

City Council Agenda



AUGUST 9, 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.

1. **A. CALL TO ORDER**
 - B. SALUTE TO THE FLAG**

2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS: None**

3. **A. SPECIAL BRIEFINGS: None**
 - B. STAFF UPDATES**
 1. Policy Goals and Implementation Plan (*Executive Staff*)
 2. Capital Projects and Building Activity (*Pitcock*)
 3. Golden State Farmers' Market Association Downtown Market Update (*Van Guilder*)
 4. Stanislaus County Fairgrounds Entertainment Events Briefing (*Williams*)

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. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

B. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

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

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 7/7/16 in the amount of \$450,028.40; Demands of 7/14/16 in the amount of \$1,580,778.95; Demands of 7/21/16 in the amount of \$2,127,441.61
- B. Motion: Accepting Minutes of Regular Meeting of July 26, 2016
- C. 1. Motion: Approving Contract Change Order No. 1 (Final), in the amount of \$42,373.31 (Fund 255), for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," bringing the contract total to \$302,913.01
2. Resolution: Appropriating \$26,000 to account number 217-50-511.51270 "Construction Project" for Fiscal Year 2015-16 to be funded from unappropriated Gas Tax Section 2103 Reserves for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," to complete the necessary funding required for this project
3. Motion: Accepting improvements for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Authorizing issuance of Request for Proposal (RFP) 16-359 for sidewalk trip hazard removal for Parks, Recreation and Public Facilities Department
- E. Motion: Awarding RFP 16-347 and Contract No. 16-075 to West Coast Arborists, Inc. (WCA) of Stockton, for tree trimming and maintenance services for Parks, Recreation and Public Facilities, in an annual amount not to exceed \$25,000 and \$75,000 for a period of thirty-six (36) months, having met all the specifications of RFP 16-347 and being the only responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- F. Motion: Approving an Agreement between the City of Turlock and Kidz Love Soccer, Inc. to offer youth soccer classes within the community, from August 9, 2016 to August 9, 2017, in an amount not to exceed \$25,000
- G. 1. Motion: Approving Amendment No. 1 to the Agreement between the City of Turlock and Kidz Love Soccer, Inc. to increase compensation from \$19,000 to \$22,000
2. Resolution: Appropriating \$3,000 to 110-61-624-068.43725 "Soccer Camp" from 110-61-624-068.35720 "Soccer Camp Revenue" for additional expenses associated with increased class enrollment

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- H. Motion: Approving an Agreement between the City of Turlock and Dragon Sports to offer youth self-defense classes within the community, from August 9, 2016 to August 9, 2017, in an amount not to exceed \$15,000
- I. Motion: Approving an Agreement between the City of Turlock and Kid Time Fitness to offer youth gymnastics classes within the community, from August 9, 2016 to August 9, 2017, in an amount not to exceed \$4,500
- J. Motion: Approving Amendment No. 4 to the Lease Agreement between the City of Turlock and the Carnegie Arts Foundation for maintenance of major components such as electrical, plumbing or mechanical equipment at the Carnegie Arts Center to be included in the City's maintenance agreements, with the cost of said maintenance to be reimbursed to the City by the Carnegie, and allowing the Carnegie Arts Foundation to procure property insurance for the building in accordance with City standards
- K. Motion: Approving a Professional Services Agreement between the City of Turlock and RMC Water and Environment for Regulatory and Environmental Permitting Support for the Turlock Component of the North Valley Regional Recycled Water Project, in an amount not to exceed \$161,188, from account number 410-51-530.43340 "North Valley Regional Recycling Water Project"
- L. Resolution: Re-appropriating unspent funds of \$19,650 from Fiscal Year 2015-16 to account number 410-51-534.44102 "Telemetry Equipment" from Fund 410 "Water Quality Control" reserve balance and \$19,650 from Fiscal Year 2015-16 to account number 420-52-551.43430 "Telemetry Upgrades" from Fund 420 "Water Enterprise" reserve balance for the purchase of two (2) configured HP Itanium rx2800 computer servers from HSQ Technology of Hayward, California
- M. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services for the preparation of a Water Fund Cash Flow Evaluation, in an amount not to exceed \$14,880, from account number 420-52-550-43320 "Special Services/Projects"
- N. Resolution: Re-appropriating unspent funds of \$187,345 from Fiscal year 2015-16 to account number 506-00-000-304.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Fire Services" reserve balance for the purchase of two (2) fire engines and various after-market products associated with the purchase of two (2) fire command vehicles
- O. Motion: Approving a Memorandum of Understanding between the City of Turlock and the Sacramento County Sheriff's Department for the Sacramento Valley Hi-Tech Crimes Task Force, outlining the mission and procedures of the Sacramento Valley Hi-Tech Crimes Task Force, and authorizing the Mayor, City Manager or designee to sign the agreement
- P. 1. Resolution: Approving the purchase of seven (7) Dell servers from Dell, Inc. to upgrade data storage capacity, under State of California Contract No. 7-15-70-34-003 and Contract Code WN03AGW, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in an amount not to exceed \$207,873.86
2. Resolution: Approving the purchase of Brocade Communications server switches from Kovarus, Inc. to upgrade data storage capacity, under WSCA-NASPO Contract No. AR214 7-14-70-01, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in an amount not to exceed \$61,939.68
3. Resolution: Approving the purchase of Veeam Availability Suite software from CDW Government LLC to upgrade data storage capacity, under CalSAVE Technology Contract No. 527683, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in an amount not to exceed \$11,807.64

