

# City Council Agenda



**MARCH 14, 2017**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**156 S. Broadway, Turlock, California**



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Mayor  
**Gary Soiseth**

Council Members  
**Matthew Jacob**  
**William DeHart, Jr.**  
Vice Mayor  
**Amy Bublak**  
**Gil Esquer**

City Manager  
**Gary R. Hampton**  
City Clerk  
**Jennifer Land**  
City Attorney  
**Phaedra A. Norton**

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**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](http://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. *Recognition:* Employee of the Month – February 2017
- B. *Recognition:* 2017 Tyler Excellence Award Winner, recipients Staff Services Technician Kim Hammack and Senior Planner Katie Quintero
- C. *Proclamation:* Vietnam Veterans Day, accepted by VFW Post 5059 Senior Vice Commander Ducheneaux
- D. *Presentation:* Business Incentive Program and Check Presentation to Lorie Wilson, Warrior Yoga
- E. *Presentation:* Central San Joaquin Valley Risk Management Authority (CSJVRMA) – City Council Presentation, presented by CSJVRMA Administrator Jeanette Workman and CSJVRMA Assistant Administrator Chrissy Mack

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3. **A. SPECIAL BRIEFINGS**

1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**

Noriel Mostajo, Student Government Relations Coordinator

**B. STAFF UPDATES**

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects, Building Activity, and Transit (*Pitcock*)

**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**

**C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS**

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 02/02/17 in the amount of \$440,804
- B. Motion: Accepting Minutes of the Special Meeting of February 28, 2017 and Minutes of the Regular Meeting of February 28, 2017
- C. Motion: Approving an Underground Electric Service Installation Agreement with Turlock Irrigation District for City Project No. 12-60C "Turlock Regional Transit Center Phase 2" in the amount of \$159,780.52
- D. Motion: Approving the Sole to Soul 5K Fun Run event utilizing the public right-of-way (sidewalks), hosted by Turlock High School Future Leaders of America Club (FLA), on Saturday, April 22, 2017 from 8:00 a.m. to 2:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event
- E.
  1. Motion: Approving Amendment No. 3 to a Professional Services Agreement between the City of Turlock and Geoanalytical Laboratories for additional laboratory analysis services for the North Valley Regional Recycled Water Program (NVRWP) and National Pollutant Discharge Elimination System (NPDES) permitting requirements, increasing the compensation to an annual amount of \$260,000
  2. Resolution: Appropriating \$21,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Program" and \$102,000 to account number 410-51-530.43316 "NPDES Permit Studies" from Fund 410 Water Quality Control Operating Reserves

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- F. Motion: Authorizing issuance of Request for Proposal (RFP) No. 17-403 for contract laboratory services for testing and analysis of water, wastewater, recycled water, soil, and sludge
  - G. Motion: Approving an Agreement between the City of Turlock and the 38th District Agricultural Association authorizing City Staff to conduct training on non-City owned property
  - H. Resolution: Appropriating \$297 to 242-00-000-213.51010 "Computer" from Fund 242 "Computer Replacement-Police" reserve balance, \$1,877 to 242-00-000-228.51010 "Computer" from Fund 242 "Computer Replacement-Engineering" reserve balance, and \$468 to 242-00-000-221.51010 "Computer" from "Computer Replacement-Parks, Recreation & Public Facilities" reserve balance for the purchase of replacement computer equipment
  - I. Motion: Approving an Agreement between the City of Turlock and Charter Communications to provide primary internet service, in an amount not to exceed \$410 per month, for a period of 5 years
  - J. Motion: Approving an Agreement between the City of Turlock and Utility Telecom to provide secondary internet service, in an amount not to exceed \$500.01 per month, for a period of 37 months
  - K. Motion: Authorizing the Mayor or City Manager to execute agreements for legal services performed by the City Attorney for other agencies
  - L. Motion: Rejecting Claims for Damages filed by Sherri Rozar
  - M. Motion: Rejecting Claims for Damages filed by Steve Johnson
  - N. Motion: Rejecting Claims for Damages filed by Mario A. Garcia
  - O. Motion: Rejecting Claims for Damages filed by Julie Lorch
  - P. Motion: Rejecting Claims for Damages filed by Vanessa Gutierrez

## 6. FINAL READINGS

- A. **Recommended Action:**  
Ordinance: Amending Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing as introduced at the February 28, 2017 meeting.

## 7. PUBLIC HEARINGS: None

## 8. SCHEDULED MATTERS

- A. Request to authorize the acceptance by the City, as the housing successor, of a property (located at 301 Starr Avenue) conveyed by the Successor Agency to the Turlock Redevelopment Agency pursuant to the Long Range Property Management Plan and taking related actions. (*Lorenzi*)

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**Recommended Action:**

Resolution: Authorizing the acceptance by the City, as the housing successor, of a property (located at 301 Starr Avenue) conveyed by the Successor Agency to the Turlock Redevelopment Agency pursuant to the Long Range Property Management Plan and taking related actions

- B. Request to approve a Signal Interconnect Agreement in the amount of \$1,031,167 (Fund 215) with the Union Pacific Railroad of Omaha, Nebraska in connection with City Project No. 14-28 "Intersection Improvements at North Golden State Boulevard and Fulkerth Road" AND approve a Public Highway At-Grade Crossing Agreement in the amount of \$380,514 (Fund 215) with the Union Pacific Railroad of Omaha, Nebraska in connection with City Project No. 14-28 "Intersection Improvements at North Golden State Boulevard and Fulkerth Road". (*Pitcock*)

**Recommended Action:**

Motion: Approving a Signal Interconnect Agreement in the amount of \$1,031,167 (Fund 215) with the Union Pacific Railroad of Omaha, Nebraska in connection with City Project No. 14-28 "Intersection Improvements at North Golden State Boulevard and Fulkerth Road"

Motion: Approving a Public Highway At-Grade Crossing Agreement in the amount of \$380,514 (Fund 215) with the Union Pacific Railroad of Omaha, Nebraska in connection with City Project No. 14-28 "Intersection Improvements at North Golden State Boulevard and Fulkerth Road"

- C. Request to delegate authority to the City Engineer and the City Land Surveyor to approve vacations for public service easements through a summary vacation process, for a period of 24 months, with an applicant right to appeal a denial to the City Manager. (*Pitcock*)

**Recommended Action:**

Resolution: Delegating authority to the City Engineer and the City Land Surveyor to approve vacations for public service easements through a summary vacation process, for a period of 24 months, with an applicant right to appeal a denial to the City Manager

- D. Request to authorize issuance of Request for Proposal (RFP) No. 17-396 for rubber bark from tire-derived products to landscape the medians on Monte Vista Avenue and Christoffersen Parkway, east of Geer Road. (*Schulze*)

**Recommended Action:**

Motion: Authorizing issuance of Request for Proposal (RFP) No. 17-396 for rubber bark from tire-derived products to landscape the medians on Monte Vista Avenue and Christoffersen Parkway, east of Geer Road

- E. Request to accept the post event reports funded in part by the City of Turlock, through the Community Events and Activities Grant Program. (*Schulze*)

**Recommended Action:**

Motion: Accepting the post event reports funded in part by the City of Turlock, through the Community Events and Activities Grant Program

- F. Request to determine closure of sections of Florence Street between North Laurel Street and North Broadway, North Broadway between Florence Street and West Main Street, West Main Street to East Canal Drive, East Canal Drive to Berkeley Avenue, and Berkeley Avenue to west bound East Canal Drive to Crane Park, for the Assyrian American Civic Club to host the Assyrian New Year Parade, 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 AND authorize the closure of sections of Florence Street between North Laurel Street and North Broadway, North Broadway between Florence Street and West Main Street, West Main Street to East Canal Drive, East Canal Drive to Berkeley Avenue, and Berkeley Avenue to west bound East Canal Drive to Crane Park for pedestrian safety, for the Assyrian American Civic Club to host the Assyrian New Year Parade, on Saturday, March 25, 2017 at specified times, and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Van Guilder*)

**Recommended Action:**

Resolution: Determining closure of sections of Florence Street between North Laurel Street and North Broadway, North Broadway between Florence Street and West Main Street, West Main Street to East Canal Drive, East Canal Drive to Berkeley Avenue, and Berkeley Avenue to west bound East Canal Drive to Crane Park, for the Assyrian American Civic Club to host the Assyrian New Year Parade, 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

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Resolution: Authorizing the closure of sections of Florence Street between North Laurel Street and North Broadway, North Broadway between Florence Street and West Main Street, West Main Street to East Canal Drive, East Canal Drive to Berkeley Avenue, and Berkeley Avenue to west bound East Canal Drive to Crane Park for pedestrian safety, for the Assyrian American Civic Club to host the Assyrian New Year Parade, on Saturday, March 25, 2017 at specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- G. Request to accept the City of Turlock Police Department 2016 Annual Report. (*Amirfar*)

**Recommended Action:**

Motion: Accepting the City of Turlock Police Department 2016 Annual Report

- H. Request to accept the City of Turlock Fire Department 2016 Annual Report. (*Tallon*)

**Recommended Action:**

Motion: Accepting the City of Turlock Fire Department 2016 Annual Report

**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**

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019 and will be brought back to the City Council no earlier than April 25, 2017, unless otherwise specified by the Mayor or a majority of the Council.

**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: 1141 North Olive Avenue, Turlock, CA (APN No. 042-021-032)  
Agency Negotiator: City Manager Gary R. Hampton  
Negotiating Parties: Dale & Martha Lundquist  
Under Negotiation: Price and terms of payment

**13. ADJOURNMENT**