City Council Agenda

APRIL 28, 2015
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

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Mayor
Gary Soiseth

Council Members
William DeHart, Jr. **Steven Nascimento**
Matthew Jacob **Amy Bublak**
Vice Mayor

City Manager
Roy W. Wasden
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 agendized topic 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.

Honored Guests: CSU Stanislaus Associated Students, Inc.

1. A. CALL TO ORDER

B. PRESENTATION OF COLORS BY TURLOCK POLICE DEPARTMENT HONOR GUARD

C. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

A. *Proclamation*: Arbor Day, April 22, 2015, accepted by Allison Van Guilder
B. *Proclamation*: Bike to Work Month, May 2015, accepted by Stephen Fremming
C. *Proclamation*: Older Americans Month, May 2015, accepted by Lillian Castigliano
D. *Proclamation*: Peace Officers Memorial Day (May 15, 2015) & Police Week (May 10–16, 2015), accepted by Police Chief Jackson
E. *Appointment*: Parks, Arts & Recreation Commission

F. *Appointment*: Planning Commission
G. *Recognition*: Outgoing Alternate Planning Commissioners, Alice Pollard and Ashour Badal

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES:

1. Refuse & Graffiti Update *(Gomez)*
2. Convention & Visitors Bureau RFP Update (*Wasden*)
3. Turlock Police Honor Guard/Police Officers Memorial Week Update (*Jackson*)

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

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 3/26/15 in the amount of $438,097.86; Demands of 4/2/15 in the amount of $1,485,296.82

B. *Motion*: Accepting Minutes of Special Meeting of March 31, 2015; Minutes of Special Meeting of April 14, 2015 Minutes of Regular Meeting of April 14, 2015; Amending Minutes of March 10, 2015 Meeting (page 9)

C. 1. *Motion*: Making the determination that City Project No.11-58, "East Main Street Water Line Replacement," is exempt from the provisions of CEQA in accordance with Section 15301

2. *Motion*: Awarding bid and approving an agreement in the amount of $622,497 (Fund 410) with Rolfe Construction, Atwater, California, for City Project No.11-58, "East Main Street Water Line Replacement"

3. *Resolution*: Appropriating $764,376 to account number 420-52-551.51126 "East Main Water Line Replacement" to be funded via a transfer from Fund 420 Water Enterprise reserves and Fund 217 Section 2103 Gas Tax reserves as delineated below for City Project No. 11-58, "East Main Street Water Line Replacement," to complete the necessary funding required for this project

D. *Resolution*: Appropriating $8,350 to account number 269-60-614-373.51270 "Dog Park Construction" to be funded via a transfer from Fund 228 "Neighborhood Park" reserve funds for City Project No. 14-20, "Swanson-Centennial Dog Park," to complete the necessary funding required for this project

E. 1. *Motion*: Making the determination that City Project No. 15-23, "Hedstrom Road Storm Drain Improvements," is exempt from the provisions of CEQA in accordance with Section 15301

2. *Motion*: Awarding bid and approving an agreement in the amount of $77,043 (Fund 410) with Rolfe Construction, Atwater, California, for City Project No. 15-23, "Hedstrom Road Storm Drain Improvements"

3. *Resolution*: Appropriating $8,500 to account number 410-51-534.51300 "Construction Repairs/Improvements" to be funded via a transfer from Fund 410 "Water Quality Control (WQC)" reserves for City Project No. 15-23, "Hedstrom Road Storm Drain Improvements," to complete the necessary funding required for this project

F. *Resolution*: Appropriating $165,500 to account number 217-50-511.51270 "Construction Project" to be funded from unappropriated Section 2103 Gas Tax reserves in Fund 217 "Gas Tax" to account for expenses on various projects

G. *Resolution*: Authorizing the closure of East Canal Drive, between Geer Road and North Golden State Boulevard (westbound lanes only), for the Safety Saturday event hosted by GDI Insurance Agency, Inc., on May 16, 2015, from 8:00 a.m. to 3:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions

H. *Resolution*: Authorizing the closure of four (4) parking spaces along the west side of Center Street for the Turlock Historical Society's "Night at the Museum" event on May 15, 2015, from 4:30 p.m. to 8:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions

I. *Resolution*: Declaring the Intention to Order Annexation No. 22 to Existing Community Facilities District No. 2 (Services Mitigation)

J. *Resolution*: Authorizing the refund of $18,659.49 to the State of California Department of Housing and Community Development for program income funds as agreed to in the Neighborhood Stabilization Program and Program Income Reuse Plan and appropriating $18,660 to account number 258-41-496.47312 "Reimbursement to HCD for Fiscal Year 2014-15"

K. *Resolution*: Authorizing the City of Turlock Housing Program Services Division to use Community Development Block Grant (CDBG) funds to further affordable housing opportunities through the purchase, resale or granting of residential real property to eligible organizations and households and authorizing the City Manager to sign all necessary documents

L. *Motion*: Approving the service agreement with Pacific Records Management of Modesto, California, for Document Destruction Services for a period of twelve (12) months, in an amount not to exceed $5,000

M. *Motion*: Approving the purchase of one (1) Axial Flow Vertical Turbine Pump for the Donnelly Park Pump Station from Koffler Electrical Apparatus Repair of San Leandro, California, in an amount not to exceed $31,642

N. *Resolution*: Authorizing the filing of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Arrowhead Club for the purchase of a scoreboard for Pedretti Sports Complex on Field #4, valued at $5,729

O. *Resolution*: Accepting a donation from Chris Boulous and Ramsina Sarkis in the amount of $1,669 in account number 269-60-614-380.37200_000 "Parks Donation-General" and appropriating said funds to account number 269-60-614-380.47124 "Parks Donation Expenses" for two (2) memorial benches at Donnelly Park

P. *Motion*: Approving the service agreement with Burton Fire Apparatus for fire equipment maintenance, inspection, repairs and pump testing services through the State of California Department of Corrections and Rehabilitation Contract No. 5600004135 for the Turlock Fire Department, for a period of twelve (12) months, in an amount not to exceed $60,000, without compliance to the formal bid procedure, in accordance with the Turlock Municipal Code §2-7-09(b) (5)

Q. *Resolution*: Adopting the terms and conditions of the California Fire Assistance Agreement (CFAA) for a reimbursement to Turlock Fire Department when responding on a mutual aid emergency outside of Stanislaus County

R. *Resolution*: Approving the purchase of four (4) replacement unmarked/staff police vehicles for Turlock Police Department from National Auto Fleet Group (Wondries) in Alhambra, California, from account number 506-00-000-213.51020 (Equipment Replacement) in an amount not to exceed the Fiscal Year 2014-15 budgeted vehicle replacement amount of $112,000, or approximately $28,000 per vehicle, without compliance to the formal bid procedure, having found that the criteria listed in Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5) have been satisfied

S. *Motion*: Approving an agreement with BIC Security Systems to install and maintain necessary fire and burglar alarm system equipment for the Turlock Training Facility, located at 701 S. Walnut, Turlock, California, in the amount of $2,830, and to monitor the facility at a rate of $99.70 per month, for a duration of three (3) years, beginning upon completion of system installation

T. *Resolution*: Rescinding Resolution 2006-253 and adopting the updated Investment Policy for the City of Turlock

U. *Motion*: Accepting the 2013-14 Audited Financial Statements for the City of Turlock

V. *Resolution*: Appropriating $5,950 in full-time salary costs to account number 110-10-112.41001 "General Government - Full Time Salaries" and $5,287 in associated benefits to the appropriate benefit accounts in organization set 110-10-112 "General Government" for the 2014-15 budget to be funded by contributions from departments sharing space at Broadway City Hall to allow staff to fill an anticipated retirement vacancy occurring on June 1, 2015

6. FINAL READINGS

A. ***Recommended Action***:
Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety as introduced at the April 14, 2015 meeting

B. ***Recommended Action:***
Ordinance: Amending Section 9-2-125 (Mobile Food Facilities) of Title 9 (Zoning Regulations) of the City of Turlock Municipal Code to Prohibit the Issuance of a Mobile Food Facility Permit on Private Property Located in Certain Downtown Overlay Districts as introduced at the April 14, 2015 meeting

It should be noted that the provisions relating to Mobile Food Facilities are currently located in Section 9-2-125 of Title 9 (Zoning Regulations). If action is taken at the April 28, 2015 City Council meeting to adopt a new Title 9 (identified in Final Readings Item 6A of this Agenda), the provisions relating to Mobile Food Facilities will be adopted under Section 9-2-124, due to the renumbering of certain Sections of the new Title 9.

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 whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap. *(Whitmore)*

Recommended Action:
Motion: Determining whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap

8. SCHEDULED MATTERS

A. Request to create an open and public forum to encourage discussion and assist in building on the current relationship between the City of Turlock and CSU Stanislaus, with a focus on the relationship with CSU Stanislaus Associated Students, Inc. (ASI). (*Wasden*)

Recommended Action: *No action to be taken. Discussion item only.*

B. Request to rescind Resolution No. 2014-69 and adopting the amended powers, duties, and procedures for conducting the Parks, Arts & Recreation Commission meetings. *(Van Guilder)*

Recommended Action:
Resolution: Rescinding Resolution No. 2014-69 and adopting the amended powers, duties, and procedures for conducting the Parks, Arts & Recreation Commission meetings

C. Request to affirm or modify the recommendation for Community Grants Funding from the Parks, Arts & Recreation Commission for the 4th of July Fireworks up to $8,000; 4th of July Patriotic Parade up to $3,000; Turlock Community Theatre up to $5,000; Stanislaus County Fair up to $3,000; 2015 Monster Truck Spring Nationals up to $3,500; 2015 Central Valley Brewfest up to $5,000; and 2015 Central Valley Vinofest up to $2,500. *(Van Guilder)*

Recommended Action:
Resolution: Affirming or modifying the recommendation for Community Grants Funding from the Parks, Arts & Recreation Commission for the 4th of July Fireworks up to $8,000; 4th of July Patriotic Parade up to $3,000; Turlock Community Theatre up to $5,000; Stanislaus County Fair up to $3,000; 2015 Monster Truck Spring Nationals up to $3,500; 2015 Central Valley Brewfest up to $5,000; and 2015 Central Valley Vinofest up to $2,500

D. Request to accept the findings that the City of Turlock/HOME Consortium Consolidated Plan is statutorily exempt from CEQA Guidelines, specifically from Section 15262 (Feasibility and Planning Studies), Section 15267 (Financial Assistance to Low or Moderate Income Housing), Section 15279 (Housing for Agricultural Employees), and CEQA Guidelines Section 15280 (Lower-Income Housing Projects); approve the Regional Consolidated Plan, a HUD mandated document for Fiscal Years 2015-2020, which encompasses the Community Development Block Grant and HOME investment partnerships for the City of Turlock, Stanislaus County and the HOME Consortium; and approve the Fiscal Year 2015-16 Annual Action Plan, contained as an element of the Consolidated Plan for the Community Development Block Grant (CDBG) and the HOME Investment partnership (HOME) and authorizing the submission of the application to the United State Department of Housing and Urban Development (HUD) and authorizing the City Manager to execute all related necessary documents. *(Pitt)*

Recommended Action:
Motion: Accepting the findings that the City of Turlock/HOME Consortium Consolidated Plan is statutorily exempt from CEQA Guidelines, specifically from Section 15262 (Feasibility and Planning Studies), Section 15267 (Financial Assistance to Low or Moderate Income Housing), Section 15279 (Housing for Agricultural Employees), and CEQA Guidelines Section 15280 (Lower-Income Housing Projects)

Resolution: Approving the Regional Consolidated Plan, a HUD mandated document, for Fiscal Years 2015-2020, which encompasses the Community Development Block Grant and HOME investment partnerships for the City of Turlock, Stanislaus Urban County and HOME Consortium

Resolution: Approving the Fiscal Year 2015-16 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME); approving the recommended funding for the nine (9) nonprofit agencies; authorizing the submission of the application to the United State Department of Housing and Urban Development (HUD); and authorizing the City Manager to execute all related and necessary documents

E. Request to approve the lease agreement for the property located at 247 E. Canal and the purchase and sale of two (2) parcels of real property located at 900 North Palm Street and 250 Starr Avenue, Turlock, California (APN #042-037-010 and APN #042-037-011) by and between the City of Turlock and Turlock Irrigation District and authorizing the City Manager to execute all necessary documents. *(Pitt)*

Recommended Action:
Motion: Approving the lease agreement for the property located at 247 E. Canal Drive and the purchase and sale agreement for the properties located at 900 North Palm Street and 250 Starr Avenue, Turlock, California (APN #042-037-010 and APN #042-037-011) by and between the City of Turlock and Turlock Irrigation District and authorizing the City Manager to execute all necessary documents

F. Request to make the determination that City Project No. 15-28, "Skate Park Relocation," is exempt from the provisions of CEQA in accordance with Section 15306 and approve an agreement with Wormhoudt Inc., of Santa Cruz, California, for professional skate park design services, in an amount not to exceed $28,800 (Fund 228), for City Project No. 15-28, "Skate Park Relocation." (*Pitcock*)

Recommended Action:
Motion: Making the determination that City Project No. 15-28, "Skate Park Relocation," is exempt from the provisions of CEQA in accordance with Section 15306

Motion: Approving an agreement with Wormhoudt Inc., of Santa Cruz, California, for professional skate park design services, in an amount not to exceed $28,800 (Fund 228), for City Project No. 15-28, "Skate Park Relocation"

G. Request to approve an agreement with Turlock Scavenger for disposal of solid waste and acceptance of the assignment of all City's rights and responsibilities for the agreement for disposal of solid waste between the City of Turlock and Stanislaus County; approval a long-term agreement with the Stanislaus County for the Regional Solid Waste Disposal Plan; and direct staff to prepare an updated rate schedule for services provided by Turlock Scavenger for adoption by the City Council pursuant to the City's Franchise Agreement with Turlock Scavenger Company which allows Turlock Scavenger to seek relief for increases to their operating expenses and pass through these costs to their customers and authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing solid waste user fees and establishing a hearing date of July 28, 2015. *(Cooke)*

Recommended Action:
Motion 1: Approving an agreement with Turlock Scavenger for disposal of solid waste and acceptance of the assignment of all City's rights and responsibilities for the agreement for disposal of solid waste between the City of Turlock and Stanislaus County

Note: Consideration of Motion 2 is contingent upon approval of Motion 1.

Motion 2: Approving a long-term agreement with Stanislaus County for the Regional Solid Waste Disposal Plan

Note: Consideration of Motion 3 is necessary regardless of the course of action chosen by the City Council.

Motion 3: Directing staff to prepare an updated rate schedule for services provided by Turlock Scavenger for adoption by the City Council pursuant to the City's Franchise Agreement with Turlock Scavenger Company which allows Turlock Scavenger to seek relief for increases to their operating expenses and pass through these costs to their customers and authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing solid waste user fees and establishing a hearing date of July 28, 2015

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. 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.

11. 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: 1030 East Avenue, Turlock, CA (APN No. 043-050-016-000)
Agency Negotiator: Roy W. Wasden
Negotiating Parties: Manuel Lima (Turlock Columbian Properties Incorporated)
Under Negotiation: Price and terms of payment

B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
Agency Negotiators: Roy W. Wasden/Dave Young
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employee Association
Employee Organization: Turlock Firefighters Association. Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees:
Accountant, Sr., Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Community Housing Program Supervisor, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Analyst, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Parks, Recreation & Public Facilities Director, Parks, Recreation & Public Facilities Superintendent, Payroll Coordinator, Principal Civil Engineer, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Utilities Manager, Water Quality Control Division Manager

12. ADJOURNMENT