

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

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

CALL TO ORDER

The meeting was called to order at 6:36 pm.

INVOCATION

The invocation was led by Chaplain Garcia.

FLAG SALUTE

The flag salute was led by Council Member Morales.

NEW EMPLOYEES & PROMOTIONS

4.1. Irwin Davalos, Police Officer Reserve

Chief Popovich introduced Irwin Davalos newly hired Reserve Police Officer. Mayor Hinesly administered the oath of office to Davalos.

PRESENTATION OF LIFE-SAVING MEDAL - Police Officer Jaime Lopez

Chief Popovich presented a life-saving medal to Officer Jaime Lopez who recently saved the life of a resident who was choking.

The City Council thanked him for quick thinking and efforts to save a life.

BREAK

Mayor Hinesly declared a break at 6:43 p.m.

RECONVENE FROM BREAK

Mayor Hinesly reconvene the meeting at 6:53 pm.

PUBLIC COMMENT

6.1. Jose Avila, Area Representative, Congressman Devin Nunes Office

Avila was not present.

6.2. Jennifer Calderon – St. Catherine of Siena Catholic Church Spanish Youth Group, Request for Street Closure for Stations of the Cross Processional, April 18, 2014; 4:00 pm – 7:00 pm

Jennifer Calderon represented St. Catherine’s Catholic Church youth group and requested authorization for a street closure to hold the annual cross processional in front of the Catholic Church on Villa. She said it was the same type processional held each year.

A brief discussion followed.

It was motioned by Council Member Morales, second by Council Member Gonzalez, to approve the request for street closure to hold the annual cross processional.

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

6.3. David Cruce

David Cruce of Papich Construction talked about the Avenue 416 project and the city’s street encroachment fee. He asked that the Council uphold the Dinuba Municipal Code as it’s written in regard to Chapter 11.

The City Council informed Cruce that staff will be directed to handle the matter.

6.4. Unscheduled Items.

Barbara Thiesen, DUHS staff member said the district is starting an engineering academy. She said the students are potential future employees for Dinuba. She said she is excited about the program and she said there is a meeting planned in April to meet and greet.

City Manager Nunes said staff has been invited to sit on a panel for the academy but unfortunately the meetings fall on the same days as council meetings.

Rafael Guzman, 618 E Marshall, was present to request assistance with a problem he said he has had for a while. He said there have been children riding their motorcycles near his property and causing problems with dust flying onto his property and even causing problem with his cooling system. He requested assistance with the issue.

The City Council directed him to work with the police department.

CONSENT CALENDAR

- 7.1. Approval - City Council Draft Meeting Minutes, March 11, 2014
- 7.2. Other Agency Minutes - Acceptance of Historic Preservation Commission Meeting Minutes, February 10, 2014
- 7.3. Home Generated Sharps Disposal Ordinance, Waive Second Reading in Full, Ordinance 2014-03
- 7.4. Set Hearing - Consideration of Adjustment to Fees, Charges and Fines, April 8, 2014
- 7.5. Set Hearing – Authorization to Apply for 2014 Community Development Block Grant Notice of Funding Availability, April 8, 2014

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

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

WARRANT REGISTER

- 8.1. Approval – March 14, 21, 2014

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

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

MAYOR’S MINUTE

- 9.1. Acceptance of Resignation from Successor Agency Oversight Board – Ed Todd

City Manager Nunes said staff received Ed Todd’s notice of resignation from the Successor Agency Oversight Board. She reported he was appointed by the Mayor as a staff member to the Board.

It was motioned by Council Member Harness, second by Vice Mayor Morales, to accept Ed Todd’s resignation from the Successor Agency Oversight Board.

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

ABSENT: None

9.2. Appointment to Successor Agency Oversight Board

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to ratify Nunes' nomination to be appointed to the Successor Agency Oversight Board.

AYES: Harness, Smith, Hinesly, Morales, Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None

9.3. National Distracted Driving Enforcement Campaign, Proclamation No 2014-03

Mayor Hinesly read the proclamation into the record.

9.4. Information Sharing

SGI hosted the Good Morning Dinuba meeting at the Vocational Center.

COUNCIL COMMENTS

10.1. Dinuba Economic Development Commission Applications

Mayor Hinesly invited the applicants to share what they feel they could bring to the Economic Development Commission. Each one that was present shared their qualifications.

- a. Rosa Areguin
- b. Linda Launer - Not present at the meeting
- c. Sandi Miller - Not present at the meeting
- d. Daniel Meinert
- e. Arthur Pena
- f. Ramon Rivera
- g. Robert Rocca
- h. Trinidad Rodriguez
- i. Sandra Sills
- j. Barbara Thiessen
- k. Eddie Valero

Council Member Gonzalez said this is a difficult decision. All the applicants brings something to the table.

Council Member Harness said everyone is well qualified and he appreciates that they want to be involved.

Council Member Smith said he is not a fan of big government. He said other commissions have been combined in the past. He asked staff what the Economic Development Commission will do for the community. He asked what the EDC has done in the last 5 years. He also asked who brought in more business, the EDC or Scot Patterson.

Dan Meinert said the EDC was very instrumental in bringing Ruiz Foods, both motels, and more recently in the last year or so, the EDC had been working fairly closely with the east side shopping center trying to determine the needs of the east side. Meinert said the EDC had been working with the owner to help improve the property. Meinert pointed out the building is still leased to Savemart for a few more years. Over the years the EDC has supported the city's efforts to recruit business by determining what types of business would be a good match for the city.

City Manager Nunes said the EDC also worked with businesses with incentives.

Council Member Smith asked how that worked on the east side.

City Manager Nunes said it's a unique area because the Savemart lease being paid is larger than for what it could be rented. The manager has contacted staff to see what businesses are interested in that area because the Savemart lease is running out.

Council Member Smith said it's been his experience that it's best to contact somebody with lots of money like Scot Patterson. He said he has a vested interest and the contacts.

Meinert said he does because he was able to get his arms around the industrial park and figured it would work for him.

Smith said he wants to see the EDC move forward but wants to have a work session shortly after to figure out what is best for the community.

Meinert said past discussions are exactly that. The committee had requested a couple times to try to get some benefit of direction from the council but it didn't happen.

Mayor Hinesly said it was tied to redevelopment.

City Manager Nunes said we no longer have a Redevelopment Agency but we do have other things at our disposal like CDBG.

Hinesly said Paterson has done good things for Dinuba but he got something out of it. The EDC wants the best for Dinuba and they have a vested interest. She agreed that the City Council and EDC should get together for goal setting. She wants to see them attend meetings because they are very important.

Council Member Smith shared what experience he'd like to see on the EDC.

Council Member Nunes explained it's important to appoint people with vast experience so when there are inquiries from various people about our city their questions can be answered according to the EDC members' relative experience.

Meinert said when it was proposed to going from committee to commission there were specific disciplines. Meinert said the new EDC will be better than what we had before because it will have a more specific focus.

It was motioned by Council Member Gonzalez, second by Vice Mayor Morales, to appoint Rosa Areguin; Daniel Meinert, Arthur Pena, Ramon Rivera, Robert Rocca, Trinidad Rodriguez, Sandra Sills, Barbara Thiesen and Eddie Valero.

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

Discussion followed in regard to how the absences of the commissioners will be handled.

Mayor Hinesly administered the oath of office to the newly appointed commissioners.

10.2. Reminder – League of California Cities South San Joaquin Valley Division – Legislative Reception and General Meeting, April 10, 2014; Ridge Creek Golf Course, 5:30 – 9:00 pm

Assistant City Manager Anderson announced that the next general meeting of the League of Cities southern division will be hosted in Dinuba at the golf course.

10.3. Information Sharing

None

PUBLIC HEARING

11.1. Drought Response Plan -Water System Information

A request that the City Council consider information in regard to the City's water supply and advise staff on proposed water conservation measures resulting from the Governor's Drought State of Emergency signed January 17, 2014; and, consider public comments regarding proposed water conservation measures.

Director Beltran reported information relative to the City's water supply in light of the governor's announcement of drought conditions for the State of California.

She requested that the City Council open a public hearing to gather comments from the public about the City's proposed water conservation measures.

Mayor Hinesly opened the public hearing.

Barbara Thiesen said that the School District has been checking sprinklers to make sure they are working at each site; cutting back on watering, giving priority as needed. She reported the district is in the process of hiring new director of facilities to bring other measures forward to conserve water. The district wants to keep facilities looking nice but stay conscious of the drought. The district is also looking into curriculum to educate students about water conservation.

Dan Meinert, 868 Sequoia Drive, said the last time there was a drought, the ordinance was introduced in stage 1 and the city experienced a 33% drop in revenues because of the effects of conserving water. He explained what the city did in efforts to conserve water such as giving out water flow restrictors and tips on how to conserve, etc. He explained that it is now, more dire than it was back then. He said, personally, he would recommend beginning with stage 2.

There being no other comments presented, Mayor Hinesly closed the public hearing.

City Council discussion followed.

Council Member Smith said he doesn't like hearing that we might consider surcharges or penalties to minimize utility fines.

Public Works Director Beltran was asked if fines are already in force. She said they are enforced in stage 2. She explained how the fines work. She explained we would have to issue a lot of citations to recover revenue loss from this.

Vice Mayor Morales asked if stage 1 and 2 are already set or could they be changed.

City Manager Nunes said our ordinance is already set. Our plan is almost identical to other communities.

Council Member Gonzalez left dais at 8:23.

Council Member Smith asked how residents would be notified of this ordinance. Nunes said Facebook, mailers, connect city, phone calls. She said staff has considered a handy magnet with conservation tips. She explained the information would all go out at the same time.

Council Member Smith asked if it would be bilingual mailers and City Manager Nunes said yes.

Mayor Hinesly said if we were to approve the components in stage 2 but consider them as "voluntary," would we know within 90 days what impact the action has accomplished.

Council Member Gonzalez returned to the dais at 8:24 pm.

Director Beltran said yes the effects on water levels. We would know by what is billed out. Not everything that is pumped out is billed out. She said we would pump less water but leaks may not be detected so the reporting may not be exact.

City Manager Nunes explained how well soundings are taken and the process of water levels. She said it's better to have a six month period.

Discussion followed.

Director Beltran said what's pumped is what will be used to determine the 20x2020 goals.

Discussion followed.

Mayor Hinesly said it's critical that the information get out to the public. People in Dinuba are fully aware how important it is to conserve water. She said she's not comfortable in labeling it mandatory. She wants to see what we can do by voluntary measures.

City Manager Nunes said we are already on a voluntary status.

Mayor Hinesly said let's see what we can achieve voluntarily.

Discussion followed.

City Manager Nunes said she's asked the city attorney if we can go to stage 2 but get Council direction not to enforce citations.

Council discussion followed.

Director Beltran said the difference between ours and other cities are that they don't have the "voluntary" verbiage in their stage 1 measures; we do.

Council discussion followed.

It was motioned by Mayor Hinesly, second by Council Member Smith, to remain in voluntary conservation stage, implement the elements in stage 2 but not the mandatory enforcement, other than for gross water waste which would warrant a citation.

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

BREAK

Mayor Hinesly declared a break at 8:44 pm.

RECONVENE FROM BREAK

Mayor Hinesly reconvened the meeting at 8:53 pm.

Agenda item 11.3. was moved this point in the meeting.

11.3. Appeal Planning Commission Decision – Applicant Abdu Almurisi, Application No 2013-17
A request that the City Council conduct an appeal hearing in regard to the denial, by the Planning Commission, of a CUP concerning Application No 2013-17.

City Attorney McCloskey read the staff report regarding the Appeal of the Planning Commission’s decision for Application 2013-17.

He requested that the City Council take public comments and he instructed the Council Members to recognize that the he public comments are not part of the record.

Several people stood in opposition of the application. City Clerk Anderson read a letter of opposition into the record concerning health and safety of residents.

There being no further comments the Mayor Hinesly closed the hearing and the City Council went into Closed Session deliberation with the City Attorney.

CLOSED SESSION

12.1. Deliberation on Appeal – Existing Litigation on Denial of Conditional Use Permit, Planning Commission Application No 2013-17

The City Council went into closed session at 9:22 pm and reconvened at 9:45 pm.

The motion was made by Council Member Gonzalez, second by Vice Mayor Morales to uphold the decision of the Planning Commission to deny the Hookah bar application.

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

Council Member Smith said he opposed the proposed site event though the applicant has a right to open a business. He said he doesn't like government telling him what to do but "its' not our responsibility to raise everybody's children. "

Council Member Harness said he agreed with Council Member Smith. He said the wording of the application is how he made his decision.

Council Member Gonzalez agreed with Council Members Smith and Harness.

Morales agreed with the other Council Members and said he doesn't like the location. He preferred that location for a family restaurant.

Mayor Hinesly said twice this evening she administered the oath of office. She said she can't vote in good conscience for what she wants but will vote for the constituents knowing the City will get sued.

- 11.2.** General Plan Amendment, Planning Commission Application 2013-14 (continued from March 11, 2014 City Council Meeting)
- a. Resolution No 2014-13
 - b. Ordinance No 2014-02, First Reading and Introduction, Read Title, Waive Reading in Full

A request that the City Council conduct a public hearing continued from March 11, 2014, gather public testimony and, consider adoption of a Resolution approving the Planning Commission's recommendation to amend the General Plan Amendment and zoning map rezoning APNs: 014-064-016, 017, 018, 019, 020, 022 West El Monte Way, Dinuba, RM-3 to C-4; and, approve the introduction and first reading of an ordinance amending the General Plan and Zoning Map to rezone real property.

Planning Tech Carrillo presented the information in regard to a hearing continued from the March 11, 2014 City Council meeting but was subsequently continued to this date for lack of proper noticing. He reported that this is a request to hold a hearing to consider the adoption of Resolution No 2014-13 approving a recommendation by the Planning Commission to amend the General Plan and Zoning Map, rezoning six properties from RM-3 to C-4.

The City of Dinuba is the applicant wishing to rezone the properties located at 317, 333, 347, 369, 383, and 39 West El Monte Way located on the north side of West El Monte Way between Euclid Avenue and Arkona Avenue. The properties are currently vacant due to the recent widening project. The intent is to conduct a property exchange with a potential developer who intends to develop a commercial use area.

Carrillo explained that the Planning Commission previously approved this action to amend the General Plan and zoning Map, for recommendation to the Dinuba City Council. He requested that the Mayor conduct a public hearing to gather public testimony in this regard.

Mayor Hinesly opened public hearing.

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

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to adopt Resolution 2014-13 as presented, approving the Planning Commission's recommendation to amend the General Plan Amendment and zoning map rezoning APNs: 014-064-016, 017, 018, 019, 020, 022 West El Monte Way, Dinuba, RM-3 to C-4.

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

It was motioned by Council Member Harness, second by Vice Mayor Morales, to approve the first reading and introduction of Ordinance No 2014-02.

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

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

CITY ATTORNEY

13.1. CLOSED SESSION ACTION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

No action was taken.

13.2. Information Sharing

None

CITY MANAGER

14.1. Information Sharing

None

ENGINEERING AND PLANNING SERVICES

15.1. Award of Bid – Police Facility Expansion

Associate Engineer Aguirre reported what the Dinuba Police Station remodel will consist of and he reported that the architect's preliminary opinion of probable construction cost was \$210,000. The budget for the project is \$250,000 and included in the 2013/14 budget. Eight bids were received and it was determined that MPI Prime Construction was confirmed as the lowest responsive bidder. He recommended that the City Council award the contract to MPI Construction Inc in the bid amount of \$209,000.

It was motioned by Council Member Gonzalez, second by Council Member Harness, to award the Police Facility Expansion project to MPI Prime Construction.

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

15.2. Information Sharing

None

FINANCE SERVICES

16.1. Information Sharing

Finance Director Cook reported that staff is currently working on the budget development process for FY 2014-2015.

FIRE SERVICES

17.1. Tulare County Consolidated Ambulance Dispatch Agreement Renewal

Chief Thompson reported that the Tulare County Consolidated Ambulance Dispatch (TCCAD) has been providing medical dispatch services to the City of Dinuba for the past six years. The service provides Emergency Medical Dispatching services to callers awaiting responding paramedics. The service has increased our technology regard to electronic patient care reports, vehicle tracking, closest dispatching unit and automatic coverage of response area when all units are committed to other incidents.

The new agreement includes a 3% annual increase in fees as did the previous agreement. The three-year agreement will increase by \$4,419 over the life of the agreement. The current cost is \$72,576, which is by far less expensive than trying to perform ambulance dispatch services ourselves. If we were to perform the dispatch services ourselves, we would have to hire six additional full-time dispatch personnel and send all the dispatchers to Emergency Medical Dispatch training. There would also be a need to purchase software and equipment to provide the same level of service we are currently receiving from TCCAD.

It was motioned by Council Member Harness, second by Vice Mayor Morales, to authorize the renewal of the agreement between Tulare County Consolidated Ambulance Dispatch and the City of Dinuba for dispatch services.

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

17.2. Information Sharing

None

PARKS AND COMMUNITY SERVICES

18.1. Information Sharing

Parks and Community Services Director Carrillo reported basketball season ended last week. Staff is gearing up for baseball/softball season and, opening day is April 26.

Carrillo reported that City Parks are now on the spring / summer schedule for bathroom maintenance which means 7-day servicing of all parks.

Mayor Hinesly asked how the Code of Conduct was received by sports participants and parents.

Carrillo said it was generally well received but had a couple complaints at the end of the season.

POLICE SERVICES

19.1. Non-Custody Intake Program

Chief Popovich reported that the police department and the Tulare County Probation Department initiated a partnership and mutual agreement for the Thunderbolt Program in 1998. Since 2001, the program has provided a probation officer two days per week. The program name has been changed to "Non-Custody Intake Program."

The program continues to be of value to the youth of our community providing informal probation for first time offenders instead of applying formal criminal charges to their record. The estimated cost of the program for 2014/15 is \$13,177 and the 2014/15 police department budget reflects a yearly allocation of \$15,167 to assist in the cost associated with the officer's salary, benefits and transportation.

Chief Popovich requested that the City Council authorize the City Manager to sign the amended Non-custody intake program agreement, previously known as the Thunderbolt Delinquency Prevention Program.

It was motioned by Vice Mayor Morales, second by Council Member Gonzalez, to authorize the City Manager to sign the amended Non-Custody Intake Program Agreement previously known as the Thunderbolt Delinquency Prevention Program.

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

19.2. Information Sharing

None

PUBLIC WORKS

20.1. 2014 Spring Cleanup Event, April 26, 2014

Director Beltran reported that the 2014 Spring Cleanup event will be held on April 26, 2014 on Avenue 406 behind the Public Works facility. It will include the usual household hazardous waste and she reported, the police department will be accepting prescription drugs.

20.2. Information Sharing

Director Beltran reported there will be an official ribbon cutting ceremony for the opening of the Transit Center on April 17 at 10 am.

CLOSED SESSION

21.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Section 54956.9:

Number of Cases: (ONE (1) case)

Name of Case: City of Dinuba v. Ryan Clifton

The City Council went into Closed Session 10:13 pm and reconvened regular session at 11:02 pm. No action was taken.

ADJOURNMENT

Mayor Hinesly adjourned the meeting at 11:02 pm.

Janet C. Hinesly, Mayor

ATTEST:

Linda Barkley, Deputy City Clerk