

A. **CALL TO ORDER:** Chairwoman Fregosi called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Jeanine Bean, Eric Gonsalves, Nick Hackler, Steve Hallam, Jeff Hillberg, Victor Pedroza and Chairwoman Fregosi.

ABSENT: Alternate Commissioner Ashour Badal.

OATH OF OFFICE: City Clerk Kellie Weaver administered the Oath of Office for Newly Appointed Planning Commissioners Eric Gonsalves and Steve Hallam.

B. **APPROVAL OF MINUTES:**

1. **Regular Meeting of November 6, 2014.** No action was taken on these minutes due to a lack of quorum of those present in November.

C. **ANNOUNCEMENTS**

1. **Schedule for Reconsideration of the Comprehensive Zoning Ordinance Amendment** - Debbie Whitmore advised that this item would be back to the Commission on March 5 for action.
2. **New Staff Member Introduction:** Debbie Whitmore introduced the new Assistant Planner, Brenton Gibbons.
3. **Joint City Council/Planning Commission Meeting** – has been scheduled for August 11, 2015 starting at 5 p.m.
4. **Brown Act Training:** City Attorney Phaedra Norton provided an overview of the Brown Act. Information included the definition of a legislative body; what constitutes a meeting; legislative body attendance at a conference and ceremonial functions; location of meetings; teleconference meetings; public participation at meetings; notice and agenda requirements; what would constitute a serial meeting; criminal consequences of Brown Act violations; and how some email conversations could be an unintentional violation of the Brown Act. Ms. Norton provided examples of Brown Act violations, and noted that all discussion and deliberation done by a legislative body must be done in public, not just the action taken.

Commissioner Fregosi commented that it was Commission practice to ask a public speaker to provide their name. Phaedra Norton noted that the Brown Act does not require a speaker to state their name.

5. **Green Sheets:** Debbie Whitmore announced the two green sheets for Items G.1. and G.2. noting the request to continue the public hearings for these items to March 5.

- D.
1. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS** – Commissioner Pedroza stated that he has a conflict with Items G.1 (Fairbanks Ranch) and G.2. (Les Chateaux).
 2. **DISCLOSURE OF EX PARTE COMMUNICATIONS-** City Attorney Phaedra Norton advised the Commission that Ex Parte Communications were any communication made with a Commissioner outside of official proceedings about quasi-judicial matters that would be brought before them. She said that quasi-judicial proceedings included subdivision maps, conditional use permits, and

appeals. She explained that it was a disclosure not a disqualification, and noted that the citizens have the right to access their public officials.

Commissioner Pedroza asked if ex parte disclosures were subject to the public's questions. City Attorney Norton responded a disclosure was not a cross-examination.

There was discussion on whether communications with staff were something that needs to be disclosed. City Attorney Norton advised there would be no harm done in disclosing these types of communications.

Commissioner Gonsalves asked if discussions with the City Attorney were subject to Ex Parte disclosure. City Attorney Norton said that discussions with a city attorney were exempt from ex parte disclosure.

Commissioner Pedroza asked to return to agenda item D1, Declaration of Conflicts of Interest, and said he has a conflict with items G.1 and G.2 and will not be participating on any vote for these items.

E. PUBLIC PARTICIPATION

Mayor Gary Soiseth welcomed new Commissioners Gonsalves and Hallam, and thanked the Commission for their dedication to the City of Turlock.

Paul Doniak addressed the Commission on the current zoning regulations pertaining to accessory structures and sheds, and provided pictures of what was constructed next door to his property.

F. CONSENT CALENDAR

1. GENERAL PLAN CONFORMITY FOR DISPOSITION OF PUBLIC PROPERTY AT 900 NORTH PALM AVENUE & 250 STARR AVENUE. To determine that the transfer of two parcels of real property located at 900 North Palm and 250 Starr Avenue, Turlock (APN #042-037-010 and APN #042-037-011) to the Turlock Irrigation District for the purpose of disposing of the former police department facility and accessory uses, is in conformity with Turlock General Plan.

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, that the Planning Commission determines that the proposed project is "Exempt" from the provisions of the California Environmental Quality Act (CEQA), and that the appropriate finding for the proposed disposition as described herein, can be made. Motion carried unanimously.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

None

NONCONSENT ITEMS

To avoid the appearance of a conflict of interest, Commissioner Pedroza steps down.

1. *At the request of the applicant this item is being continued to March 5, 2015.*
VESTING TENTATIVE SUBDIVISION MAP 2014-04 (CHRIS HAWKE – FAIRBANKS RANCH)

MOTION: Commissioner Hackler moved, Commissioner Bean seconded, that the Planning Commission continue the public hearing for Item G.1. – Vesting Tentative Subdivision Map 2014-04 – Fairbanks Ranch, to the March 5, 2015 meeting of the Turlock Planning Commission. Motion carried unanimously with Commissioner Pedroza not participating.

2. *At the request of the applicant this item is being continued to March 5, 2015.*
VESTING TENTATIVE SUBDIVISION MAP 2014-03 (RON KATAKIS – LES CHÂTEAUX).

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission continue the public hearing for Item G.2. – Vesting Tentative Subdivision Map 2014-03 – Les Chateaux, to the March 5, 2015 meeting of the Turlock Planning Commission. Motion carried unanimously with Commissioner Pedroza not participating.

