

BOARD MEMBERS PRESENT: Harness, Hinesly, Smith, Gonzalez
BOARD MEMBERS ABSENT: Morales
STAFF MEMBERS PRESENT: Anderson, Barkley, Beltran, Doyle, McCloskey, Nunes,
Olvera, Todd, Uota

CALL TO ORDER

Mayor Smith called the meeting to order at 6:30 pm.

INVOCATION

The invocation was led by Chaplain Garcia.

FLAG SALUTE

The flag salute was led by Battalion Chief Doyle.

PUBLIC COMMENT

4.1. Lori Dunagan – Sequoia Valley Enterprise Zone Expansion, Resolution No 2012-21

Lori Dunagan Business Development Director and BIZ Manager of the Tulare County Economic Development Corporation, was present to share the newly designated Sequoia Valley Enterprise Zone Expansion. Dunagan shared this is one of the best economic development tools and we are fortunate to have received the designation as an Enterprise Zone. Dunagan shared that the application was 400 pages in length and the designation was actually received in 2009 but was finalized this January with a retro-effective date of October 6, 2010.

Dunagan shared that the BIZ designation will expire at the end of 2012 but the SIC codes don't expire. The question was raised as to the Sequoia Valley designation instead of Tulare County and Dunagan said it's a branding campaign and the Tulare County region was named Sequoia Valley as a result. She added that workshops will take place in the communities about the expansion. Dunagan requested that the Council consider a resolution approving the boundary expansion.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to adopt Resolution No 2012-21 approving the Sequoia Valley Enterprise Zone expansion.

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

4.2. Sal Medina – Approval of License for Sale of Beer and Wine, Tulare and L Street in Rabobank Parking Lot

Sal Medina, 2099 East El Monte Way, requested approval of a license to sell liquor at a downtown event on private property in the Rabobank parking lot.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to approve the request for a license to sell liquor during a downtown event on private property.

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

4.3. Unscheduled

None

FINANCE AND COMMUNITY SERVICES

12.2. Authorization to Participate in First Tee Program

Director Nunes shared information about the First Tee Program explaining that it builds character and shows life skills that will allow our youth to face challenges at home, school or play. Nunes shared that there are nine core values at the heart of the program and there are also incorporated 9 healthy habits.

Nunes reported that staff found the community to be interested in the program. If the program is introduced it will be used not only in the after school and summer programs but also in PE programs. The participants will meet once a week for 1 to 9 weeks and there are several periods throughout the year. Other programs have noticed improvements in attitudes and grades of their students. If approved, staff will have to meet with school staff to set up the curriculum. There is an initial \$35,000 impact for class rooms at the golf course and \$9,000 for equipment. Staff would like to seek donations to limit the impact on the City's budget.

Nunes requested approval to move forward to create a committee to identify funding sources. She explained once created staff will meet with school staff to incorporate it into the district's PE program. There is a cost to the participants but there are scholarship programs available.

Mike Ferpa, Executive Director of the Fresno program was present. Ferpa pointed out the key component is that the \$9,000 cost to school program is a one-time fee. The fees include training and materials for the program. The program would be run under the First Tee Fresno Chapter.

Council Member Harness asked what are the fees.

Ferpa shared that scholarships are available for all children and no child is ever turned away. He stressed the life skills that are learned through the program. He said this is a nonprofit program, supported by the home office but no money leaves the community it is used solely within.

Joe Wisocki, Kemper Sports and PGA Golf Pro pointed out this is an important program to the future of Ridge Creek because junior golfers become adult golfers. First Tee is great to get adults playing as well because our youth will play and the adults will also.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to authorize staff to move forward with the First Tee Program, create a committee to identify funding sources for equipment, fees and a portable classroom; and, to meet with school officials in order to incorporate the First Tee program into the district's PE curriculum.

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

PUBLIC HEARING

9.3. Medical Marijuana Enforcement Including Distribution, Cultivation and Zoning in Industrial, Commercial and Residential Neighborhoods within the city Limits, Ordinance No 2012-02, First Reading, Read Title, Waive Reading in Full

Attorney McCloskey explained that the compassionate use act provides for the medical use of marijuana (qualified caregivers and patients to use marijuana for medical purposes). He said the subject of Medical Marijuana is in a constant state of flux; since last reported to the Council another decision was handed down by the Appellate Court that it was not valid and did not comply with state law. McCloskey proposed a draft ordinance dealing with cultivation of medicinal marijuana. He explained that the ordinance complies with State law SB420 regarding the amount of marijuana mature and immature an authorized person can have in their possession. He explained that Dinuba already prohibits medical marijuana dispensaries by ordinance previously adopted. As far as consumption the ordinance provides no person shall smoke, ingest or otherwise consume marijuana unless such occurs within an enclosed facility.

Council discussion followed.

Mayor Smith opened the public hearing.

Jaime Cabanas spoke in favor of allowing the cultivation and use of medical marijuana within the City Limits.

Those who spoke in its opposition were:

Mary Villarreal, 845 So Myrtle said she obtained statistics from the school district and found there were 10 expulsions and 59 suspensions associated with marijuana amongst school children recently. She said that budget cuts caused the district to do away with the narcotics dogs on campuses but because of the rise in recent problems the district reinstated the dog program. She said the marijuana plants will be grown in homes and homes have children who will be adversely affected.

Jeff Franklin, 554 North Lindsay Way, asked if the interpretation of indoor going to be written in the ordinance. He went on to say that seven people have been shot over Medical Marijuana. He asked,

if there's no way to stop it from being grown is there another way to regulate it. He also asked that it be written into the ordinance that it be grown behind closed doors.

Mark Wallace, 1710 E Gerald said he has the highest respect for staff and Council and his remarks are not meant to be derogatory. He went on to say he is shocked by this proposed ordinance and when he read through it at length, was appalled that he was reading it in Dinuba. He said marijuana is absolutely a gateway to harder drugs. He said of great concern to him is public safety. Each of the Council Members ran on the forum of public safety. He pointed out "where is public safety in any of this" by adopting this ordinance you will create a huge health and safety problem.

He pointed out that the County had 600 cases where grows were shut down and six killings. He asked the Council to consider home invasions, killings, etc. He said there are no regulations so who will regulate it? How is our chief going to tell staff to go regulate? If you ban it completely or at least put a moratorium on it you protect your community in the interim. He read the purpose and intent of the ordinance aloud. Fresno has forbidden it, cultivation can only occur in the industrial area. He said Fresno City has put a moratorium on it and expects to ban it completely. Tulare County requires a security alarm and exterior lighting. Imperial Beach voted to ban it completely within the city. He said the Council has the opportunity to protect the community.

Richard del Rio, Kingsburg, said he is a water tester and pointed out that mold content in the buildings used to grow marijuana usually need to be torn down because the mold is usually black mold.

Roberta Gonzalez, 1628 N Eaton Avenue, shared her experience having to explain to her children the use since marijuana was legalized.

Jasmine Carbajal, 1435 North Crawford Avenue, growing it outside is not good but inside is worse as it affects children who may live within the residence. She said educating children early about marijuana is best.

Greg Farrice, 1634 North Villa, said he works for a large utility company and said because of that he's inside many people's homes. He said the problem isn't just with the families who live there but those who work there. He said he's experienced marijuana being smoked in his presence during his work time and he shared unfavorable stories about drug use that he witnessed during the course of his job.

Tim Broden, 534 West Bloomingdale, said he attend his first neighborhood watch meeting two weeks ago and found out that there are two grows in his neighborhood. Shared a story about his neighbors recently smoking marijuana in their yard and the smoke filled his home.

Leo Villarreal, 845 S Myrtle, said he grew up with a step father who grew marijuana at home. He asked questions about growing regulations and collective growing concerns.

Don Macuso, 1555 Tangerine Drive, Orange Cove, said he works with sixth graders and recently a couple students got in trouble for marijuana. He asked the Council if they know how easy it is to get prescription drugs and distribute them at school and he pointed out it's easy for them to get medical marijuana and do the same. He pointed out that if students begin with marijuana as youngsters will they grow up to be professionals such as lawyers, doctors and police officers with the perspective

using marijuana, not even medical marijuana but just marijuana, is ok to use. He pointed out the children are our future.

City Attorney McCloskey said this is good discussion which should take place. He proposed alternative solutions to the ordinance before the Council such as proposing a different ordinance or a moratorium to adopt an ordinance or, do nothing at all until the courts finally decide.

City Manager Todd said part of what we want to do tonight is to get the information out there and let people know. He pointed out the different points of view. We want discussion because we knew when it first came out it was a public safety issue and it was a major issue for the Council. Tonight has proven good discussion and we are at a good place to say there is more to this subject than we thought. Todd suggested placing a moratorium and, in the meantime, we do what we can do to protect our values, let's do a moratorium, hold off and go from there.

Discussion followed about the 45 day moratorium.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to impose a 45-day moratorium on cultivation of marijuana indoor and outdoor.

Motion died for lack of a vote.

Mayor Smith said he doesn't like the proposed ordinance.

Discussion followed.

Chief Olvera said the problem in our state is the card holders are allowed to grow marijuana. He said he would not like anyone to grow the plants but he recommended that grows be allowed out of public view.

Vice Mayor Hinesly talked about what she thought should be in the ordinance including growing out of public view and in a secured enclosure.

Council discussion followed.

Mayor Smith asked where the League of Cities stands on the issue.

Attorney McCloskey said the League of Cities recommends to wait until the Supreme Court acts. McCloskey recommended that Dinuba wait as well.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to place a moratorium but in the meanwhile adopt the proposed ordinance restricting cultivation of medical marijuana indoors behind closed doors but staff continue to look at language to add to the ordinance that incorporates some vehicle by which landlords are required to notify the City / City Police Department when they become aware that marijuana is being grown inside their rented property and that they add language that is more specific about what constitutes a residence and add language that is more restrictive than just "out of public view."

AYES: Harness, Hinesly, Gonzalez

NOES: Smith
ABSTAIN: None
ABSENT: Morales
CONSENT CALENDAR

- 5.1. City Council Regular Meeting Minutes, February 14, 2012
- 5.2. City Council, Dinuba Housing Authority and Dinuba Unified School District Meeting Minutes, March 13, 2012
- 5.3. Dog Nuisance Ordinance No 2012-01, Second Reading, Waive Reading in Full
- 5.4. Odedra Final Parcel Map, Acceptance of Easement for Utilities and Irrevocable Offer of Dedication
- 5.5. Set Hearing – Fees, Charges and Fines, April 10, 2012

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

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

WARRANT REGISTER

- 6.1. Approval –Warrant Register, February 17, 24, 2012

BREAK

Mayor Smith declared a break at 8:57 pm.

RECONVENE FROM BREAK

Mayor Smith reconvened the meeting at 9:09 pm.

MAYOR’S / CHAIR’S MINUTE

- 7.1. Information Sharing

Mayor Smith said he attended the recent Relay for Life Chili Cook-off event; the CWMA meeting; Woman’s Club site dedication for original DWC clubhouse; the fire truck pull for Relay for Life; participated in Woman’s Club Team in the Pull for the Cure event; and, Mayor Smith said he challenged Mayor Sheklian of Visalia to a trike race where the loser must wear the winning City’s t-shirt to a council meeting. Mayor Smith said he won and Mayor Sheklian must wear Dinuba’s t-shirt to a Visalia City Council meeting.

COUNCIL / AUTHORITY COMMENTS

- 8.1. “Share the Road” Proclamation No 2012-03

Director Beltran requested that the City Council issue a proclamation in support of the Tulare County Resource Management Agency. She explained the Goals of the committee are to establish Tulare County as a “Share the Road” County.
Mayor Smith read the proclamation into the record.

8.2. Authorization to Transfer Real Property from the City to the Successor Agency Resolution No 2012-20

Director Nunes reported the RDA dissolution was effective February 1, 2012 and the Successor Agencies were tasked with winding down the affairs of those agencies. Nunes requested that the Council consider authorizing the transfer of real property from the City to the Successor Agency and effecting same by adopting Resolution 2012-20.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly, to adopt Resolution No 2012-20 as presented.

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

8.3. Reminder - Upcoming Community Events and Meetings

- Spring Fling 2012, March 31
- ACS Relay For Life, March 31
- LOCC South San Joaquin Valley Division General Meeting, April 12

Director Nunes reported that the Spring Fling will be held March 31 at Delgado Park.

Vice Mayor Hinesly reported that the American Cancer Society Relay for Life event opening ceremony will be at 9:00 am beginning with a “Smart Mob.” She explained that next year Fresno has agreed to share their pink fire truck to participate in the Pull for the Cure event.

City Manager Todd said the League of Cities General Membership meeting is on the 12th in Fowler.

8.4. Information Sharing

Council Member Gonzalez said he recently visited Perko’s and he said he attended the Pull for the Cure event.

PUBLIC HEARING

9.1. Approval of the Dinuba Housing Authority Affordable Housing and Real Property Disposition Agreement between the Agency and Antonio and Micaela Perez, Resolution No 2012-03

Business Manager Avila presented a request that the Mayor open a public hearing to take public testimony in regard to the sale of property to Antonio and Micaela Perez.

Mayor Smith opened the public hearing but no comments were brought forward so he closed the hearing.

Avila requested that the Council adopt Resolution No 2012-03 authorizing the sale of property.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to adopt Resolution No 2012-03 as presented.

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

9.2. Bicycle Plan and Authorization to Apply for Grant

Director Beltran shared that the proposed Bicycle Plan serves as a guide for planning and implementing bicycle transportation projects within the City of Dinuba. The proposed projects will require additional feasibility, design, environmental review, and / or public input prior to being funded and constructed.

TCAG in conjunction with its member agencies, created the Regional Bicycle Transportation Plan to establish goals and policies regarding bicycle transportation and identify potential future improvements within Tulare County.

In order to qualify for the grant funding and/or Measure R Bicycle / Pedestrian project monies, the City must have an adopted Bicycle Plan in place. Beltran recommended that the City Council conduct a public hearing to accept public testimony regarding the proposed adoption of Dinuba's portion of the Regional Bicycle Transportation Plan as the Dinuba Bicycle Transportation Plan.

Mayor Smith opened the public hearing but no comments were brought forward. Mayor Smith closed the hearing.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to adopt Resolution No 2012-23 as presented.

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

CITY ATTORNEY

10.1. Information Sharing

City Attorney read the title of ordinance into the record.

CITY MANAGER

11.1. PG&E Economic Development Rate

City Manager Todd said a letter was received from Fresno's Mayor Sweringen asking if Dinuba would like to participate with Fresno in a letter of support to the PUC in regard to instituting a proposed enhanced rate within the PG&E service area for high unemployment areas.

Discussion followed.

It was motioned by Vice Mayor Hinesly, second by Council Member Gonzalez to authorize staff to write the letter of support for the Mayor's signature.

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

11.2. Information Sharing

City Manager said he attended the Pull for a Cure event Saturday. He commented it was a well attended and organized community event and thanked Vice Mayor Hinesly for her hard work.

Staff has been working on the budget and will be presenting the budget to the Council at the last meeting of April.

Director Nunes shared that Lee Butterfield and Victor Patino of the State Department of Recreation called her and told her that Dinuba's project is the most innovative project in the whole state.

FINANCE AND COMMUNITY SERVICES

12.1. Authorization to Participate in Summer Nights Program

Director Nunes shared information about the proposed Summer Night Lights program a Tulare County co-sponsored program which originated in Los Angeles County. The program was developed to put on organized, youth-oriented activities on summer weekend nights to provide safe places for youth to have fun and be safe.

Los Angeles, Summer Night Lights was piloted in park facilities to provided fun-filled, positive opportunities for young people living in the most crime-ridden communities throughout the City. The Summer Night Lights program has now been established in the communities of Tulare County. The target age group is 8 to 15 years old and the program has offered nighttime activities for the youth of Visalia, Farmersville and Porterville since established in Tulare County.

Tulare County provides each City with \$4,000 to assist in administering the program and will be used for food, beverages, music, bounce house rentals, sports, movies, games, and prizes. The County will also provide the following:

- Printing services for posters, flyers, and miscellaneous literature.
- Staff polo shirts with Summer Night Lights logo

- 100 Summer Night Light t-shirts to give away
- Give away items; pens, pencils, Frisbee, and water bottles.

Proteus Inc., job training program will provide two CSET youth hires (age 18 – 21) to help organize and run the events. The Community Service staff will oversee the program and form a committee, inviting local key representatives from City Departments, Dinuba Chamber of Commerce, Dinuba Unified School District, and local civic clubs and faith based organizations to participate and be involved in the planning and implementation process. The program will be conducted from June 22, through July 27, 2012 and will take place at the Entertainment Plaza.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness to proceed with the Summer Night Lights Program as presented.

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

12.3. Award of Bid - Softball Field Backstop Project at K/C Vista Park

Director Nunes shared that the Community Services Department is ready to begin Phase 3 of the KC Park Multi-use ball field due to the heavy demand of playing and practice fields for our baseball/softball programs. Staff went sent out an RFP to five (5) companies that provide this type of service and received two bids from Valley Fence and D&G Fence both reputable companies.

The two proposals were:

Valley Fence Co.	\$69,878.00
D & G Fence Co.	\$48,888.00

Valley Fence Co. is a reputable company who built the Softball backstops and fencing for the Dinuba High School fields. D & G Fence Co. has been the company we contracted for the existing backstop and dugout at KC Park and has done other work at the Roosevelt Baseball fields. They are a reputable company and have been the “go to” company for the Parks Department for repairs and vandalism to our fencing and backstops for the past 10 years.

Director Nunes requested that the Council authorize staff to contract with D & G Fence Co. for services relating to the KC Park phase-3 project construction.

It was motioned by Council Member Harness, second by Vice Mayor Hinesly, to authorize staff to contract with D & G Fence Co. for services relating to the KC Park phase-3 project construction.

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

12.4. Information Sharing

None

PUBLIC WORKS

13.1. 24th Annual Spring Clean-up Event, April 21, 2012

Director Beltran shared this is an annual event Spring Clean-up event which will occur on April 21. She requested that the Council authorize staff to execute the annual agreement with the Gas Company to hold the event on its property and authorize the event.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness, to authorize staff to execute the agreement with the Gas Company for the event and authorize the event.

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

13.2. 2012 CDBG Application for Public Improvements, Resolution No 2012-22

Business Manager Avila requested that the City Council adopt Resolution Number 2012-22 acknowledging that the public improvements identified for the parcel whose APN is 018-180-031 (Planning Commission Application Number 2008-20, August 5, 2008) are a condition of approval, supporting the re-zone process to designate a portion of the identified parcel as multi-family, approving the contribution of \$80,000 in fee waivers and in-kind staff time, and affirming the letter of commitment received from Spencer Enterprises Inc.

Avila reported that the State of California's Department of Housing and Community Development (HCD) announced the availability of approximately \$34,500,000 for the Program Year 2011-2012 allocated to the State from the US Department of Housing and Urban Development (HUD). The City Council adopted a resolution authorizing staff to submit an application in response to the 2012 CDBG Notice of Funding Availability (NOFA). One of the approved activities was "Public Improvements In-Support-Of Housing New Construction (PIHNC)" in the amount of \$1,350,000. If successful the funds will be used to acquire a fifteen (15) acre parcel off Randle Road and install the necessary public improvements to support new housing construction. The public improvements include the installation of an eighteen (18) inch sanitary sewer and twelve (12) inch water main.

In an effort to support the development of low-to-moderate income housing, staff seeks the support of the City Council to initiate the process to re-zone a portion of the fifteen acre site to the multi-family designation. Such an action will also support the City's intent to revitalize east El Monte Way. Staff further requests authorization to contribute in-kind staffing to carry out the tasks to implement the project at a value of \$30,000. Additionally, Staff would like authorization from Council to offer fee waivers as a construction incentive which can be applied to the public improvement plan

It was motioned by Council Member Harness, second by Council Member Gonzalez, to adopt Resolution No 2012-22 as presented.

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

13.3. Information Sharing

None

ENGINEERING SERVICES

14.1. Sukwinder Singh – Request for Consideration of Compensation for Impact of Ave
416 Road Widening Project (El Monte Market)

This item was discussed in closed session.

CLOSED SESSION ACTION

17.1. Sukwinder Singh – Request for Consideration of Compensation for Impact of Ave
416 Road Widening Project (El Monte Market)

Pursuant to subdivision (b) of Section 54956.9 the Council met in closed session with the City Attorney Dan McCloskey to discuss one (1) case.

It was motioned by Vice Mayor Hinesly, second by Council Member Harness to offer \$258,000 to Mr. Singh.

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

14.2. Information Sharing

None

FIRE SERVICES

15.1. Authorization to Participate in Co-application for an Office of Transportation Safety Grant

Chief Doyle reported that City of Tulare Fire Department contacted the Dinuba Fire Department to invite Dinuba to apply jointly for the same grant. If the City Council authorizes staff to do so the application for the OTS grant would be to purchase additional extrication equipment to be placed on our newest ladder truck. The Dinuba Fire Department will request the amount of \$30,000. He explained the grant is fully funded with no match.

It was motioned by Council Member Gonzalez, second by Vice Mayor Hinesly, to authorize staff to co-apply with the City of Tulare for the Office of Transportation Safety Grant.

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

15.2. Information Sharing

Battalion Chief Doyle reported that Fire Chief Thompson is on vacation until Thursday.

POLICE SERVICES

16.1. Information Sharing

Chief Olvera said that six weeks ago the State Board of Jail Facilities inspected our department's policies and procedures. There were some minor issues that needed correcting and they have been corrected and the board will be informed accordingly.

ADJOURNMENT

Mayor / Chair Smith adjourned the meeting at 10:49 pm.

Mike Smith
Mayor / Chair

ATTEST

Linda Barkley, Deputy City Clerk / Secretary