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- Q. Motion: Authorizing the Mayor, City Manager or designee to execute an Agreement with Tyler Technologies for unlimited site licenses without compliance to the formal bid procedure in accordance with the Turlock Municipal Code Section 2-7-08(b)(2)
 - R. Motion: Approving an Agreement between CPS HR Consulting, a California Joint Powers Authority (CPS HR), and the City of Turlock for written examination test rentals to assist with the recruitment and hiring process, for a period of two (2) years from July 29, 2016 through July 29, 2018, in an amount not to exceed \$15,000 over the term of the Agreement
 - S. Motion: Rejecting Claims for Damages filed by Christina Juarez
 - T. Motion: Rejecting Claims for Damages filed by Veronica Rangel
 - U. Motion: Rejecting Claims for Damages filed by Agripino Lujan
 - V. Motion: Rejecting Claims for Damages filed by Ralph T. Ascencio
 - W. Motion: Rejecting Claims for Damages filed by Geico Ins./Rubenia Malone

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. Request to determine the proposed amendments to various sections of the Turlock Municipal Code are exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15061(B)(3) (General Rule) of the CEQA Guidelines and to consider technical updates and corrections to various sections of the City of Turlock Municipal Code. (***The proposed amendments are delineated below under recommended actions.***) (Quintero)

Recommended Action:

Resolution: Determining the proposed amendments to Turlock Municipal Code Title 4, Chapter 16, Article 1, Section 02, Subsection (A) regarding Cost Recovery Enforcement Authority; Title 5, Chapter 19, Article 1, "Title" Section regarding Adult Entertainment; Title 5, Chapter 19, Article 1, Section 01 regarding Adult Entertainment Purpose; Title 5, Chapter 19, Article 1, Section 02 regarding Adult Entertainment Performer Permit; Title 5, Chapter 19, Article 1, Section 04, Subsection (C) regarding Adult Entertainment Application Denial Authority; Title 6, Chapter 1, Article 1, Section 13, Subsections (B), (C), and (D) regarding Exceptions – Fancy, Racing and Sporting Pigeons; Title 6, Chapter 5, Article 4, Section 02 regarding Connection Fees; Title 7, Chapter 2, Article 2, Section 02, Subsection (A) regarding Street Improvements and Dedications Required; Title 8, Chapter 4, Section 16, regarding Fixing Questioned House and Building Numbering; Title 9, Chapter 1, Article 1, Section 11 regarding General Provision Rules for Interpretation; Title 9, Chapter 2, Article 1, Section 02, Subsection (C) regarding Adult Entertainment Location and Site Requirements; Title 9, Chapter 2, Article 1, Section 02, Subsection (F) regarding Regulations Special Provisions for Adult Business Permit Application; Title 9, Chapter 2, Article 1, Section 03, Subsection (C) regarding Affordable Housing Density Bonus Application Procedures, Title 9, Chapter 2, Article 1, Section 08, Subsection (A) regarding Exceptions to Height Limits in Any Residential District; Title 9, Chapter 2, Article 1, Section 25, Subsection (B)(1) regarding Cargo Containers Permit Requirements and Exceptions for Temporary Use; Title 9, Chapter 2, Article 5, Section 06, Subsection (K) regarding Sign Standards for Temporary Signs; Title 9, Chapter 3, Article 2, Section 02, regarding Residential Use District Classifications; Title 9, Chapter

