

COUNCIL MEMBERS PRESENT: Payan, Smith, Morales, McKittrick

COUNCIL MEMBERS ABSENT: Wallace

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

WORK SESSION

Vice Mayor Morales called the work session to order at 5:37 pm.

1.1. Sign Ordinance Update

Quad-Knopf representative Josh McDonnell was present to report on the Sign Ordinance Update. He said it's been almost a year-long process and now almost ready to take the proposed ordinance to the Planning Commission. Staff and Council felt it appropriate to have a work session to update the Council on the process. McDonnell shared a PowerPoint Presentation and shared the following information:

Intent of update: The purpose of the sign ordinance is to protect public safety and general welfare and control the location, size, height, illumination, construction and maintenance of signs and outdoor advertising structures.

Sections of the sign ordinance: The sign ordinance is in the Zoning Ordinance section of the Municipal Code. The process to date met with staff to discuss the ordinance to get an idea from the public and elected officials came up with 3 items that were primary concerns. There appear to be arbitrary or inconsistent standards. This process was to determine the facts. We tried to consolidate regulations as much as possible through the zoning ordinance update.

The September 2009 Community work shop was well attended and solicited good input from residents and business owners. The Mayor was at the meeting, residents and business owners too. The City formed a steering committee consisting of several residents and business people as well as the Chamber of Commerce. The committee met 3 times and went through every word of the ordinance.

Following are the issues in summary identified at the September 24, 2009 meeting:

1. Banner signs - business owners would like to be able to hang banner signs more often, especially when the business is new or changes hands
2. Pricing - listing prices of items or services is currently prohibited and merchants would like the use of pricing to be permitted.
3. Sandwich boards - attendees requested that this type of sign be allowed especially on El Monte
4. Safety – consideration of safety issues when contemplating placement of temporary signs
5. Regulations - violations are considered misdemeanors not infractions
6. Signs in windows - use of signs is currently limited
7. Search lights - allow use of search lights
8. Keep sign ordinance current - keep the ordinance flexible and review it frequently
9. Allowing nonprofit organizations to display event notices on marquees
10. Allow only flush or blade 90 degrees to face of structure type signs on Main Street.

Recommended Changes:

1. Changes to address a specific concern, such as allowing pricing or window signs
2. Changes to clarify a term or intent
3. Changes to address a safety issue or a legal issue.

Examples of recommended changes: values; balloon; portable signs

Next steps: suggested revisions and recommendations from the workshop will be incorporated.

A public hearing will be held on June 1 at the Planning commission meeting.

A public hearing will be held on June 22 at the city Council meeting. This will also be considered the first reading of the sign ordinance.

A second reading of the sign ordinance will occur at the July 13 City Council meeting, at which time the sign ordinance will be adopted.

McDonnell asked the Council to direct staff in how to proceed with the process.

Council Member Smith asked if the signs are not permitted now in section 040.

McDonnell said it is a duplicative item but the recommendation is to ensure the signs do not last for ongoing periods after construction is completed.

Council Member Smith asked for clarification of the intent under section 050.

McDonnell said this one is for clarification of the section.

Council Member Smith asked what the committee determined as to banners.

McDonnell said they were left alone. Currently, they can be displayed up to 9 different times per calendar year. They are limited to one display per side up to 2 sides up to 9 times per year.

Council Member Smith asked if balloon signs are permitted.

McDonnell said they were considered calling those temporary signs with permits. He said these were recommended by the committee and will go to the planning commission with their recommendations.

Discussion followed in regard to flag or pennant signs.

City Manager Todd said they are under Section 170 Temporary Uses.

McDonnell continued explaining how the committee arrived at the uses. He expressed appreciation to the steering committee as meetings were technical in nature and complicated as well as long. These are recommendations for the planning commission and for the Council to consider. He offered that they could revisit any items that the Council might wish.

Council Member Smith asked if political signs were considered. McDonnell referred the question to City Attorney McCloskey for an opinion.

City Attorney McCloskey said they are to be regulated as a health regulation for the size and obstruction of views, etc. connected to First Amendment issues, right to be informed and voting rights. Additionally, we don't charge for the sign permit.

Next steps: the committee and staff want to work with city attorney and want to take it to planning commission at their June meeting. If the commission approves it a public hearing will be held at the City Council's June 22 meeting where the first reading of sign ordinance will take place.

BREAK

Vice Mayor Morales declared a break at 6:15 pm.

RECONVENE FROM BREAK

Vice Mayor Morales reconvened the meeting at 6:31 pm.

CALL TO ORDER

Vice Mayor Morales called the meeting to order at 6:31 pm.

INVOCATION

The invocation was led by Council Member McKittrick.

FLAG SALUTE

The flag salute was led by Director Uota.

PUBLIC COMMENT

5.1. Chris Brown – GATE Students “Project Citizen” Presentation

Chris Brown, Teacher, was present with her GATE students who presented a “Project Citizen” presentation to the City Council. The project is a year-long project surrounding concerns of the community. The class each year decides on one project. They chose to conduct a fund-raiser for the local animal shelter.

The two students who presented the information to the City Council were Nancy Sanchez, fifth grader and Destiny Reed, fifth grader.

5.2. Maria Flores, Janeth’s Bridal – Street Closure Request, Tulare Street from K to L Streets, 5:00 pm to 8:00 pm.

Eduardo Garcia 151 E Tulare Street, request authorization for street closure in celebration of tenth anniversary. Limo in front of store, have models modeling dresses and several fashions, food, Mariachi, a DJ, clowns, face painting activities, 5:00 pm to 8:00 pm. Garcia said the neighboring merchants have agreed to his request for street closure and the event is tomorrow.

City Manager Todd said the departments have agreed to the request. He referred the request to Fire Chief Thompson for comments as to safety issues.

Chief Thompson said the request is to close one-half of the street but he recommends the entire width of the street be closed off for safety issues.

It was moved by Smith, second by Council Member McKittrick to authorize the street closure as presented.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

5.3. Unscheduled

Richard Wathen of Wathen-Castanos Homes said he is present to answer questions the Council might have concerning the Viscaya subdivision. Wathen explained his company took over the subdivision late last summer working with Guarantee Bank and the intent is to continue the existing Dunmore Plans that are on the east side of the community. They were the only plans available at the time. That was their original thought. He explained they are trying to do what they do in their homes and they brought their hybrid home technologies which address home efficiency and upgrades. He said they are thankful things have gone well not knowing what the market was doing, while offering larger and more expensive homes. They are trying to see where the market is in terms of price and they are adjusting to it. They added three new plans and he explained the majority of the plans are 1500 square feet and sell for \$150,000 and that’s where their sales are going. They think they can add some slightly larger plans. They are bringing 2 more plans that are 1800 to 2000 square feet in size. They feel if they have better floor plans they will see some additional sales. They believe that starting plans at 1300 square feet is a poor idea. They have redesigned plans and upgraded options and they believe it will improve their sales. It seems to be working well and they hope the City is pleased with it.

Council Member Smith said he has many customers that are Wathen’s subs and he has never heard anything negative.

Wathen said there are 190 lots and they are surprised and pleased with how things have gone. They have seen many first time buyers, well qualified buyers who see this as a their home unlike investors. He feels they are building a great community and people are pleased with how things are going.

Council comments followed.

Wathen commented that Dinuba has been great to work with.

CONSENT CALENDAR

- 6.1. Approval – City Council and Redevelopment Agency Joint Meeting Minutes, April 27, 2010
- 6.2. Acceptance – Other Agency Minutes
 - A. Measure F Committee, January 22, 2010
 - B. Parks and Community Services Commission, February 16, 2010
 - C. Planning Commission, April 6, 2010
 - D. Police Advisory Commission, April 6, 2010
- 6.3. Parks and Community Services Commission Draft Agenda, May 18, 2010
- 6.4. Pro-Youth Draft Agenda, May 20, 2010
- 6.5. Master Development Schedule
- 6.6. Avenue 416 / El Monte Way Property Acquisition Certificates of Acceptance
- 6.7. Request for Office Furniture

It was moved by Council Member McKittrick, second by Council Member Smith, to approve the consent calendar as presented.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

WARRANT REGISTER

- 7.1. Approval – City Council Warrant Register, April 30, May 7, 2010

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

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

MAYOR'S MINUTE

- 8.1. Information Sharing

Mayor Wallace is absent.

COUNCIL COMMENTS

- 9.1. Application for Alcoholic Beverage License, Arco AM/PM, 393 S Alta Avenue

City Manager Todd said this is a request for off-sale beer license for the new AM/PM market near the Holiday Inn Motel.

It was moved by Council Member McKittrick, second by Council Member Smith, to approve the liquor license request as presented.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

- 9.2. Information Sharing

Council Member McKittrick said he and Jayne Anderson attended the Council of Cities meeting last week; he attended the 50th anniversary of Kiwanis Club last week; he attended first Farmers' Market event last night which he said was a successful event.

OFFICE OF THE CITY MANAGER

10.1. Lease Agreement – RA Power and Light, Inc.

City Manager Todd said the area in question is located at Rd 70 and Kamm Avenue, a 7-acre parcel on the west side of Rd 70.

After discussion staff recommended the item be table for further discussion.

Council Member Smith asked what it's zoned. City Manager Todd said it is RCO. City Manager Todd said it's an item that needs further consideration prior to leasing it to anyone and added that we may want to do something else that would benefit us more than just the lease of the land.

It was moved by Council Member McKittrick, seconded by Council Member Smith, to table the item.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

10.2. Council of Cities

City Manager Todd said there is also a closed session item which will be discussed later in the meeting prior to discussion of this item.

10.3. Information Sharing

City Manager Todd said the corner at Monte Vista and El Monte Way has been sold and the construction equipment is on the site to begin building the sporting goods store. The plans are to have it open before Thanksgiving. That also includes cutting an avenue in the median on Monte Vista so traffic could cross from the WalMart shopping center over to the west side shopping center.

CITY ATTORNEY

11.1. Information Sharing

None

ADMINISTRATIVE SERVICES

12.1. State of California Redevelopment Funds Take

Director Nunes said that on Tuesday, May 4, 2010, Sacramento Superior Court Judge Lloyd Connelly upheld AB X4 26, the State budget bill passed in July 2009 as part of the 2009-10 State of California budget that requires redevelopment agencies statewide to transfer \$2.05 billion in local redevelopment funds over the next two years to the State to be used to offset the State's obligation for school funding. In his decision, the court accepted the Legislature's findings that Supplemental Educational Revenue Augmentation Fund (SERAF) payments to schools are "reasonably related" to the redevelopment's statutory purposes. Judge Connelly also denied the California Redevelopment Association's (CRA) request for a stay on the transfer of funds to the State on May 10, 2010 while an appeal is being considered. An appeal of the decision has been authorized by the CRA's Board of Directors with the Court of Appeal. The Board further authorized seeking from the Court of Appeal a temporary stay so that agencies do not have to make payments on May 10.

If the Court of Appeal does not overturn the current ruling, CRA's Executive Director, John Shirley, said "If the court says 'you can take redevelopment money whenever you wish and for whatever purpose you wish,' that means redevelopment agencies will have no assurance from one year to the next that they will have any money to work with. If they don't know that, they can't make long-term commitments for issuing bonds, for making commitments to housing or public projects of any sort because they don't know if they will have the money."

The Dinuba Redevelopment Agency's portion of this take away of redevelopment funds for FY 2009-10 is \$1,580,576. If the Dinuba Redevelopment Agency fails to make its payment to the SERAF, even if it must do so to pay existing obligations, it is subject to the State imposed "death penalty" as follows:

- The Agency may not adopt a new redevelopment plan, amend an existing plan to add territory, issue bonds, further encumber funds or extend any moneys derived from any source except to pay pre-existing indebtedness, contractual obligations, and 75% of the amount expended on agency administration for the preceding fiscal year.
- This penalty would last until the required payments have been made.

Because the Dinuba Redevelopment Agency 2006 Tax Allocation Notes will be maturing in October 2011 and will need to be converted into a bond issue or repaid, not making the Agency's SERAF payment is not an option. However, because the Dinuba Redevelopment Agency's current property tax receipts are already obligated to paying existing debt within the Agency for bond issues and property notes as well as an agreement with the Dinuba Unified School District for the construction of the project house, only \$300,000 from the RDA –LMISA Fund is available from the Agency to pay the SERAF assessment. As a result, a loan must be made from the City of Dinuba to the Dinuba Redevelopment Agency in the amount of \$1,280,576 to pay the remainder of the assessment. This loan from the City will be made from the following funds and will be shown on the City financial records as an interagency loan:

General Fund	\$ 270,000
Park Reserve Fund	\$ 150,000
MTBE Fund	\$ 100,000
Transportation Construction Fund	\$ 530,576
Transportation SDC Fund	\$ 80,000
Water SDC Fund	<u>\$ 150,000</u>
Total	\$1,280,576

The effect of the State's raiding of RDA Funds will cause the delay of many City projects, such as the Hayes Avenue project and the Baseball/Softball Field Construction Project at KC Vista Park. In addition, it will cause an already critically low projected fund balance in the General Fund to be reduced even further to an unacceptably low level of \$632,728 which is \$1,079,737 under its recommended operating reserve.

Council discussion followed.

12.2. Information Sharing

Nunes reported that tomorrow is utility cutoff day and three calls have been sent out on the Alert TC system with approximately 80 people on cutoff list.

COMMUNITY SERVICES

13.1. Information Sharing

None

DEVELOPMENT & ENGINEERING SERVICES

14.1. Action of the Planning Commission, May 4, 2010

Director Uota reported on the Planning Commission meeting of May 4.

14.2. Information Sharing

Director Uota reported that Big 5 construction is moving forward; Muirfield submitted 4 permits for construction; AM/PM Market developers submitted plans and were approved; El Monte way car wash is under construction; as part of the Alta Avenue / Rd 80 widening project the old Nakashima residence was demolished.

Vice Mayor Morales asked when the store will be demolished.

Uota said he doesn't know. The intention of the property owner is to submit plans for the new store and plans are to get it constructed but stay in the old building while his new store is built.

Council Member Payan asked what the plans are for Q Street and the West Kern Street area in conjunction with the widening project.

Director Uota said Q Street is going to be rerouted and Kern is going to be closed off from Alta Avenue.

Discussion followed in regard to the project plans for that area.

FIRE SERVICES

15.1. Information Sharing

None

POLICE SERVICES

16.1. Thunderbolt Agreement Amendment

Chief Olvera presented the amendment to the Thunderbolt Agreement.

It was moved by Council Member McKittrick, second by Council Member Smith, to approve the amendment to the Thunderbolt Agreement as presented.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

16.2. Information Sharing

None

PUBLIC WORKS

17.1. Sanitary Sewer Management Plan, Adoption of Schedule, Resolution No 2010-23

Director Beltran reported that there is no immediate fiscal impact. The GWDR and the SSMP are intended to guide agencies in the best practices of managing a sewer collection system. Most of the requirements of the SSMP are already standard operational practice for the Public Works Department.

She recommended that the City Council approve the SSMP Implementation Schedule as submitted in this report by adoption of Resolution No 2010-23. The approval of the SSMP Implementation Schedule will meet the third requirement of the GWDR adopted by the SWRCB.

Council discussion followed.

It was moved by Council Member Mckittrick, second by Council Member Smith, to adopt Resolution No 2010-23 as presented.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

17.2. Street Maintenance Contract Follow-up

Director Beltran reviewed the street maintenance contract follow up for the Council.

17.3. Information Sharing

None

ADJOURN TO REDEVELOPMENT AGENCY MEETING

Vice Mayor Morales adjourned to the Redevelopment Agency meeting at 7:46 pm.

RECONVENE FROM REDEVELOPMENT AGENCY MEETING

Vice Mayor Morales reconvened the meeting at 7:48 pm.

CLOSED SESSION ACTION

20.1. Meet and Confer

Pursuant to Government Code Section 54957.6, the City Council met in closed session with City Manager Todd to discuss meet and confer.

No action was taken.

20.2. Pending Litigation

Pursuant to Government Code Section 54596.9, the City Council met in closed session with City Attorney McCloskey to discuss pending litigation.

It was moved by Council Member Smith, second by Council Member Payan, to authorize Council Member McKittrick, Dinuba's voting representative to the Tulare County Council of Cities, to authorize sending a comment letter on behalf of TCCC to the County of Tulare, to be finalized by SMW in consultation with City staff and consistent with the outline of the comment letter; and, authorize the City Manager and City Attorney to prepare, and the mayor to sign, an individual opposition letter expressing the City's opposition to the adoption of the General Plan and to file such letter prior to May 27, 2010.

AYES: Payan, Smith, Morales, McKittrick
NOES: None
ABSTAIN: None
ABSENT: Wallace

ADJOURNMENT

The meeting was adjourned at 8:44 pm.

Emilio Morales, Vice Mayor

ATTEST:

Linda Barkley, Deputy City Clerk