

City Council Agenda



APRIL 22, 2014

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
John S. Lazar

Council Members
Amy Bublak **Steven Nascimento**
William DeHart, Jr. **Forrest White**
Vice Mayor

City Manager
Roy W. Wasden
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.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

- A. Proclamation: Arbor Day, April 25, 2014, accepted by Allison Van Guilder
- B. Proclamation: Bike-to-Work Week, May 12–16, 2014, accepted by Stephen Fremming

3. A. SPECIAL BRIEFINGS

- 1. STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE**
Community Update by Stanislaus District Attorney Birgit Fladager
- 2. STANISLAUS COUNTY SHERIFF'S DEPARTMENT**
Countywide Public Safety Facility Update by Sheriff Adam Christianson

B. STAFF UPDATES: None

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, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) 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

C. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable:

- a. State for the public record the nature of the communication; and
- b. With whom the ex parte communication was made; and
- c. A brief statement as to the substance of the communication.

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 Demands of 3/21/14 in the amount of \$1,443,772.08; Demands of 3/27/14 in the amount of \$632,622.12
- B. Motion: Accepting Minutes of Regular Meeting of April 8, 2014
- C. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the amount of \$13,798.76 (Fund 246) for City Project No. 13-21, "Slurry Seals 2013," bringing the contract total to \$648,664.12
- D. Resolution: Approving the 2013 General Plan Implementation Report
- E. Resolution: Approving the 2014 Update to the City of Turlock CEQA Implementation Guidelines
- F. Resolution: Appropriating \$14,623.33 to account number 258-41-495.47070_000 "Property Taxes General" from the fund reserve balance for the payment of property taxes
- G. Motion: Approving an Agreement between the City of Turlock and the City of Hughson for administrative and engineering services associated with the City of Hughson's Lighting and Landscaping Districts and Benefit Assessment Districts
- H. Motion: Rejecting Claim for damages filed by Omar Jimenez
- I. Motion: Rejecting Claim for damages filed by Michael Harvey
- J. Motion: Rejecting Claim for damages filed by Otis Witherow

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- K. Motion: Rejecting Claim for damages filed by Otis Witherow
 - L. Motion: Rejecting Claim for damages filed by Otis Witherow

6. **FINAL READINGS:** None

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. ***Quasi-judicial proceeding:***

Request to Rezone and subdivide approximately 17.84 acres into 107 single-family residential lots ranging in size from 4,500 to 12,170 square feet. The property will be rezoned from Low Density Residential 4.5 to Planned Development 270 to allow for an exception to the setback for the sound wall proposed along the western portion of Countryside Drive from 15' to 9' and to allow for an exception to the 35' lot frontage requirement for approximately five lots, to have as little as 30' of frontage onto the public right of way. The properties affected by this project are 2531 West Tuolumne Road & 2750 Countryside Drive, Stanislaus County APNs:088-002-005 & 088-002-065. The Planning Commission has recommended approval of the proposed project. (*Quintero*)

Recommended Action:

Motion: Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA)

Ordinance: Amending the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2013-03 (Planned Development 270) Monte Verde Subdivision, Florsheim Land Company]

Resolution: Establishing Conditions of Approval for Planned Development District No. 270 (PD-270) [Rezone 2013-03, Monte Verde Subdivision, Florsheim Land Company]

8. **SCHEDULED MATTERS**

- A. Request to approve an agreement with Bergman Landscape, Inc., of Hilmar, California, for landscape maintenance for nuisance abatement for Turlock Fire Department Neighborhood Services Division, for a period of twenty-four (24) months, in an amount not to exceed \$15,000 annually and \$30,000 for the two (2) year duration. (*Wasden*)

Recommended Action:

Motion: Approving an agreement with Bergman Landscape, Inc., of Hilmar, California, for landscape maintenance for nuisance abatement for Turlock Fire Department Neighborhood Services Division, for a period of twenty-four (24) months, in an amount not to exceed \$15,000 annually and \$30,000 for the two (2) year duration

- B. Request to provide direction to staff regarding draft plans and community input on the formation of boundaries, including adoption of criteria for creation of draft boundaries related to district elections under the California Voting Rights Act. (*Wasden*)

Recommended Action:

Motion: Providing direction to staff regarding moving forward with draft plans and gathering community input on the formation of boundaries as it relates to district elections under the California Voting Rights Act

Motion: Adopting criteria for the creation of draft boundary plans related to district elections under the California Voting Rights Act

- C. Request to accept the report regarding landscaped area water conservation efforts in the City of Turlock. (*Van Guilder*)

Recommended Action:

Resolution: Accepting the report regarding landscaped area water conservation efforts in the City of Turlock

- D. Request to accept the 2012-13 Audited Financial Statements for the City of Turlock. (*Lorenzi*)

Recommended Action:

Motion: Accepting the 2012-13 Audited Financial Statements for the City of Turlock

- E. Request to provide direction to staff regarding possible implementation of a special or general tax increase through the use of sales tax monies as a funding source for critical infrastructure and service related issues particularly for the repair of existing City roads. (*Wasden*)

Recommended Action:

Motion: Providing direction to staff regarding possible implementation of a special or general tax increase through the use of sales tax monies as a funding source for critical infrastructure and service related issues particularly for the repair of existing City roads

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. 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.

11. **CLOSED SESSION**

A. **Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)**

“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”

Potential Cases: (1 case)

B. **Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)**

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Potential Cases: (1 case)

Construction claim dispute with Sierra Mountain Construction, Inc. regarding delay claim associated City Project No. 6859, “Harding Drain Pump Station and Pipeline.”

12. **ADJOURNMENT**