3, Article 2, Section 03, regarding Residential Districts Property Development Regulations; Title 9, Chapter 3, Article 4, Section 03, regarding Industrial Districts Property Development Standards; Title 9, Chapter 3, Article 5, Section 03 regarding Public and Semi-Public Districts Property Development Regulations; Title 9, Chapter 4, Article 1, Section 07, Subsection (B) regarding Downtown Overlay Regulations for Industrial Residential Development Standards; Title 9, Chapter 4, Article 1, Section 08, Subsection (B) regarding Overlay District Regulations – Office Residential Development Standards; Title 9, Chapter 4, Article 2, Section 04, Subsection (C) regarding Nondiscretionary Emergency Shelter Permit Application Standards; Title 9, Chapter 4, Article 2, Section 05 “Introductory Paragraph” regarding Nondiscretionary Emergency Shelter Permit Application; Title 9, Chapter 5, Article 1, Section 12 regarding Administration Permit Applications Hearings, Amendments, and Special Appeals; Title 9, Chapter 5, Article 3, Section 10, Subsection (D) regarding Minor Administrative and Minor Discretionary Permits Building Review; Title 9, Chapter 5, Article 3, Section 15 regarding Minor Administrative and Minor Discretionary Permit Time Limits for Development of Property and Uses; Title 9, Chapter 5, Article 3, Section 17 regarding Minor Administrative and Minor Discretionary Permit Outdoor Dining Permit Required; Title 9, Chapter 5, Article 3, Section 18 regarding Minor Administrative and Minor Discretionary Permit Authority to Issue Outdoor Dining Permits; Title 9, Chapter 5, Article 3, Section 23, Subsection (A) regarding Minor Administrative and Minor Discretionary Permit Alcoholic Beverage Restrictions; Title 9, Chapter 5, Article 4, Section 04, Subsection (A) regarding Minor Exceptions – Findings – Special Circumstances; and Title 9, Chapter 5, Article 7, Section 09, Subsections (B) and (C) regarding Rezoning and Annexation Area Wide Planning Requirements are exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15061(B)(3) (General Rule) of the CEQA Guidelines

Ordinance: Amending Turlock Municipal Code Title 4, Chapter 16, Article 1, Section 02, Subsection (A) regarding Cost Recovery Enforcement Authority; Title 5, Chapter 19, Article 1, “Title” Section regarding Adult Entertainment; Title 5, Chapter 19, Article 1, Section 01 regarding Adult Entertainment Purpose; Title 5, Chapter 19, Article 1, Section 02 regarding Adult Entertainment Performer Permit; Title 5, Chapter 19, Article 1, Section 04, Subsection (C) regarding Adult Entertainment Application Denial Authority; Title 6, Chapter 1, Article 1, Section 13, Subsections (B), (C), and (D) regarding Exceptions – Fancy, Racing and Sporting Pigeons; Title 6, Chapter 5, Article 4, Section 02 regarding Connection Fees; Title 7, Chapter 2, Article 2, Section 02, Subsection (A) regarding Street Improvements and Dedications Required; Title 8, Chapter 4, Section 16, regarding Fixing Questioned House and Building Numbering; Title 9, Chapter 1, Article 1, Section 11 regarding General Provision Rules for Interpretation; Title 9, Chapter 2, Article 1, Section 02, Subsection (C) regarding Adult Entertainment Location and Site Requirements; Title 9, Chapter 2, Article 1, Section 02, Subsection (F) regarding Regulations Special Provisions for Adult Business Permit Application; Title 9, Chapter 2, Article 1, Section 03, Subsection (C) regarding Affordable Housing Density Bonus Application Procedures, Title 9, Chapter 2, Article 1, Section 08, Subsection (A) regarding Exceptions to Height Limits in Any Residential District; Title 9, Chapter 2, Article 1, Section 25, Subsection (B)(1) regarding Cargo Containers Permit Requirements and Exceptions for Temporary Use; Title 9, Chapter 2, Article 5, Section 06, Subsection (K) regarding Sign Standards for Temporary Signs; Title 9, Chapter 3, Article 2, Section 02, regarding Residential Use District Classifications; Title 9, Chapter 3, Article 2, Section 03, regarding Residential Districts Property Development Regulations; Title 9, Chapter 3, Article 4, Section 03, regarding Industrial Districts Property Development Standards; Title 9, Chapter 3, Article 5, Section 03 regarding

Public and Semi-Public Districts Property Development Regulations; Title 9, Chapter 4, Article 1, Section 07, Subsection (B) regarding Downtown Overlay Regulations for Industrial Residential Development Standards; Title 9, Chapter 4, Article 1, Section 08, Subsection (B) regarding Overlay District Regulations – Office Residential Development Standards; Title 9, Chapter 4, Article 2, Section 04, Subsection (C) regarding Nondiscretionary Emergency Shelter Permit Application Standards; Title 9, Chapter 4, Article 2, Section 05 “Introductory Paragraph” regarding Nondiscretionary Emergency Shelter Permit Application; Title 9, Chapter 5, Article 1, Section 12 regarding Administration Permit Applications, Hearings, Amendments and Special Appeals; Title 9, Chapter 5, Article 3, Section 10, Subsection (D) regarding Minor Administrative and Minor Discretionary Permits Building Review; Title 9, Chapter 5, Article 3, Section 15 regarding Minor Administrative and Minor Discretionary Permit Time Limits for Development of Property and Uses; Title 9, Chapter 5, Article 3, Section 17 regarding Minor Administrative and Minor Discretionary Permit Outdoor Dining Permit Required; Title 9, Chapter 5, Article 3, Section 18 regarding Minor Administrative and Minor Discretionary Permit Authority to Issue Outdoor Dining Permits; Title 9, Chapter 5, Article 3, Section 23, Subsection (A) regarding Minor Administrative and Minor Discretionary Permit Alcoholic Beverage Restrictions; Title 9, Chapter 5, Article 4, Section 04, Subsection (A) regarding Minor Exceptions – Findings – Special Circumstances; and Title 9, Chapter 5, Article 7, Section 09, Subsection (B) and (C) regarding Rezoning and Annexation Area Wide Planning Requirements

- B. Request to determine proposed amendments to the Land Use Diagram of the Turlock General Plan [General Plan Amendment 2016-03 (City Initiated)] are exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(B)(3) (General Rule) of the CEQA Guidelines and to consider a proposed change in the zoning district and General Plan land use for the designated properties. (***The proposed zoning district and General Plan land use designations for the subject properties are delineated below under recommended actions.***) The proposed changes are technical in nature and are proposed to bring consistency between the zoning district and the General Plan designations, as well as consistency between the existing uses, adjacent zoning districts, and subject properties’ zoning district. (*Quintero*)

Recommended Action:

Resolution: Determining the proposed amendments to the Land Use Diagram of the Turlock General Plan [General Plan Amendment 2016-03 (City Initiated)] to amend the designations for the following properties: 143 Alaska Street will be amended from split CC/MDR to MDR; 825, 839, 857, 881, 901, 923, 943 West Main Street and 117 West Avenue North will be amended from split CC/MDR to dual CC & MDR; 801 West Main Street will be amended from CC to CC & MDR; and 455 Fifth Street will be amended from CC to CC & I and the proposed amendments to the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2016-02 (City Initiated)] to change the zoning designations for the following properties: 240 West Main Street and 120 Locust Street will be rezoned from CC to TC; 333 North Thor Street and 410 & 412 Wolfe Avenue will be rezoned from CC to OR; 355, 391, 401, 409, 415, & 427 East Olive Avenue will be rezoned from OR to DCT; 352, 400, 410, 440 East Olive Avenue and 190 North Thor Street will be rezoned from OR to DC; 143 Alaska Street will be rezoned from split CC/RM to RM; 825, 839, 857, 881, 901, 923, 943 West Main Street and 117 West Avenue North will be rezoned from split CC/RM to dual CC & RM; and 801 West Main Street will be rezoned from CC to dual CC & RM are Exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(B)(3) (General Rule) of the CEQA Guidelines

Resolution: Amending the Land Use Diagram of the Turlock General Plan [General Plan Amendment 2016-03 (City Initiated)] to amend the designations for the following properties: 143 Alaska Street will be amended from split CC/MDR to MDR; 825, 839, 857, 881, 901, 923, 943 West Main Street and 117 West Avenue North will be amended from split CC/MDR to dual CC & MDR; 801 West Main Street will be amended from CC to CC & MDR; and 455 Fifth Street will be amended from CC to CC & I

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2016-02 (City Initiated)] to change the zoning designations for the following properties: 240 West Main Street and 120 Locust Street will be rezoned from CC to TC; 333 North Thor Street and 410 & 412 Wolfe Avenue will be rezoned from CC to OR; 355, 391, 401, 409, 415 & 427 East Olive Avenue will be rezoned from OR to DCT; 352, 400, 410, 440 East Olive Avenue and 190 North Thor Street will be rezoned from OR to DC; 143 Alaska Street will be rezoned from split CC/RM to RM; 825, 839, 857, 881, 901, 923, 943 West Main Street and 117 West Avenue North will be rezoned from split CC/RM to dual CC & RM; and 801 West Main Street will be rezoned from CC to a dual CC & RM

8. SCHEDULED MATTERS

- A. Request to provide direction to staff on the preferred project scope, funding and timeline to carry out a \$100,000 road improvement project. (*Pitcock*)

Recommended Action:

Motion: Providing direction to staff on the preferred project scope, funding and timeline to carry out a \$100,000 road improvement project

- B. Request to determine the extension of a one (1") inch water service line by the City of Turlock to the property located outside its jurisdictional boundary at 716 North Daubenberger Road to provide potable water for R.A.M. Farms, Inc., is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facility), Section 15303 (New Construction or Conversion of Small Structures), and/or Section 15304 (Minor Alterations to Land) of the CEQA Guidelines; authorize the City Manager to certify the Stanislaus LAFCO "Out of Boundary Service Application" requesting LAFCO approval for the City of Turlock to extend a one (1") inch water service line to 716 North Daubenberger Road, Turlock, California, a property located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to provide potable water to R.A.M. Farms, Inc., a seasonal and temporary business including a Pumpkin Patch, Corn Maze and Fields of Ice pursuant to Stanislaus County Staff Approval Permit PLN 2015-0046; approve the "Out of Boundary Service Agreement for Water Connection Affecting Real Property" located at 716 North Daubenberger Road, Turlock, California (Stanislaus County Assessor's Parcel Number 051-005-002), establishing the conditions under which the City would provide a water service extension to the property; authorize the City Manager to sign the "Out of Boundary Service Agreement for Water Connection Affecting Real Property" upon approval of the "Out of Boundary Service Application" by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the Agreement including the construction of a one (1") inch water service line to 716 North Daubenberger Road, Turlock, California (Stanislaus County Assessor's Parcel Number 051-005-002). (*Whitmore*)

Recommended Action:

Resolution: Determining the extension of a one (1") inch water service line by the City of Turlock to the property located outside its jurisdictional boundary at 716 North Daubenberger Road to provide potable water for R.A.M. Farms, Inc., is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facility), Section 15303 (New Construction or Conversion of Small Structures), and/or Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

Motion: Authorizing the City Manager to certify the Stanislaus LAFCO "Out of Boundary Service Application" requesting LAFCO approval for the City of Turlock to extend a one (1") inch water service line to 716 North Daubenberger Road, Turlock, California, a property located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to provide potable water to R.A.M. Farms, Inc., a seasonal and temporary business including a Pumpkin Patch, Corn Maze and Fields of Ice pursuant to Stanislaus County Staff Approval Permit PLN 2015-0046

Motion: Approving the "Out of Boundary Service Agreement for Water Connection Affecting Real Property" located at 716 North Daubenberger Road, Turlock, California (Stanislaus County Assessor's Parcel Number 051-005-002), establishing the conditions under which the City would provide a water service extension to the property

Motion: Authorizing the City Manager to sign the "Out of Boundary Service Agreement for Water Connection Affecting Real Property" upon approval of the "Out of Boundary Service Application" by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the Agreement including the construction of a one (1") inch water service line to 716 North Daubenberger Road, Turlock, California (Stanislaus County Assessor's Parcel Number 051-005-002)

- C. Request to determine the Downtown Parking Management Plan and Implementation Plan are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Projects consistent with a previous Environmental Impact Report), Section 15183 (Projects consistent with the General Plan), and/or Section 15262 (Feasibility and Planning Studies); approve the Downtown Parking Management Plan in accordance with the 2012 City of Turlock General Plan and the 2015-2019 Mayor and City Council Policy Goals and Implementation Plan; approve the Downtown Parking Implementation Plan to establish goals, action items and implementation measures for the recommendations in the Downtown Parking Management Plan. (*Quintero*)

Recommended Action:

