

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

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

CALL TO ORDER

Mayor Hinesly called the meeting to order at 6:32 pm.

INVOCATION

The invocation was led by Chaplain Garcia.

FLAG SALUTE

The flag salute was led by Director Beltran.

PUBLIC COMMENT

4.1. Ann Kloose, Government Relations Representative - PG&E Local Community Plan

Ann Kloose and Cam Malloy were present to give a presentation to the City Council on PG&E's Local Community Plan.

Kloose said AB327 will take structuring away from California legislation and put it back on CPUC which will ultimately bring relief from higher rates. Kloose said PG&E will bring back a request to support this legislature in the future.

4.2. Mark Olson, Government Relations and Public Affairs Specialist, Citrus Pest & Disease Prevention Program - Asian Citrus Psyllid

Mark Olson was present with other representatives of the California Citrus Pest & Disease Prevention Program to talk about the threat of the Asian citrus psyllid. Olson explained that the pest can kill citrus trees and can greatly damage the economy as a result. Olson reported that there have been only three reports of the pest in Tulare County to date. He

urged that owners of citrus trees check them for signs of the psyllid and report them to the CPDPC for proper eradication.

4.3. Mark Wallace, Livingword Fellowship Church

- a. Street Name Change
- b. Integrated Financing District

Mark Wallace, 1710 E Gerald, present on behalf of Living Word Fellowship Church, requested that the name of Auto Mall Drive be changed to West Gate Way as it was previously.

Director Beltran said an application must be filed, two public hearings must be held; one before the Planning Commission and one in front of City Council. Residents or inhabitants of the street would be able to vote on the matter.

The Council supported the idea but instructed Wallace he still needs to go through the process.

Wallace then spoke to the Integrated Financing District and said he and his church were unaware when they purchased the property that there were property tax assessments due for the next 20 years at almost \$10,000 a year. Wallace explained there are two assessments for two lots and he said he is unclear why there are two assessments on two properties.

Wallace requested that the City Council consider an extension of the assessment payments to the Integrated Financial District and renegotiate the term for 20 years instead of the 11 years remaining.

City Council discussion followed.

Staff was directed to bring back information in regard to this matter at a future meeting for the Council's consideration.

4.4. Unscheduled

None

CONSENT CALENDAR

- 5.1. City Council Meeting Minutes, April 9, 2013
- 5.2. Notice of Completion – K/C Vista Park Backstop Project
- 5.3. Set Hearing – Utility Rate Adjustments Fiscal Year 2013/14, June 11, 2013
- 5.4. Certificate of Acceptance - Avenue 416/El Monte Way Widening Project Rights-of-Way and Property Acquisition, APN 012-320-001

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

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

WARRANT REGISTER

- 6.1. Approval –Warrant Register, April 12, 19, 2013

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

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

MAYOR'S MINUTE

- 7.1. Memorial Day, Proclamation No 2013-02

Mayor Hinesly reported that the Memorial Day event at Smith Mountain will occur on May 27 at 10:00 am.

7.2. Ridge Creek Golf Course RV Park Proposal

Director Nunes said there is an ideal area for an RV park at Ridge Creek Golf Course in the short term. Nunes reported that the golf pro is stoked about the idea and she added, KemperSports participates in these types of parks.

Nunes added that it could eventually be used as a type of fairground and it can also be a revenue source.

Council Member Gonzalez stepped down from the dais at 7:43 pm and returned at 7:44 pm.

Discussion followed.

The City Council said they would like to see a cost analysis of the project. Staff will bring back the information at a later date.

7.3. Correspondence from Assembly Member Conway - CWMA Proposed Sharps Disposal Ordinance

Director Beltran shared correspondence was sent to all county mayors from Assembly Member Conway's office expressing her concerns about a proposed Sharps Disposal Ordinance. The CWMA Board decided that they will not respond to her letter but instead a response to concerns by CWMA will go to county mayors.

Beltran reported that several months ago she brought a model ordinance but Council was not interested in adopting an ordinance at the time. Since then, the City Attorney drafted an ordinance and it was forwarded to county cities. In January the CWMA approved the model ordinance and recommended that the ordinance be adopted by the cities.

Discussion followed.

The City Council agreed philosophically with Assembly Member Conway and felt it shouldn't be mandatory. Director Beltran was directed to respond to Conway's correspondence.

7.4. Information Sharing

Mayor Hinesly reported that the Relay for Life Event goal was \$100,000 but have raised to date \$115,000 and proceeds are still coming in.

COUNCIL COMMENTS

8.1. Solid Waste Diversion Program

Supervisor Steve Worthley was present to speak to the C and D RFP. He said there are some high level issues and he stated he was not clear on the CWMA's goals. The problem with C and D material is that the contractors don't pay for this.

Discussion followed.

Director Beltran stated the CWMA was formed so all could benefit by program numbers and she said we should be concerned when changes are made to the program numbers.

8.2. Reminder – Baseball/Softball Opening Day Event, April 27, 2013 at 10:00 am; Roosevelt Park

Mayor Hinesly said Council Member Morales will be in attendance at the opening day event in the Mayor's stead.

8.3. Historic Preservation Commission Member Change of Area Representation, Commissioner Hoyt

City Manager Todd reported that correspondence was received from Chair Hoyt. The current vacancy is required to be from the Alta District Historical Society. Currently two applications have been submitted but neither are from the ADHS. Hoyt's letter asks that we reappoint her to the ADHS position because she is a member and, leave an at-large position vacant because it is more flexible to fill.

Council Member Harness asked how one would apply and discussion followed.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales to accept Hoyt's request to be reappointed as the ADHS member appointment to the Historic Preservation Commission.

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

8.4. Information Sharing

The Council Members shared the following information

Council Member Gonzalez attended the Relay for Life event.

Council Member Harness attended the candle light vigil for the Guiba Family; Relay for Life event; the senior center luncheon.

Council Member Smith attended the Relay for Life event; the League Division Meeting in Woodlake; the CWMA meeting.

Morales: Relay for Life; League Division Meeting

PUBLIC HEARING

9.1. Adjustment to Fees, Charges and Fines, Resolution No 2013-06

Interim Finance Director Cook presented the report proposing an adjustment to city fees, charges and fines. Cook said most fees are proposed to increase by 1.7%; impact fees will increase by 1.8 percent. No new fees are included in the report.

Mayor Hinesly opened the public hearing to the public.

No comments from the public were brought forward and the Mayor closed the public hearing.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to adopt Resolution No 2013-06 as proposed.

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

CITY ATTORNEY

10.1. Grand Jury Report

Attorney McCloskey presented a response to the Grand Jury's final report regarding holding cells.

Council Member Harness stepped down from the dais at 8:40 pm.

McCloskey said the Grand Jury's proposal regarding holding cells will not be cost effective and he requested authorization from the City Council to respond in like manner to the Grand Jury.

Chief Popovich reiterated what Attorney McCloskey presented.

Harness returned to the dais at 8:41 pm.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to direct the City Attorney to respond to the Grand Jury's report as presented.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

10.2. Authorization to Accept the Property Tax Administration Fee Settlement

Staff requests that council consider accepting a settlement put forth by Tulare County for PTAF.

Council discussion followed.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales, to authorize staff to accept the settlement fee as proposed.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None
ABSTAIN: None
ABSENT: None

10.3. Anticipated Litigation, 140 West Tulare St, Dinuba

This item was discussed in closed session.

10.4. Information Sharing

None

CITY MANAGER

11.1. City Manager's Budget Message

City Manager Todd read the report into the record.

Vice Mayor Morales left the dais at 9:01 pm and returned at 9:04 pm.

Deputy City Manager Nunes referred to an attachment which depicted the proposed PERS adjustment in the general fund. Director Nunes stressed upon the proposed economic development monies that will be used to attract businesses into the city.

Council discussion followed.

Nunes went on to discuss the fund balances

Council Member Gonzalez stepped down from the dais at 9:27 pm and returned at 9:28 pm.

11.2. Appointment of Police Chief

City Manager Todd introduced Devon Popovich as the new Police Chief.

The City Council welcomed and congratulated Chief Popovich.

The Council conveyed their full support of Chief Popovich.

BREAK

Mayor Hinesly declared a break at 9:33 pm.

11.3. Information Sharing

None

RECONVENE FROM BREAK

Mayor Hinesly reconvened the meeting at 9:41 pm.

ENGINEERING AND PLANNING SERVICES

12.1. Award of Bid – Dinuba Recreation and Activity Center

Engineer Uota shared that staff received bids for the Dinuba Recreation and Activity Center. He requested the bid be awarded to BVI Construction.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to award the construction bid for the construction of the Dinuba Recreation and Activity Center to BVI Construction.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

12.2. Information Sharing

Engineer Uota shared that all the properties along Avenue 416 have been secured in conjunction with the widening project and we just received Cal-Trans recommendation to advertise for bids.

FINANCE SERVICES

13.1. Information Sharing

None

FIRE SERVICES

14.1. Information Sharing

Chief Thompson reported that the weed abatement program has generated 300 notices and staff is working diligently to get the weeds under control.

PARKS AND COMMUNITY SERVICES

15.1. Fireworks Display Independence Day Agreement

Carrillo presented information concerning the annual fireworks display and said two proposals were received as a result of the request for proposals. They were received from Pyro-Spectaculars and Fireworks & Stage FX America. Both companies met with staff at the actual venue site (Ventura & "M" Street parking lot and the Entertainment Plaza) and approved the area as an approved launching site, with some safety stipulations. Both Companies submitted proposals of \$15,000 including insurance, operator, permits filings and transportation costs.

Carrillo requested that the Council authorize staff to contract with Pyro-Spectaculars for services relating to this event and, approve hosting the event on July 3rd, beginning at 7:30pm at the Entertainment Plaza and the Ventura & "M" Street parking lot.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to approve the requested as presented and to authorize the bid be awarded to Pyro-Spectaculars.

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

15.2. Information Sharing

Carrillo shared that the annual Cinco de Mayo event is coming up next weekend.

POLICE SERVICES

16.1. Information Sharing

Chief Popovich reported that the next Project Listen meeting will be held at Roosevelt School on April 29 at 6:00 pm.

Popovich once again thanked the Council for appointing him as Police Chief.

PUBLIC WORKS

17.1. Public Works Expansion – Proposed Property Exchange

Director Beltran said she previously brought to the Council's attention a desire to exchange property in order to expand the public works facility and informed the Council it would come back to them for consideration.

Beltran explained the current facility sits on 5 acres on Kamm Avenue and it accommodates the City's utilities, streets, transit, street sweeping, CNG facility, fleet maintenance, property maintenance, building, planning, and Engineering Services Divisions. It also includes a well house, the city warehouse and two fire department training trailers.

The city received \$780,000 in Federal Earmark funds to expand the CNG station. The ideal location must be determined for the placement of ten slow fill stations. The ideal location would be directly south but the property is currently owned by James Merlo who plans to use the property for farming. Staff has contacted Merlo and expressed interest in an exchange for twenty acres of city resource conservation property along Kamm Avenue and Road 70 which can be used for farming.

Staff recommended the Council authorize the exchange of 20 acres of RCO property on Road 70/Kamm Avenue for 9 acres of M-1-Light Industrial property on Avenue 406.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez to exchange 20 acres of RCO property for 9 acres of M-1-Light Industrial property as described.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

17.2. Information Sharing

Beltran shared a reminder of the annual spring clean-up event Saturday from 7:00 am to 3:00 pm on the Uruapan site.

The city Council went into closed session at 10:07 pm.

The City Council reconvened in open session at 10:43 pm.

CLOSED SESSION ACTION

18.1. Conference with Labor Negotiators: Meet and Confer

Pursuant to Government Code Section 54957.6 the City Council did not meet in closed session with City Manager Todd, Deputy City Manager Nunes, Assistant City Manager Anderson and City Attorney McCloskey, to discuss labor negotiations.

No discussion took place on this item during closed session. This item will be discussed at a subsequent meeting.

18.2. Conference with Legal Counsel—Existing Litigation: Authorization to Accept the Property Tax Administration Fee Settlement

Pursuant to Government Code Section 54956.9 the City Council met in closed session with City Manager Todd, Deputy City Manager Nunes, Assistant City Manager Anderson and City Attorney McCloskey to discuss existing litigation with Tulare County.

This item was discussed in open session earlier in the meeting.

18.3. Conference with Legal Counsel – Anticipated Litigation, 140 West Tulare St, Dinuba

Pursuant to Government Code Section 54956.9, the City Council met in closed session with City Manager Todd, Deputy City Manager Nunes, Assistant City Manager Anderson, and City Attorney McCloskey to discuss initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One (1) case)

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales, to order Joe's Pawn Shop to cease and desist and that the pawn shop business license be revoked.

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

ADJOURNMENT

It was motioned by Council Member Smith, second by Council Member Gonzalez to adjourn the meeting at 10:50 pm.

Janet C. Hinesly, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk