

AMENDMENT NO. 1

Dated: February 23, 2017

City Council Agenda

FEBRUARY 28, 2017

6:00 p.m.

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



Mayor
Gary Soiseth

Council Members

Matthew Jacob

Amy Bublak

William DeHart, Jr.

Gil Esquer

Vice Mayor

City Manager
Gary R. Hampton
City Clerk
Jennifer Land
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:* Go Green Week, March 13-17, 2017, accepted by Municipal Services Department Staff Services Technician Toni Cordell
- B. *Recognition:* Million Acts of Kindness, award recipient Turlock Police Department Sergeant Lee Medlin
- C. *Recognition:* Million Acts of Kindness, award recipients Hannah Ryan, Jyllian Knight, and Paige Vieira
- D. *Presentation:* God's Closet, presented by Mary Eckert

3. **A. SPECIAL BRIEFINGS**

1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**

Noriel Mostajo, Student Government Relations Coordinator

B. STAFF UPDATES

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Talloni*)

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 TOP TEN/MAXIMUM CONTRIBUTORS

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 Weekly Demands of 12/22/16 in the amount of \$1,596,738.89; Weekly Demands of 01/05/17 in the amount of \$983,721.36; Weekly Demands of 01/19/17 in the amount of \$564,319.60; and Monthly Demands of 10/31/16 in the amount of \$1,178,597.55
- B. Motion: Accepting Amended Minutes of Regular Meeting of January 10, 2017; Minutes of Special Meeting of February 14, 2017; and Minutes of Regular Meeting of February 14, 2017
- C. Motion: Approving Contract Change Order No. 3 in the amount of \$9,755.95, for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue," bringing the contract total to \$711,027.65
- D.
 1. Resolution: Determining City Project No. 15-39 "Secondary Clarifier No. 5 and Denitrification" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
 2. Resolution: Authorizing specification of Sanitaire diffusers at the Turlock Regional Water Quality Control Facility for City Project No. 15-39 "Secondary Clarifier No. 5 and Denitrification" without compliance to formal bidding procedures pursuant to Turlock Municipal Code Section 2-7-08(b)(6)

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3. Motion: Approving the advertisement of construction bids for City Project No. 15-39 "Secondary Clarifier No. 5 and Denitrification"
- E. 1. Resolution: Determining City Project No. 15-88 "PSF Water Damage Repair" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
2. Motion: Awarding bid and approving an Agreement, in the amount of \$14,397.36 (Fund 110), with Torre Reich Construction, Inc. of Turlock, California, for City Project No. 15-88 "PSF Water Damage Repair"
- F. Motion: Approving an Agreement with Turlock Umpire Group to officiate adult city league softball games, for a period of three (3) years, in an amount not to exceed \$141,000 from account number 110-61-624.43724 "Reimburse Sports Officials"
- G. Motion: Approving Amendment No. 1 to an Agreement for Special Services with The Sports Management Group for the purpose of completing the Sports & Recreation Facilities Prioritization and Feasibility Study, extending the Term of Agreement from February 28, 2017 to April 28, 2017
- H. Motion: Authorizing the final one (1) year extension of the Agreement with TC Concessions for concession services at the Pedretti Sports Complex and Gemperle Fields at the Turlock Regional Sports Complex
- I. Motion: Approving a sole source procurement of predictive policing software from PredPol, Inc. without compliance to formal bidding procedures pursuant to Turlock Municipal Code Section 2-7-08(b)(2), in an annual amount not to exceed \$17,000
- J. Motion: Approving a Training Services Agreement between the City of Turlock and the California Highway Patrol for basic safe handling and operation of a police motorcycle
- K. Motion: Rejecting Claim for Damages filed by Donnell E. Bak
- L. Motion: Rejecting Claim for Damages filed by David E. Holland
- M. Motion: Rejecting Claim for Damages filed by Patricia Moore Giles
- N. Motion: Rejecting Claim for Damages filed by Antonio De la Cruz
- O. Resolution: Nominating Chris Vierra to the San Joaquin Valley Air Pollution Control District Special City Selection Committee for appointment to the District Governing Board

6. **FINAL READINGS:** None

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 amendments to Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing are Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines AND amend Chapter 5-16 (Christmas Tree Sales Lots)

and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing. (*Whitmore*)

Recommended Action:

Resolution: Determining the amendments to Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing are Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines

Ordinance: Amending Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing

8. SCHEDULED MATTERS:

- A. Request to determine modification, relocation, and signing of bus stops associated with implementing the recommended changes to transit routes and schedules is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) and/or Section 15311 (Accessory Structures) of the CEQA Guidelines AND implement recommended changes to the fixed-route transit schedules and routes, effective March 1, 2017. (*Pitcock*)

Recommended Action:

Resolution: Determining modification, relocation, and signing of bus stops associated with implementing the recommended changes to transit routes and schedules is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) and/or Section 15311 (Accessory Structures) of the CEQA Guidelines

Motion: Implementing recommended changes to the fixed-route transit schedules and routes, effective March 1, 2017

9. MATTERS TOO LATE FOR AGENDA/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

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019 and will be brought back to the City Council no earlier than March 28, 2017, unless otherwise specified by the Mayor or a majority of the Council.

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 Cases: (1 case)

B. Threat to Public Services or Facilities, Cal. Gov't Code §54957(a)

"This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities."

Consultation with: Police Chief Ninus C. Amirfar

13. ADJOURNMENT