Resolution: Determining the Downtown Parking Management Plan and Implementation Plan are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Projects consistent with a previous Environmental Impact Report), Section 15183 (Projects consistent with the General Plan), and/or Section 15262 (Feasibility and Planning Studies)

Resolution: Approving the Downtown Parking Management Plan in accordance with the 2012 City of Turlock General Plan and the 2015-2019 Mayor and City Council Policy Goals and Implementation Plan

Resolution: Approving the Downtown Parking Implementation Plan to establish goals, action items and implementation measures for the recommendations in the Downtown Parking Management Plan

- D. Request to determine the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Assumption, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with section 15304 (Minor Alterations to Land) of the CEQA Guidelines; authorize the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Assumption, on Monday, August 15, 2016 from 5:00 p.m. to 7:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

Recommended Action:

Resolution: Determining the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Assumption, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with section 15304 (Minor Alterations to Land) of the CEQA Guidelines

Resolution: Authorizing the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Assumption, on Monday, August 15, 2016 from 5:00 p.m. to 7:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- E. Request to approve the Freedom 5K Walk/Run event utilizing the public right-of-way (sidewalks), hosted by Turlock Free Methodist Church, on Saturday, October 8, 2016 from 9:30 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event. (*Traini*)

Recommended Action:

Motion: Approving the Freedom 5K Walk/Run event utilizing the public right-of-way (sidewalks), hosted by Turlock Free Methodist Church, on Saturday, October 8, 2016 from 9:30 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event

- F. Request to approve the Lights of Hope event at Donnelly Park, hosted by The Addict's Mom (TAM), on Saturday, September 10, 2016 from 9:00 a.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event. (*Traini*)

Recommended Action:

Motion: Approving the Lights of Hope event at Donnelly Park, hosted by The Addict's Mom (TAM), on Saturday, September 10, 2016 from 9:00 a.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event

- G. Request to authorize exceeding the contract amount by \$254,375 and the payment of outstanding invoices to Sierra Chemical Company for Liquid Chlorine for the Turlock Regional Water Quality Control Facility; approve Amendment No. 1 to the Agreement with Sierra Chemical Company for Liquid Chlorine for the Turlock Regional Water Quality Control Facility, in an annual amount of \$300,000, for the term of the existing contract. (Cooke)

Recommended Action:

Resolution: Authorizing exceeding the contract amount by \$254,375 and the payment of outstanding invoices to Sierra Chemical Company for Liquid Chlorine for the Turlock Regional Water Quality Control Facility

Motion: Approving Amendment No. 1 to the Agreement with Sierra Chemical Company for Liquid Chlorine for the Turlock Regional Water Quality Control Facility, in an annual amount of \$300,000, for the term of the existing contract

- H. Request to approve a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program. (Cooke)

Recommended Action:

Motion: Approving a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program

- I. Request to accept the Hydrogeologic and Water Quality Assessment Report for the evaluation of the geology, hydrogeology, geochemistry, groundwater quality, and groundwater supply in the Turlock area. (Reynolds)

Recommended Action:

Motion: Accepting the Hydrogeologic and Water Quality Assessment Report for the evaluation of the geology, hydrogeology, geochemistry, groundwater quality, and groundwater supply in the Turlock area

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

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- 1) When a majority decides there is an "emergency situation" (as defined for emergency meetings).
- 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- 3) When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then "placed on the agenda." Second, discuss and act on the added agenda item.

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

- A. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 1510 Springville Way, Turlock, CA (APN No. 042-016-031)
Agency Negotiator: Gary R. Hampton, City Manager
Negotiating Parties: Haven Women's Center of Stanislaus
Under Negotiation: Price and terms of payment
- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Properties: 1600 Auto Mall Drive, Turlock, CA (APN No. 088-010-048)
2450 Fulkerth Road, Turlock, CA (APN No. 089-019-023)
2400 Fulkerth Road, Turlock, CA (APN No. 089-019-022)
2500 Fulkerth Road, Turlock, CA (APN No. 089-019-021)
Agency Negotiator: Gary R. Hampton, City Manager
Negotiating Parties: Bains Property Investments, LLC
Pradeep & Kokila Khatri
Julia Paul, et al
Julia Paul, et al
Under Negotiation: Price and terms of payment
- C. 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)
- D. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
Agency Negotiator: City Manager
Unrepresented Employees: Police Chief

13. ADJOURNMENT