

COUNCIL MEMBERS PRESENT: Harness, Hinesly, Morales, Gonzalez

COUNCIL MEMBERS ABSENT: Smith

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

WORK SESSION

1.1. Review Historic Preservation Commission Goals and Action Plan for 2012-2015

City Manager Todd introduced Chair of the Historic Preservation Commission Nancy Hoyt. He explained that the Commission has been working on items of historic value for the Council to discuss and consider.

Chair Hoyt explained that the Commission was formed in 2005. Since then the directive received from the Council was to explore the downtown historic district. Hoyt explained that valuable information came of the directive and the Commissioners were made aware of concerns the community had about the powers of the Commission and the value of historic district. A resource inventory of the downtown historic district was compiled with help from a consultant. The Commission had subsequent meetings with the City Council and the direction became clear to the Commission the directive to take.

Hoyt named some of the successful designations: McGee house on El Monte Way; the White House and Railroad Museum; and some "lost but not forgotten places and items," such as the Dinuba Woman's Club clubhouse and both Korean monuments marking historic sites.

Hoyt said the Commission has six new goals for the Council's consideration and she said the over-arching reason for the goals is to preserve Dinuba's history. Hoyt said the Commission's mission is to:

1. Encourage public awareness of our historic resources.
2. To educate everyone not only to social values but to some of the financial values that can occur.
3. To clarify and create a clear pathway so that the individual who wants to pursue historic preservation can know the pathway to do so and to create a checkpoint and review process should their developer run and there become financial difficulties which people may become concerned.

The Historic Commissioners took turns speaking to the goals and action plan of each goal.

Commissioner Raison:

Goal 1: Educational and Cultural Benefits

Increase public awareness of Dinuba's historical, architectural, and cultural character

3 year Action Plan: City Register of Historical Resources; Signs for historical landmarks; Assist ongoing development of oral and written history of Dinuba.

Commissioner Morgan:

Goal 2: Property Ownership

Uphold the rights of the owners of historic properties and the owners of properties located within historic districts.

3 Year Action Plan: Work with properties owners to keep them informed about property status; Provide training on historical preservation principles, practices and issues; Provide for review and consideration of economic feasibility analysis.

Commissioner Hayes:

Goal 3: Visual and Aesthetic Character

Protect the architectural character of Dinuba's significant historic properties and historic district areas.

3 Year Action Plan: Adopt Design Guidelines for historic property; Recommend requirements for City owned property; Provide for flexibility in City Zoning Code.

Commissioner Sills:

Goal 4: Historic Downtown Dinuba

Preserve and enhance the historic character of the Historic Downtown as a focal point for civic activity and identity in Dinuba.

3 Year Action Plan: Adopt and implement Design Standards

- Historical Buildings
- Historical Districts
- New Construction

Engineer Uota City Representative:

Goal 5: Economic Benefits

Foster commercial revitalization and safeguard property values in older neighborhoods through preservation.

3 Year Action Plan: Promote use of State Historic Building Code; Provide for waiver and /or reduction of building permit fees; Promote the benefits of the Mills Act Property Tax Abatement Program.

Council Member Morales asked what would happen if an individual has property in an historic district and loses his employment and the home starts to deteriorate because of his unemployment.

Engineer Uota said nothing would happen but if the homeowner is in a Mills Act contract there could be difficulties.

Commissioner Gerstenberg:

Goal 6: Sustainability

Promote responsible conservation of energy and materials by rehabilitating and reusing existing historic properties.

3 Year Action Plan: Work with owners and their agents to minimize material impacts to historic resources through reuse and rehabilitation; provide environment for property improvements to occur that increase sustainability while retaining historic character through "in-kind" replacement of materials and allowing compatible modern equivalents. Also provide technical guidelines and standards for compatible replacement of materials, both historic and their modern counterparts.

Commissioner Gerstenberg said it's been his observation while on the Historic Commission, that staff has been very helpful and has provided the Commission with much background to bring the Commission to its present point. He thanked staff for their help and involvement in the process.

City Manager Todd said this Commission feels sincere and are very committed to the primary purpose of preserving the community. They have tried to focus the plans into work-plans that will be achievable. They defined action plans and as opportunities come up, we will be able to see the applications presented tonight. Todd added that the mission in their hearts is reasonable and consistent with Council goals.

Chair Hoyt said, "The Council indicated to the Commission that the individual property owner is how the process begins. One thing they did with the action plan and goal is to establish goals that may be far reaching but action plans are more immediate. Someday the community may have the kind of political push for a district but until that day it's not the commission's responsibility to "shove that down anyone's throat."

Council Member Harness said it's a good action plan and he's proud of his family's history in the community. So long as we have a plan to work with homeowners he said he agrees with it.

Hoyt said, "Nobody tells the community but "we the community."

Vice Mayor Hinesly said there are Commissioners that won't attend a meeting. She said this Commission has passion. Hinesly congratulated the Commission.

City Manager Todd said this will come back for Council action.

ADJOURN WORK SESSION

CALL TO ORDER

The regular joint meeting was called to order at 6:46 pm.

INVOCATION

The invocation was led by Carol Knoy.

FLAG SALUTE

The flag salute was led by Council Member Morales.

COMMUNITY RECOGNITION AND APPRECIATION

- 5.1. Palm Methodist Church 90th Anniversary
 - a. Proclamation No. 2012-12

The proclamation was read into the record by Assistant City Manager Anderson.

Vice Mayor Hinesly presented the proclamation to Ms. Iko Takeda who represented the Palm Methodist Church in honor of its 90th Anniversary.

PUBLIC COMMENT

- 6.1. Red Ribbon Annual Celebration, October 21-27, 2012 – Barbara Thiesen
 - a. Proclamation No. 2012-14

The proclamation was read into the record by Deputy City Clerk Barkley.

The Council Members said they support the Red Ribbon cause. Chief Olvera said the support has always been great and the police department will be present at the Red Ribbon celebration.

- 6.2. Unscheduled

Carol Knoy, 1055 Arno Road, was present to express concern about the loud parties (with live bands and DJs) in her neighborhood. She asked that the Council to once again look at the noise ordinance to see what can be done to control the noise.

Council discussion followed as to the current process for noise ordinance complaints.

CITY ATTORNEY

- 12.1. Amendment to the Public Employees' Retirement System (PERS) Contract: 2% at 50 Safety Retirement Plan
 - a. Resolution No 2012-56

Assistant City Manager Anderson explained that the City is mandated to have an actuary present so May Yu, Actuary was present via telephone; Anderson presented the information in regard to the PERS contracts and explained the legislation affecting employees hired effective January 2013.

Administrative Services Director Nunes presented the financial impact of the legislative mandates to PERS.

Anderson requested that the Council adopt a resolution and introduction of an ordinance effecting the changes to the PERS contract for Safety employees.

May Yu said that under the new pension reform, beginning Jan 1, 2013, there is a special way to define a new employee. She clarified that if they worked somewhere else under a PERS contract they will fall under the current regulations.

It was motioned by Council Member Morales, second by Council Member Harness, to adopt Resolution 2012-56.

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

- b. Ordinance No 2012-05

The title of Ordinance 2012-05 was read into the record by Assistant City Manager Anderson.

It was motioned by Council Member Morales, second by Council Member Gonzalez to approve the first reading and introduction of Ordinance 2012-05.

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

Discussion followed as to the election process by public safety employees and their Association groups for the PERS contract.

FINANCE AND COMMUNITY SERVICES

14.1. Lease Revenue Refunding Bonds, Issue of 2012, Dinuba Financing Authority, Resolution No 2012-03; Dinuba City Council, Resolution No 2012-58

Doug Anderson, Urban Futures Inc, presented information in regard to the Refunding Bonds. Anderson reported that the City Council on September 25, 2012, approved refunding of several existing bond issues in order to provide a total debt service savings to the City of approximately \$1.2 million over the remaining term of the bonds. After reviewing additional outstanding bonds, the City's financial advisor has determined that an additional outstanding bond issue can be refunded for debt service savings resulting in additional savings of approximately \$285,000. Anderson requested that both the Financing Authority and the City Council adopt resolutions effecting the action.

It was motioned by Board Member Gonzalez, second by Board Member Morales, to adopt Resolution No 2012-03.

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

It was motioned by Council Member Gonzalez, second by Council Member Harness to adopt Resolution No 2012-58.

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

14.2. Wastewater Revenue Refunding Bonds, Series 2012, Dinuba City Council, Resolution No 2012-59

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt Resolution No 2012-59 as presented.

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

Council Member Gonzalez stepped off the dais at 7:25 and returned at 7:26 pm.

Council discussion followed. Anderson said the City of Monrovia has taken the same action that the City of Dinuba has taken.

14.3. Information Sharing

Administrative Services Director Nunes reported the following:

Soccer season has begun
Dog Days / Bark for Life event, October 20, Nebraska Park
Fall Harvest Fling, October 27, Dinuba Community Center

Budget Manager Cook reported that staff won the CAFR award. Director Nunes said that makes two awards received from the Department of Government Finance for her department.

CONSENT CALENDAR

- 7.1. Acceptance – Other Agency Meeting Minutes
 - a. Police Advisory Commission, September 4, 2012
 - b. Parks and Community Services Commission, September 18, 2012
 - c. Pro Youth Commission, June 21, 2012
- 7.2. City Council/Finance Authority Joint Meeting Minutes, September 25, 2012
- 7.3. Consolidation of Parks and Community Services and Pro Youth Commissions, Ordinance #2012-04, Second Reading
- 7.4. Consideration for Reappointment to Delta Vector Control District – Larry Roberts
- 7.5. Development Master List

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

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

WARRANT REGISTER

- 8.1. Approval –Warrant Register, September 28 and October 5, 2012

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

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

MAYOR'S MINUTE

- 9.1. Freedom from Bullies Week, Proclamation No. 2012-13

Assistant City Manager Anderson read Proclamation No 2012-13 into the record.

- 9.2. Reminder – Mayor's Prayer Luncheon, October 18, 2012 at Living Word Fellowship

Assistant City Manager Anderson said this is a reminder for the Mayor's Prayer Luncheon on October 18 hosted by Livingword Fellowship.

- 9.3. Request to Acquire Property at 767 and 789 West El Monte Way – Martin Ortega

City Manager Todd briefly explained the request by Martin Ortega to acquire the properties located at 767 and 789 West El Monte Way. The properties are currently zoned residential so no matter the decision of the Council, Ortega would have to go through the process of having the properties rezoned as part of the process for commercial use. Todd asked the Council if there is an interest to continue with the process Mr. Ortega is seeking.

Martin Ortega stated he wants to build an office building on the property in question.

Vice Mayor Hinesly asked what happened to his plans for the Quik Lube.

Ortega said because of similar business coming to town particularly close to his current business, he has decided not to put go forward with the Quik Lube.

City Manager Todd said we don't sell the property so a buyer can speculate on it which is the message we've given to everyone whose purchased property from the City. He said we would want to have a good idea of what will go on the property and possibly make it a condition of the sale.

Council Member Harness asked Ortega if he has a timeframe. He asked if Contreras has a timeline.

City Manager Todd said there are time limits on Ortega and Contreras and this too would have a timeline. He said staff will look into Ortega's current Development Agreement.

Council discussion followed.

9.4. Information Sharing

Vice Mayor Hinesly said Good Morning Dinuba will be held tomorrow at Mountain View Physical Therapy, 165 North K Street.

Hinesly conveyed thanks to staff from the R.O.M.E.O.'s for use of the Bob Barker Building and the carriage for the Raisin Day Parade. Hinesly asked how Youth Night in the Park went this year. Nunes said it went better this year than last year.

Vice Mayor Hinesly reported that the Ruiz 4 Kids event is scheduled for October 18 and she said first rate "obedience" vendors are coming and two will have agility demonstrations to the Dog Days /Bark for Life event.

COUNCIL COMMENTS

10.1. Application for Reappointment to Economic Development Commission – Daniel Meinert

EDC Committee Member Dan Meinert shared recent EDC accomplishments over the last three years. He said there are new officers and new bylaws; the committee toured the old mill site where there is now a loop track and the facility is equipped to receive 4,000 rail cars a year when historically it has only received 300 cars a year.

Vice Mayor Hinesly asked if our EDC works with Tulare County EDC. Meinert said yes when there is an opportunity. One of the Dinuba EDC members, Sandi Miller, works for Tulare County.

Council Member Harness asked what the EDC goals are.

Meinert said retaining Ruiz Foods was a goal which proved successful with the planned 30,000 sq. ft. facility to be constructed.

Council discussion followed.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to appoint Meinert to the Dinuba EDC for another term.

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

10.2. South San Joaquin Valley Division Meeting October 11, 2012

Assistant City Manager Anderson explained the group will travel together to the League Division meeting in Tulare on Thursday.

10.3. Reminder – TCAG Board Meeting, October 15, 2012 1:00pm at Universal Educational Center

10.4. Reminder – Joint Meeting with Dinuba Unified School District, October 25, 2012 6:00pm at JFK Academy (Draft Agenda)

City Manager Todd said one of the items currently on the joint agenda discussion with the school board is the Building Trades Program. Todd asked Director Beltran to share some information with the council.

Beltran explained that the Building Trades Program has become too costly to sustain and she shared a schedule showing the cost of the program over the years.

City Manager Todd shared that the original reason for the program was to develop areas of the city where there were lots that were hard to build upon.

Vice Mayor Hinesly said she has seen the faces of the students who worked on the houses and she said she feels it is cost effective and it would be a shame if the program went away.

Council discussion followed.

10.5. Information Sharing

Council Member Gonzalez said he will likely be out of town for the joint meeting. Gonzalez reported he attended a Neighborhood Watch meeting in his district and reported it was successful.

Council Member Harness asked who maintains the trees on K Street. Staff said the property owner maintains them.

Council discussion followed.

PUBLIC HEARING

11.1. State COPS Grant, Resolution No. 2012-57

Chief Olvera presented the information for the State COPS Grant. The city received notification that the City will receive a \$100,000 grant. The grant requires the public hearing for disbursement of the grant money. The money will be utilized to fund one police officer position. Olvera requested the public hearing be opened to obtain comments from the public in regard to the COPS grant.

Vice Mayor Hinesly opened the public hearing.

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

It was motioned by Council Member Morales, second by Council Member Gonzalez, to adopt Resolution No 2012-57 authorizing the acceptance of the grant funds as presented.

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

CITY ATTORNEY

12.2. Information Sharing

None

CITY MANAGER

13.1. Information Sharing

Assistant City Manager Anderson reported that staff met with the Emperor Estates Manager whose office is temporarily housed at the Universal Educational Center. Applications are now being accepted.

Discussion followed.

ENGINEERING SERVICES

15.1. Measure R Program Supplement Amendment, Alta Irrigation District Ditch Underground

Business Manager Avila reported an Expenditure Plan was developed to guide the implementation of the anticipated revenues for Measure R which funds various transportation improvements within the County. A cooperative agreement was executed between the City and Tulare County Transportation Authority which set the groundwork for the receipt of funding for the El Monte Way / Avenue 416 Widening project. The agreement becomes effective only after a fully executed and project-specific program supplement is executed.

The Council approved a program supplement for \$250,000 for piping of the AID Town Ditch which is part of the El Monte Way / Avenue 416 widening project. An amendment to the program supplement is necessary because the actual construction cost to perform the work was \$289,160.50. The cost to perform the AID ditch undergrounding was \$249,019.50. There were also some unforeseen costs to relocate a gas line by SoCal Gas of \$40,141.

In addition to the increased cost to underground the AID ditch, staff would like to amend the existing program supplement to expand the identified scope of work. The El Monte Way / Avenue 416 project requires the installation of pipeline and irrigation facilities for Traver Canal, Horsman Turnouts, and Sandridge Pipeline Headwall with an estimated cost of \$387,996 (includes 5% contingency). The requested amendment to the Measure R Program Supplement is \$677,157.

Avila requested that the City Council authorize the City Manager to execute an amendment to the program supplement executed on September 21, 2011.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to authorize the City Manager to execute an amendment to the program supplement executed on September 21, 2011.

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

15.2. Authorization to Execute a San Joaquin Valley Power Authority (SJVPA) Termination Agreement

Engineer Uota reported that the Governor on September 24, 2002, signed into law AB 117 authorizing any California city or county whose governing so chooses, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as "Community Choice Aggregation or CCA.

The main objectives were:

1. Provide greater levels of local involvement in and collaboration on energy decisions.
2. Achieve electricity price stability and transparency.
3. Promote greater levels of electric system reliability through the development of local electric generating resources
4. Provide electricity cost savings and other benefits for the community.

The Dinuba City Council adopted an ordinance in October 2006 approving the SJVPA JPA and authorize submittal of an implementation plan for a CCA program by the SJVPA.

Over the years private utility companies have successfully opposed the implementation of the objectives of CCA programs and only two programs have been successfully implemented in the entire state of California and, those participating agencies are paying more for their power than non-participating agencies.

Recognizing the significant challenges associated with pursuing CCA objectives, the SJVPA Board adopted a resolution to initiate the process to dissolve and terminate the SJVPA and to approve the Termination Agreement. The JPA was formed by ordinance and thus must be repealed by ordinance action and therefore, a public hearing has been set to gather public testimony surrounding the dissolution and termination of the SJVPA.

It was motioned by Council Member Morales, second by Council Member Harness, to authorize execution of an agreement to terminate the San Joaquin Valley Power Authority (SJVPA) and to set a public hearing for October 23, 2012.

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

15.3. Information Sharing

City Engineer Uota reported that the Road 80/Avenue 416 intersection is almost.

FIRE SERVICES

16.1. Information Sharing

None

POLICE SERVICES

17.1. Information Sharing

Chief Olvera shared the following information:

Staff will request reassignment of traffic officer to sergeant in the future.

Currently there is recruitment for reserve officers.

There will be an educational lecture at City Hall on Oct 25 about the shooting that occurred in Minkler a couple years ago.

PUBLIC WORKS

18.1. Authorization to Initiate Foreclosure Proceedings – 663 Short Avenue

Business Manager Avila reported that in November 1987 the City of Dinuba issued a housing rehabilitation loan to Mr. and Mrs. Donald Bartholomew and Jane McAfee in the amount of \$24,907. Several repairs were made to the subject property with those funds. Currently, the house is inhabitable and posted substandard as of October 2010. The agreement makes several binding stipulations that currently are not being adhered to and therefore, as the lienholder of the property, the City is within its right to initiate foreclosure proceedings for the outstanding balance on the housing rehabilitation loan.

Staff has attempted to contact Mr. Bartholomew on several occasions but unsuccessfully as he left no forwarding address or contact information. Efforts to contact relatives have also proven unsuccessful.

Avila reported the steps of foreclosure and requested that the City Council authorize staff to initiate foreclosure proceedings.

It was motioned by Council Member Gonzalez, second by Council Member Morales, to authorize staff to initiate foreclosure proceedings on the property located at 663 Short Avenue.

AYES: Harness, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: Smith

18.2. Authorization to Apply for Environmental Protection Agency (EPA) Brownfields Cleanup Grant for 288 S. "M" Street

Business Manager Avila requested authorization to apply for a Brownfields Cleanup grant to fund the cleanup of real property located at 288 South M Street. The property is the former "icehouse" adjacent to the movie theater. Cleanup costs have been prohibitive even though the City has wanted to clean the site. The City has already incurred the 20% local match by way of semi-annual ground water monitoring and administrative staff time spent associated with the property. No additional cost will be borne by the City with the application of the grant.

Staff contracted with Krazan & Associates to initiate soil removal, sampling, and ground water testing. Monitoring wells were installed and to date, the plume appears to be reasonably stable and has not migrated to any great extent per the monitoring agency. Krazan completes the groundwater monitoring and the information is sent to the State Regional Water Quality Control Board and to the Tulare County Environmental Health Services Agency. The Tulare County Environmental Health Services Agency has strongly encouraged the City to perform active soil and groundwater remediation utilizing a soil vapor extraction system for the appropriate cleanup of the site.

EPA Brownfields Cleanup Grant funds are available that can be used to clean up the site of fuel contamination. The deadline for the grant application is November 19, 2012 and the grant maximum amount is \$200,000 and requires a 20% match.

Avila requested authorization to complete and submit an EPA Brownfields Cleanup Grant application; contract with Krazan & Associates to complete and submit the EPA Brownfields Cleanup grant application on the City's behalf; and to authorize the City Manager to sign and execute all documents to that effect. Director Beltran shared that she understands the City is still on the list for a previous application submitted and staff is trying to confirm the City's position. In addition, the County Environmental Health Department has indicated there is a possibility that we may be able to "get this written off."

Vice Mayor Hinesly asked what that means and Beltran explained. Hinesly asked if it's discovered the City is still on the list do we still need to apply for this grant.

Beltran said this grant is due November 19 and don't want to miss the opportunity but once Ramirez returns from vacation he will inquire about our status on the first grant.

City Engineer Uota shared that we would still need to clean up the site in order to build there. He said the good thing is that the petroleum products that are present there do not contain MTBE. There is no indication they are migrating from the site.

It was motioned by Council Member Harness, second by Council Member Gonzalez, to complete and submit an EPA Brownfields Cleanup Grant application; contract with Krazan & Associates to complete and submit the EPA Brownfields Cleanup grant application on the City's behalf; and to authorize the City Manager to sign and execute all documents to that effect.

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

18.3 Information Sharing

Director Beltran said the Palm Drive Neighborhood Meeting scheduled for November 1, 6:30 at the Community Center will be on the next agenda as a reminder. That meeting will be primarily held to discuss a proposed parking plan to deal with parking issues in the neighborhood and also address any other neighborhood issues.

Beltran reported the new Vactor truck was received and it will be employed next week.

Beltran shared that staff has been trying to deal with another eyesore property located on Avenue 416. The hearing is scheduled for November 8 to make a determination as to whether or not abatement can occur on the property.

Beltran reported the sweeper was damaged by fire and staff is still waiting for the new sweeper which had a 280 day wait time when ordered. The old sweeper has posed some challenges although repaired. Staff has been trying to keep it running and in service.

City Manager Todd said he has received several calls as to why the streets look as they do.

Beltran shared that staff is waiting for information about contracting services until the new sweeper is arrives.

Beltran shared that there will be some water connections made to the Emperor Estates and water services will be temporarily turned off in the surrounding neighborhoods. Staff has made arrangements for those businesses with a greater need for water to have access from neighboring businesses.

ADJOURNMENT

The meeting was adjourned at 8:52 pm.

Janet C. Hinesly, Vice Mayor

ATTEST:

Linda Barkley, Deputy City Clerk/Secretary