

City Council Agenda



NOVEMBER 28, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:
Anaheim Marriott Hotel
700 Convention Way
Anaheim, CA 92802
Telephone No. 714-750-8000

Mayor
Gary Soiseth

Council Members
William DeHart, Jr.
Matthew Jacob
Vice Mayor
Amy Bublak
Gil Esquer

Interim City Manager
Robert A. Talloni
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. Recognition: Employee of the Month - November 2017, Planning Manager Debbie Whitmore

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- B. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

3. A. **SPECIAL BRIEFINGS**: None

B. **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 Demands of 10/19/17 in the amount of \$1,598,297.29; Demands of 10/26/17 in the amount of \$1,770,904.55
- B. Motion: Accepting Minutes of the Regular Meeting of October 10, 2017; Minutes of the Special Meeting of October 24, 2017
- C. Motion: Approving a Purchase and Sale Agreement with Dale and Martha Lundquist for City Project No. 13-65 "Intersection Improvements at North Olive Avenue and Wayside Drive," in the amount of \$23,300
- D. Motion: Accepting notification of Contract Change Order No. 1, in the amount of \$47,235.45, for City Project No. 14-28 "Intersection Improvements at Golden State and Fulkerth," bringing the contract total to \$1,213,852.45
- E. 1. Motion: Approving Amendment No. 1 to a Professional Services Agreement with NBS Governmental Finance Group of Temecula, California, for professional consulting services to conduct a fee study for staff cost recovery, increasing the compensation to a total amount of \$17,485 (Fund 502), for City Project No. 16-28 "Cost Recovery Based Engineering Fee Study"
2. Resolution: Appropriating \$4,100 to account number 502-40-410.43754 "Engineering Fee Study" to be funded from Fund 502 "Engineering" unallocated reserves for City Project No. 16-28 "Cost Recovery Based Engineering Fee Study" to complete the necessary funding for this project
- F. 1. Resolution: Approving the Engineer's Report for the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area

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2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- G. 1. Resolution: Approving the Engineer's Report for the Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- H. 1. Resolution: Approving the Engineer's Report for the Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- I. Motion: Approving the Final Map and Subdivision Improvement Agreement with Hahnco Holdings, Inc. of Modesto, California, conditioned upon construction of improvements for the Potter's Landing subdivision (Development Project No. 14-57) developed by Hahnco Holdings, Inc
- J. Resolution: Initiating Proceedings for the formation of the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Principal Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- K. Motion: Accepting the Development Fee Annual Report for Fiscal Year 2016-17 as required by California Government Code Section 66006
- L. Motion: Awarding Request for Proposal (RFP) No. 17-531 and approving an Agreement with Pacific Awning Co. Inc. for removal, covering, and reinstallation of the City Hall awnings in an amount not to exceed \$38,826
- M. Resolution: Appropriating \$5,000 to account number 217-50-510.43200 "Repair Program Sidewalk" from Fund 217 "Gas Tax" unallocated reserves for the sidewalk repair financial assistance program, increasing the annual program total to \$10,000
- N. Motion: Approving an Agreement between the City of Turlock and Tom Clark (DBA TC Concessions) for the purpose of providing concession services at the Pedretti Sports Complex and the Turlock Regional Sports Complex for sporting activities
- O. 1. Motion: Approving a Professional Services Agreement between the City of Turlock and AECOM Technical Services, Inc. (AECOM) for professional engineering design and construction services for the Municipal Services Department for various Capital Improvement Projects, in an annual amount not to exceed \$747,900, and in a form approved by the Acting City Attorney
2. Resolution: Appropriating \$642,900 to Account Number 410-51-534.43359 "Professional Engineering Services" and \$105,000 to Account Number 420-52-551.43359 "Professional Engineering Services" funded by transfers detailed in Exhibit A to the Resolution for professional engineering design and construction services for various Capital Improvement Projects

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- P. Resolution: Approving the purchase of one (1) 2018 Chevrolet Silverado 2500HD 4x4 Pickup Truck from Winner Chevrolet in Elk Grove, California, through the State of California Contract No. 1-16-23-20D and one (1) 2018 Ford F250 Supercab 4x2 Pickup Truck from Downtown Ford Sales in Sacramento, California through the State of California Contract No. 1-16-23-20A, for the Fire Department, in an amount not to exceed \$110,000 for both vehicles and equipment, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5), and declaring replaced vehicles as surplus
- Q. Resolution: Appropriating \$10,000 to account number 240-00-000-312.44001_156 "Supplies-Strike Team" from Fund 240 "Small Equipment Replacement-Strike Team" unallocated reserves for the purchase of Strike Team equipment including VHF radios, fire shelters, hoses and nozzles, and web gear for use during Strike Team and OES deployments
- R. Motion: Rejecting Claim for Damages filed by Ninous Sargony
- S. Motion: Rejecting Claim for Damages filed by Nirmal Singh
- T. Motion: Rejecting Claim for Damages filed by Nirmal Singh

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Adopting Ordinance Amendment 2016-03 (Sign Ordinance) including amendments to Turlock Municipal Code Title 9, Chapter 2, Article 1, Section 04, Subsection (g) to remove sign standards for service stations; Adding Title 9, Chapter 2, Article 1, Section 28 regarding Attention-Getting Devices; Amending the Chapter index for Title 9, Chapter 2; Amending Title 9, Chapter 2, Article 04 to renumber it as Article 3; Adding Title 9, Chapter 2, Article 4 regarding Sign Regulations for Public Property; Repealing Title 9, Chapter 2, Article 5 (Signs); Adding Title 9, Chapter 2, Article 5 regarding Sign Regulations for Private Property as introduced at the November 14, 2017 City Council meeting.
- B. **Recommended Action:**
Ordinance: Adding Turlock Municipal Code Title 3, Chapter 9, Article 8 setting forth Regulations for Mitigating the Costs of providing Public Services to New Residential Development through Annexation to Community Facilities District No. 2 or an Alternative Method as introduced at the November 14, 2017 City Council 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 to certify the Addendum to the Final Environmental Impact Report for the Westside Industrial Specific Plan AND certify the Addendum to the Mitigated Negative Declaration for the Northwest Triangle Specific Plan AND adopt General Plan Amendment 2017-02 (Westside Industrial Specific Plan and the Northwest Triangle Specific Plan) amending the Westside Industrial Specific Plan, the Land Use Diagram of the Northwest Triangle Specific Plan, and amending the Land Use Diagram of the General Plan for Thirty-Two (32) Properties located within the Boundaries of the Specific Plans AND consider adopting Rezone 2017-02 (Westside Industrial Specific Plan and the Northwest Triangle Specific Plan) rezoning Thirty-Two (32) Properties located within

the Boundaries of the Specific Plans, and amending the Zoning Map of the City of Turlock. (*Whitmore*)

Recommended Action:

Resolution: Certifying the Addendum to the Final Environmental Impact Report for the Westside Industrial Specific Plan

Resolution: Certifying the Addendum to the Mitigated Negative Declaration for the Northwest Triangle Specific Plan

Resolution: Adopting General Plan Amendment 2017-02 (Westside Industrial Specific Plan and the Northwest Triangle Specific Plan) amending the Westside Industrial Specific Plan, the Land Use Diagram of the Northwest Triangle Specific Plan, and amending the Land Use Diagram of the General Plan for Thirty-Two (32) Properties located within the Boundaries of the Specific Plans

Introduction of the Ordinance:

Ordinance: Adopting Rezone 2017-02 (Westside Industrial Specific Plan and the Northwest Triangle Specific Plan) rezoning Thirty-Two (32) Properties located within the Boundaries of the Specific Plans, and amending the Zoning Map of the City of Turlock

8. SCHEDULED MATTERS: None

9. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
3. Development Services Department
4. Fire Department
 - a. Public Safety Briefing (*Carlson*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
 - a. Turlock Armory (*Van Guilder*)
7. Police Department
 - a. Public Safety Briefing (*Amirfar*)
 - b. Holiday Safety/Shopping Tips (*Amirfar*)

10. 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.

11. 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 January 9, 2018, unless otherwise specified by the Mayor or a majority of the Council.

12. 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.

13. CLOSED SESSION: None

14. ADJOURNMENT