

City Council Agenda



JUNE 27, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



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

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: Retirement of City Employee Daniel Frisch, Environmental Compliance Inspector

3. **A. SPECIAL BRIEFINGS**

1. **TURLOCK REGIONAL AVIATION ASSOCIATION**
Todd Smith, President

B. STAFF UPDATES

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Talloni*)
3. Public Safety Training Drill Grounds (*Talloni*)
4. Pedretti Park Safety Netting Repairs (*Pitcock*)
5. North Valley Regional Recycled Water Project (*Cooke/Carollo Engineers*)

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 05/18/17 in the amount of \$393,595.34; Weekly Demands of 05/25/17 in the amount of \$1,314,152.87
- B. Motion: Accepting Minutes of Special Meeting of June 8, 2017
- C.
 1. Resolution: Approving the Engineer's Report for Fiscal Year 2017-18 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
 2. Resolution: Declaring the City Council's intention to levy and collect assessments for Fiscal Year 2017-18 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
- D.
 1. Resolution: Approving the Engineer's Report for the Potters Landing subdivision (Development Project No. 14-57) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Potters Landing subdivision (Development Project No. 14-57) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area

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- E. 1. Resolution: Approving the Engineer's Report for the Hilmar Cheese (Development Project No. 15-33) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Hilmar Cheese (Development Project No. 15-33) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- F. 1. Resolution: Approving the Engineer's Report for the Taco Bell (Development Project No. 15-34) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Taco Bell (Development Project No. 15-34) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- G. 1. Resolution: Approving the Engineer's Report for the Dust Bowl Brewery (Development Project No. 15-35) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Dust Bowl Brewery (Development Project No. 15-35) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- H. 1. Resolution: Approving the Engineer's Report for the Valley Milk (Development - Project No. 17-37) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Valley Milk (Development Project No. 17-37) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- I. 1. Resolution: Approving the Engineer's Report for the Blue Diamond (Development Project No. 17-38) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Blue Diamond (Development Project No. 17-38) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- J. 1. Resolution: Approving the Engineer's Report for the Turlock Walnut Company (Development Project No. 17-39) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Turlock Walnut Company (Development Project No. 17-39) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- K. 1. Resolution: Approving the Engineer's Report for the Chevron Fulkerth (Development Project No. 17-40) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Chevron Fulkerth (Development Project No. 17-40) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- L. Motion: Accepting improvements for City Project No. 15-51 "Street Tree Replacement" and authorizing the City Engineer to file a Notice of Completion

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- M. 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) for City Project No. 16-63 "Local Road Improvements – Slurry Seal 2016"
2. Motion: Accepting improvements for City Project No. 16-63 "Local Road Improvements – Slurry Seal 2016" and authorizing the City Engineer to file a Notice of Completion
- N. 1. Resolution: Determining City Project No. 17-32 "2017 Slurry Seals" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
2. Motion: Awarding bid and approving an Agreement in the amount of \$160,826.29 (Fund 264) with American Pavement Systems, Inc. of Modesto, California, for City Project No. 17-32 "2017 Slurry Seals"
- O. Motion: Approving Amendment No. 6 to an Agreement between the City of Turlock and Omni-Means, Ltd., of Roseville, California, increasing the Agreement term by twenty-four (24) months in support of City Project No. 0828 "SR-99/Fulkerth Road Project Study Report (PSR)"
- P. 1. Resolution: Determining the closure of Monte Vista Avenue / University Way, between Geer Road and Crowell Road, for the 2017 California State University, Stanislaus 4th of July Celebration and Firework Display hosted by California State University, Stanislaus in partnership with the City of Turlock, 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
2. Resolution: Approving a Special Event Permit Application for the 2017 California State University, Stanislaus 4th of July Celebration and Firework Display hosted by California State University, Stanislaus in partnership with the City of Turlock, authorizing the associated closure of Monte Vista Avenue / University Way, between Geer Road and Crowell Road for pedestrian safety, on Tuesday, July 4, 2017 from 6:00 p.m. to 11:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- Q. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors between March and May 2017 in the amount of \$163 in account number 270-61-635-399.37200_000 "Donations General" to fund a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- R. Motion: Approving a Professional Services Agreement between the City of Turlock and Larry Walker Associates to provide National Pollutant Discharge Elimination System (NPDES) permit compliance assistance for the Turlock Regional Water Quality Control Facility (RWQCF) in an amount not to exceed \$50,000 annually (Fund 410)
- S. Motion: Approving a Professional Services Agreement between the City of Turlock and Robertson-Bryan, Inc. to provide National Pollutant Discharge Elimination System (NPDES) permit compliance assistance for the Turlock Regional Water Quality Control Facility (RWQCF) in an amount not to exceed \$50,000 annually (Fund 410)
- T. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services to develop a Water Rate Study for Turlock's participation in the Stanislaus Regional Water Authority Regional Surface Water Supply Project in an amount not to exceed \$30,184 (Fund 420)
- U. Resolution: Appropriating \$899 to 242-00-000-211.51010 "Computer" from Fund 242 "Computer Replacement-Planning" unallocated reserves for the purchase of replacement monitors and \$884 to 242-00-000-224.51010 "Computer" from Fund 242 "Computer Replacement-Collection & Billing" unallocated reserves for the purchase of a replacement computer system

