

APRIL 14, 2015  
6:00 p.m.  
City of Turlock Yosemite Room  
156 S. Broadway, Turlock, California

MINUTES  
Regular Meeting  
Turlock City Council

and by teleconference from

Simon Fraser University LDC 222  
8888 University Drive  
Burnaby, B.C. Canada V5A 1S6

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1. **A. CALL TO ORDER** –Mayor Soiseth called the meeting to order at 6:13 p.m.  
PRESENT: Councilmembers Amy Bublak (*via teleconference*), Bill DeHart, Matthew Jacob, Steven Nascimento, and Mayor Soiseth.  
ABSENT: None
- B. SALUTE TO THE FLAG:** Salute to the Flag led by City of Turlock volunteers.
2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
  - A. Mayor Soiseth presented a Proclamation to City of Turlock Human Resources Analyst Jessie Dhami in recognition of the City of Turlock Volunteers. Ms. Dhami thanked all volunteers for their service and dedication. City Manager Roy Wasden thanked Jessie Dhami for her efforts in coordinating the City of Turlock Volunteer Program.
  - B. Mayor Soiseth presented a Proclamation to Turlock Librarian Diane Bartlett in recognition of Stanislaus County National Library Week, April 12-18, 2015. Ms. Bartlett thanked the Council for acknowledging National Library Week and recognized “Turlock Friends of the Library” for their support.
  - C. Mayor Soiseth presented a Proclamation to PG&E employee Joe Branston in recognition of California Safe Digging Month, April 2015. Mr. Branston thanked the Council for the recognition.
  - D. Mayor Soiseth presented a Proclamation to Municipal Services Director Michael Cooke in support of the Implementation of Stage Three Emergency Water Shortage Plan and all Correlating Water Conservation Initiatives.
3. **A. SPECIAL BRIEFINGS:** None
- B. STAFF UPDATES**
  1. Municipal Services Director Michael Cooke provided an update on the current drought situation, implementation of Stage Three Emergency restrictions, and a public announcement on Stage Three restrictions. Mr. Cooke also presented the City of Turlock Water Conservation Strategic Plan which included plan objectives, water supply challenges, mandated regulatory and organizational obligations, and current and future conservation programs.

Council and staff discussion included practical ways to reduce water usage, potential state funding for “de-sodding” and installing drought tolerant landscaping, City staff’s efforts/ability to track regulatory changes, proposed educational materials and enforcement objectives, and the importance of the community, local businesses and the City to work together to achieve positive results during the drought.

2. Development Services Director Mike Pitcock provided an update on Capital Projects and Building Activity including the Fosberg Road/Chistoffersen Parkway traffic signal project, Drew Avenue Pipeline project, Crowell Road Pedestrian project, Hawkeye Avenue and Geer Road Pavement Rehabilitation projects, and increased permit activity, as well as increased valuation of permits.

**C. PUBLIC PARTICIPATION:**

Milt Trieweller spoke in favor of water conservation and provided a document outlining his plan for water conservation in Turlock to meet state mandated goals.

Vernon Price, a homeless advocate, spoke regarding recent clean-up work in City parks conducted by homeless volunteers, the recent homeless voter registration event, and miscellaneous legislation relating to homelessness including AB 35, SB 608, AB 90, AB 1335, his past history and current state.

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

**B. DISCLOSURE OF EX PARTE COMMUNICATIONS**

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable
  - a. State for the public record the nature of the communication; and
  - b. With whom the ex parte communication was made; and
  - c. A brief statement as to the substance of the communication.

There were no disclosures of ex parte communications.

**5. CONSENT CALENDAR:**

Mayor Soiseth noted that Councilmember DeHart requested that Consent Calendar Item 5E be removed for separate consideration.

**Action:** Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adopt the amended consent calendar. Motion carried 5/0 by the following vote:

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

- A. **Resolution No. 2015-064** Accepting Demands of 3/5/15 in the amount of \$593,899.89; Demands of 3/12/15 in the amount of \$776,032.62; Demands of 3/19/15 in the amount of \$1,808,427.46
- B. *Motion:* Accepting Minutes of Special Meeting of March 17, 2015; Minutes of Special Meeting/Workshop of March 17, 2015; Minutes of Regular Meeting of March 24, 2015
- C. *Motion:* Approving Contract Change Order No. 1 in the amount of \$800 (Fund 215) for City Project No. 13-34, "Intersection Improvements at Christoffersen Pkwy. and Fosberg Rd. CML-5165 (073)," bringing the contract total to \$341,444
- D. *Motion:* Approving Addendum No. 1 to the January 13, 2015 approved agreement with ASSY ABLOY, of Elk Grove, California, for City Project No. 14-69, "Public Safety Facility –Door Replacement"
- E. *Removed for separate consideration*
- F. **Resolution No. 2015-065** Approving the 2014 General Plan Implementation Report
- G. **Resolution No. 2015-066** Approving the 2015 Update to the City of Turlock CEQA Implementation Guidelines
- H. *Motion:* Approving Amendment No. 1 to the Agreement between the City of Turlock and Badger Meter, Inc., to add National Meter & Automation, Inc., as a distributor for water meters
- I. *Motion:* Approving the service agreement with Hawk Systems of Modesto, California, for pump repair services for City Water Well Sites for the Municipal Services Department, in an amount not to exceed \$90,000, for a period of twelve (12) months
- J. **Resolution No. 2015-067** Appropriating \$20,000 to revenue account number 269-60-614-381.34143 "State Department of Housing & Community Development Grant" and \$20,000 to expense account 269-60-614-381.51270 "Construction Project" for the Fiscal Year 2014/15 budget to allow staff to begin work on the Montana Neighborhood Park project
- K. *Motion:* Approving a five (5) year lease agreement between the State of California, Military Department and the City of Turlock for the use of two (2) acres located at Soderquist Field, 1040 Flower Street, Turlock, California, for recreational purposes
- L. *Motion:* Rejecting Claim for Damages filed by Carol Skooglund

**Item 5E**

Development Services Director Mike Pitcock presented the staff report on the request to make the determination that City Project No. 15-31, "Gemstone Way Electrolier," is exempt from the provisions of CEQA in accordance with Section 15303, and award bid and approve an agreement in the amount of \$11,457 (Fund 302) with Darrale Patrias Electrical Contractor Inc., of Turlock, California, for City Project No. 15-31, "Gemstone Way Electrolier."

Council discussion included eligibility/process for expending monies out of Fund 302 and future maintenance cost obligation options such as formation of new assessment districts.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Making the determination that City Project No. 15-31, "Gemstone Way Electrolier," is exempt from the provisions of CEQA in accordance with Section 15303. Motion carried 5/0 by the following vote:

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

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Awarding bid and approving an agreement in the amount of \$11,457 (Fund 302) with Darrale Patrias Electrical Contractor Inc., of Turlock, California, for City Project No. 15-31, "Gemstone Way Electrolier." Motion carried 5/0 by the following vote:

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

**6. FINAL READINGS:** None

**7. PUBLIC HEARINGS**

- A. Fire Marshal Mark Gomez presented the staff report on the request for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public.

Council discussion included the reason for the large dollar amount on one of the assessments.

Mayor Soiseth opened the public hearing.

Irving Wattles, subject of the 1010 Alpha Road assessment, spoke against his assessment for reasons including the way the process was carried out and the items that were taken from his property. Mayor Soiseth asked that Fire Chief Lohman meet with Mr. Wattles to discuss his concerns.

Council and staff discussion included the abatement process, opportunities afforded a property owner to clean the property before it is abated, and concerns over the abatement at 1010 Alpha Road being complete.

Mayor Soiseth closed the public hearing.

**Action:** **Resolution No. 2015-068** Assessing property located at 2050 Divanian Drive for abatement costs and establishing a lien for payment was introduced by Councilmember DeHart, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

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

Motion by Councilmember DeHart, seconded by Councilmember Jacob, tabling the assessment of the property located at 1010 Alpha Road until verification is confirmed that the property abatement is complete, was introduced by Councilmember DeHart, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

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

- B. Deputy Development Services Director/Planning Manager Debbie Whitmore presented the staff report on the request to repeal and replace Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety and approve an amnesty program for cargo container permits as outlined below.

*Councilmember Jacob stepped down from dais at 7:13 p.m. and returned at 7:16 p.m.*

Mayor Soiseth opened the public hearing.

Michael Pate of Electric Guard Dog, Columbia, South Carolina, spoke in favor of electrical security fencing and provided information on how electrical fencing works and is monitored by his company.

Council and staff discussion included electrical fence setbacks and related zoning issues.

Mayor Soiseth closed the public hearing.

Council and staff discussion included a desire to see the requirement of a Conditional Use Permit approval level for drive-thru facilities located just outside of the downtown area in the Transitional Commercial Zone, double-striped parking areas and associated increased costs to the development community, and issues related to cargo containers such as an amnesty program and opportunities for future discussion to consider "grandfathering" in containers that were put into place during the 1970s.

Mayor Soiseth reopened the public hearing. No one spoke. Mayor Soiseth closed the public hearing.

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, introducing an Ordinance Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety, and setting the final reading for April 28, 2015. Motion carried 5/0 by the following vote:

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

Motion by Councilmember DeHart, seconded by Councilmember Nascimento,

1) Approving an amnesty program for cargo containers permits, as follows:

a) A delay in the enforcement of the provisions listed in the modified TMC 9-2-125 (Cargo Containers) for a period of 6 months; and

b) A reduction in the planning permitting fees for cargo container permits for a 6-month period, as follows, and subsidize the permitting fees with General Fund revenues:

i) Reduce the cost of the Minor Discretionary Permit required for commercial and industrial zoned properties from \$1,475 to \$345; and

ii) Reduce the cost of the Minor Administrative Approval required for residential zoned properties from \$345 to \$170.

2) Furthermore, directing to staff to take three items to the Planning Commission for their reconsideration and recommendation back to the City Council within 90 days of this public hearing:

1. Upgrading the permit approval process for drive-through restaurant facilities in the Transitional Commercial Overlay District (TMC 9-4-103) from a Minor Discretionary Permit (MDP) to a Conditional Use Permit (CUP);

2. Modifying the amended Section 9-2-214(j) to require double-striping of parking spaces and removing the provision that allows parking spaces to be single striped; and

3. Reconsidering whether existing cargo containers may be “grandfathered in” as it relates to Zoning, Building and Fire Code requirements.

Motion carried 5/0 by the following vote:

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

C. Deputy Development Services Director/Planning Manager Debbie Whitmore presented the staff report on the request to amend 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.

Ms. Whitmore provided information about state regulatory requirements, permit types, historical information, regulatory history, and the current permitting process.

Mayor Soiseth opened the public hearing.

Jeanie Ferrari spoke in favor of food trucks for reasons including the positive impacts they have on the revitalization of downtown areas. Ms. Ferrari also read a letter in support of food trucks written by Hillary Smith of La Mo Café in Turlock.

Ed Samo of Two Guys Catering spoke in favor of food trucks, but against food trucks being allowed in the downtown area for reasons including that current downtown businesses have adhered to historical design and signage requirements, they employ numerous employees and bring many people to the downtown area, that food trucks have an unfair advantage, and his concerns over potential impacts on downtown restaurants.

Mayor Soiseth closed the public hearing.

Council discussion included permitted areas for food trucks, benefits of food trucks in a community, restroom concerns and restrictions, and the “30 minute” restriction guidelines allowed under an itinerate vendor permit.

*City Attorney Phaedra Norton identified a clerical clarification that would need to be made due to the following: 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 Public Hearings Item 6B of this Agenda), the provisions relating to Mobile Food Facilities would be adopted under Section 9-2-124, due to the renumbering of certain sections of the new Title 9.*

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, introducing an 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 and setting the final reading for April 28, 2015. Motion carried 5/0 by the following vote:

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

**8. SCHEDULED MATTERS:**

- A. Municipal Services Director Michael Cooke presented the staff report on the request to authorize the rejection of all bids submitted by RFB No. 15-313 for four (4) Pickup Trucks and one (1) Sport Utility Vehicle for Municipal Services Department and Parks, Recreation & Public Facilities Department, pursuant to Turlock Municipal Code §2-7-09(c)(4) and approve the purchase of four (4) Pickup Trucks and one (1) Sport Utility Vehicle through the State of California Contract No. 1-14-23-20A from Downtown Ford Sales of Sacramento, for Municipal Services Department and Parks, Recreation & Public Facilities Department, in an amount not to exceed \$123,909, without compliance to the formal bid procedure, in accordance with Turlock Municipal Code §2-7-09(b)(5).

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

**Action:** Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Authorizing the rejection of all bids submitted by RFB No. 15-313 for four (4) Pickup Trucks and one (1) Sport Utility Vehicle for Municipal Services Department and Parks, Recreation & Public Facilities Department, pursuant to Turlock Municipal Code §2-7-09(c)(4). Motion carried 5/0 by the following vote:

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

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving the purchase of four (4) Pickup Trucks and one (1) Sport Utility Vehicle through the State of California Contract No. 1-14-23-20A from Downtown Ford Sales of Sacramento, for Municipal Services Department and Parks, Recreation & Public Facilities Department, in an amount not to exceed \$123,909, without compliance to the formal bid procedure, in accordance with Turlock Municipal Code §2-7-09(b)(5). Motion carried 5/0 by the following vote:

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

- B. Assistant to the City Manager for Economic Development/Housing Program Services Maryn Pitt presented the staff report on the request to approve a short term General Fund loan in an amount not to exceed \$38,000 to the Housing Program Services Department for the rehabilitation and sale of the property located at 1055 Vermont Avenue, Unit #101, in Turlock, California and appropriate \$38,000 to account number 110-10-112.47320\_004 "Repair Program – Vermont Property" to be funded from Fund 110 "General Fund" reserve balance to fund the short term loan for the rehabilitation.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Council discussion included asking price of the property and repayment obligations.

**Action:** **Resolution No. 2015-069** Approving a short term General Fund loan in an amount not to exceed \$38,000 to the Housing Program Services Department for the rehabilitation and sale of the property located at 1055 Vermont Avenue, Unit #101, Turlock, California, was introduced by Councilmember Nascimento, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

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

**Resolution No. 2015-070** Appropriating \$38,000 to account number 110-10-112.47320\_004 "Repair Program – Vermont Property" to be funded from Fund 110 "General Fund" reserve balance to fund the short term loan for the rehabilitation of 1055 Vermont Avenue, Unit #101, Turlock, California, was introduced by Councilmember Nascimento, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

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

**9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:** None

**10. COUNCIL COMMENTS:**

Councilmember Dehart commented on a recent League of California Cities Community Services Policy meeting he attended last Thursday during which water conservation was a key issue. He spoke regarding the importance of working together to conserve water.

Mayor Soiseth thanked Councilmember Nascimento for participating in the recent line-by-line budget review noting that an additional meeting has been scheduled for Friday, April 17, 2015, after which time recommendations will be made that will come forward for Council review and consideration.

Mayor Soiseth thanked the Council for their participation in the workshops held to date related to the Mayor's 100-Day Vision. He noted the next workshop scheduled for April 21, 2015 will not be to "finalize" the Strategic Plan, but instead to look over it and bring it together with the budget, with consideration of final approval at a future meeting.

Mayor Soiseth thanked Vice-Mayor Bublak for participating in tonight's meeting via teleconference.

**11. CLOSED SESSION:** None

**12. ADJOURNMENT:**

Motion by Councilmember DeHart, seconded by Councilmember Bublak, to adjourn at 8:44 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
City Clerk