

City Council Agenda



JANUARY 12, 2016

6:00 p.m.

**City of Turlock Yosemite Room
156 S. Broadway, Turlock, California**

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 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 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. Proclamation: On-Track Transition Program accepted by Jeff Santos
- B. Recognition: Exemplary Professionalism exhibited by Police Officers and Dispatchers
- C. Presentation: StanCOG Fiscal Year 2016/17 Unmet Transit Needs Assessment by Regina Valentine
- D. Appointment: Vice Mayor
- E. Appointment: Planning Commission
- F. Appointment: Parks, Arts & Recreation Commission
- G. Appointment: The Alliance
- H. Appointment: StanCOG Management and Finance Committee - Member
- I. Appointment: City/County Disaster Council - Alternate Member

-
- J. Appointment: Turlock Mosquito Abatement District
 - K. Appointment: Oversight Board to the Successor Agency to the Former Turlock Redevelopment Agency (Former RDA Employee) - Member
 - L. Appointment: Turlock Public Library Partnership - Council Representative

3. A. SPECIAL BRIEFINGS

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

B. STAFF UPDATES

- 1. Policy Goals and Implementation Plan (*Executive Staff*)
- 2. Capital Projects and Building Activity (*Pitcock*)
- 3. California Partnership for the San Joaquin Valley on Job Creation award (*Pitt*)
- 4. Christmas Parade and Presentation of First Place Winners (*Packwood*)
- 5. 100 Citizens Program with California State University Stanislaus (*Packwood*)
- 6. Advisory Notice for 1, 2, 3 Trichloropropane (*Reynolds*)

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

C. 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.

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 11/19/15 in the amount of \$1,657,407.92; Demands of 11/26/15 in the amount of \$356,246.43; Demands of 12/3/15 in the amount of \$828,934.82
- B. Motion: Accepting Minutes of Regular Meeting of December 8, 2015
- C. Motion: Accepting improvements and authorizing the City Engineer to file a Notice of Completion for Traditions No. 6 Subdivision, City Project No. 1432
- D. Resolution: Initiating proceedings for the formation of Hilmar Cheese Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, Development Project No. 15-33
- E. Resolution: Initiating proceedings for the formation of Taco Bell Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, Development Project No. 15-34
- F. Resolution: Initiating proceedings for the formation of Dust Bowl Brewery Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, Development Project No. 15-35
- G. Motion: Approving Amendment No. 2 to the agreement with The Shalleck Collaborative, Inc., in the amount of \$822.50 for City Project No. 14-26A, "RFP Council Chamber Improvements"
- H. Resolution: Authorizing the closure of Soderquist Road, between Fulkerth Road and West Canal Drive, beginning Friday, January 29, 2016, and ending Sunday, January 31, 2016, with closure times as specified in an approved traffic control plan, in support of the Turlock Swap Meet event at the Stanislaus County Fairgrounds
- I.
 1. Motion: Approving a Professional Services Agreement between the City of Turlock and West Yost Associates for the preparation of the 2015 Urban Water Management Plan in an amount not to exceed \$81,840, (Non-General Fund 420-52-550.43320 "Special Services/Projects")
 2. Resolution: Appropriating \$81,840 to account number 420-52-530.43320 "Special Services/Projects" to be funded from Water Enterprise Fund 420 Operating Reserves to fully fund the 2015 Urban Water Management Plan preparation
- J.
 1. Motion: Approving the services agreement between the City of Turlock and New World Systems for implementation and training services for Contract Accounting software
 2. Resolution: Appropriating \$6,400 to account number 240-00-000-200.51005_002 "Communications Financial Software" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance for New World Systems Contract Accounting software implementation and training services
- K. Resolution: Adopting the 2016 City Council Meeting Schedule

6. FINAL READINGS

A. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 5, Chapter 21 prohibiting all Commercial Cannabis Activities, prohibiting Cannabis Deliveries within the City, prohibiting all Activities for which a License is required under the Medical Marijuana Regulation and Safety Act, and prohibiting Cultivation of Cannabis for Non-Commercial Purposes in the City of Turlock as introduced at the December 12, 2015 meeting

Ordinance: Amending Turlock Municipal Code Title 3, Chapter 1 regarding Business Licenses providing that the City shall not approve licenses or uses for a medical marijuana collective, cooperative, dispensary or any other commercial cannabis (marijuana) activity including distribution, cultivation, manufacturing, transportation, delivery, testing, or processing of medical marijuana, and the City shall not approve licenses or uses for any activity that requires a license or any other authorization or approval under the Medical Marijuana Regulation and Safety Act as introduced at the December 12, 2015 meeting

B. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 7, Chapter 2 regarding maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches as introduced at the December 12, 2015 meeting

Ordinance: Amending Turlock Municipal Code Title 7, Chapter 7 regarding maintenance of street trees as introduced at the December 12, 2015 meeting

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 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. (*Gomez*)

Recommended Action:

Resolution: Assessing properties for abatement costs and establishing a lien for payment

- B. Request to confirm 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; Request Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below; Request to call a Special, Mailed-Ballot Election respecting Proposed Annexation No. 23 to existing Community Facilities District No. 2; and Request to Declare the results of Mailed-Ballot Election respecting Proposed Annexation No. 23 to Community Facilities District No. 2 (Services Mitigation) and ordering annexation. (*Whitmore*)

Recommended Action:

Confirmation: City Clerk confirms: 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 (Project Planner to prompt and facilitate these steps)

Public Hearing: Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

Resolution: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation No. 23 to existing Community Facilities District No. 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation No. 23 to Community Facilities District No. 2 (Services Mitigation) and ordering annexation

8. SCHEDULED MATTERS:

- A. Request to determine Phase I of the Turlock Municipal Airport Runway 12/30 Widening Project is exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and that the project is categorically excluded from the provisions of NEPA, pursuant to FAA Order 1050.1E Chapter 3. 310 for Facility Siting, Construction and Maintenance (310e); and authorize the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Federal Aviation Administration for the Turlock Municipal Airport Phase I, Runway 12/30 Widening Project. (*Van Guilder*)

Recommended Action:

Resolution: Determining that the Phase I of the Turlock Municipal Airport Runway 12/30 Widening Project is Exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and determining the project is categorically excluded from the provisions of NEPA, pursuant to FAA Order 1050.1E Chapter 3. 310 for Facility Siting, Construction and Maintenance (310e)

Resolution: Authorizing the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Federal Aviation Administration for the Turlock Municipal Airport Phase I, Runway 12/30 Widening Project

9. NON-AGENDA ITEMS:

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- 1) When a majority decides there is an “emergency situation” (as defined for emergency meetings).
- 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A “new” need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- 3) When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then “placed on the agenda.” Second, discuss and act on the added agenda item.

10. COUNCIL ITEMS FOR FUTURE CONSIDERATION

11. 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.

12. CLOSED SESSION

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 Case(s): (1 case)

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: Michael Cooke

Negotiating Parties: Manuel Lima (Turlock Columbian Properties Incorporated)

Under Negotiation: Price and terms of payment

C. 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

13. ADJOURNMENT