

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

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

CALL TO ORDER

The meeting was called to order at 6:30 pm.

INVOCATION

Chaplain Garcia led the invocation.

FLAG SALUTE

Community Volunteer Keith Myer led the flag salute.

COMMUNITY RECOGNITION AND APPRECIATION

4.1. 2012/2013 Cinco de Mayo Queen and Princess Candidates

The Cinco de Mayo Queen and Princess candidates were present with co-chair Regina Rocha and the reigning Queen and Princess Nikki Rios and Stephanie Manzo.

Princess Contestants

Julissa Arroyo
Yesenia Chaldez
Alyssa Garver
Mildreth Vargas
Carolina Lopez
Nanci Sanchez

Queen Contestants

Yethsy Arballo
Andrea Franco Nava
Stacey Garcia Rendon
Guadalupe Tapia
Marlene Valadez

Mayor Smith presented each contestant with a Dinuba lapel pin. Rocha invited the Council and audience members to the annual Cinco de Mayo pageant.

PUBLIC COMMENT

- 5.1. Mary Jo Quintero, RN, CCRN, PLN Children's Hospital Central California – Request Designation of May as “National Water Safety Month”, Proclamation No 2012-04

Quintero was not present.

- 5.2. Sandy Sills, Dinuba Chamber of Commerce - Request Designation of May as “Art Appreciation Month”, Proclamation No 2012-05

Sandy Sills, Chamber of Commerce Executive Director, requested that the council consider designating May as “Art Appreciation Month.” Sills described activities that are planned to take place which include the Taste Tunes and Treasures Art Hop on April 26 and the Festival of the Arts on May 12.

Mayor Smith read Proclamation No 2012-05 into the record proclaiming May as “Art Appreciation Month.”

- 5.3. Unscheduled

Connie Wilson and Porchia Latrell representing London Properties were present to introduce themselves to the City Council and invite them and the public to a ribbon cutting of the Parkside Subdivision Homes on May 4 at 11:30 am. Wilson reported there will be a soft opening on May 5-6 and the grand opening on June 3-4 with home models open in a week or two.

District Representative Daniel Cisneros with Senator Rubio office introduced himself to the Council and said he is the new representative for this district and wanted to make himself known to the Council.

CONSENT CALENDAR

- 6.1. City Council / Housing Authority Joint Meeting Minutes, March 27, 2012
6.2. Acceptance – Other Agency Meeting Minutes
a. Dinuba Economic Development Committee, March 1, 2012
b. Historic Preservation Commission, February 13, 2012
c. Planning Commission, March 6, 2012
d. Parks and Community Services Commission, February 21, 2012
e. Police Advisory Commission, March 6, 2012
6.3. Parks and Community Services Commission Draft Agenda (Park Tour) April 17, 2012
6.4. Pro-Youth Commission Meeting Draft Agenda, April 19, 2012
6.5. Master Development Schedule
6.6. Set Hearing - Adoption of 2010 Urban Water Management Plan, June 12, 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

7.1. Approval –Warrant Register, March 30, April 6, 2012

It was motioned by Council Member Harness, 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 / CHAIR’S MINUTE

8.1. Information Sharing

Mayor Smith said the Relay for Life event was good and well attended despite the weather.

COUNCIL / AUTHORITY COMMENTS

9.1. Request for Excused Absence – Emilio Morales, March 27, 2012

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

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

9.2. Purchase and Sale Agreement – Pablo Contreras, Resolution No 2012-04

- 175 West El Monte Way, APN 014-063-022
- 191 West El Monte Way, APN 014-063-028
- 225 West El Monte Way, APN 014-063-023
- 243 West El Monte Way, APN 014-063-024
- 251 West El Monte Way, APN 014-063-021
- 285 West El Monte Way, APN 014-063-026

Engineer Uota shared that this item was considered by the Redevelopment Agency several months ago. The Agency accepted the offer and directed staff to prepare associated documents and purchase and sale agreement. They have been prepared and reviewed by Contreras. Since September four of

the properties were deeded to the County to the Redevelopment Agency. There needed to be a process to transfer the property to the Successor Agency and four of the properties to the Housing Authority. Uota requested that the Council consider the offer and reaffirm the sale of the parcels by adoption of Resolution No 2012-04.

It was motioned by Vice Chair Hinesly, second by Board Member Harness, to adopt Resolution No 2012-04.

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

9.3. Reminder – LOCC South San Joaquin Valley Division General Meeting, April 12, 2012

No action was requested or taken.

