

CITY COUNCIL MEMBERS

PRESENT: Harness, Hinesly, Smith, Morales, Gonzalez

DINUBA UNIFIED SCHOOL BOARD MEMBERS

PRESENT: Ron Froese, Sandra Kizirian, Victorio Rojas,
Bev Keel-Worrell, Mary Villarreal

CITY STAFF MEMBERS

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

DINUBA UNIFIED SCHOOL BOARD MEMBERS

PRESENT: Dr. Joe Hernandez, Paul Rogers, Peggy Garispe, Frank Rios

CALL TO ORDER

The meeting was called to order at 7:30 pm.

INVOCATION

The invocation was led by Chaplain Sussee.

FLAG SALUTE

The flag salute was led by Chief Thompson.

ADOPTION OF JOINT MEETING AGENDA

The Agenda was adopted.

PUBLIC COMMENT

4.1. Unscheduled

None

DISCUSSION ITEMS

5.1. Road Widening – Impact of Road Improvement on Transportation

City Engineer Uota shared an update of the Avenue 416 / Road 80 road widening project and the expected impact upon transportation.

5.2. Vocational Training – Status, Career Path, Funding Sources

Public Works Director Beltran shared history of the Building Trades Program and the City's participation.

Dr. Hernandez said the program has been an excellent program the School District feels is worth funding in the future. He commented that "career pathways" gets attention for funding and he felt that plans should be made in the future to lobby Sacramento for funding.

Director Beltran explained how profitable / non-profitable the houses have been over the history of the program. She explained there have been six houses built.

City Manager Todd said the original focus of the program was to teach students skills and to infill and improve blighted neighborhoods with low to moderate income set-aside funding at the beginning. The program mission changed since redevelopment agencies have been dissolved we are merely working with the funds that come from the sale of the house but we can still make it work.

Discussion followed surrounding different ideas to keep the Building Trades Program going.

Vice Mayor Hinesly said that at one time discussion of a lottery to sell the houses happened.

City Manager said at first it was not thought to be a good idea but in this community one must first prequalify which poses problems for the program.

Peggy Garispe shared that from the District's perspective, the cost of doing business has increased. Previously the district was able to build a house and pay the instructor but that's changed because of the added costs. She asked city staff to keep in mind as lots are identified for future building that they consider the cost of the lot and the house design to conserve costs.

Mayor Smith said the program could be in force until it's no longer possible.

Council Member Harness asked what the current cost is.

Director Beltran explained the current cost is \$121,000 besides funding from TCOVE.

President Keel-Worrell asked how the funding was disbursed for the program and what were the city's and the district's shares. She asked that the city provide information in regard to a breakdown of the contributions to the program.

City Manager Todd said it's a good idea to obtain a breakdown of the contributions from the city and the school district. He added that it may be possible to obtain financial backing from unions or building associations to help fund the program in the future.

Dr. Hernandez said discussion has begun with the city and school district in regard to a fire academy.

Mayor Smith said the city recently began a Fire Explorer Program.

5.3. School Site Planning

Peggy Garispe said the district will change the elementary schools to K-6 in the 2013-14 school year. Garispe explained the district currently owns three future school sites in the community and demographers will look at sites for possible K-8.

5.4. Redevelopment Successor Agency

Director Nunes shared information regarding the Successor Agency's action taken in February and shared that the Successor Agency Oversight Board Members have been appointed. Nunes talked about legislation that is currently being proposed supporting the return of money cities lost due to the dissolution of Redevelopment Agencies; in Dinuba's case it means \$1.9 million.

Board Member Froese asked if there are any ties between the school district and the Redevelopment Agency and Nunes said yes through the pass-through agreements. Discussion followed.

Director Nunes explained how the Successor Agency Oversight Board monitors the actions of the Successor Agency.

5.5. Projects

a. Hayes Avenue

City Engineer Uota said the Hayes Avenue lighting project is moving forward and completion is expected in late summer. He explained the progress and obstacles of obtaining authorization from property owners to proceed with the project.

b. Lighted Crosswalks

Uota shared that the lighted crosswalks project is under design. He explained the planned crosswalks are on Hayes at Palm and El Monte Way; and at Alta Avenue / Northway. He explained the project is federally funded and construction is planned for October and November.

c. Facility Improvements

Frank Rios shared information about facilities the district is currently working to improve. He shared there is a sitting wall and a retaining wall at the high school. There is a loading / drop zone for students at Wilson School as well as a kindergarten drop-off zone. JFK is getting a parking lot improvement and a kindergarten drop-off as it will be a K-8 in 2013-14. The Kennedy Center at JFK is getting air conditioning to replace swamp cooling. There are also technology rooms being added at Lincoln and Grand View schools.

Garispe added that each site has a load capacity and the district is trying to balance it among the school sites.

Council Member Harness asked how the district knows when there are traffic concerns around school zones.

Board Member Kizirian said all the schools have traffic problems.

d. Bonds

Garispe said the district is currently working on refinancing a \$9 million bond which would save taxpayers about \$600,000.

5.6. Information Sharing

Board Member Froese said he would like city staff to work with Kemper staff to get more playing time for students at the golf course.

City Manager Todd said staff will be talking to the school regarding the First Tee Program.

Dr. Hernandez thanked staff and Mayor Smith thanked the school district.

END JOINT MEETING OF CITY COUNCIL AND DINUBA UNIFIED SCHOOL BOARD

The joint meeting portion of the City Council and Dinuba Unified School Board ended at 7:26 pm.

COMMUNITY RECOGNITION AND APPRECIATION

8.1. Dr. Marn Cha and Dr. Daniel Kim – Korean Commemorative Parade and Event

Dr. Cha thanked city staff members Cecilia Bobst and Stephanie Hurtado who expeditiously worked on the preparation of the parade and commemorative event.

Dr. Cha said he has been working with Korea to get a Sister City for Dinuba and he feels he may be nearer to accomplishing it than ever. He said the commemorative parade was eventful and he was thankful to the Council and staff.

Dr. Kim shared his heartfelt thoughts through written sentiments.

Mayor Smith presented Drs. Cha and Lee with certificates of appreciation for their work to bring the commemorative event to Dinuba.

PUBLIC COMMENT (continued)

- 7.1. Myles Chute – Pull for the Cure, Request for Street Closure, March 24, 2012, L Street between Kern and Ventura

It was motioned by Council Member Morales, second by Council Member Gonzalez, to approve the request for street closure as presented.

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

- 7.2. St Catherine’s Catholic Church, Spanish Youth Group –Stations of the Cross Procession, Request for Street Closure, April 6, 2012, Villa Ave in front of the church

It was motioned by Council Member Morales, second by Council Member Gonzalez, to approve the request for street closure as presented.

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

- 7.3. Cristobal Carrillo, LNTC – Request to Suspend Banner for Cinco de Mayo Across Alta Avenue, April 16 – May 6, 2012

Cristobal Carrillo was present to request authorization from the City Council to suspend a banner over Alta Avenue to advertise the Cinco de Mayo event in May.

It was motioned by Council Member Morales, second by Council Member Gonzalez to suspend a banner over Alta Avenue to advertise the Cinco de Mayo event.

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

- 7.4. Sukwinder Singh – Request for Consideration of Compensation for Impact of Ave 416 Road Widening Project (El Monte Market)

Sukwinder Singh, 517 W El Monte Way, said that he has been negotiating over dealings with his business for two years. He said he is present to communicate to the City Council that the City has offered less than half of his business’ worth to relocate due to the reconstruction of Avenue 416. He said he will have to begin from scratch once relocated. Singh said it took a long time to build his business and he fears he will lose customers because of the relocation. Singh said he wants to reopen at the same location.

City Manager Todd said this item is before the Council for consideration as the property in question is located on Avenue 416. This item is also under closed session for the Council’s consideration.

- 7.5. Unscheduled

Sal Medina, 281 North Whitney, said he would like to have a beer garden once again this year during the car show. He said he has permission from Rabobank to hold it in the bank’s parking lot. City Manager Todd said staff will place this item on the next City Council meeting agenda.

BREAK

Mayor Smith declared a break at 7:40 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 7:50 pm.

CONSENT CALENDAR

It was motioned by Council Member Morales, second by Vice Mayor Hinesly to pull item 9.6. for discussion under the City Attorney.

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

- 9.1. City Council and Dinuba Housing Authority Joint Meeting Minutes, February 28, 2012
- 9.2. Acceptance – Other Agency Meeting Minutes
 - a. Dinuba Economic Development Committee Minutes, February 2, 2012
 - b. Planning Commission, February 7, 2012
 - c. Parks and Community Services Commission, January 17, 2012
 - d. Police Advisory Commission, February 7, 2012
- 9.3. Parks and Community Services Commission Draft Agenda, March 27, 2012
- 9.4. Master Development Schedule
- 9.5. Set Hearing – Bicycle Plan and Authorization to Apply for Grant, March 27, 2012

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

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

- 9.6. Set Hearing - Medical Marijuana Enforcement Including Distribution, Cultivation and Zoning, March 27, 2012

(Discussed under City Attorney)

WARRANT REGISTER

- 10.1. Approval –Warrant Register, March 2, 9, 2012

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

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

MAYOR’S MINUTE

- 11.1. Information Sharing

Mayor Smith said he was out of town last meeting on business so he was unable to attend. Mayor Smith said he attended the Korean Parade and Cecilia Bobst did a great job coordinating the event.

COUNCIL COMMENTS

12.1. Request for Excused Absence, February 28, 2012 - Mike Smith

It was motioned by Vice Mayor Hinesly, second by Council Member Morales, to approve the request for excused absence for Mayor Smith.

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

12.2. League of CA Cities South San Joaquin Valley General Meeting, April 12, 2012, Fowler

City Manager Todd said this is a reminder of the April League Division meeting in Fowler.

12.3. Information Sharing

Council Member Morales said he attended the Korean historic re-enactment parade and dinner event. Council Member Harness commented that the car lot at Crawford and El Monte Way has once again closed, the cars are gone.

Vice Mayor Hinesly said she attended the following meetings: Council of Cities, SAOB, League of Cities, Woman's Club at which the VIP waiters helped raise \$1550 for the Relay for Life event Sherriff Margaret Mims was a guest at the meeting. Tomorrow is the "Good Morning Dinuba" meeting and it will be sponsored by Dinuba Woman's Club at the Senior Center. She said the Cancer Survivor's event will be held at Rabobank, the Pull for the Cure event has 35 teams signed up to participate, Visalia Mayor Amy Sheklian will be here for the event and has challenged Mayor Smith in the tricycle race. Hinesly said there will be a Relay fund raising event—an open competition taco cook-off.

PUBLIC HEARING

13.1. Request for Approval of Resolution Approving Issuance of Tax-Exempt Bonds With Respect To Multi-Family Rental Project at 1000 Rosemary Avenue Resolution No 2012- 16 ("Viscaya Subdivision")

Assistant City Manager Anderson said this is a request to conduct a public hearing in regards to the financing of a 48 unit multi-family project at 1000 Rosemary Avenue through the issuance of bonds, and then adopt Resolution No. 2012-16.

The project is a 48-unit multi-family rental development in the Viscaya subdivision. The borrower Self-Help will establish a Limited Partnership or affiliate that will be solely responsible for the debt and/or obligation of the bonds. Self-Help is seeking tax-exempt bonds up to \$8,000,000 to finance the project and the Internal Revenue Code requires the local elected legislative body to approve the issuance of bonds under Section 147(f) of the Code.

The adoption of this Resolution is solely for the purpose of meeting the requirements of the IRS Code and in no way obligates the City to provide financing to the borrower.

Mayor Smith opened the hearing, no comments brought forward and he closed the hearing.

It was motioned by Council Member Morales, second by Council Member Harness to adopt Resolution 2012-16 as presented.

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

13.2. Submittal of an Application in Response to the 2012 CDBG Notice of Funding Availability, Resolution No 2012-17

Business Manager Avila requested that the City Council conduct a public hearing to accept testimony regarding the City's intent to submit an application in response to the State of California's 2012 CDBG Notice of Funding Availability (NOFA). Upon conclusion of the public hearing it is requested that the City Council adopt Resolution Number 2012-17 to authorize staff to submit the subject application.

The City will contract with Self Help Enterprises to prepare the Homeownership Assistance portion of the application. The City will also contract with a second consultant to prepare the public improvements portion. It is estimated that these grant writing services will cost somewhere between \$7,000 and \$10,000. Local operating funds will fund this expenditure.

Mayor Smith opened the public hearing, no comments were brought forward and he closed the hearing.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly to adopt Resolution No 2012-17 as presented.

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

13.3. Proposed Revisions to the CDBG Program Income Re-use Plan, Resolution No 2012-19

Business Manager Avila requested that the City Council conduct a public hearing to accept testimony regarding the City's proposed revisions to its adopted reuse plan for CDBG Program Income and adopt Resolution No. 2012-19.

The purpose of a CDBG Program Income Reuse Plan is to establish guidelines for the administration and utilization of program income received as a result of activities funded under the State's CDBG Program. There is no fiscal impact.

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

It was motioned by Council Member Morales, second by Council Member Gonzalez to adopt Resolution No 2012-19 as presented.

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

13.4. Request a CDBG Program Income (PI) Waiver to use \$380,000 of Community Development Block Grant (CDBG) Program Income on a Public Facility Rehabilitation Project and Adopt Resolution No 2012-18, Amending Resolution No 2010-10

Business Manager Avila requested that the City Council conduct a public hearing to accept testimony regarding the City's intent to use CDBG Program Income to partially fund the rehabilitation of a Public Facility. Upon conclusion of the public hearing it is requested that the City Council adopt Resolution Number 2012-18 and thereby amend Resolution Number 2010-10.

Avila reported the identified CDBG Program Income funds have always been a part of the Senior Apartments/ Transit Center budget plan. These monies are on-hand and can legitimately be used for our proposed project. Without this action, the City would have to determine an alternate funding source.

Mayor Smith opened the public hearing, no comments from the public were brought forward and Mayor Smith closed the hearing.

It was motioned by Council member Morales, second by Council Member Harness, to adopt Resolution No 2012-18 as presented.

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

13.5. Approval of the Dinuba Housing Authority Affordable Housing and Real Property Disposition Agreement Between the Agency and Antonio and Micaela Perez, Resolution No 2012-03 (Continued to March 27, 2012)

This item was continued for public hearing to March 27, 2012.

13.6. Dog Nuisance Ordinance No 2012-01, First Reading and Introduction, Read Title, Waive Reading in Full

Chief Olvera presented the proposed Dog Nuisance Ordinance to the City Council for discussion and consideration. Chief Olvera explained that on January 24, 2012, during the City Council meeting, Council held an open discussion regarding barking dogs as a nuisance. Council identified four key areas of concern and provided staff with definitive guidelines to address these issues. Chief Olvera requested that the City Council conduct a public hearing to allow public comment on the amended Dinuba Municipal Code sections as it relates to barking dogs creating a nuisance, and following the public hearing, that the City Council consider Ordinance No. 2012-01.

Mayor Smith opened the public hearing, no comments were brought forward and he closed the hearing.

It was motioned by Council Member Morales, second by Council Member Harness to approve the first reading and introduction of Ordinance No 2012-01.

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

Deputy City Clerk Barkley read the title of Ordinance No 2012-01 into the record.

CITY MANAGER

15.1. Charles Smyth, Market Street Development LLC – Intent to Purchase Real Property, a Portion of APN 017-290-008

City Manager Todd introduced Charles Smyth, Market Street Development, 1104 Corporate Way, Sacramento California. Smyth said he was present to answer questions the City Council might have related to his interest to purchase real property in the industrial park.

Council Member Harness asked if there is an open market for the buildings he would build. Smyth said his involvement is only building the facility and he works with an exclusive provider.

Discussion followed.

CLOSED SESSION ACTION

21.1. Sukwinder Sing – Request for Consideration of Compensation for Impact of Ave 416 Road Widening Project (El Monte Market)

Pursuant to subdivision (b) of Section 54956.9 the Council met in closed session with the City Attorney Dan McCloskey to discuss one (1) case.

Mayor Smith stated this item needs to come back to the Council at the next meeting and informed Mr. Singh he should meet with staff prior to the next meeting.

CITY ATTORNEY

9.6. Set Hearing - Medical Marijuana Enforcement Including Distribution, Cultivation and Zoning, March 27, 2012

City Attorney McCloskey talked about the draft Medical Marijuana ordinance before the city council for discussion and requested the council set a public hearing for March 27, 2012.

Council discussion followed in regard to enforcement of unlawful marijuana cultivation.

It was motioned by Vice Mayor Hinesly, second by Council Member Morales to set a hearing for March 27, 2012.

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

14.1. Information Sharing

None

CITY MANAGER

15.1. Information Sharing

Assistant City Manager Anderson shared a reminder of the follow-up Neighborhood meeting on March 22 at 6:30 pm at JFK.

FINANCE AND COMMUNITY SERVICES

16.1. Information Sharing

Director Nunes shared that the proposal for the First Tee Program will come back to the City Council for consideration at the next meeting.

Nunes shared that she met with Phil Cox and Community Services staff to start the Summer Nights program and will share more information at the next Council meeting.

Nunes said her department received a national award, the "Distinguished Budget" award.

The annual Spring Fling will be held on March 31 at the Community Center.

Baseball signups yielded 530 participants and opening day is April 28.

ENGINEERING SERVICES

17.1. Sukwinder Singh – Request for Consideration of Compensation for Impact of Ave 416 Road Widening Project (El Monte Market)

Discussed in closed session.

17.2. Closure of Alta Avenue at Railroad Crossing, Discussion of Detour Routes and Contact of Affected Businesses

Engineer Uota shared that the County is planning the road closure for approximately two weeks and its planned the affected section will reopen the first week of April.

The primarily affected businesses are supposed to be contacted by a county representative and the Connect CTY system was and will be utilized to inform residents of the detours.

Council discussion followed.

17.3. Information Sharing

FIRE SERVICES

18.1. Award of Assistance to Firefighters Grant 2011

Fire Chief Thompson informed the City Council that the department has been awarded the Assistance to Firefighters Grant 2011 in the amount of \$23,803 which includes the matching funds to purchase a special washing machine to extract biohazards from the department's turnouts.

18.2. Information Sharing

None

POLICE SERVICES

19.1. Information Sharing

None

PUBLIC WORKS

20.1. Water Well Rehab

Director Beltran shared information in regard to Well #14 which is a lead well. She said the repairs need to be done right away because it is a lead well.

There are similar problems with Well #19 at the public works yard.

20.2. Action of the Planning Commission, March 6, 2012

Beltran shared the action of the Planning Commission at their meeting of March 6, 2012.

20.3. Information Sharing

None

ADJOURNMENT

Mayor Smith adjourned the meeting at 9:57 pm.

Mike Smith, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary