

# City Council Agenda



**OCTOBER 27, 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**

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**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](http://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.

**1. A. CALL TO ORDER**

**B. SALUTE TO THE FLAG**

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

- A. Recognition: Water Saving Hero Award, accepted by Executive Director Bob Howell of Covenant Village
- B. Appointments: Ad Hoc Community Signage Committee

**3. A. SPECIAL BRIEFINGS**

- 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**  
Maggie White, Student Government Relations Coordinator

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**B. STAFF UPDATES**

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Highway 99 On/Off Ramp Clean Up (*Schulze*)

**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 9/24/15 in the amount of \$871,456.21; Demands of 10/1/15 in the amount of \$674,718.10; Demands of 10/8/15 in the amount of \$1,110,877.24
- B. Motion: Accepting Minutes of Special City Council meeting of October 13, 2015; Minutes of Regular City Council meeting of October 13, 2015
- C.
  1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$70,748.70 (Fund 215) for City Project No. 13-62, "Hawkeye Avenue Rehabilitation," bringing the contract total to \$1,330,783.20
  2. Motion: Accepting improvements for City Project No. 13-62, "Hawkeye Avenue Rehabilitation," and authorizing the City Engineer to file a Notice of Completion
- D.
  1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$31,382.03 (Fund 215) for City Project No. 13-63, "Geer Road Rehabilitation," bringing the contract total to \$1,067,860.03
  2. Motion: Accepting improvements for City Project No. 13-63, "Geer Road Rehabilitation" and authorizing the City Engineer to file a Notice of Completion
- E. Motion: Accepting improvements for City Project No. 15-68, "Emergency HVAC Replacement at Utilities Shop," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving Amendment No. 5 in the amount of \$85,807 to City Contract No. 08-544 with Omni-Means, Ltd., of Roseville, CA, in support of City Project No. 0828, "SR-99/Fulkerth Rd. Project Study Report (PSR)"
- G. Motion: Accepting a staff report outlining the scope of work, potential costs and funding concepts for the City of Turlock GIS base map upgrade and directing staff to begin the process of hiring consultants, collecting data and updating the GIS base map

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- H. 1. Resolution: Appropriating \$505 to account number 110-61-622-16.44055 “Jr. Iron Chef – Supplies” and \$431 to the appropriate salary and benefit accounts under the Jr. Iron Chef program for part-time staffing costs to be funded from revenues received from the program  
2. Motion: Authorizing a reimbursement in the amount of \$503.46 to the Turlock Downtown Property Owners Association for expenses associated with the Jr. Iron Chef program
- I. Motion: Approving an agreement between the City of Turlock and the 38<sup>th</sup> District Agricultural Association for the purpose of parking and turn around for the participants in the Annual Christmas Parade on Friday, December 4, 2015
- J. Motion: Approving Amendment No. 1 to the Professional Services Agreement between the City of Turlock and WGR Southwest, Inc., for professional support services related to compliance with the State of California’s storm water regulations and extending the term of the contract through June 30, 2016
- K. Resolution: Appropriating \$57,000 to account number 420-52-530.43320 “Special Services/Projects” to be funded from Water Enterprise Fund 420 “Operating Reserves” to fully fund the Hydrogeological and Water Quality Assessment Study
- L. Resolution: Appropriating \$32,000 to account number 420-52-550.43504 “PCE Monitoring and Remediation” to be funded by revenue received in account number 420-52-550.35507 “PCE Recovery” from an award of funds from the Cleanup and Abatement Account by the State Water Resources Control Board for the purpose of PCE remediation system optimization and groundwater monitoring and reporting in Downtown Turlock
- M. Motion: Approving an agreement with retired Deputy Chief Michael Bryant of Elite Command Training to provide Firefighter Bill of Rights Training to the Turlock Fire Department and other paid Fire Department attendees, in an amount not to exceed \$3,500
- N. Resolution: Accepting an \$8,000 donation from Sara Stinett toward the purchase of a replacement Animal Services Unit isolation trailer
- O. Resolution: Accepting a \$1,000 Save Mart/FoodMaxx gift card donation from Ms. Nakiya Bunk-Montgomery in support of the City’s Animal Services Unit
- P. Motion: Approving a Memorandum of Agreement between the County of Calaveras and the City of Turlock, pertaining to the assistance under the Law Enforcement Mutual Aid Plan, to facilitate reimbursement to the City of Turlock for assisting the County of Calaveras with law enforcement services on September 12 and 13, 2015 during the Butte fire, and authorizing the Police Chief to sign the agreement

## 6. FINAL READINGS

### A. Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 titled Garbage, Rubbish, and Garden Refuse to implement updated fees/charges for property related solid waste services as introduced at the October 13, 2015 meeting.

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**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 the approval of Rezone 2015-02, Planned Development No. 273 is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines; Request to amend the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2015-02, Planned Development 273 (Turlock Walnut Company Expansion)]; and Request to establish Conditions of Approval for Planned Development No. 273 (PD-273) – Turlock Walnut Company Expansion. (*Whitmore*)

**Recommended Action:**

Motion: Determining that the approval of Rezone 2015-02, Planned Development No. 273 is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines

*Introduction of the Ordinance:*

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2015-02, Planned Development No. 273 (Turlock Walnut Company Expansion)]

*To be acted upon at the November 10, 2015, City Council Meeting:*

Resolution: Establishing Conditions of Approval for Planned Development No. 273 (PD-273) – Turlock Walnut Company Expansion

- B. Request to determine the approval of the 2014-2023 Housing Element and adoption of General Plan Amendment 2015-01 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines; and Request to adopt the 2014-2023 Housing Element and amending the Turlock General Plan (General Plan Amendment 2015-01). (*Whitmore*)

**Recommended Action:**

Motion: Determining that approval of the 2014-2023 Housing Element and adoption of General Plan Amendment 2015-01 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines

Resolution: Adopting the 2014-2023 Housing Element and amending the Turlock General Plan (General Plan Amendment 2015-01)

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**8. SCHEDULED MATTERS**

- A. Request to adopt new policies and procedures for administering a monitoring program for the Community Development Block Grant Program (CDBG) by the City of Turlock. *(Pitt)*

**Recommended Action:**

Resolution: Adopting new policies and procedures for administering a monitoring program for the Community Development Block Grant Program (CDBG) by the City of Turlock

- B. Request to 1) direct staff to issue a Request for Proposal, recommend a consultant and budget amendment for the update to the Downtown Design Guidelines and Zoning Regulations OR 2) request to postpone the update to the Downtown Design Guidelines and Zoning Regulations until an outside funding source can be identified and revisit in two years with the update to the Mayor and City Council Policy Goals and Implementation Plan. *(Whitmore)*

**Recommended Action:****Option 1**

Motion: Directing staff to issue a Request for Proposals and bring back a recommended consultant and budget amendment for the update to the Downtown Design Guidelines and Zoning Regulations

**Option 2**

Motion: Postponing the update to the Downtown Design Guidelines and Zoning Regulations until an outside funding source can be identified and revisit in two years with the update to the Mayor and City Council Policy Goals and Implementation Plan

- C. Request to accept the updated Water Rate Study and affirming the January 2016 water rate increase. *(Cooke)*

**Recommended Action:**

Motion: Accepting the updated Water Rate Study and affirming the January 2016 water rate increase

- D. Request to affirm or modify the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission. *(Schulze)*

**Recommended Action:**

Resolution: Affirming or modifying the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission

- E. Request to 1) authorize three (3) full-time firefighter positions to Department 30-300 "Fire-Operations" OR 2) request to authorize dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17. (*Jacobs-Hunter*)

**Recommended Action:**

**Option 1**

Resolution: Authorizing three (3) full-time firefighter positions to Department 30-300, "Fire-Operations"

**Option 2**

Motion: Authorizing dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17

- F. Request to authorize the issuance of a Request for Proposal (RFP) to conduct an executive recruitment for the position of City Manager; authorize the Mayor to enter into a professional services agreement with a recruitment firm to conduct an executive recruitment for the position of City Manager, in an amount not to exceed \$30,000; and appropriate \$30,000 from Fund 110 "General Fund" reserve balance to account number 110-10-102.47090. (*Jacob-Hunter*)

**Recommended Action:**

Motion: Authorizing the issuance of a Request for Proposal (RFP) to conduct an executive recruitment for the position of City Manager

Motion: Authorizing the Mayor to enter into a professional services agreement with a recruitment firm to conduct an executive recruitment for the position of City Manager, in an amount not to exceed \$30,000

Resolution: Appropriating \$30,000 from Fund 110 "General Fund" reserve balance to account number 110-10-102.47090 "Testing & Recruitment" for the retention of a recruitment firm to conduct an executive recruitment for the position of City Manager

**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 Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)  
"For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally."  
Name of Case: County of Stanislaus v. City of Modesto, City of Turlock; Modesto Garbage Co., Inc.; and Does 1 through 100, inclusive

- B. 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

**12. ADJOURNMENT**