2. Acceptance – Other Agency Meeting Minutes

- a. Citizens Oversight Committee, October 28, 2011
- b. Historic Preservation Commission, January 9, 2012
- c. Planning Commission, January 3, 2012
- d. Parks and Community Services Commission, November 15, 2011

- e. Police Advisory Commission, January 3, 2012
- 6.3. Parks and Community Services Commission Draft Agenda, February 21, 2012
- 6.4. Master Development Schedule
- 6.5. Right-of-Way El Monte Way / Avenue 416 Project, Certificates of Acceptance
 - a. APN 012-290-051, 6609 Avenue 416, Jorge G. Jalil
 - b. APN 012-282-004, 7146 Avenue 416, Norma J. Miller
 - c. APN 012-282-008, 7179 Avenue 416, Norma J. Miller

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

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

WARRANT REGISTER

- 7.1. Approval –Warrant Register, January 27; February 2, 10, 2012

It was motioned by Council Member Gonzalez, second by Council Member Morales, to approve the warrant register.

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

MAYOR’S MINUTE

- 8.1. Information Sharing

None

COUNCIL COMMENTS

- 9.1. Reappointment to City Boards / Commissions / Committees
 - a. David Brickner, Dinuba Economic Development Committee
 - b. Raymond Millard, Dinuba Economic Development Committee
 - c. Robert Rocca, Dinuba Economic Development Committee

It was motioned by Council Member Morales, second by Council Member Gonzalez, to reappoint David Brickner, Raymond Millard and Robert Rocca to the Dinuba Economic Development Committee.

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

- d. Sal Medina, Police Advisory Commission

It was motioned by Council Member Morales, second by Council Member Gonzalez, to reappoint Sal Medina to the Police Advisory Commission.

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

9.2. Senator Michael J. Rubio – Request for Letter of Support of SB 250, California Water Reliability Act, Resolution No 2012-12

Susana Guevara requested on behalf of the Office of Senator Rubio a resolution of support for Support SB 250 reinforcing and bringing to fruition the water conveyance system. In addition several thousand jobs, the bill provides reliable water sources to farmers, valley and ensures safe infrastructure, satisfies reliable source needs and helps to conserve the Delta.

Mayor Smith asked about the water route.

Guevara said the major component would run through the Delta where it is now and the rest would go through the valley through existing conveying systems.

Vice Mayor Hinesly said we provided a letter of support to Nunes for a similar bill and we need to make sure there is no conflict between the two requests for support.

Guevara said this is the conveyance system and has nothing to do with Nunes' issue. We want to make sure that the senate leadership knows how strongly we support it.

Mayor Smith said he likes the idea.

Guevara said we want to make sure our voice is heard loud and clear.

City Manager Todd said Alta Irrigation District is a supporter of the bill.

Guevara said this support is to ensure we get the first leg of the conveyance system.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2012-12 in support of SB 250.

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

City Manager Todd asked Guevara what she knows about Redevelopment and what is currently happening with it.

Guevara said she was hoping to get information from Rubio but has not had a chance to do so. She will get back to city staff and share it with the Council.

City Manager Todd said we had the first meeting of the Dinuba Successor Agency. The Agency adopted the Enforceable Obligation Payment Schedule (EOPS) and there is \$3million of what we feel is enforceable obligations because they were loans made by our Agency because the state said if we don't do it we would owe 3 million. We have a lot of money lent to the city that at this point is not allowed to be considered to be an enforceable obligation and there will be many lawsuits on this matter. It's probably something worth pulling aside at the legislative level to save everyone grief and money in fighting it out.

Guevara said one of the first things is gathering information from the cities. We are gathering data to present the correct numbers at the state level.

Mayor Smith extended an invitation to Senator Rubio to come to the next meeting to talk about Redevelopment.

Guevara said he is planning to get out into the districts soon.

Mayor Smith asked Guevara to ask him to come to Dinuba first.

9.3. Reminder – TCAG Board Meeting, February 21, 2012, Dinuba Community Center

City Manager Todd said this is a reminder of the next TCAG meeting and will be hosted by Dinuba.

9.4. Information Sharing

Council Member Gonzalez the Adventist Health Urgent Care facility looks good.

Vice Mayor Hinesly said she attended the LOCC meeting last week with staff.

City Manager Todd said the meeting was better attended than most with a good speaker who had ideas to stimulate development in the community. Visalia's Mayor complimented Dinuba on the golf course.

Mayor Smith said he would like to accept her challenge to play golf.

PUBLIC HEARING

10.1. Designation of Historic Resources

A. Dinuba Woman's Club House, Resolution No 2012-09

Planning Tech Carrillo presented a request to the City Council to designate the site of Dinuba Woman's Club House as an historic resource and requested that the city council open a public hearing to take public comment on the matter.

Mayor Smith opened the public hearing.

No comments were brought forward.

Mayor Smith closed the public hearing.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt Resolution No 2012-09 as presented.

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

B. 204 N. "O" Street, APN 017-112-014; Dinuba Korean Presbyterian Church, Resolution No 2012-10

Planning Tech Carrillo presented a request to the City Council designating the site of the Dinuba Korean Presbyterian Church as an historic resource.

Mayor Smith opened the public hearing.

No comments were brought forward.

Mayor Smith closed the public hearing.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to adopt Resolution No 2012-10 as presented.

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

C. Northeast Corner of "L" St. and Fresno St., APN 017-112-014, Resolution No 2012-11

Planning Tech Carrillo presented a request to the City Council that the northeast corner of "L" and Fresno Streets, the site of a historic Korean-American parade be designated as an historic resource.

Mayor Smith opened the public hearing.

No comments were brought forward.

Mayor Smith closed the public hearing.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt Resolution No 2012-11 as presented.

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

CITY ATTORNEY

11.1. Assignment of Option Agreement and City Deed of Certain Properties to the Dinuba Housing Authority, Resolution No 2012-13; APN 017-114-008; 017-114-009, 017-114-010 and 017-114-011

City Manager Todd explained that under AB26 the Successor Agency and cities are able to pass on to their Housing Authorities appropriate properties. This recognizes an option that was agreed to by the City and asks the Council to assign the property to the Dinuba Housing Authority and deed the 60,000 sq. ft. to the Dinuba Housing Authority.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt Resolution No 2012-13 as presented.

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

11.2. Discussion of Medical Marijuana Enforcement Including Distribution, Cultivation and Zoning in Industrial, Commercial and Residential Neighborhoods within the City Limits

City Manager Todd this came to Council at the January 24 meeting requested by residents living on Lily with a concern that a neighbor was planning to plant medical marijuana on their own premises. They were concerned that it was a danger to the residents in the area. They were informed that we had an ordinance regulating dispensaries and the council passed the ordinance in 2008. The city attorney wrote an opinion on the subject. City Manager Todd read the opinion into the record. He proposed the council might consider an ordinance to control the growing and dispensing of medical marijuana.

Mayor Smith said he agrees with federal law, “no weed, no way, no how.” He explained why.

Chief Olvera said the Chief’s Association is dealing with this. He explained the problems that are being experienced. We have to take into consideration, if we don’t do anything, are we going to have problems with enforcement.

Vice Mayor Hinesly said she supports the city attorney’s recommendation.

Discussion followed.

Jeff Phillips spoke about the issue.

City Manager said we have to focus on the arena of which we have control which are the appearance, zoning, and safety but we can’t consider the moral basis. Todd said we must focus on where we have the most leverage.

Jeff Franklin, 554 North Lindsay Way, said he is not against those who need medicine but asked is there is anything to prevent the smoking of it outside. He said another consideration is with the growth in residential areas, the value of homes will decrease.

Council Member Gonzalez stepped down at 8:12 pm.

Council Member Gonzalez returned to the dais at 8:13 pm.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to ask the City Attorney to make some recommendations as the guidelines for medical marijuana cultivation.

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

BREAK

Mayor Smith declared a break at 8:20 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 8:27 pm.

11.3. Evan's Towing and Transport – Request for Hearing

A written request for hearing was read into the record.

The council directed staff to move forward with a hearing per the request from Evan's Towing and Transport.

11.4. Information Sharing

None

CITY MANAGER

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

Assistant City Manager Anderson proposed business incentives for Commercial Zones C-2 and C-3. Anderson explained the qualifying factors are:

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).
 - To qualify for Category #1 Incentives, the building must meet 2 of the 3 qualifying factors listed above.
 - To qualify for Category #2 Incentives, the building must meet all 3 qualifying factors.

The Incentives are:

CATEGORY #1: Permit/Inspection Fee Waivers, Fast-Tracking:

1. Permit and inspection fees to make space ready for use
2. DRC and CUP fee waivers, if required
3. Permits issued in 5 working days for routine work; 10 working days for structural, HVAC or Electrical permits
4. Inspections made within 2 working days of request
5. If DRC needed, scheduled within 10 working days of application submittal

6. If CUP needed, special Planning Commission meeting will be scheduled

CATEGORY #2: Revenue Incentives:

1. One year rebate of utility tax (electricity, gas, telephone, etc.) for a non-retail use
2. One year rebate of the City's portion of sales tax for a retail use
3. Should the new business, or the business that expanded from another location within the City, close within two years, the utility tax or sales tax rebate shall be refunded to the City

Anderson said that staff's recommendation would be for the City Council to review the provisions in five years.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to approve the business incentives as presented by adopting Resolution No 2012-01.

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

12.2. Information Sharing

Anderson shared that on March 22 at 6:30 pm there will be a follow-up neighborhood meeting in District 3.

The Prop 84 grant application will be sent tomorrow and HUD staff are coming in on Thursday. They will be touring the area and would like to see the north Dinuba area as they may be interested to see what they would like to do there as well.

FINANCE AND COMMUNITY SERVICES

13.1. Review of 2011-2012 Mid-year Budget Projections for all City Funds

Cook presented the mid-year report explaining that it is a financial analysis of revenues and expenditures of general fund and other funds. He requested that the Council accept the report as presented.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to accept the 2011-2012 Mid-year Budget report as presented.

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

13.2. Information Sharing

Cook reported that he spoke with Director Nunes and she's doing well. Staff is looking forward to her return.

Cook reported that youth baseball / softball sign-ups end Friday, with late registration ending on February 29.

Cook reported that the details of the Korean parade reenactment will be placed on the City's website. Cook reported that financial staff was informed yesterday that they received a national award for the budget presentation.

PUBLIC WORKS

14.1. Approval of Pedestrian Crossing Safety Improvements on Monte Vista Drive near southernmost Main Entrance to Wal-Mart

Director Beltran shared information in regard to the installation of safety improvements on Monte Vista Drive and requested the Council's consideration and approval of the proposed safety improvements.

Council discussion followed.

It was motioned by Council Member Morales, second by Vice Mayor Hinesly, to approve the proposed pedestrian crossing safety improvements as presented.

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

14.2. Authorization to Surplus City Equipment and to Conduct Yard Sale

Director Beltran shared a request for the City Council to authorize a list of city equipment and approve it for surplus at a city yard sale / auction on February 17, 2012. The list included equipment and used vehicles for sale. If the request is approved, the proceeds from the sale will be deposited in the City's General Fund.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize the surplus of City equipment as presented.

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

14.3. Prop 1B - Local Streets and Road Improvements / Priority for Street Improvement Projects

Director Beltran presented a request for consideration in regard to the Phase III of the City-wide street improvement project. She requested the Council establish a priority list for street reconstruction projects and approve the use of Prop 1B funds for this purpose. She went on to explain that staff received notice from the State Department of Finance that an application for the remaining \$221,428 apportionment of Prop 1B funds be completed by June 30, 2012. Before the funds can be disbursed to the City, the City Council must approve a Prop 1B local streets and roads improvement project plan.

Beltran explained the planned improvements for council consideration and recommended the Council prioritize the list and approve the prioritized list as the Prop 1B Local Streets and Roads Project Plan for submission to the State Department of Finance.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to approve the prioritized list as presented.

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

14.4. Business License Collection Update

Director Beltran presented information as to the status of delinquent city business licenses. She explained there are a series of steps taken for these matters.

Leroy Barkley, 1675 Corey Ct, Dinuba, spoke to a delinquent business license on the list.

Council discussion followed.

The Council took no action as the information was informational in nature.

14.5. Action of the Planning Commission, February 7, 2012

Director Beltran reported the action of the Planning Commission at the meeting of February 7, 2012.

14.6. Information Sharing

None

ENGINEERING SERVICES

15.1. Information Sharing

Engineer Uota shared information as to the reconstruction of ditch piping along El Monte Way and said that construction is due to start around February 27.

Uota shared that the Tulare County EDC was successful in acquiring the enterprise zone designation approved by the state recently.

FIRE SERVICES

16.1. Authorization to Purchase Ambulance

Chief Thompson requested authorization to purchase a new ambulance for the department.

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

AYES: Hinesly, Smith, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: Harness

16.2. Authorization to Apply for Staffing for Adequate Fire and Emergency Response Grant

Chief Thompson requested authorization to apply for a grant.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize staff to apply for a grant.

AYES: Hinesly, Smith, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: Harness

16.3. Information Sharing

None

POLICE SERVICES

17.1. Dog Nuisance Ordinance – Proposed Ordinance Amendments

- Set Hearing – February 28, 2012

Chief Olvera shared the proposed amendments to the current dog nuisance ordinance and requested that the City Council set a public hearing on February 28, 2012.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to set the hearing for February 28, 2012.

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

17.2. Information Sharing

Chief Olvera said the Citizens Volunteers are trying to identify two weekends during each month to get 8 to 16 participants to participate in Project LISTEN.

Olvera reported that Lt. Popovich travelled to Menlo Park to pick up the new patrol cars.

ADJOURN TO DINUBA HOUSING AUTHORITY MEETING

Mayor Smith adjourned to the Dinuba Housing Authority meeting at 9:51 pm.

RECONVENE FROM DINUBA HOUSING AUTHORITY MEETING

Mayor Smith reconvened the meeting at 9:53 pm.

ADJOURNMENT

Mayor Smith adjourned the meeting at 9:53 pm.

Mike Smith, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk