

COUNCIL MEMBERS PRESENT: Harness, Smith, Hinesly, Morales

COUNCIL MEMBERS ABSENT: Gonzalez

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Carrillo, Cook, McCloskey, Nunes, Popovich, Thompson, Todd

CALL TO ORDER

The meeting was called to order at 5:30 pm.

CLOSED SESSION

2.1. Lease Purchase Proposal - Dinuba Vocational Center

Pursuant to Government Code Section 54956.8, the City Council met in closed session with City Manager Todd, City Attorney McCloskey and Deputy City Manager to discuss the lease purchase proposal from Universal Inc. for: APN 017-124-001, 017-124-002; 017-124-003; 017-113-006; 017-113-013; 017-124-014.

The City Council reconvened to open session at 6:41 pm.

The direction to staff was to pursue an agreement to lease purchase the real property commonly described as the Dinuba Vocational Center to Universal Inc.

INVOCATION

The invocation was led by Chaplain Susee.

FLAG SALUTE

The flag salute was led by James Olvera.

COMMUNITY APPRECIATION AND RECOGNITION

5.1. James Olvera - 2013 Cinco de Mayo Parade Grand Marshal

Mayor Hinesly presented James Olvera with a certificate of appreciation for his work as the 2013 Cinco de Mayo Grand Marshal. Olvera thanked the Council for the recognition.

5.2. Nataly Martinez - 2013/14 Cinco de Mayo Queen

Nataly Martinez introduced herself to the City Council and the Council congratulated Martinez on her appointment as 2013/14 Cinco de Mayo Queen.

5.3. Tabitha Peneda – 2013/14 Cinco de Mayo Princess

Tabitha Peneda introduced herself to the City Council and the Council congratulated her on her appointment as 2013/14 Cinco de Mayo Princess.

PUBLIC COMMENT

6.1. HOME Funding – Application Requests

- Willow Partners, LLC
- Chelsea Investment Corporation

City Manager Todd said the City has the honor of sponsoring home projects and it is fairly competitive. Usually there is only one project interested in application but this year there are two applicants. Both principles were present to ask for sponsorship but Todd pointed out only one can be chosen. He explained they are asking the Council to consider their projects and staff seeks direction to see which one they want to sponsor.

Willow Partners, Davis Slajchert was present. He said Willow Partners has several projects up and down the state. He made mention of a project in Kerman called Kearney Palms, a senior apartment complex. The project is a 68-unit multi-family unit.

He described the Davis Park Apartments, the proposed apartment project for Dinuba citing that it's the same project he presented to the Council last year.

Jim Schmidt, Chelsea Investment Inc, proposed a smaller project. Schmidt explained that the strategy of a smaller project is to ask for less money from the state because there is not a lot of money in the state's HOME fund. Schmidt said we will also use it to apply for an infill grant which is the same as the money used for the transit station. In addition, Chelsea Investment would also apply for CDBG funds next year in the amount of \$1 million. The considered site is currently blighted so the project is smaller and there is a different strategy; he added that the project may become larger later. Schmidt said this is the last of the development monies from the state.

Council Member Smith asked what's guarantee is there of getting the money being discussed.

Schmidt said there's a long list of items. He explained HOME funding is likely to be available year after year but infill funds won't be. He said there is a good chance of getting CDBG funds year after year. The effect of eliminating blight helps the project.

Discussion followed.

Slajchert said Chelsea has a great project but project Willow Partners proposed won't need additional funding. The application needs to be approved by the City Council by the end of the month by resolution to make the deadline.

Discussion followed.

Robert Cervantes said he is concerned about traffic and other safety issues associated with the proposed Davis Park apartments.

Slajchert said Willow Partners will do what is required to mitigate concerns in the project.
Cervantes said he wants assurance the developers will help mitigate safety concerns.

Vice Mayor Morales said the Chelsea Project would be a good project and it would be a good opportunity to build the infrastructure for the north side of Dinuba.

It was motioned by Vice Mayor Morales, second by Council Member Harness to support Chelsea Investment's project.

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

6.2. Unscheduled Items

None

CONSENT CALENDAR

- 7.1. City Council Meeting Minutes, May 28, 2013
- 7.2. Other Agency Meeting Minutes
 - a. Dinuba Industrial Corporation, May 2, 2013
 - b. Dinuba Economic Development Committee, May 2, 2013
 - c. Historic Preservation Commission Meeting, April 8; 24, 2013
 - d. Planning Commission, May 7, 2013
 - e. Police Advisory Commission, May 7, 2013
- 7.3. Master Development Schedule
- 7.4. Set Hearing – Sale of Building Trades Program House, June 25, 2013
- 7.5. Lot Line Adjustment, APN 012-300-008 - Certificate of Acceptance

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

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

WARRANT REGISTER

- 8.1. Approval –Warrant Register, May 31, June 7, 2013

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

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

MAYOR'S MINUTE

9.1. Information Sharing

Mayor Hinesly said she attended the car show and commented that the weather was "hot!"

The Mayor also attended the LAFCo meeting and commented that there are legislative issues that need to be watched. One is the exploration of designating representation from special districts. She said Tulare County holds the record at 91 special districts.

COUNCIL COMMENTS

10.1. Oath of Office

- a. Historic Preservation Commission – Roy Orosco
- b. Police Advisory Commission – Roy Orosco

Deputy City Clerk Barkley administered the oath of office to Roy Orosco, Historic Preservation and Police Advisory Commissioner.

10.2. Information Sharing

The rest of the Council Members commented that it was hot at the car show on Saturday with the temperature reaching 108 degrees.

PUBLIC HEARING

11.1. Utility Rate Adjustments

- a. Water Rates, Resolution No 2013-13
- b. Sewer Rates, Resolution No 2013-14

Director Beltran shared the proposed utility rates adjustment information. Beltran requested that the Council gather public comments in regard to proposed utility rate adjustments then take action to adopt resolutions authorizing the adjustments. Beltran clarified the request is to adopt proposed rates for 13/14 and how the rates are presented to the City Council over the next 5 years. Staff is asking for a commitment from the Council for the additional percentage to commit to the debt service for the sewer plant expansion project.

Council Member Smith asked if the plans are to go to 3 cans. Beltran said we will purchase half the cans in fiscal year 13/14 and the other half in fiscal year 14/15 but the 3-can system won't be implemented until fiscal year 14/15.

Mayor Hinesly opened the public hearing.

Roy Orosco, 1806 Asa Gray Way, asked about the 3-can system. He said he recently came to the Council in regard to the lack of service residents get. He asked how the 3-can service will benefit residents, and he said, it should be in the level of service.

Mayor Hinesly asked Director Beltran to respond to Orosco's concerns.

Director Beltran said just as Orosco indicated, the examples Orosco gave have been addressed and Pena's Disposal has been very accommodating. Pena's has been more than responsive to staff's concerns. As the costs risey must be borne by the user.

Art Pena, Pena's Disposal, said in regard to service, the 3-can service will definitely help. Hopefully the system will help alleviate the problem. In regard to recycling, there's a misnomer in recycling that it's cost effective. There is a huge expense to get the product to where it becomes recyclable and there's not a lot of profit and any profits are used to compensate employees.

Carl Ware, resident, said he has lived in Dinuba for 15 years. Ware said he has had several problems with pipes in the house and has had a plumber work in his house several times. Ware said he wants to see a push to improve water quality and go after state funds for cleaning up water.

Robert Cervantes said he would like to see the waste hauler do more for the residents.

Beltran pointed out that the City is paying ½ the cost and Pena will pay ½ the cost of the new cans.

The question arose about Exeter's rates and why those residents are paying less than Dinuba residents.

Pena surmised an idea why Exeter may be paying less.

Discussion followed.

Beltran said staff has been talking about a 3-can system for a long time and commented that if Dinuba's rates were closer to other city's rates, we too could implement the 3-can system right away.

Cervantes asked clarifying questions about the 3-can system.

Discussion continued in regard to utility rates comparison and water quality.

Mayor Hinesly closed the public hearing.

It was motioned by Council Member Smith, second by Council Member Harness to adopt resolution 2013-13 as presented.

AYES: Harness, Smith, Hinesly, Morales

NOES: None

ABSTAIN: None
ABSENT: Gonzalez

It was motioned by Vice Mayor Morales, second by Council Member Smith, to adopt resolution No 2013-14 as presented.

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

BREAK

Mayor Hinesly declared a break at 8:30 pm.

RECONVENE

Mayor Hinesly reconvened the meeting at 8:43 pm.

- 11.5. General Plan Amendment and Zone Change, Application 2013-02, Ortega, Montejano, Sworder: APNs 014-032-009; 014-032-010; 014-032-026; 014-032-012; and 014-033-038
- a. Resolution No 2013-12
 - b. Ordinance No 2013-01, First Reading and Introduction, Read Title, Waive Reading in Full

Planning Tech Carrillo presented information for a request to amend the General Plan and Zoning Map. Carrillo said it is requested that the City Council conduct a public hearing and consider adoption of Resolution No. 2013-12, approving a recommendation by the Planning Commission to amend the General Plan and Zoning Map as submitted in Application No 2013-02. The Applicants for the Rezone and General Plan Amendment Application are Martin Ortega, Octavio Montejano, Guillermo Montoya, and Steven Sworder, et al. The subject properties are located at 725, 747, 767, 789 West El Monte Way, with a fifth site having no address and located on the northeast corner of El Monte Way and Dickey Avenue (APNs: 014-032-009, 014-032-010, 014-032-026, 014-032-012, and 014-033-038).

The Applicants have requested the City to rezone the sites from RM-2 (Multi-Family Residential) and RM-3P (Multi-Family Residential, Precise Plan Overlay) to C-4 (General Commercial). The rezone would accommodate the future development of office and commercial space. An existing residence located on 747 W. El Monte Way would become a non-conforming use will be converted into a commercial use as prescribed in the Zoning Ordinance. On May 7, 2013 the Planning Commission heard from the public and approved for recommendation to the Dinuba City Council a request by the Applicant to amend the General Plan and Zoning Map, rezoning the subject site from RM-2 and RM-3P to C-4.

The Planning Commission added three Conditions of Approval, per the request of the San Joaquin Valley Air Pollution Control District. The Conditions ensure that the Applicant complies with all Air District rules

prior to commencement of any commercial or office uses. The changes in zone comply with all the requirements of the Dinuba Zoning Ordinance and all elements of the Dinuba General Plan. Per the California Environmental Quality Act (CEQA), a Negative Declaration was prepared and circulated by City of Dinuba Public Works Staff for public/agency review commencing March 21, 2013 and closed on April 9, 2013. The Negative Declaration indicated "Less Than Significant Impacts" to Aesthetics, Cultural Resources, Land Use/Planning, Noise, Fire Protection Services, and Transportation/Traffic. No comments were received from the public. Comments were received from the San Joaquin Valley Air Pollution Control District and included in the Conditions of Approval, as stated above.

Planning Tech Carrillo requested that the Mayor open the public hearing to gather public testimony in regard to the Application 2013-02.

Mayor Hinesly opened the public hearing.

Robert Cervantes asked what kind of building will be built. City Manager Todd responded commercial C-4.

Cervantes asked the size of the building and Todd said the size and type of building has not yet been determined. This is merely the hearing to consider the zoning change.

Being no further comments the public hearing was closed hearing at 8:50 pm.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to adopt resolution 2013-12.

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

It was motioned by Council Member Harness, second by Council Member Smith, to introduce Ordinance No 2013-01.

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

11.2. Adoption of Fiscal Year 2013/2014 Budget and CIP, Resolution No 2013-09

Finance Director Cook presented the report regarding the 2013/2014 Budget and CIP to the City Council then asked the Mayor to open the public hearing to gather public testimony in regard to the presentation. Cook requested that following the public hearing, Resolution No 2013-09 be adopted.

Mayor Hinesly opened the public hearing.

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

It was motioned by Council Member Smith, second by Vice Mayor Morales to adopt Resolution No 2013-09.

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

11.3. Gann Appropriation Limit, Resolution No 2013-10

Finance Director Cook presented the Gann Limit information to the City Council and requested that the Mayor open the public hearing to gather public testimony in regard to the information presented. Cook asked that following the public hearing Resolution No 2013-10 be adopted.

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

It was motioned by Council Member Smith, second by Council Member Harness, to adopt resolution No 2013-10 as presented.

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

11.4. Authorization to Levy Assessments on Lighting and Landscaping Districts, Resolution No 2013-11

Finance Director Cook presented information in regard to the Lighting and Landscaping Districts reporting that the action is necessary to support the annual Landscape and Lighting Districts' process for fiscal year 2013/2014. Levying assessments on Landscape and Lighting Districts allows the City to recover some of the costs associated with maintaining and providing services to various City neighborhoods. There are currently 19 special assessment districts in the City of Dinuba; 18 of which are Landscape and Lighting Districts; 1 is an Integrated Financing District and another is a Downtown Assessment District.

Cook reported that the adoption of the referenced resolution will levy the approved assessment on all 19 special assessment districts. Any change between the assessment amount levied in FY 2012/13 and FY 2013/2014 is in accordance with the terms approved by all implicated property owners. Staff has verified that the City is in compliance with all laws pertaining to the collection of special assessments and has confirmed the validity of this process.

Cook requested that following the public hearing the Council consider for adoption Resolution No 2013-11 authorizing the levy of the Lighting and Landscaping Districts.

Mayor Hinesly opened the hearing. No comments from the public were brought forward so Mayor Hinesly closed the hearing.

It was motioned by Council Member Smith, second by Council Member Harness, to adopt Resolution No 2013-11 as presented.

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

CITY ATTORNEY

12.1. Pending Litigation Closed Session Action

Closed session item

12.2. Information Sharing

None

CITY MANAGER

13.1. Consideration of Transfer of Real Property

- Rubio - APN 013-014-007
- City of Dinuba - APNs 014-064-020; 014-064-016; 014-064-019; 014-064-017; 014-064-018; and 014-064-022

City Manager Todd reported that Mr. Rubio has property that could be traded him to be used for a HOME project site. He said should the Council decide to move forward, staff requests that the Council consider authorizing the trade of real property.

Discussion followed in regard to the project and what happens if the HOME funding doesn't happen. City Manager Todd said Rubio's property will be researched to make sure it has no environmental issues prior to any trade (clean property for clean property).

It was motioned by Vice Mayor Morales, second by Council Member Smith, to authorize staff to trade the real property (clean property for clean property) whether or not the HOME project goes forward.

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

13.2. Information Sharing

Mayor Hinesly reported that tomorrow is the Good Morning Dinuba meeting to be held at the Veterans Memorial Hall.

COMMUNITY SERVICES

14.1. Information Sharing

Community Services Director Carrillo shared the following information:

The Rookie program's use of the scoreboard has seemed to work out well. The parents will be surveyed to see if they want to continue using the scoreboard.

Aquatics is going strong; open swim began Monday; Fun in the Park program also began and will continue through August 2.

The recent car show had 85 vehicle entries but it was so hot that several left early; the concert in conjunction with the car show was not as well attended and it was shortened because of the heat; the beer garden also did not do well.

The Summer Night Lights program will begin soon.

The DRAC construction continues.

Discussion about the car show followed.

ENGINEERING AND PLANNING SERVICES

15.1. Action of the Planning Commission June 4, 2013

Director Beltran shared the action of the Planning Commission at the June 4, 2013 meeting.

15.2. Information Sharing

Director Beltran reported that Engineer Uota was in attendance at the CTC meeting today in Sacramento.

FINANCE SERVICES

16.1. Information Sharing

Director Cook reported that this past week a State Controller's office auditor was here auditing information from 2001 to 2012. Cook reported that the auditor found no issues.

FIRE SERVICES

17.1. Information Sharing

Chief Thompson said when it became apparent the day was going to be very hot, Chief Thompson said he increased staffing and there were two incidents that occurred at the car show where fire staff assisted.

Chief Thompson said interviews for Captain were held and Greg Chastain was selected as the Fire Captain.

Chief Thompson reported there was a fire in the men's bathroom at K-Mart but it was small and contained. The suspect is being sought.

POLICE SERVICES

18.1. Reminder - Project Listen Meeting, June 13, 2013; Dinuba Christian Church at 6:00 pm

Chief Popovich said the Car Show committee did a great job putting on the event. There were reports of alcohol and ice chests at the event that were dealt with.

Chief Popovich said an oral panel consisting of the police and fire chiefs and Deputy City Manager Nunes was held for lieutenant candidates. As a result offers have been made to successful candidates Abel Iriarte and Russell Son.

18.2. Information Sharing

None

PUBLIC WORKS

19.1. Information Sharing

None

CLOSED SESSION

20.1. Pending Litigation

Pursuant to Government Code Section Government Code Section 54596.9(d)(4) the City Council met in closed session with City Manager Todd and City Attorney McCloskey to determine whether or not to initiate litigation. (Two (2) Cases)

Case 1: It was motioned by Vice Mayor Morales, second by Council Member Harness, to ratify the Writ of Mandate filing of the lawsuit against the Department of Finance.

AYES: Harness, Smith, Hinesly, Morales

NOES: None

ABSTAIN: None

ABSENT: Gonzalez

Case 2: It was motioned by Council Member Harness, second by Council Member Smith, to seek Writ of Mandate filing to appeal the arbitrator's ruling in regard to a Police Officer.

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

ADJOURNMENT

Janet C. Hinesly, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk