

City Council Agenda



APRIL 12, 2016

6:00 p.m.

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

Council Members
William DeHart, Jr. **Steven Nascimento**
Matthew Jacob **Amy Bublak**
 Vice Mayor

City Manager
Gary R. Hampton
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

5:00 – 6:00 p.m. – Reception honoring City of Turlock Volunteers

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

- A. *Proclamation:* Stanislaus County National Library Week, April 10-16, 2016, accepted by Diane Bartlett, Stanislaus County Librarian – Turlock Branch
- B. *Proclamation:* National Telecommunicators Week, April 10-16, 2016, accepted by Kathleen Watkins, City of Turlock Public Safety Communications Supervisor
- C. *Proclamation:* City of Turlock Volunteers, accepted by City of Turlock employee Michelle Patereau
- D. *Proclamation:* Arbor Day, April 27, 2016, accepted by Parks, Recreation & Public Facilities Director Allison Van Guilder
- E. *Recognition:* CSU Stanislaus Cesar Chavez Poster Contest Award Winners from the City of Turlock Parks, Recreation & Public Facilities Osborne School ASES Program

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- F. Presentation: Caltrans Clean Up Day, April 21, 2016, by Jon Bevan, Caltrans
 - G. Presentation: Nu Alpha Kappa fraternity "NAKLAND Family Fun Day," April 16, 2016, by Jose Diaz

3. A. SPECIAL BRIEFINGS

- 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Maggie White, Student Government Relations Coordinator
- 2. **Try TRANSIT UPDATE AND MAYOR'S CHALLENGE**
Josie Hazelton, Mayor's Public Policy Award Recipient/CSUS Student

B. STAFF UPDATES

- 1. Policy Goals and Implementation Plan (*Executive Staff*)
- 2. Capital Projects and Building Activity (*Pitcock*)
- 3. Turkey Trot Annual Plaque Presentation (*Van Guilder*)

C. PUBLIC PARTICIPATION

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council and to address the Council on any item on tonight's agenda, including Consent Calendar items. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

5. CONSENT CALENDAR

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Weekly Demands of 2/25/16 in the amount of \$431,167.89; Weekly Demands of 3/3/16 in the amount of \$748,692.14; Weekly Demands of 3/10/16 in the amount of \$1,967,622.05; Weekly Demands of 3/17/16 in the amount of \$1,770,590.59; and Monthly Demands of 12/31/15 in the amount of 1,341,129.90
- B. Motion: Accepting Minutes of Special Meeting of March 15, 2016, Minutes of Special Meeting of March 22, 2016; and Minutes of Regular Meeting of March 22, 2016
- C. Resolution: Initiating proceedings for the formation of the Fairbanks Ranch Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, Development Project No. 14-73
- D. 1. Motion: Making the determination that City Project No. 15-43, "Montana Neighborhood Park," is exempt from the provisions of CEQA in accordance with Section 15332

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2. Motion: Awarding bid and approving an agreement in the amount of \$547,438.50 (Fund 269) with Sinclair General Engineering, Oakdale, California, for City Project No. 15-43, "Montana Neighborhood Park"
3. Resolution: Appropriating \$310,000 to account number 269-60-614-381.51270 "Construction Project" to be funded using \$282,000 of Fund 228 "Park Development Tax – Neighborhood Parks" reserves and \$28,000 in HRP grant funds to complete the necessary funding for this project
- E. Motion: Approving the release of interest in Lot A within the Summerfield Phase 2 Subdivision and authorizing the Mayor or City Manager to execute the necessary document on behalf of the City of Turlock
- F. Motion: Approving a Professional Services Agreement with NBS, of Temecula, California, for professional consulting services to conduct a fee study for staff cost recovery, in an amount not to exceed \$14,925 (Fund 502), for City Project No. 16-28
- G. Motion: Approving the disposal of excess property along Dels Lane, approving the revocation of the 2004 License Agreement with Joe Wu, aka Sunrise Inn, LLC, and authorizing the Mayor or City Manager to execute the necessary document on behalf of the City of Turlock
- H. Resolution: Amending the Fiscal Year 2015-16 Budget to appropriate an additional \$10,000 to account 110-10-112.43060_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" reserve balance to re-examine the existing Public Service Mitigation Fee (Community Facilities District #2)
- I. 1. Motion: Approving the Indemnification and Hold Harmless Agreement between the City of Turlock and CLS Investments for installation of an electronic security fence pursuant to Minor Discretionary Permit 2015-12 (Volvo Rents – 1400 South Avenue) and directing the City Manager to execute this agreement
2. Resolution: Delegating to the Mayor or City Manager the authority to execute future indemnification and hold harmless agreements required as a condition of approval pursuant to TMC 9-2-126(k) (Electrified Fences) without further action of the City Council
- J. Resolution: Authorizing staff to submit a San Joaquin Valley Air Pollution Control District (SJVAPCD) grant application in the amount of \$40,000 to partially fund two (2) Ford Fusion hybrid vehicles, with grant funding up to \$20,000 per vehicle, of the \$33,877 total per vehicle cost
- K. Motion: Approving Amendment No. 1 to the Agreement with Polydyne, Inc., for the procurement of additional Anionic Emulsion Polymer and the funding for the purchase of the additional Anionic Emulsion Polymer, from Fund 410-51-530.44005_008 "Chemical Polymer," in an amount not to exceed \$22,689, bringing the contract total to \$45,387 for Fiscal Year 2015-16
- L. Motion: Approving the Service Agreement with Integrity Municipal Systems, LLC, for the Acid Wash of the RJ-2000 Bulk Emergency Chlorine Vapor Scrubber System for the Turlock Regional Water Quality Control Facility for a period of six (6) months, in an amount not to exceed \$43,200
- M. Motion: Authorizing an amendment to the agreement between the City of Turlock and Strommel Inc., increasing the annual compensation to three hundred thousand Dollars (\$300,000) per year under City Contract 14-032
- N. Motion: Authorizing the City of Turlock to enter into an agreement with the California Peace Officer Standards and Training (POST) for City use of the POST Entry-Level Law Enforcement Test Battery (PELLETB) and authorizing the Police Chief to sign the required security agreement
- O. Resolution: Approving the purchase of one (1) replacement Fire Command vehicle from Winner Chevrolet in Elk Grove, California, through the Department of General Services state bid system for fleet SUVs under contract #1-16-23-23D, pursuant to the Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5), without compliance to the formal

- bid procedure, with the purchase and installation of emergency and aftermarket equipment being handled by staff, in an amount not to exceed \$86,000; and Appropriating \$56,000 to account number 506-00-000-304.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Fire Services" reserve balance to complete the purchase of the Fire Command vehicle from Winner Chevrolet
- P. Motion: Extending an Agreement and Memorandum of Understanding between the City of Turlock Fire Department and American Medical Response – West for the sole purpose of receiving EMS Continuing Education records oversight by an AMR - West Clinical Medical Director
- Q. Resolution: Rescinding Resolution No. 2015-016 and approving the use of facsimile signatures on specific accounts at Westamerica Bank
- R. Resolution: Rescinding Resolution No. 2015-017 and designating the authorized signatures for the City of Turlock bank accounts with Westamerica Bank

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 6, Chapter 7, Article 3, Section 01 regarding Outdoor Landscape Watering and Title 6, Chapter 7, Article 4, Section 05 regarding Water Conservation Stages as introduced at the March 22, 2016 meeting.

7. PUBLIC HEARINGS

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

- A. Request to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street; **OR** consider public testimony and provide further direction to the City Manager and City staff; **OR** deny the petition submitted by the Sacred Heart Church to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street. *(Pitcock)*

Recommended Action:

OPTION 1

Resolution: Vacating that section of Cooper Avenue right-of-way between Rose Street and Oak Street

OR

OPTION 2

Motion: Having considered the public testimony on the project, provide direction to staff on the issues and/or conditions that need to be investigated further, and direct the City Manager to convene at least one meeting with a representative of the Sacred Heart Church, a member representing the surrounding neighborhood, and the appropriate City staff members, to identify any standards or criteria that should be taken into consideration by the City Council at a future public hearing in making its determination regarding the abandonment of that section of Cooper Avenue right-of-way between Rose Street and Oak Street

OR

OPTION 3

Motion: Denying the petition submitted by the Sacred Heart Church to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street

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- B. Request to find the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section [Rates, Tolls, Fares, and Charges] and/or Section 15183 [Projects Consistent with a Community Plan or Zoning]; and to establish and adopt a Development Mitigation Fee program to pay for the Public Facilities required to implement the Sewer System Master Plan and the Storm Water Master Plan within the City of Turlock. (*Pitcock*)

Recommended Action:

Motion: Finding the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section [Rates, Tolls, Fares, and Charges] and/or Section 15183 [Projects Consistent with a Community Plan or Zoning]

Resolution: Establishing and Adopting a Development Mitigation Fee program to pay for the Public Facilities required to implement the Sewer System Master Plan within the City of Turlock

Resolution: Establishing and Adopting a Development Mitigation Fee program to pay for the Public Facilities required to implement the Storm Water Master Plan within the City of Turlock

- C. Request to determine the adoption of General Plan Amendment 2016-02 (Housing Element and SB 244 Disadvantaged Unincorporated Communities) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines and Adopting General Plan Amendment 2016-02 (Revised 2014-2023 Housing Element and SB 244 Disadvantaged Unincorporated Communities). (*Whitmore*)

Recommended Action:

Motion: Determining that the adoption of General Plan Amendment 2016-02 (Housing Element and SB 244 Disadvantaged Unincorporated Communities) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines

Resolution: Adopting General Plan Amendment 2016-02 (Revised 2014-2023 Housing Element and SB 244 Disadvantaged Unincorporated Communities)

8. **SCHEDULED MATTERS:** None

9. **MATTERS TOO LATE FOR AGENDA/NON-AGENDA ITEMS**

10. **COUNCIL ITEMS FOR FUTURE CONSIDERATION**

11. COUNCIL COMMENTS

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

12. CLOSED SESSION: None

13. ADJOURNMENT