Commissioner Pedroza is re-seated.

H. OTHER MATTERS - None

I. COMMISSIONERS' CONSIDERATION

1. ELECTION OF OFFICERS:

Commissioner Hillberg nominated Soraya Fregosi to be the Commission Chairperson for 2015. Seconded by Commissioner Bean and carried unanimously.

Commissioner Pedroza nominated Jeanine Bean to be the Commission Vice Chairperson for 2015. Seconded by Commissioner Hackler and carried unanimously.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

1. **USE PERMIT 2014-23 VERIZON CELL TOWER** - Rose Stillo presented the staff report. The project is located at 3332 East Hawkeye Avenue, south side of East Hawkeye Avenue, north of East Avenue, and west of N. Verduga Road, within the Sphere of Influence of the City of Turlock: The applicant is requesting to construct a new non-staffed wireless communications facility that includes a 110 foot tall monopole with mounted antennas, a 204 square foot equipment shelter, a standby 300KW generator with a 132 gallon fuel tank, and supporting equipment on a 50 foot by 50 foot leased area of a 17.13 acre parcel. Rose advised that the proposed cell tower is located within the boundaries of the Southeast 2 area which is designated as future residential.

There was discussion that any future residential development would need to occur around the area of the cell tower, which may affect the value of the land.

Commissioner Hallam asked if the project could be conditioned to have the cell tower removed should residential development occur on the property.

Jeremy Ballard, Stanislaus County Planning, advised that Verizon would be hesitant to move forward if the project was conditioned as they intend to keep the tower in place for 20 years.

There was discussion about the timeline for development in the area, and possible alternate locations for the tower.

Jenny Blocker, representing Verizon Wireless, said the East Hawkeye site is the preferred location because it meets County standards and reaches the service gap for the area. She said that a study shows the radio frequency exposure is well within Federal standards.

Commissioner Hillberg commented that he would rather have the cell tower built now because future homeowners will know it exists.

There was discussion about the requirement for redwood trees around the tower, and that tall trees may block transmission. Staff noted there were different varieties of redwood trees that could be used.

Commissioner Hallam commented that the property owner may regret signing a long-term lease with the cell tower company because of potential development that could occur.

MOTION: Commissioner Hillberg moved, Commissioner Pedroza seconded, that the City of Turlock Planning Commission supports Stanislaus County Use Permit Application No. PLN2014-0023 – Verizon Wireless – E. Hawkeye Avenue provided that the following conditions are included in this permit:

- (1) The ground equipment shall be screened from view by use of an opaque fence. This fence shall not include barbed, razor or electric wire.
- (2) The antennas used on the monopine shall be camouflaged using "pine branch" material.
- (3) The existing trees around the perimeter of the leased area (minimum of one per side), shall be maintained in a healthy state and new redwood trees shall be planted in their place if these trees are

K. COMMISSIONERS COMMENTS

Commissioner Hillberg commented about road work being done on Christoffersen Parkway between Olive and Geer.

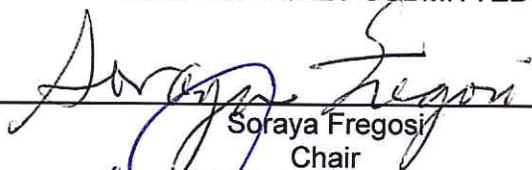
Commissioner Hackler welcomed the new members of the Commission, and thanked outgoing Commissioners Alice Pollard and Elvis Dias.

L. STAFF UPDATES

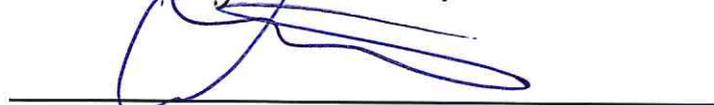
1. **NEW PHASE II MUNICIPAL SEPARATE STORM WATER SEWER SYSTEM (MS4) PERMITTING REQUIREMENTS:** Debbie Whitmore said the City is in the process of developing standards to meet these new State regulations. She will schedule Municipal Services staff on a future agenda to provide information on how this will affect citizens.
2. **ACTIVE TRANSPORTATION PLAN COMMUNITY MEETING REPORT:** Rose Stillo advised that this is bike and pedestrian plan that may be presented to the Commission in April. She provided information on how the plan is being developed using public involvement, and said that information about the Plan, including a survey, could be found on the City's website.
3. **SOUTH COUNTY CORRIDOR UPDATE:** Mike Pitcock provided a brief update on the progress of the South County Corridor Feasibility Study, which would identify a connection between Highway 99 to I-5. He said that the City would prefer the connection be from West Main. Information about the Study can be found at Valley Vision Stanislaus.com, and input from the community is needed.
4. **NEW WORLD AND ELECTRONIC PLAN CHECK UPDATE:** Katie Quintero provided an update on the implementation of the New World permitting and tracking software system. She said that staff is researching the feasibility of electronic plan checking software and is early in the process of researching different companies to see what is available.

- M. ADJOURNMENT:** Chairwoman Fregosi asked for a motion (Hillberg/Bean) to adjourn the meeting at 7:37 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED



Soraya Fregosi
Chair



Debra A. Whitmore
Deputy Director of Development Services