9.4. Information Sharing

Council Member Harness said the Spring Fling event was larger an event than he recalled it being. Vice Mayor Hinesly said the total earned for Relay for Life was \$117,000 exceeding the original goal. She thanked reporter Mike Miyamoto for his accuracy in reporting.

Discussion about the event followed.

PUBLIC HEARING

10.1. City Fees, Charges and Fines, Resolution No 2012-24

Finance Manager Cook presented the proposed city fees, charges and fines for the Council's consideration. Cook explained how the rates are determined using the consumer price index and he explained that the CPI was 3 percent. He further explained that some impact fees are determined by the construction index. Cook pointed out that some of the rates haven't been adjusted for eight years for varying factors. Cook requested that the public hearing be opened to take public comment in regard to the proposed fee adjustments.

Mayor Smith opened the public hearing but no comments were brought forward. Mayor Smith closed the public hearing and Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to adopt Resolution No 2012-24 as presented.

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

CITY ATTORNEY

- 11.1. Continue Discussion of Medical Marijuana Enforcement Including Distribution, Cultivation and Zoning in Industrial, Commercial and Residential Neighborhoods within the City Limits, Ordinance No 2012-02, second reading to be continued (date to be determined)

City Manager Todd described the history of the proposed ordinance and said the Council doesn't have to have the second reading of the ordinance if they choose not to adopt the ordinance. He went on to explain what the Council can allow through the ordinance that could potentially make it safer in the neighborhoods affected by medical marijuana. Manage the way we interact with neighborhood. No easy answers because of federal and state law conundrum. In the end, courts will work it out. Ab2312 is primarily dealing with dispensaries which we have prohibited. In his opinion it's a wise position. It takes home rule away from council because it allows for dispensaries in communities with less than 50,000 people. Todd said we need to tell our legislators that we are opposed to AB2312 and he added, currently the only way to regulate medical marijuana is through zoning.

City Attorney McCloskey reviewed the proposed changes to the marijuana ordinance. The intent is a health and safety issue. He asked how do you ban the outdoor cultivation but still allow the compassionate use.

Discussion followed in regard to why the proposed ordinance is before the council.

Vice Mayor Hinesly said she agreed with the people who stood up at the last meeting to speak during the public hearing. She stated the ordinance is the only thing that will help us regulate what the state has already allowed.

Mayor Smith said he felt that medical marijuana should be completely done away with.

Council discussion continued.

Council Member Gonzalez stepped down from the dais at 8:03 pm and returned at 8:06 pm.

Vice Mayor Hinesly motioned to approve the second reading of Ordinance No 2012-02 with the recommendation that Section 5.80.030 a. of the ordinance reads: "The cultivation of medical marijuana shall at all times occur in a secure, locked, and fully enclosed structure, including a ceiling, roof or top *and it must be the primary single resident of the qualified patient or primary caregiver*"; and, strike out section 5.80.030 e. entirely. Council Member Gonzalez motioned the second.

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

BREAK

Mayor Smith declared a break at 8:52 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 9:01 pm.

11.2. Claim for Consideration – Billy D. Smart

Attorney McCloskey explained that Mr. Smart has already been paid for 12 months of overpaid utility tax. Smart has in turn filed a separate claim for the several other years which are not within the statute of limitations.

Director Nunes said the total value of the claim was \$10,000 and Mr. Smart was paid \$1200. The numbers were an average because there is no way to conclusively know how much Mr. Smart was charged by PG&E so we took an average of his utility bills and that's how the number was concluded.

Attorney McCloskey explained the statute of limitations to the City Council and requested the Council deny the claim.

Discussion followed.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly to deny the claim and to notify claimant of the decision.

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

11.3. Information Sharing

None

CITY MANAGER

12.1. Dr. Ash Ghaly & Associates with Kaweah Preferred Physician Alliance - Letter of Intent to Purchase Real Property

City Manager Todd presented a letter of intent to purchase real property from Dr. Ash Ghaly. If the item is approved it would result in going forward with a purchase and sale agreement and a development agreement similar to the one for the sale of Alta Hospital.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez, to accept the letter of intent as presented.

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

5.1. Mary Jo Quintero, RN, CCRN, PLN Children’s Hospital Central California – Request Designation of May as “National Water Safety Month”, Proclamation No 2012-04

City Manager Todd requested that the Council go back to item 5.1. listed earlier on the agenda and consider the request to designate May as National Water Safety Month; an annual request from Children’s Hospital Central California.

It was motioned by Council Member Morales, second by Council Member Harness, to approve the request to designate May as “National Water Safety Month” and approve the proclamation.

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

12.2. Information Sharing

City Manager Todd said the Historic Commission has provided the Council a packet of forms and the forms were distributed to members of the community to gather a data base for historic places and items to create a historic walking tour. The intent of the forms is to capture history that may be relevant to include in the walking tour.

Todd said the Dinuba Sunrise Rotary is sponsoring a “community walk” next month to hold a spring fundraiser using the golf course and, it will get people informed about the walking path located at the golf course.

FINANCE AND COMMUNITY SERVICES

13.1. Agreement for Services – Special Assessments, Resolution No 2012-25

Finance Manager Cook presented the proposed agreement for services from the County. Cook stated the current agreement is from 1992. The County approached staff to enter into a new agreement. He explained the charges and the requested changes. He explained that the lighting and landscaping fees are included in those fees making it easier to collect them.

Council discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to authorize staff to execute the agreement with Tulare County for Special Assessments and adopt Resolution No 2012-25.

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

13.2. FY 2012-2013 Budget Calendar

Finance Manager Cook presented the budget calendar and pointed out significant budget dates.

City Manager's Budget Message, April 24

Budget Kick-off and CIP, May 7

May 21-22 may be utilized to continue those sessions and May 26 will be the public hearing to adopt the budget.

13.3. California State Parks' Round 2 of the Statewide Park Program Grant Award

Director Nunes stated the item is a letter of intent to award \$822,000 to the City of Dinuba for the Dinuba Recreation and Activity Center Project. Staff is prepared to attend the mandatory training on April 19 in Sacramento and anxious to move forward with getting started with building project.

13.4. Information Sharing

Director Nunes shared staff will soon begin meetings to plan the Summer Night Lights Program with local service clubs and the Chamber of Commerce. The first meeting night is April 26, the same night as the Taste and Tunes night. Nunes said she had staff invite several local organizations and service clubs as well as city boards and local churches to the meetings.

ENGINEERING SERVICES

14.1. Truck Detour Route for the Alta/El Monte Intersection Widening

Engineer Uota shared a map of the proposed truck detour route to be utilized during the Avenue 416 / Rd 80 widening project.

A discussion of the routes followed.

14.2. Information Sharing

None

FIRE SERVICES

15.1. Information Sharing
None

POLICE SERVICES

16.1. Information Sharing

Chief Olvera talked about the radar message display board acquired with a grant and said that Lt. Popovich is going to learn how to use the board and it should prove to be helpful to the police and public works departments.

Chief Olvera said that the department has recently completed the corrections to the police facility required by the Department of Justice.

Chief Olvera said the recently adopted Dog Nuisance Ordinance will be discussed with police staff in order to apply the correct procedures to fully utilize the ordinance.

PUBLIC WORKS

17.1. Award of Bid - City Hall Roof Repair

Director Beltran presented a request to the City Council to authorize the city hall roof repair contract be awarded to Barrier, Inc. She explained the City Hall roof was last repaired approximately seven years ago. The six year warranty has now expired and there have been several water leaks after the expiration of the warranty.

Staff has assessed the condition of the roof and has determined the roof must be repaired to protect the facility from major damage. Proposals from local roofing contractors were solicited but none were received due to the identified scope of work. Staff has reviewed Barrier, Inc.'s proposal and believes their submittal is consistent with the scope of work identified and recommends awarding the subject contract to them.

Director Beltran requested the City Council authorize staff to award the City Hall roof repair contract to Barrier, Inc. in the amount of \$23,825 per their submitted proposal.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize the award of bid to Barrier, Inc. in the amount of \$23,825 for the City Hall roof repair.

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

17.2. Action of the Planning Commission, April 3, 2012

Engineer Uota shared the action of the Planning Commission that occurred at the April 3 meeting.

17.3. Information Sharing

Director Beltran shared the following information:

Spring Clean-up event will be held on April 21

The new transit bus was received. It's a 24-passenger bus with 2 wheelchair lifts, purchased with Prop 1B funds and no out of pocket cost to the City.

Road maintenance projects plan was approved and DOF approved \$121K no specific project was identified but payment will be issued to agencies that have approved plans in previous months. Staff hopes that by May, funding will be received. When it does, the list will be brought back to the council to get them prioritized.

CLOSED SESSION ACTION

18.1. Sukwinder Singh – 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.

The Council directed staff to negotiate the final relocation offer with Mr. Singh.

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 10:27 pm.

Mike Smith, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk / Secretary