

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

STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Carrillo, Cook, Doyle, James, McCloskey, Popovich, Uota

CALL TO ORDER

The meeting was called to order at 6:31 pm.

INVOCATION

Deputy City Clerk Barkley delivered the invocation.

FLAG SALUTE

Council Member Smith led the flag salute.

PRESENTATIONS

4.1. Romelia Castillo – American Legion Post 19

Kenneth Logan World War II Veteran

Paulie Romero Korean War Veteran

Joe Rivera, Vietnam Veteran

Castillo presented the City Council Members with Certificates of Appreciation for their efforts in bringing the Veterans' Wall.

NEW EMPLOYEES AND PROMOTIONS

5.1. Fire Services – Oath of Office

- . Shayen Ashley
- . Michael Thurston
- . David Selchau

BREAK

Mayor Hinesly declared a break at 6:45 pm.

RECONVENE FROM BREAK

The mayor reconvened the meeting at 6:55 pm.

PUBLIC COMMENT

6.1. Abel Magallanes, Connection to City Water

Mr. Magallanes asked the Council to consider him for connection to city water. He said that he has water but is afraid to run out of water due to the drought season. The Council asked Magallanes if he had contacted the County about this matter and he said he did. Council directed staff to work with Magallanes to see if there are options.

6.2. Sandy Sills, Dinuba Chamber of Commerce & Sal Medina – Community Thanksgiving Dinner

City Manager Anderson said this is a service provided to the community by way of a community dinner.

Sandy Sills, Dinuba chamber of Commerce was present to request that the City consider the request from Sal Medina, The Island, which is who puts on the event. The dinner has already occurred and Medina would like the City's assistance to defray cost.

Discussion followed in regard to past practice and Anderson said we have reimbursed a portion of the cost up to an amount of \$800 in the past.

It was motioned by Council Member Smith, second by Council Member Gonzalez to authorize reimbursement to Medina for an amount up to \$800 for the community Thanksgiving dinner.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

6.3. Dave Romero – Sugar Plum Estates Subdivision

Dave Romero was present with family and friends of Eli Villarreal a child who was recently killed in a tragic accident. He explained the tragedy. Romero talked about a recent community meeting that occurred as a result of the accident to help the neighborhood through the grieving process. Romero said he has been searching for a way to honor the child and said he came up with an idea of building a park in the neighborhood. Romero recounted the streets where the tragedy occurred and proposed closing off Dumpling at Peachcreek and Nutcracker and making the area a park.

Mayor Hinesly told Romero the item needs to be referred to staff.

Council Member Harness said he supports it but he wants to make sure that everybody is on board.

Romero said the parents do support the proposal.

Council Member Smith concurred with Council Member Harness. He said the night he attended the vigil he noticed that the accident evidence was still in the road. He asked if something could be done to remove the evidence.

Staff said several attempts have been made but it remains. The only other option would be an overlay.

Council Member Gonzalez agreed with the other Council Members.

Vice Mayor Morales said he too supports the proposal to memorialize the child, Eli Villarreal, but it should be the right thing.

Brian Patterson, Eli Villarreal's uncle, said he wants to put together a committee and once that's done, then they will bring a proposal back to the Council for consideration.

Patterson was asked to contact Directors Carrillo and Beltran when a proposal is ready.

6.4. Grace Freitas, MV Transportation, Dinuba Transit Center, Community Food Drive

Grace Freitas, Transportation Manager for MV Transportation, was present to request authorization to place boxes to gather food donations for the poor at the Dinuba Transit Center. Freitas said the boxes will be emptied daily to keep the area clean.

It was motioned by Council Member Morales, second by Council Member Smith to support the community food drive by MV Transportation.

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

6.5. Armondo Apodaca, Tulare Kings Hispanic Chamber of Commerce 2015 Chile Verde Golf Classic

Armondo Apodaca, Tulare County Hispanic Chamber of Commerce was present and complimented the Council on how they handle business. He represented the Tulare Kings Hispanic Chamber a non-profit organization. The Chamber is comprised of business owners, large businesses and, they represent all community members. They give away scholarships to students. He was present to ask for sponsorship of their golf tournament which will be held at Ridge Creek Golf Course.

Council Member Smith asked Apodaca if there are Dinuba merchants still involved in the Tulare Kings Hispanic Chamber.

Apodaca asked the Council to sponsor the golf tournament on May 30 at Ridge Creek. He said he wants to have the tournament at Ridge Creek because it's been done very well in the past.

Vice Mayor Morales asked what the Tulare Kings Hispanic Chamber has done for businesses in Dinuba in the past.

Apodaca said they have worked with Ed Dena's on events. He said there is a coat drive December 18 at Ed Dena's.

Morales asked if he's a member of the Chamber and how it benefits him.

Apodaca said the Chamber would work with a member to help them bring business to their door.

Mayor Hinesly asked what membership costs and Apodaca said \$330 per year.

Discussion continued in regard to the sponsorship and Mayor Hinesly asked Apodaca what is the amount of his request to the Council for the tournament.

Apodaca said \$1,000 for the tournament sponsorship.

It was motioned by Council Member Smith, second by Council Member Harness, to authorize the \$1000 sponsorship for the Tulare Kings Hispanic Chamber scheduled in May 2015 and, authorize staff to purchase membership in the Tulare Kings Hispanic Chamber at a cost of \$330 on behalf of the City.

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

6.6. Unscheduled Items

Reda Frank Benanni, 161 South L Street, was present and he requested his item be agendaized. Benanni said he wants to see the City’s utility department run like a large utility company and he used the example of The Gas Company.

Mark Carrion, 697 Lillie, said he wants to be placed on the Council agenda in January to discuss a memorial for Eli Villarreal.

Maria McElroy, Heather Avenue, thanked Mayor Hinesly and Council Member Gonzalez for their work while on the City Council.

CONSENT CALENDAR

- 7.1. City Council Meeting Minutes, October 28, 2014
- 7.2. Other Agency Minutes
 - a. Citizens Oversight Committee, July 18, 2014
 - b. Economic Development Commission, October 2, 2014
 - c. Historic Preservation Commission, September 8; October 13, 2014
 - d. Planning Commission, October 7, 2014
 - e. Pro-Youth and Parks and Community Services Commission, September 16, 2014
- 7.3. Master Development Schedule
- 7.4. Set Hearing – Annual Impact Fee Report, December 9, 2014
- 7.5. Authorization to Execute an Agreement for the State Standard for Housing Related Parks Program Grant, Resolution 2014-48

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

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

WARRANT REGISTER

- 8.1. Warrant Register – October 24, 31; November 7, 14, 21, 2014

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

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

Council Member Gonzalez left the dais at 7:42 pm.

MAYOR'S MINUTE

9.1. Information Sharing

None

COUNCIL COMMENTS

10.1. Request for Excused Absence – Council Member Scott Harness, October 28, 2014

It was motioned by Council Member Smith, second by Vice Mayor Morales, to excuse the absence of Council Member Harness as requested.

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

10.2. Cancellation of City Council Meeting, December 23, 2014

It was motioned by Vice Mayor Morales, second by Mayor Hinesly, to cancel the City Council meeting of December 23, 2014.

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

10.3. Appointment to Redevelopment Agency Successor Agency Oversight Board – Jayne Anderson

It was motioned by Vice Mayor Morales, second by Mayor Hinesly, to appoint Jayne Anderson to the Redevelopment Agency Successor Agency Oversight Board to fill the vacancy left by former City Manager Nunes.

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

Council Member Gonzalez returned to the dais at 7:45 pm.

10.4. Acceptance of Resignation – Terry McKittrick, Planning Commission, District 5

It was motioned by Council Member Smith, second by Council Member Harness to accept the resignation of Terry McKittrick from the Planning Commission.

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

10.5. Acceptance of Offer to Purchase 231 North Perry Avenue

City Manager Anderson reported that a couple months ago Linda Launer presented a request to the Council on behalf of a homeowner on Perry Avenue to rezone his property in order to be able to sell it. At the time Council directed staff to have the property assessed and subsequently an offer was made to the homeowner for the assessed value. The offer was accepted by the property owner. This is a request that the City Council authorize staff to purchase on behalf of the City of Dinuba, the property located at 231 North Perry Avenue, Dinuba.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to accept the offer to purchase 231 North Perry Avenue as presented.

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

10.6. Letter of Support – Federal Drought Relief Legislation

Acting City Manager Anderson requested that the City Council sign the letter supporting Federal Drought Relief legislation as presented.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to sign the letter of support for Federal Drought Relief legislation as presented.

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

10.7. Letter of Support – Tulare County Economic Development Committee – Promise Zone

City Manager Anderson said the Tulare county EDC asked cities to get on board with this zone. It is intended to bring 5 Vista workers on board and get them to apply for grants and tax relief.

Council discussion followed.

Anderson requested that the City Council authorize the Mayor to sign a Letter of Support committing to the City's participation in the Promise Zone.

It was motioned by Council Member Harness, second by Vice Mayor Morales to authorize the Mayor to sign the letter of support.

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

10.8. Reminder – Christmas Parade and Tree Lighting Ceremony, December 6, 2014

Director Carrillo said this year it will be held on Saturday, December 6 and the tree lighting follows immediately after the parade at the entertainment plaza.

10.9. Reminder – Employee Christmas Luncheon, Dinuba Community Center, December 12, 2014

Carrillo shared that the annual employee luncheon will be held December 12 and he invited the City Council to attend.

10.10. Information Sharing

Council Member Harness thanked everyone for condolences he received at the recent passing of his father.

Council Member Smith thanked Vice Mayor Morales for representing the City at the Veterans dinner. He said the parade was good. He said Bill Grass a former Dinuba resident called to relay “God Bless the Council and staff” and, to say that we’re doing a good job.

Vice Mayor Morales said the Memorial Day event and the Veterans day parade were good events.

BREAK

Mayor Hinesly declared a break at 7:58 pm.

RECONVENE FROM BREAK

Mayor Hinesly reconvened the meeting at 8:07 pm.

CITY ATTORNEY

11.1. Conference with Legal Counsel: Real Property Negotiations, APN 017-202-014 (190 North “O” Street)

No action was taken as a result of closed session discussion.

11.2. Conflict of Interest Resolution 2014-49

City Attorney McCloskey said this resolution is a result of the Political Reform Act of 1974 mandating a biennial review of our code. There are some changes to the code and they are reflected in the resolution. He asked that the Council adopt the resolution.

It was motioned by Council Member Harness, second by Council Member Smith, to adopt Resolution 2014-49 pursuant to Political Reform Act of 1974.

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

11.3. SB-7 Charter Cities Litigation/Prevailing Wages, Ordinance No. 2014-07, First Reading, Read Title, Waive Reading in Full

City Attorney McCloskey introduced Ordinance 2014-07 having to do with SB-7 Charter Cities Litigation. He explained that SB-7 gets into charter cities' home rule by regulating how charter cities pay wages on all projects. He reported there is litigation in the courts to overturn the bill and we are fighting the battle to get it overturned. He recommended that the ordinance be introduced by having the clerk read the title into the record and waive the reading in full.

Deputy City Clerk Barkley read the title of the ordinance into the record.

It was motioned by Council Member Harness, second by Mayor Hinesly, to approve the introduction and first reading of the ordinance.

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

11.4. Information Sharing

City Attorney McCloskey thanked the Council for their work and said he has enjoyed working with them.

CITY MANAGER

12.1. Authorization to Apply - Fiscal Year 2015-16 Sustainable Transportation Planning Grant

Acting City Manager Anderson said this is a study to develop transportation planning. The grant's due date was October 30, 2014 and staff has made application in anticipation of the Council's approval due to short deadlines for application submittal. The North Alta Sustainable Connectivity Study, if funded, will allow the City of Dinuba to better target efforts and funding toward concurrently improving connectivity for residents and improving the environment by reducing greenhouse gas emissions. The study would also act as an education campaign for residents to support transportation choices in the community that further the State's health and environmental goals.

Specifically, the task accomplishments and deliverables performed under this application related to the development of the Study include the following:

- Examine existing conditions and barriers to connectivity;
- Establish an outreach strategy and survey materials;
- Conduct a transportation needs assessment;
- Develop a funding plan;
- Present a final Study with recommendations for projects and activities.

The plan will only be successful if it is convenient and cost effective for area residents. For this reason, the project is designed to capture an accurate understanding of the needs and preferences of the targeted population.

The cost is estimated at \$180,500 and the fiscal impact would include approximately \$20,700 in matching funds. The matching funds would be paid for out of the City's Transportation Construction fund and General fund. Anderson requested the City Council's affirm staff's action to apply for the grant.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to affirm the submission of the Fiscal Year 2015-16 Sustainable Transportation Planning Grant application.

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

12.2. Information Sharing

Acting City Manager Anderson shared that she gathered information from four recruiting agencies to help with the City Manager's recruitment and she has provided the information to Vice Mayor Morales who will help with the selection of the firm. The item will be brought to the December 9 meeting with a recommendation.

ENGINEERING & PLANNING SERVICES

13.1. Authorization to Issue a Request for Proposals for General Civil Engineering Services

City Engineer Uota said in 2010 the decision was made to authorize proposals for engineering services. Caltrans has recently advised City Staff that consultant agreements lacking a specified term were no longer acceptable for projects funded with Federal Transportation monies. Said agreements shall have a specified term and may have a renewal clause if also limited.

The City has recently been advised that it's application for an Active Transportation Program (ATP) project has been selected for Federal Transportation funding. Since the use of a consultant for the design of this new project will trigger a Caltrans review of the City's existing PSA with 4Creeks, Inc., it's staff's recommendation that the City proceed with the preparation and issuance of an RFP for General Civil Engineering Services resulting in a Caltrans compliant PSA.

Mayor Hinesly asked if this is another state maneuver to mind our business.

Engineer Uota said yes, kind of. CalTrans said contracts can be 2 years and they don't specifically say what are the terms.

It was motioned by Council Member Gonzalez, second by Council Member Smith, to authorize staff to issue an RFP for General Civil Engineering Service.

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

13.2. Award of Bid – Shoulder Stabilization Project Englehart Avenue (Nebraska to Saginaw)

City Engineer Uota said this item is in regard to the Shoulder Stabilization Project on Englehart Avenue (Nebraska to Saginaw). Staff recently advertised for bids and bids were received ranging from \$180,262.47 to \$296,531.00. Staff recommended tha the City Council award the bid to RJ Berry Inc.

Discussion followed as to the disparity in the bids.

Uota said RJ Berry Jr is a known contractor here in Dinuba who constructed the preparation for the Best Buy warehouse here in Dinuba.

It was motioned by Council Member Smith, second by Council Member Gonzalez, to award the the Englehart Shoulder Stabilization Project (Nebraska to Saginaw) to RJ Berry Jr Inc.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

13.3. Award of Bid – Shoulder Stabilization Project Sierra Way (Rd 70 to Englehart)

City Engineer Uota reported that the bids were also fairly close together from \$101,453.00 to \$176,681.00. Discussion followed.

City Engineer Uota requested that the Council award the Shoulder Stabilization Project Sierra Way (Rd 70 to Englehart) project to AJ Excavation.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to award the Shoulder Stabilization Project Sierra Way (Rd 70 to Englehart) project to AJ Excavation.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

13.4. Information Sharing

Uota shared an update on the Avenue 416 project. He reported the wall is under construction in front of Family Tree Farms and it will be a little taller than the one that was there. Construction is currently waiting on The Gas Company to relocate their services from Rd 56 to Rd 52.

FINANCE SERVICES

14.1. Fiscal Year 2014-2015 First Quarter Financial Report

Director Cook presented the report. He noted the General and Measure F funds are doing well.

Council discussion followed.

It was motioned by Council Member Smith, second by Council Member Harness to accept the Fiscal Year 2014-2015 First Quarter Financial Report.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None
ABSENT: None

14.2. Information Sharing

None

FIRE SERVICES

15.1. Authorization to Purchase Fire Engine

Battalion Chief Doyle requested the Council authorize staff to purchase a Smeal Fire Engine utilizing a membership with National Joint Powers Alliance purchasing program.

Council Member Harness asked if the engine could use some of the old equipment.

Doyle said some of it can but there are some requirements from ISO that make us keep some of the equipment on the old engine to utilize it as a reserve engine.

Council Member Smith asked how much longer the engine will be in working order. Doyle said the engine can be used up to 20 years.

Council Member Gonzalez stepped off the dais at 8:58 pm.

Council discussion followed.

It was motioned by Council Member Smith, second by Vice Mayor Morales to authorize staff to purchase a Smeal Fire Engine utilizing a membership with National Joint Powers Alliance purchasing program.

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

Council Member Gonzalez returned to the dais at 7:59 pm.

15.2. Authorization to Apply for Assistance to Firefighter Grant

Battalion Chief Doyle requested authorization to apply for the Assistance to Firefighters Grant to purchase replacement breathing equipment.

Council discussion followed.

It was motioned by Council Member Smith, second by Vice Mayor Morales, to authorize staff to apply for the grant as presented.

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

ABSTAIN: None
ABSENT: None

15.3. Information Sharing

Battalion Chief Doyle reported that Chief Thompson is on vacation. He invited the Council to ride the fire truck in the Christmas Parade on December 6.

Mayor Hinesly asked if we sent staff to the Fresno Fire Symposium.

Chief Doyle said the symposium is put on by Fresno and they utilize this whole area for training and, he said one or two firefighters attended.

PARKS AND COMMUNITY SERVICES

16.1. Request for Street Closure – Annual Christmas Parade, December 6, 2014

Director Carrillo requested the Council approve the request for street closure from 4:30 to 7:00 pm to hold the annual Christmas Parade on December 6. The community tree lighting ceremony will follow immediately after the parade at the Entertainment Plaza.

It was motioned by Vice Mayor Morales, second by Council Member Harness, to authorize the street closure as requested.

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

16.2. Information Sharing

Director Carrillo reported that this weekend the annual softball coed game will be held and the entry fee is a \$10 toy.

He reported the Veterans parade turned out well and the veterans who attended were appreciative.

Carrillo said the Sportsplex grand opening will be held on December 20 and formal invitations will be mailed out soon.

POLICE SERVICES

17.1. Information Sharing

Lt. Iriarte said it's been very busy lately. A new reserve officer will be sworn in at the December 9 Council meeting.

The Police Department is dealing with Prop 47 which means that many crimes are now considered a misdemeanor unless there are other circumstances. He stressed that training is important for the officers. Many penal code updates have been included. Staff is working with the DA to provide training for the officers. Iriarte reported that the first day that this was imposed there was a crime that fell under the new regulation.

Iriarte reported that the new reserve officer is a Dinuba native.

Mayor Hinesly asked if there are vacancies and Iriarte replied there are two vacancies.

PUBLIC WORKS

18.1. Authorization to Adopt Transit Bus Advertising Guidelines

- Execution of Contract – City of Dinuba / Rethought Reborn

Business Manager Avila said this item has two different actions for the Council's consideration; 1. To approve the Dinuba Area Regional Transit's (DART) Public Transportation Advertising Policy, and 2. Authorize staff to Execute an Agreement for Contract Services with Rethought Reborn Advertising Agency.

On October 14, 2014, City Council authorized the implementation of some of the recommendations presented in the City's adopted 2015-2019 Transit Development Plan (TDP). One of these recommendations was to "subsidize trolley fare revenues through a combination of marketing techniques". This recommendation was adopted because the State's Transportation Development Act (TDA) mandates a farebox recovery of 10% for transit services operating in non-urbanized areas, or communities with an urbanized population of less than 50,000. That means that at least 10% of the cost to operate the City's transit system must come from bus fares. Currently the City does not meet this requirement.

During fiscal year 12/13 the City's fare box ratio was 7.9% and is expected to drop even further. A significant reason is the route with the most ridership, the Jolly Trolley, is provided free of charge. To address the City's low fare box ratio problem, the City Council approved fare increases effective January 2015 and July 2015. Staff has identified a "marketing technique" that has proven advantageous for several transit systems which is bus advertising. It is an important revenue-generating measure for many local transit systems and many transit agencies augment their fare revenues with bus advertising income.

To address the identified low farebox recovery ratio and to subsidize the free Jolly Trolley, staff is recommending entering into a contract agreement with Rethought Reborn Advertising Agency to provide bus advertising. The agency specializes in marketing and advertising in Tulare and Kings Counties. The agency provides bus advertising for the Cities of Porterville Transit, Kings County Area Public Transit Agency and Sequoia Tourism Council. If authorized, Rethought Reborn Advertising's scope of work will be: 1) develop and implement a transit advertising program for Dinuba, 2) perform direct sales and marketing of Dinuba's transit advertising, 3) coordinate bus advertising production, and 4) coordinate Dinuba's bus advertising program.

It is difficult to determine how much revenue can be produced by this new program because there are still several unknown variables. Once the City enters into an agreement, Rethought Reborn will perform a customized market analysis and determine what kind of price point to set for Dinuba. Rethought Reborn would also need to review the available ad space on the City's transit fleet and determine the level of interest from local merchants. However, preliminary estimates indicate that the City can roughly expect to generate about \$16,000 annually from this program. Interested merchants can expect to pay between \$200 and \$300 a month for ad space on a transit bus. This is well below the cost of a one-time advertisement in the local newspaper.

To guide the orderly implementation of this new program it is in the best interest of the City to adopt a "Public Transportation Advertising" policy. This is the second action item requested in this staff report. The purpose of the policy is "to create definite, uniform standards for the display of advertising on DART transit buses, bus shelters and any and all other forums owned, leased, controlled or operated by DART. It is DART's policy that any and all forums for advertising under this policy are not public forums for political discourse or expressive activity".

As a nonpublic forum with a viewpoint-neutral policy, certain advertising content must be prohibited. No advertising will be displayed or maintained if the advertisement or information contained in it falls within one or more of the following categories:

- 1) false, misleading, or deceptive commercial speech
- 2) unlawful goods or services
- 3) unlawful conduct
- 4) DART implied endorsements
- 5) obscenity or nudity
- 6) prurient (i.e. indecent) sexual suggestiveness
- 7) tobacco
- 8) alcohol, marijuana or regulated substances
- 9) firearms
- 10) demeaning or disparaging
- 11) profanity
- 12) violence
- 13) adult oriented goods or services,
- 14) political
- 15) public issues
- 16) harmful or disruptive to the transit system.

All associated costs to provide the bus advertising services are fully encumbered by Rethought Reborn Advertising Agency. Rethought Reborn will be responsible for the daily administration of the advertising program in a manner consistent with the City's advertising policy. They will meet with interested merchants and conduct an assessment of the businesses' needs and provide the advertisement fee schedule and policy. They will solicit business from Dinuba businesses first. They will review the advertisements to determine whether the proposed ad meets the City's advertising policy. If an advertisement is found questionable, Rethought Reborn will notify Dinuba Transit before approval and installation. The Public Works Director has final say on whether a proposed advertisement is acceptable or not. The revenues received from the bus advertising services are on a revenue sharing percentage as follows: City of Dinuba (60%) and Rethought Reborn (40%).

Every advertising contract will be executed between the City of Dinuba and the business. If approved, city staff will be responsible for billing and collecting monthly bus advertising receipts and for processing payment to Rethought Reborn Advertising. Avila reported that Rethought Reborn will charge 40% of the revenues which is consistent with what other cities pay who utilize their services.

It was motioned by Council Member Smith, second by Council Member Harness, to approve the Dinuba Area Regional Transit's (DART) Public Transportation Advertising Policy; and, authorize staff to Execute an Agreement for Contract Services with Rethought Reborn Advertising Agency.

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

18.2. Authorization to Execute TCAG Joint Powers Agreement, Amendment 3, Resolution 2014-50

Director Beltran reported that this is a request for the Council to consider an amendment to the TCAG Joint Powers Agreement.

Council discussion followed.

It was motioned by Council Member Harness, second by Council Member Gonzalez to adopt Resolution 2014-50 and authorize the Mayor to sign the agreement.

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

18.3. Kamm Avenue / Greene Street Update

Director Beltran shared an update on City Staff's review of traffic control measures at the Kamm Avenue and Greene Street intersection.

On September 23, 2014 while walking with a supervising adult and six-year old brother, a three-year old girl was struck in the crosswalk on the east side of this intersection and later died of the injuries from the accident. The motorist that struck the pedestrian was unfamiliar with the area, was unsure of her speed but was probably driving at approximately 40 mph, noticed the flashing lights, saw the pedestrian in the crosswalk, but was unable to stop in time to avoid striking the child.

A traffic study, prepared by 4-Creeks, Inc., of the intersection was conducted in October 2014 to determine if In-Roadway Warning Lights, Multi-Way Stop, or Traffic Signal is warranted. The study determined that 4-Way Stops and Traffic Signals are not warranted; however, an In-Roadway Warning Light system (as currently exists in the crosswalk) does meet warrants. Additionally, it was determined that signage, pavement markings and related devices at the intersection meets all requirements of the California Manual on Uniform Traffic Control Devices (CaMUTCD) for school crossings.

City Council received several pages of signed petitions and a public comment request for a 4-way stop control at this intersection. City staff and 4-Creeks, Inc. presented the results of the traffic study to the City Council on October 14, 2014. At this meeting, City Council approved a resolution to paint red curbing to eliminate parking on the south side of Kamm Avenue, as recommended by the study. City staff requested additional time to review the study and discuss additional options with the Dinuba Unified School District staff and 4-Creeks, Inc.

The following actions have taken place since the September 23, 2014 accident:

- Dinuba Unified School District has hired and deployed an adult crossing guard at the school crosswalk at this intersection.
- City forces have trimmed the trees along the south side of Kamm Avenue to adequately provide solar power to the flashing lights and improve visibility.

- City forces have installed Rectangular Rapid Flashing Beacons (RRFB's) pedestrian actuated flashing strobe lights at the school crosswalk.
- Red curbing was painted on each leg of the intersection on Kamm Avenue to prohibit the parking of vehicles and increase visibility for drivers and pedestrians.
- A meeting of City Staff and Dinuba Unified School District Administration staff was held on October 23, 2014. City staff presented the results of the traffic study, discussed issues with the District's newly constructed parking lot driveway on Kamm Avenue, and discussed options still under consideration. District staff was to convey the information to their Board.
- On November 6, 2014, the attached statement was issued by the Dinuba Unified School District Board to the City in support for a 4-way stop control at the Kamm and Greene intersection.
- The In-Street Lighted Crosswalk has temporarily been placed out of service. 4-Creeks, Inc. Traffic Engineer is in the process of reviewing the possible conflicts between the two lighted systems to make a formal recommendation to re-commission the In-Street system, integrate it with the RRFB's, or remove it.

Presently a crossing guard assigned to this intersection is the most effective and efficient means for traffic control as needed during school hours. Crossing guards essentially serve as an intermittent 4-way stop at their assigned crosswalk. The guard controls not only vehicular traffic but also pedestrian traffic in that guards can ensure traffic comes to a complete stop before signaling pedestrians to safely cross. Review and consideration of possible additional traffic control alternatives continues. No action was required from the Council.

18.4. Business License Delinquent List

Director Beltran reported that this informational item is the annual report to the Council on staff's efforts to collect delinquent business license taxes.

Council discussion followed.

18.5. Action of the Planning Commission, November 4, 2014

Director Beltran presented a brief report of the action of the Planning Commission at the November meeting.

18.6. Information Sharing

None

BREAK

Mayor Hinesly declared a break at 9:19 pm.

CLOSED SESSION

19.1. CONFERENCE WITH LEGAL COUNSEL: REAL PROPERTY NEGOTIATIONS

(Paragraph (b) of Section 54954.5)

Agency designated representative(s):	City Manager, AIC Anderson
Property Location:	APN 017-202-014 (190 North "O" Street)
Under Negotiation:	Price

ADJOURNMENT

Mayor Hinesly adjourned the meeting at 9:24 pm.

Janet C. Hinesly, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk