

City Council Agenda



MAY 10, 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

Interim 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.

5:00 – 6:00 p.m. – Reception honoring the retirement of CSU Stanislaus President Dr. Joseph F. Sheley

1. **A. CALL TO ORDER**

B. SALUTE TO THE FLAG

2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**

- A. Proclamation: Retirement of CSU Stanislaus President Dr. Joseph F. Sheley
- B. Proclamation: Theta Chi Fraternity Row-A-Thon, accepted by Seth Hidalgo
- C. Proclamation: Public Works Week, May 15-21, 2016, accepted by Michael Cooke, Allison Van Guilder and Mike Pitcock
- D. Presentation: Turlock Downtown Property Owners Association Annual Report, presented by Gina Loretelli

3. A. SPECIAL BRIEFINGS

1. CALIFORNIA STATE UNIVERSITY STANISLAUS

- a) ASI CSUS Student Government Relations Board
-- Self-Introductions
- b) Maggie White, Student Government Relations Coordinator
-- Search for New CSUS President
- c) Nicole Larson, ASI President
-- Community Engagement
- d) Sandra Loza, ASI Vice President
-- New Student Union Building
- e) Carlene Dyer, ASI Executive Assistant -
-- Opening of New Pool on CSUS Campus

B. STAFF UPDATES

- 1. Policy Goals and Implementation Plan (*Executive Staff*)
- 2. Board, Commission, and Committee Vacancies (*Weaver*)
- 3. Capital Projects and Building Activity (*Pitcock*)
- 4. Traffic Light Synchronization (*Pitcock*)
- 5. Signage Committee (*Van Guilder*)
- 6. Take Pride in Turlock (*Cooke*)
- 7. Campaign Contribution Regulation (*Hampton*)

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

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 3/31/16 in the amount of \$521,003.01; Demands of 1/31/16 in the amount of \$909,237.04
- B. Motion: Accepting Minutes of the Special Joint City Council and Parks, Arts & Recreation Commission of April 26, 2016; Accepting minutes of the Regular Meeting of April 26, 2016
- C. Motion: Approving the public services agreements for Fiscal Year 2016-17 between the City of Turlock and each of the five (5) funded nonprofit and public service agencies identified in Attachment A, funded with Community Development Block Grant funds (CDBG), in the total amount of \$50,000
- D. Motion: Approving the Annual Funding Agreements between the City of Turlock and each of the seven (7) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities, pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990, for Fiscal Year 2016-17, in the total amount of \$953,712
- E. Motion: Approving the Agreement for Special Services between the City of Turlock and Dave Young, Dave Young and Associates, to provide administrative investigation services as needed for the period of May 10, 2016, through May 10, 2017, in an amount not to exceed \$25,000 over the term of the Agreement

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 approve the revised City of Turlock Special Event Permit application, proposed fees and policies for event applications received on or after May 11, 2016. (*Van Guilder*)

Recommended Action:

Motion: Approving the revised City of Turlock Special Event Permit application, proposed fees and policies for event applications received on or after May 11, 2016

8. SCHEDULED MATTERS

- A. Request to determine Approval of the Nonexclusive, Nontransferable, Revocable License Agreement between the City of Turlock and Ace Valet to operate a Valet Parking Service utilizing the Public Right-of-Way and Public Parking Lot is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) (Existing Facilities) and/or Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines and Approve a Nonexclusive, Nontransferable, Revocable License Agreement between the City of Turlock and Ace Valet to operate a Valet Parking Service utilizing the Public Right-of-Way and Public Parking Lot. (*Whitmore*)

Recommended Action:

Resolution: Determining Approval of the Nonexclusive, Nontransferable, Revocable License Agreement between the City of Turlock and Ace Valet to operate a Valet Parking Service utilizing the Public Right-of-Way and Public Parking Lot is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) (Existing Facilities) and/or Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines

Resolution: Approving a Nonexclusive, Nontransferable, Revocable License Agreement between the City of Turlock and Ace Valet to operate a Valet Parking Service utilizing the Public Right-of-Way and Public Parking Lot

- B. Request to designate the annual 4th of July Fireworks Display a City Co-Sponsored event and appropriating \$5,000 annually to 120-10-120.47365 "Fireworks Display" from Fund 120 "Tourism" reserve balance for costs associated with the annual 4th of July Fireworks Display and authorizing the City Manager or his designee to determine how the funds will be used toward the 4th of July Fireworks Display each year. (*Van Guilder*)

Recommended Action:

Resolution: Designating the annual 4th of July Fireworks Display a City Co-Sponsored event and appropriating \$5,000 annually to 120-10-120.47365 "Fireworks Display" from Fund 120 "Tourism" reserve balance for costs associated with the annual 4th of July Fireworks Display and authorizing the City Manager or his designee to determine how the funds will be used toward the 4th of July Fireworks Display each year

- C. Request to accept the Ad Hoc Committee's review of the City's street tree ordinances and policies and Rescind Resolution No. 88-130 and adopt the revised Subdivision Street Tree Theme List and Map. (*Schulze*)

Recommended Action:

Motion: Accepting the Ad Hoc Committee's review of the City's street tree ordinances and policies

Resolution: Rescinding Resolution No. 88-130 and adopting the revised Subdivision Street Tree Theme List and Map

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- D. Request to approve a Water Supply Agreement between the City of Turlock and Del Puerto Water District for the sale of recycled water to Del Puerto Water District conveyed via the North Valley Regional Recycled Water Program. (Cooke)

Recommended Action:

Motion: Approving a Water Supply Agreement between the City of Turlock and Del Puerto Water District for the sale of recycled water to Del Puerto Water District conveyed via the North Valley Regional Recycled Water Program

- E. Request to approve the purchase of one (1) Rosenbauer Type I Fire Engine through the Houston-Galveston Area Council Contract #FS12-15, pursuant to Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5), without compliance to the formal bid procedure, in an amount not to exceed \$500,157.76, and in accordance with the terms and conditions set forth in Burton's Fire Inc.'s proposal dated April 8, 2016 and the Rosenbauer chassis and body production specifications; and approve the sale of Engine 32, FR08-285 to Rosenbauer MN for \$125,000 to be discounted against the purchase of the Rosenbauer Type I Fire Engine, in accordance with the terms and conditions set forth in Burton's Fire Inc.'s proposal dated April 8, 2016, and appropriate \$500,157.76 to account number 506-00-000-304.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Fire Services" reserve balance to complete the purchase of a Type I Fire Engine from Rosenbauer MN. (Harcksen/Mallory)

Recommended Action:

Resolution: Approving the purchase of one (1) Rosenbauer Type I Fire Engine through the Houston-Galveston Area Council Contract #FS12-15, pursuant to Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5), without compliance to the formal bid procedure, in an amount not to exceed \$500,157.76, and in accordance with the terms and conditions set forth in Burton's Fire Inc.'s proposal dated April 8, 2016 and the Rosenbauer chassis and body production specifications

Resolution: Approving the sale of Engine 32, FR08-285 to Rosenbauer MN for \$125,000 to be discounted against the purchase of the Rosenbauer Type I Fire Engine, in accordance with the terms and conditions set forth in Burton's Fire Inc.'s proposal dated April 8, 2016, and appropriating \$500,157.76 to account number 506-00-000-304.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Fire Services" reserve balance to complete the purchase of a Type I Fire Engine from Rosenbauer MN

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

- A. Request to provide direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Nascimento for future consideration of establishment of a campaign finance reform ad hoc committee. (*Hampton*)

Recommended Action:

Motion: Providing direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Nascimento for future consideration of establishment of a campaign finance reform ad hoc committee

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: None

13. ADJOURNMENT