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- V. Resolution: Making certain findings and determinations in compliance with Section XIII.B of the California Constitution and Section 7910 of the California Government Code and setting the Fiscal Year 2017-18 Appropriation Limit for the City of Turlock
 - W. Motion: Approving the amended and restated Joint Powers Agreement and Bylaws establishing the Stanislaus Council of Governments (StanCOG) of which the City of Turlock is a member agency
 - X. Motion: Reaffirming the declaration of emergency made by the City Manager and declaring there is a need to continue with the replacement of safety netting at Pedretti Park

6. FINAL READINGS

A. Recommended Action:

Ordinance: Amending the Zoning Map of the City of Turlock, California Municipal Code [Rezone 2016-01 (Northwest Triangle Specific Plan Update)] rezoning four (4) properties located at 1812 North Tegner Road (APN: 088-010-027), 1598 North Tegner Road (APN: 088-10-028), 3000 West Tuolumne Road (APN: 088-010-001), and 2918 West Tuolumne Road (APN: 088-010-023) from Agriculture (A) to Community Commercial (CC) and one (1) property located at 2530 West Tuolumne Road (APN: 088-010-053) from Park (P) to Community Commercial & Medium Density Residential (CC & RM) as introduced at the June 13, 2017 City Council meeting.

Ordinance: Amending the Zoning Map of the City of Turlock, California Municipal Code [Prezone 2016-01 (Northwest Triangle Specific Plan Update)] pre zoning a property located at 3525 W. Monte Vista Avenue (APN: 087-003-018) to Commercial Thoroughfare (CT) as introduced at the June 13, 2017 City Council 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 determine the adoption of a revised transit fare structure is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15273 (Rates, Tolls, Fares and Charges) of the CEQA Guidelines AND rescind Resolution No. 2016-126, "Passenger Fare Rates For The Turlock Transit System, Effective August 1, 2016," and adopt a new Resolution establishing a revised passenger fare structure effective July 1, 2017, maintain status quo base fares, introduce reduced fares for passengers traveling together on the Dial-A-Ride service, delegate authority to the City Manager, or his/her designee, to temporarily reduce or eliminate fares for promotional or emergency purposes, and authorize active duty or honorably discharged members of the United States Military to qualify for discount fares for fixed route services (York)

Recommended Action:

Resolution: Determining the adoption of a revised transit fare structure is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15273 (Rates, Tolls, Fares and Charges) of the CEQA Guidelines

Resolution: Rescinding Resolution No. 2016-126, "Passenger Fare Rates For The Turlock Transit System, Effective August 1, 2016," and adopting a new Resolution establishing a revised passenger fare structure effective July 1, 2017, maintaining status quo base fares, introducing reduced fares for passengers traveling together on the Dial-A-Ride service, delegating authority to the City Manager, or his/her designee, to temporarily reduce or eliminate fares for promotional or emergency purposes, and authorizing active duty or honorably discharged members of the United States Military to qualify for discount fares for fixed route services

8. SCHEDULED MATTERS

- A. Request to determine the closure of South Broadway, between "A" Street and Market Street, for the Dinner at Dusk: A Farm to Table Experience hosted by Women in Ag for Mentoring and Empowerment (WAME), 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 approve a Special Event Permit Application for Dinner at Dusk: A Farm to Table Experience hosted by Women in Ag for Mentoring and Empowerment (WAME), authorize the associated closure of South Broadway, between "A" Street and Market Street for pedestrian safety, on Thursday, September 28, 2017 from 2:00 p.m. to 10:30 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Train*)

Recommended Action:

Resolution: Determining the closure of South Broadway, between "A" Street and Market Street, for the Dinner at Dusk: A Farm to Table Experience hosted by Women in Ag for Mentoring and Empowerment (WAME), 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: Approving a Special Event Permit Application for Dinner at Dusk: A Farm to Table Experience hosted by Women in Ag for Mentoring and Empowerment (WAME), authorizing the associated closure of South Broadway, between "A" Street and Market Street for pedestrian safety, on Thursday, September 28, 2017 from 2:00 p.m. to 10:30 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to designate the California Collegiate Athletic Association Men's and Women's Track and Field Championships a City Co-sponsored event for the 2018 year, appropriate \$5,000 to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs at California State University Stanislaus (CSUS) for the California Collegiate Athletic Association (CCAA) Men's and Women's Track and Field Championships, and authorize the City Manager to allocate co-sponsorship funds in the amount of \$5,000. (*Van Guilder*)

Recommended Action:

Resolution: Designating the California Collegiate Athletic Association Men's and Women's Track and Field Championships a City Co-sponsored event for the 2018 year, appropriating \$5,000 to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs at California State University Stanislaus (CSUS) for the California Collegiate Athletic Association (CCAA)

Men's and Women's Track and Field Championships, and authorizing the City Manager to allocate co-sponsorship funds in the amount of \$5,000

- C. Request to accept the City of Turlock Economic Development Strategic Plan and provide direction to staff about implementation priorities. (*Pitt*)

Recommended Action:

Motion: Accepting the City of Turlock Economic Development Strategic Plan and providing direction to staff about implementation priorities

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 August 8, 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