

JUNE 9, 2015
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

MINUTES
Regular Meeting
Turlock City Council

**and via teleconference:
Hyatt Regency
1300 Nicollet Mall
Minneapolis, MN 55403
(612) 370-1234

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1. **A. CALL TO ORDER** –Mayor Soiseth called the meeting to order at 6:07 p.m.
PRESENT: Councilmembers Bill DeHart, Amy Bublak, Matthew Jacob, Steven Nascimento,
and Mayor Soiseth.
ABSENT: None
B. SALUTE TO THE FLAG

 2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:** None

 3. **A. SPECIAL BRIEFINGS:** None
B. STAFF UPDATES
 1. Development Services Director Mike Pitcock provided an update on Capital Projects and Building Activity including the Council Chambers Improvement project, Drew Avenue Storm and Sewer project, Crowell Road Pedestrian Improvement project, Hawkeye Pavement Rehabilitation project, Geer Road Pavement project, East Main Street Waterline project, and the Hedstrom Road Storm Drain project.

Council and staff discussion included newly implemented efficiencies contributing to increase in turn-around time.
 2. Police Chief Robert Jackson provided an update on illegal activity occurring in and around Broadway Park and within the City of Turlock including a team effort to focus on reducing the criminal element in the parks such as establishing an MOU with Stanislaus County Behavioral Health to provide services on scene to those in need, continuing the park water features, bringing in the Rec on Wheels program on Wednesdays, a pilot program in the downtown business staffed by Officer White which will focus on meeting needs of downtown businesses and area parks, and establishing a Neighborhood Watch Group in the area to involve the community in the process. Chief Jackson also noted that statistically illegal activity has decreased in the Broadway Park area, but noted the need to be aware of community perception.
 3. Parks, Recreation & Public Facilities Director Allison Van Guilder provided an update on water conservation efforts at Turlock spray parks including continuing to look for opportunities for further reductions, reductions in spray parks hours at Broadway and Columbia Parks, and increased hours at community pools.

Municipal Services Director Michael Cooke spoke regarding signage and provided conservation signs to Council and audience members, and provided positive statistics for May water usage.

4. Municipal Services Director Michael Cooke provided an update on the TID Drop Box removal for reasons including that less than 10% of the customer base uses the drop box, complaints of lag time from drop off to recordation of payment, online credit card and mobile app payment options, and the anticipated relocation of the box to A Street with same day pickup.

C. PUBLIC PARTICIPATION

Turlock Librarian Dianne Bartlett spoke regarding upcoming library events and activities including catapult building, Fire and Police Department visits to the Library, dream catcher craft time, Super Hero summer reading theme, miniature garden construction for adults and teens, Lego Day, button making, story time, and their need for a new building.

Vernon Price spoke regarding State Assembly bills passed this week related to housing, the difference between perception and reality, the homeless remaining one block away from 220 South Broadway outside of their hours of operation, and concerns over breaking the cycle of homelessness in Turlock and Stanislaus County.

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:

Action: Motion by Councilmember Jacob, seconded by Councilmember Bublak, to adopt the 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. 2015-107** Accepting Demands of 5/7/15 in the amount of \$542,708.78; Demands of 5/14/15 in the amount of \$1,043,510.26
- B. Motion: Accepting Minutes of Special Meeting of May 15, 2015; Minutes of Special Meeting of May 26, 2015; Minutes of Regular Meeting of May 26, 2015

- C. 1. Motion: Accepting notification of Contract Change Order No. 2 (Final) for a credit of \$15,738 (Fund 215) for City Project No. 13-34, "Intersection Improvements at Christoffersen Pkwy. and Fosberg Rd. CML-5165 (073)" bringing the contract total to \$325,706
2. Motion: Accepting improvements for City Project No. 13-34, "Intersection Improvements at Christoffersen Pkwy. and Fosberg Rd. CML-5165 (073)," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Approving an Agreement for Preliminary Engineering Services in the amount of \$25,000 (Fund 215) with Union Pacific Railroad for City Project No. 14-28, "Intersection Improvements at N. Golden State Boulevard and Fulkerth Road"
- E. Motion: Accepting improvements for City Project No. 14-69, "Public Safety Facility - Door Replacement," and authorizing the City Engineer to file a Notice of Completion
- F. 1. Motion: Making the determination that City Project No. 15-32, "Public Safety Facility Bollards Repair and Miscellaneous Improvements," is exempt from the provisions of Section 14 CCR §15301, of the California Environmental Quality Act (CEQA), "Existing Facilities"
2. Motion: Awarding bid and approving an agreement in the amount of \$8,599.38 (Fund 301) with Darrale Patrias Electrical Contractor, Inc., of Turlock, California, for City Project No. 15-32, "Public Safety Facility Bollards Repair and Miscellaneous Improvements"
- G. **Resolution No. 2015-108** Authorizing the restructured Building Department staffing through the creation and staffing of a Permit Technician; the reclassification of a Staff Services Assistant to a Staff Services Technician; and the reclassification of a Plan Checker II to a Senior Plan Checker
- H. Motion: Approving a retainer agreement with Bureau Veritas North America, Inc., for the remainder of Fiscal Year 2014-15 and Fiscal Years 2015-16 and 2016-17, in an amount not to exceed \$390,000 (Fund 405), for plan check services related to various building permit applications throughout the City of Turlock
- I. **Resolution No. 2015-109** Considering intention to levy and collect assessments for Fiscal Year 2015-16 for Assessment Districts in the City of Turlock
- J. Motion: Approving the 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 2015-16, in the amount of \$911,823
- K. Motion: Authorizing the rejection of all bids submitted by RFP(s) 15-292 for Portable Fire Extinguishers Inspection and Services, pursuant to the Turlock Municipal Code §2-7-09(c)(4) and authorizing the re-solicitation of bids
- L. **Resolution 2015-110** Accepting the Fiscal Year 2014-15 monetary donations of \$3,153 and property donations valued at \$5,728.83 from various donors in support of the City's Crime Prevention Unit, Volunteers in Police Services (VIPS), and Public Safety Open House
- M. Motion: Approving an Agreement between the City of Turlock Police Department 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, 2015, through June 30, 2016
- N. Motion: Authorizing the City Manager or designee to execute the Software Services Agreement (SSA) and attached addendum with Microbiz Security Company to provide renewed software licenses for Prowatch Security Software, inclusive of software support for City of Turlock security systems, in an amount not to exceed \$6,551.82, beginning July 1, 2015 through June 30, 2016 with the option to extend the agreement for up to three (3) additional one (1) year terms

- O. 1. **Resolution No. 2015-111** Appropriating \$4,355 to account number 242-00-000-215.51117 “Public Safety MDC” for the purchase of one (1) replacement MDC to be funded from unappropriated Fire reserves in Fund 242 “Computer Replacement” and \$1,830 to account number 116-30-305.51117 “Public Safety MDC” for the purchase of hardware for one (1) new MDC to be funded from unappropriated Fire reserves in Fund 116 “Special Public Safety”
- 2. **Resolution No. 2015-112** Appropriating \$14,780 to account number 110-30-220.51117 “Public Safety MDC” to be funded from a transfer of \$7,390 from account number 110-30-220.41001 “Neighborhood Services Full Time Salaries” and \$7,390 from available unappropriated AVA revenues for the purchase of MDCs
- P. Motion: Accepting the Turlock Downtown Property Owners Association (TDPOA) annual report related to Contract #13-061, Agreement between the City of Turlock and the Turlock Downtown Property Owners Association, for Implementation of Management District Plan (Downtown Property and Business Improvement District 2013)
- Q. Motion: Authorizing approval to enter into a business associate agreement (BAA) with Zywave, Inc., effective June 9, 2015
- R. Motion: Authorizing approval to enter into a contract to maintain insurance coverage for Crime Shield Coverage for Fiscal Year 2015-16

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, including an overview of the abatement process.

Council discussion included a dog house associated with the abatement at 1010 Alpha Road, the option for Council to consider reducing the abatement assessment amount at 1010 Alpha Road by an amount of a comparable dog house in question, and a request to provide before and after photos for future abatements.

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

Action: **Resolution No. 2015-113** Assessing properties for abatement costs and establishing a lien for payment 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. 2015-114 Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember Nascimento, seconded by Councilmember Bublak, and carried 5/0 by the following vote:

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

- B. Development Services Director Mike Pitcock presented the staff report on the request to amend Turlock Municipal Code Title 4, Chapter 6, Article 1 regarding Residential Permit Parking Zones.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, introducing an Ordinance amending Turlock Municipal Code Title 4, Chapter 6, Article 1 regarding Residential Permit Parking Zones and setting the final reading for June 23, 2015. Motion carried 5/0 by the following vote:

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

- C. Assistant Planner Adrienne Werner presented the staff report on the request to call a special mailed ballot election, declare the results, and order the Annexation No. 22 to Community Facilities District No. 2 (Services Mitigation).

City Clerk Kellie Weaver confirmed: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results.

Mayor Soiseth opened the public hearing. No one spoke. No protests were received Mayor Soiseth closed the public hearing.

Action: **Resolution No. 2015-115** Calling a Special, Mailed-Ballot Election respecting Proposed Annexation No. 22 (Potter’s Landing) to existing Community Facilities District No. 2 (Services Mitigation) was introduced by Councilmember Jacob, seconded by Councilmember Bublak, 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. 2015-116 Declaring the results of Mailed-Ballot Election respecting Proposed Annexation No. 22 (Potter’s Landing) to Community Facilities District No. 2 (Services Mitigation) and ordering annexation was introduced by Councilmember Jacob, seconded by Councilmember Bublak, and carried 5/0 by the following vote:

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

- D. Mayor Soiseth noted this item, a request to confirm Benefit Assessment Report and levy assessments for the Taco Bell Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Development Project No. 15-34, would be removed from the agenda and brought forward at a future meeting.

8. SCHEDULED MATTERS:

- A. Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request to authorize the closure of various street sections within the City of Turlock on Saturday, August 8, 2015 for the Turlock Criterium bicycle race and authorize the City Manager to apply appropriate conditions and restrictions.

Applicant Mitch Boehs spoke in favor of the event and provided information about the race, including road closures, that a portion of proceeds will benefit the Bikes for Kids Charity, event parking issues, his willingness to work with affected businesses, and associated community and economic benefits.

Council discussion included event time, race planning timeline and process, and the possibility of selecting another date for the race.

Mayor Soiseth asked for public comment.

Mike Warda, representative for certain downtown businesses, spoke in favor of the race coming to Turlock, but against the prime time that was chosen for the race, potential loss of income for the businesses he is representing, and risks associated with a new event.

Citizen participation in favor of the event included the race being a good opportunity for downtown businesses and the entire City due to increased tourism and sales.

Joe Morris of the Vintage Lounge spoke regarding concerns over loss of business due to road closures and parking availability.

Titus Striplin of 10 East Tap House spoke in favor of the event for reasons including that twilight criteriums promote a sense of community and that the event will bring money into Turlock.

Additional Council discussion included the positive aspect of new events coming to Turlock, liability concerns, and the potential for transferring liability to the applicant.

Mayor Soiseth closed public participation.

Mayor Soiseth called for a recess to provide an opportunity for the concerned parties to attempt resolution.

Mayor Soiseth reconvened the meeting at 8:13 p.m.

Mike Warda spoke regarding the discussion between the concerned parties and the thought that both sides would attempt to work together to resolve concerns and return to the next Council meeting for consideration.

Mayor Soiseth announced this item would be continued to the June 23, 2015 City Council Meeting.

- B. Mayor Soiseth noted this item, a request to allocate unspent funds in the FY 2014-15 Community Grants and Activities program in the amount of \$9,000 for the purpose of covering the associated event costs of promoting and hosting the 4th of July Stars & Stripes Fireworks Show at California State University Stanislaus and the Turlock Downtown Fourth of July Parade and Street Faire, would be removed from the agenda and brought forward at a future meeting.
- C. Kellie Jacobs-Hunter presented the staff report on the request to adopt a City of Turlock General and Non-General Fund Budget covering Fiscal Years 2015-16 and 2016-17.

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

Councilmember Bublak spoke regarding adopting the 2-year budget and the potential for necessary amendments, then introduced Option 1.

Councilmember Nascimento spoke regarding adoption process and concerns over the proposed spending in the new budget.

Mayor Soiseth spoke regarding his intent for future discussion of replenishment of the General Fund reserve balance, addition of a Canine Unit, ladder truck staffing, website reconstruction and improvements, sidewalk/tree maintenance, StanCOG tax proposal for roads and communications and marketing strategy, with amendments to the budget and analysis of revenue generation by November 2015.

Additional Council discussion included funding a Canine Unit, sidewalk funding and associated policy issues, and street maintenance.

Councilmember Nascimento spoke regarding his inability to support Option 1, for reasons including that though there was a lack of disagreement on most issues, he could not support the level of proposed spending partly due to lack of a plan to repay the reserves.

Action: **Resolution No 2015-117** Adopting the Mayor's recommended City of Turlock General Fund Two-Year Budget covering Fiscal Years 2015-16 and 2016-17 was introduced by Councilmember Bublak, seconded by Councilmember Jacob, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	No	Yes	Yes	Yes

Resolution No. 2015-118 Adopting the Mayor’s recommended City of Turlock Non-General Fund Two-Year Budget covering Fiscal Years 2015-16 and 2016-17 was introduced by Councilmember Bublak, seconded by Councilmember Jacob, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	No	Yes	Yes	Yes

Resolution No. 2015-119 Temporarily suspending Paragraph 4 of Resolution No. 2011-123 setting the General Fund Emergency/Contingency Reserve at \$6.5 million was introduced by Councilmember Bublak, seconded by Councilmember Jacob, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	No	Yes	Yes	Yes

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Mayor Soiseth noted his intent to create an Ad Hoc Subcommittee for Tree Maintenance and Sidewalk Repair Programs at the June 23, 2015 Council meeting.

10. COUNCIL COMMENTS:

Councilmember Bublak noted that she will be participating in a mud volleyball tournament sponsored by New Life Church on Saturday, June 13, 2015, that will raise money for youth.

Councilmember DeHart spoke to Vernon Price’s comments made under the Citizen Participation portion of the meeting, noting that each Councilmember is extremely concerned about plight of homeless and that the call to understand, accept and work toward justice is appropriate. He applauded City staff for their efforts in regard to homelessness, placed the duty of Mr. Price’s interest in reviewing City ordinances on Mr. Price, and noted his willingness to assist in the process.

Mayor Soiseth commented that the adopted budget places the City on a clear path to a balanced budget while slowly restoring vital public safety, parks, recreation, engineering, and neighborhood services and avoiding nearly \$2 million dollars in interest payments by paying down the debt. He thanked City staff for their efforts and guidance in working through the budget and thanked Councilmember Nascimento for his service on the Ad Hoc Budget Subcommittee noting their common drive to make the City of Turlock fiscally sound and the best community in the Central Valley.

11. **CLOSED SESSION:** None

12. **ADJOURNMENT:**

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adjourn at 8:39 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk