

APRIL 26, 2016  
6:00 p.m.  
City of Turlock Yosemite Room  
156 S. Broadway, Turlock, California

MINUTES  
Regular Meeting  
Turlock City Council

\*\*and via teleconference:

Le Meridien Arlington  
1121 19<sup>th</sup> Street North  
Arlington, VA 22209  
Telephone No. (703) 351-9170

- 
1. **A. CALL TO ORDER** –Vice Mayor Bublak called the meeting to order at 6:04 p.m.  
PRESENT: Councilmembers Bill DeHart, Steven Nascimento, Vice Mayor Bublak and Mayor Soiseth (*via teleconference*)  
ABSENT: Councilmember Matthew Jacob

**B. SALUTE TO THE FLAG**

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

- A. Councilmember DeHart presented a Proclamation to Lillian Castigliano in recognition of Older Americans Month, May 2016. Ms. Castigliano noted that on today's date she celebrated her 79<sup>th</sup> birthday and spoke about the importance of staying young and the positive benefits associated with aging.
- B. Vice Mayor Bublak presented a Proclamation to Staff Services Technician Toni Cordell: in recognition of Water Awareness Month, May 2016, and Drinking Water Week, May 1-7, 2016. Ms. Cordell provided a brief history on the establishment of Water Awareness Month and encouraged residents to remain steadfast with water conservation efforts and take advantage of conservation resources offered by the City of Turlock.
- C. Vice Mayor Bublak recommended the appointment of City Manager Gary Hampton as the City of Turlock's representative to the Oversight Board to the Successor Agency to the Former Turlock Redevelopment Agency (Former RDA Employee) – Member.

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, appointing City Manager Gary Hampton as the City of Turlock's representative to the Oversight Board to the Successor Agency to the Former Turlock Redevelopment Agency (Former RDA Employee) – Member. Motion carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

**3. A. SPECIAL BRIEFINGS:** None

**B. STAFF UPDATES**

1. Policy Goals and Implementation Plan updates were provided by:

Municipal Services Director Michael Cooke provided updates on drinking water supply expansion through the Stanislaus Regional Water Authority Surface Water Project and efforts related to providing recycled waste water for residential landscaping and commercial development. Mr. Cooke also spoke regarding the North Valley Regional Recycled Water project and noted related action to be taken under Scheduled Matters.

Police Chief Robert Jackson provided an update on staffing levels at the Police Department including current staffing, vacancies, long term injury status of police personnel, special detail units, and thanked Council for their support. Chief Jackson also provided information about recruitment efforts.

Assistant to the City Manager for Economic Development/Housing Program Services Maryn Pitt provided an update on the status of Avena Bell Phase II, associated funding, and anticipated construction for the project to begin at the end of 2017.

**C. PUBLIC PARTICIPATION**

Ron Harrelson, Turlock resident, spoke regarding medical cannabis and reminded Council of their previous statement to bring the issue back for discussion, specifically with regard to people with medical letters that would benefit from the use of medical marijuana and their ability to plant small gardens for personal use. City Manager Gary Hampton noted Council is aware of the issue and the City has been working with other cities in Stanislaus County to possibly bring forward a voter approved initiative that will allow for, among other things, recreational use. Mr. Harrelson offered his assistance to work through the process.

**4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None

**5. CONSENT CALENDAR:**

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adopt the consent calendar. Motion carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

- A. **Resolution No. 2016-076** Accepting Demands of 3/24/16 in the amount of \$673,967.12; Demands of 4/7/16 in the amount of \$347,735.57

- B. Motion: Accepting Minutes of Regular Meeting of April 12, 2016
- C. Motion: Accepting improvements and authorizing the City Engineer to file a Notice of Completion with the Stanislaus County Recorder's Office for Summerfield Phase 2, Subdivision Project No. 0734
- D. Motion: Approving a Purchase and Sale Agreement with Vicente and Jackie Fuentes for conveyance of an easement for road purposes at 1101 Fulkerth Road, more particularly described as Stanislaus County Assessor's Parcel No. 071-014-004, in the amount of \$10,000 (Fund 215), for City Project No. 14-28, "Intersection Improvements at Golden State Boulevard and Fulkerth Road"
- E. Motion: Authorizing the Mayor to sign and execute a funding agreement with the San Joaquin Valley Air Pollution Control District (SJVAPCD) in the amount of \$100,000 (Fund 241 and 506) for the purchase of five (5) Compressed Natural Gas (CNG) Ford F250 pick-up trucks under City Project No. 14-66, "Purchase of CNG Pick-up Trucks"
- F. Motion: Approving Amendment No. 1 to Contract No. 15-114 with Nelson\Nygaard Consulting Associates, Inc., of San Francisco, California, to provide implementation support services, including, but not limited to fare media, route schedules, general marketing, Try Transit marketing, and ridership evaluation, in an amount not to exceed \$45,205 (Fund 426); an extension to the term of the agreement of six (6) months for City Project No. 14-75, "Short Range Transit Plan"; and authorizing (retroactively) funding work completed prior to the Amendment
- G. **Resolution No. 2016-077** Appropriating \$22,300 to account number 410-51-534.51186 "Recycled Water Projects and Facilities" to be funded by \$11,150 from the Water Enterprise Fund 420-52-550.44001-000 "Supplies General" and \$11,150 from the Sewer Enterprise Fund 410-51-530.44001-000 "Supplies General" to fully fund the Recycled Water Filling Station Project
- H. **Resolution No. 2016-078** Authorizing the submittal of an application to CalRecycle for the Beverage Container Recycling City/County Payment Program and authorizing the City Manager to sign any and all necessary documents
- I. Motion: Approving an Agreement between the City of Turlock and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn officers, dispatchers, and community service officers of the Turlock Police Department at no cost to the covered employee, for the period of July 1, 2016, through June 30, 2017, in the amount of \$12,000, from account number 110-20-200.43155 "Physicals, Shots & Psychological"
- J. **Resolution No. 2016-079** Accepting monetary donations in the amount of \$7,540.02 and assorted animal related products valued at \$34,504.59 from the fourth quarter Fiscal Year 2012-13, all quarters of Fiscal Years 2013-14 and 2014-15, and the first and second quarters of Fiscal Year 2015-16, from various donors to be utilized in support of the City's Animal Services Unit
- K. **Resolution No. 2016-080** Approving the purchase of one (1) Fire Command vehicle from Winner Chevrolet in Elk Grove, California, through the Department of General Services State Bid System for fleet SUVs under Contract #1-16-23-23D, pursuant to the Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5), without compliance to the formal bid procedure, with the purchase and installation of emergency and aftermarket equipment being handled by staff, in an amount not to exceed \$86,000; and appropriating \$86,000 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 the Fire Command vehicle from Winner Chevrolet

- L. 1. Motion: Authorizing the renewal of a contract with Target Solutions for a subscription of online training services for continuing education in Emergency Medical Service (EMS) and other various mandated training to Turlock Fire Department personnel, in an amount not to exceed \$4,235, from Fund 265-30-310.302\_47140 “California Firefighters Joint Apprenticeship Committee (JAC)”
- 2. **Resolution No. 2016-081** Authorizing the Mayor or the City Manager to initiate renewals as necessary with Target Solutions, as long as the California Firefighters Joint Apprenticeship Committee (JAC) funding is available
- M. **Resolution No. 2016-082** Affirming the City of Turlock’s use of CalHOME funds for down payment assistance in accordance with program regulations and authorizing the Mayor, City Manager and/or his designee to execute all agreements, extensions, amendments and other documents required by the State of California Housing and Community Development (HCD) for participation in the CalHOME program
- N. Motion: Accepting the 2014-15 Audited Financial Statements for the City of Turlock as prepared by City staff and audited by Maze & Associates in accordance with Generally Accepted Accounting Principles (GAAP)
- O. Motion: Rejecting Claim for Damages filed by David B. Arruda
- P. Motion: Rejecting Claim for Damages filed by Andrew G. Cota
- Q. Motion: Rejecting Claim for Damages filed by Gerardo Rodriguez Jr.

**6. FINAL READINGS: None**

**7. PUBLIC HEARINGS**

- A. Assistant to the City Manager for Economic Development/Housing Program Services Maryn Pitt presented the staff report on the request to approve the Fiscal Year 2016-17 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorize submission of the Annual Action Plan to HUD, and authorize the Mayor, City Manager or designee to execute all related and necessary documents.

Vice Mayor Bublak opened the public hearing. No one spoke. Vice Mayor Bublak closed the public hearing.

**Action:** **Resolution No: 2016-083** Approving the Fiscal Year 2016-17 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to HUD, and authorizing the Mayor, City Manager or designee to execute all related and necessary documents was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

**8. SCHEDULED MATTERS:**

- A. Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request to determine the airport monument sign is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and approve the Turlock Regional Aviation Association’s (TRAA) airport monument sign project at the Turlock Municipal Airport contingent upon receiving the formal approval from Merced County and the Federal Aviation Administration.

TRAA President Todd Smith provided information about the monument, including location and display features. Mr. Smith noted benefits of the project as increased visibility and associated traffic safety.

Council discussion included monument elevation, weed abatement, and a partnership with the Turlock Fire Department who use the airport as an opportunity for wild land burn training to remove the overgrown weeds.

Vice Mayor Bublak asked for public comment. No one spoke. Vice Mayor Bublak closed public comment.

Councilmember Nascimento indicated his current employer, the Merced County Planning Department, is the ultimate approving authority on this project and out of an abundance of caution he would recuse himself from voting on this matter.

**Action:**            **Resolution No. 2016-084** Determining the airport monument sign located at the Turlock Municipal Airport is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) was introduced by Mayor Soiseth, seconded by Councilmember DeHart, and carried 3/1/0, with Councilmember Nascimento recusing himself and Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Recused	Yes	Absent	Yes

**Resolution No. 2016-085** Approving the Turlock Regional Aviation Association’s airport monument sign project at the Turlock Municipal Airport contingent upon receiving the formal approval from Merced County and the Federal Aviation Administration was introduced by Councilmember Soiseth, seconded by Councilmember DeHart, and carried 3/1/0, with Councilmember Nascimento recusing himself and Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Recused	Yes	Absent	Yes

- B. Parks, Recreation & Public Facilities Manager Erik Schulze presented the staff report on the request to affirm or modify the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission.

Council discussion included process used to determine scores and available funding.

Vice Mayor Bublak asked for public comment. No one spoke. Vice Mayor Bublak closed public comment.

Additional Council and staff discussion included revisiting scoring practices, identifying potential flaws in the process, history of grant applicants, options for awarding funding, and creation of a City line item for subsidization of the 4<sup>th</sup> of July Fireworks event.

**Action:** Motion by Mayor Soiseth, seconded by Councilmember DeHart, Modifying the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission to remove the funding request for the 4<sup>th</sup> of July Fireworks event, fund the 4<sup>th</sup> of July Fireworks event with City funding, and eliminate the 2016 Central Valley Vinofest and the 2017 Central Valley Brewfest from the Community Events and Activities Grant Funding recommendations. Motion carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

- C. Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request to provide direction to staff on the revised City of Turlock Special Event Permit application, proposed fees and policies.

Council and staff discussion included fees associated with the application, types of events that would be handled through the process, and an overview of input received by stakeholders.

Vice Mayor Bublak asked for public comment.

Scott Snyder spoke in favor of the process for reasons including staff was wonderful to work with and the result was a good product that will work well for a variety of organizations.

Vice Mayor Bublak closed public comment.

Additional Council and staff discussion included clarification on co-sponsored events and the rationale for using a 5 year history when considering prioritization for annual or one-time events.

**Action:** Motion by Councilmember Nascimento, seconded by Mayor Soiseth, Providing direction to staff to move forward with the revised City of Turlock Special Event Permit application, proposed fees and policies. Motion carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

D. Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request to authorize the closure of East Main Street, between Center Street and Thor Street, on Thursday, June 30, 2016, from 2:00 p.m. to 11:00 p.m., for the Downtown Dish event hosted by the Turlock Downtown Property Owners' Association and the Kiwanis Club of Turlock.

Kiwanis representative Trina Walley spoke in favor of the event and provided event information.

Council discussion included impacts of future fees on an event such as the Downtown Dish event, the importance of ensuring all applicants are treated equitably, related staff costs for processing and handling events, and estimated costs for road closures.

Vice Mayor Bublak asked for public comment.

Pam Sweeten spoke in favor of the event for reasons included proceeds will benefit ag scholarships recipients.

Vice Mayor Bublak closed public comment.

**Action:** **Resolution No. 2016-086** Authorizing the closure of East Main Street, between Center Street and Thor Street, on Thursday, June 30, 2016, from 2:00 p.m. to 11:00 p.m., for the Downtown Dish event hosted by the Turlock Downtown Property Owners' Association and the Kiwanis Club of Turlock was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

- E. Municipal Services Director Michael Cooke presented the staff report on the request to affirm the City Manager’s action of having signed and filed, for and on behalf of the City of Turlock, a financial assistance application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the City of Turlock component of the North Valley Regional Recycled Water Program; designate the Mayor, City Manager, or designee as the authorized representative for the City of Turlock; Dedicate net revenues from the Water Quality Control Fund 410 to the payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding for the financing of the City of Turlock component of the North Valley Regional Recycled Water Program during the term of the financing by the State Water Resources Control Board; and Authorize the reimbursement of certain expenditures for the City of Turlock component of the North Valley Regional Recycled Water Program paid prior to the issuance of obligations or approval of the City’s application for financial assistance for the project by the State Water Resources Control Board.  
 Vice Mayor Bublak asked for public comment. No one spoke. Vice Mayor Bublak closed public comment.

**Action:**        **Resolution No. 2016-087** Affirming the City Manager’s action of having signed and filed, for and on behalf of the City of Turlock, a financial assistance application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the City of Turlock component of the North Valley Regional Recycled Water Program and designating the Mayor, City Manager, or designee as the authorized representative for the City of Turlock was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

**Resolution No. 2016-088** Dedicating net revenues from the Water Quality Control Fund 410 to the payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding for the financing of the City of Turlock component of the North Valley Regional Recycled Water Program during the term of the financing by the State Water Resources Control Board Turlock was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

**Resolution No. 2016-089** Authorizing the reimbursement of certain expenditures for the City of Turlock component of the North Valley Regional Recycled Water Program paid prior to the issuance of obligations or approval of the City’s application for financial assistance for the project by the State Water Resources Control Board Turlock was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried 4/0, with Councilmember Jacob absent, by the following vote:

Councilmember DeHart	Councilmember Nascimento	Vice Mayor Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Absent	Yes

*Vice Mayor Bublak adjourned to the Successor Agency to the former Turlock Redevelopment Agency meeting at 7:25 p.m.*

*Vice Mayor Bublak readjoined the Turlock City Council meeting at 7:38 p.m.*

**9. NON-AGENDA ITEMS:** None

**10. COUNCIL ITEMS FOR FUTURE CONSIDERATION:**

Mayor Soiseth asked for future consideration to agendize a staff update for the May 10, 2016 City Council meeting regarding additional campaign donation limits. Mayor Soiseth asked that mutually agreeable dates for all Councilmembers be determined, meeting locations in each of the four City districts be established, and the City Manager and staff meet with Mayor Soiseth and Councilmember Nascimento to receive input and direction.

Mayor Soiseth asked for future consideration of an update from the Signage Committee and CSU Stanislaus students on signage location and design, with the assistance of Parks, Recreation & Public Facilities Director Allison Van Guilder and Development Services Director Mike Pitcock.

Mayor Soiseth asked that a staff report addressing funding considerations for the 4<sup>th</sup> of July Fireworks event be agendized for the May 10, 2016 City Council meeting.

Mayor Soiseth asked that an update be brought forward on the Million Acts of Kindness Initiative at the May 24, 2016 Council Meeting.

**11. COUNCIL COMMENTS:**

Mayor Soiseth asked the City Clerk to add verbiage to the final declarative statement on all proclamations that the proclamation is also offered on behalf of the entire City Council and all citizens.

Mayor Soiseth commented he will be participating in the opening and closing ceremonies for the Relay for Life event beginning April 30, 2016 and ending May 1, 2016. Mayor Soiseth and invited all Councilmembers to attend.

Mayor Soiseth commented he will be participating in the May 7, 2016 Love Turlock event and encouraged all Councilmembers to participate.

Vice Mayor Bublak invited other Councilmembers to assist her in clearing brush from the Turlock Municipal Airport on May 7, 2016, as she does her part in the Love Turlock event.

**12. CLOSED SESSION:**

City Attorney Phaedra Norton introduced the Closed Session Item.

**A. 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: (2 cases)

**Action:** No reportable action.

**13. ADJOURNMENT:**

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adjourn at 7:43 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
City Clerk