

City Council Agenda



MAY 27, 2014

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
John S. Lazar

Council Members
Amy Bublak **Steven Nascimento**
William DeHart, Jr. **Forrest White**
 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: Vera Sahlstrom, Former Turlock City Clerk
- B. Proclamation: Disability Awareness Month, June 2014
- C. Appointment: Parks, Arts & Recreation Commission (*Term Expiration Adjustment*)

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Board, Commission, and Committee Vacancies (*Weaver*)
2. Fire Department Annual Report (*Lohman*)
3. Building Permit Fee 25% Reduction Update (*Pitcock*)
4. Water Use Update (*Cooke*)
5. Turlock Business Incentive Program Update (*Pitt*)
6. Deficit Spending Report (*Wasden*)

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, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) 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. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

B. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Scheduled Matter Item 8A 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 4/24/14 in the amount of \$927,924.25; Demands of 5/1/14 in the amount of \$426,364.04
- B.
 1. Motion: Accepting Minutes of Special Meeting of May 7, 2014
 2. Motion: Accepting Minutes of Regular Meeting of May 13, 2014
 3. Motion: Accepting Minutes of Special Meeting of May 15, 2014
- C. Resolution: Approving the Transportation Development Act (TDA) claim for funding of transit activities for Fiscal Year 2014-15
- D. Resolution: Accepting a supplemental donation from the Swanson Family in the amount of \$19,000 for the construction of a dog park at Swanson-Centennial Park
- E.
 1. Motion: Making the determination that City Project No. 14-20, "Swanson-Centennial Dog Park," is exempt from the provisions of CEQA in accordance with Section 15301 "Existing Facilities," and awarding bid and approving an agreement in the amount of \$51,189 (Fund 269) with United Pavement Maintenance, Hughson, California, for City Project No. 14-20, "Swanson-Centennial Dog Park"

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2. Resolution: Appropriating \$66,526 to account number 269-60-614-373.51270 "Dog Park Construction Project" to be funded via a transfer of Park Development Funds as delineated below for City Project No. 14-20, "Swanson-Centennial Dog Park," to complete the necessary funding required for this project
- F. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 8 – Roofing and Waterproofing, and authorizing the City Engineer to file a Notice of Completion
- G. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 10 – Fireproofing, and authorizing the City Engineer to file a Notice of Completion
- H. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, and authorizing the City Engineer to file a Notice of Completion
- I. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 16 – Fire Protection, and authorizing the City Engineer to file a Notice of Completion
- J. Resolution: Directing the filing of the Annual Reports for Fiscal Year 2014-15 for Assessment Districts in the City of Turlock
- K. 1. Motion: Authorizing the City Manager to provide StanCOG, upon receipt of a written invoice, Turlock's financial share of the South County Corridor Feasibility Study in an amount of \$22,000
2. Resolution: Appropriating \$22,000 to account number 217-50-511.43347 from Fund 217 "Streets-Gas Tax-Section 2103" reserve balance for Turlock's financial share of the South County Corridor Feasibility Study
- L. 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 2014-15 in the amount of \$946,227
- M. Motion: Approving an amendment to the agreement with Second Harvest Food Bank of San Joaquin and Stanislaus Counties, dated May 14, 2013 (Contract No. 13-026), for a CDBG grant for \$10,000, revising the number of anticipated unduplicated clients
- N. Motion: Approving an amendment to the agreement with Project Sentinel, dated May 14, 2013 (Contract No. 13-028), for a CDBG grant for \$10,000, revising the number of anticipated unduplicated clients
- O. Motion: Authorizing the City of Turlock to record the Grant Deed, also known as Document No. 2010-0089639-00, for the purpose of creating the City of Turlock Skate Park as a separate parcel and authorizing the City Manager to sign the required documents
- P. Resolution: Authorizing the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with CalRecycle for the Household Hazardous Waste Grant Program for Fiscal Year 2014-15
- Q. Motion: Approving the renewal of the Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth volleyball programs within the community
- R. Motion: Approving a contract between the City of Turlock and the EZ Axess, Inc., for a Mobilepd application
- S. Motion: Authorizing the City Manager to execute an agreement between Dave Young and the City of Turlock for independent contractor administrative investigation services for the Police Department

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- T. Resolution: Appropriating \$15,000 to Fund 110-10-108.43010 "Contract Attorney," \$300 to Fund 110-10-108.47030 "Conferences," and \$2,000 to Fund 110-10-108.47015 "Books and Subscriptions" from the General Fund Reserve Balance

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 whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap. (*Whitmore*)

Recommended Action:

Motion: Determining whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap

- B. Request to amend Turlock Municipal Code Title 8, Chapter 1, Section 1, Article 1 and Chapters 2, 5, and 6, regarding Building Regulations and adopting legislative findings supporting amendments and changes to the California State Building Standards Code. (*Picciano*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 8, Chapter 1, Section 1, Article 1 and Chapters 2, 5 and 6, regarding Building Regulations

Resolution: Adopting legislative findings supporting amendments and changes to the California State Building Standards Code as contained in the Turlock Municipal Code, Title 8, Chapters 1, 2, 5 and 6

- C. Request to define four (4) district area boundaries for Council districts as prepared by National Demographics Corporation; amend the Turlock Municipal Code Title 2, Chapter 1, to establish electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large, subject to approval by a vote of the people; call for and give notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014 for the purposes of submitting to the qualified voters a ballot measure establishing electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large; request consolidation thereof with the statewide election to be held on the same date, and request the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election. (*Wasden*)

Recommended Action:

Select and take action on **one** of the three motions listed below:

OPTION 1

Motion: Defining the four (4) district area boundaries for Council districts as prepared by National Demographics Corporation identified as Plan A

OPTION 2

Motion: Defining the four (4) district area boundaries for Council districts as prepared by National Demographics Corporation identified as Plan C

OPTION 3

Motion: Defining the four (4) district area boundaries for Council districts as prepared by National Demographics Corporation identified as Plan B

Introduce the Ordinance:

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 1, to establish electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large, subject to approval by a vote of the people

The following Resolution will be considered after adoption of the Ordinance amending TMC 2-1 at the June 10, 2014 City Council meeting.

Resolution: Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large as required by the provisions of the laws of the State of California relating to general law cities, requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election

- D. Request to amend the Turlock Municipal Code Title 3, Chapter 11, enacting a Local Transportation Transactions and Use Tax for Pothole Repair, Existing City Street Improvement and Maintenance, and Transit Farebox Recovery Ratio Assistance *OR* a Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance; call for and give notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing a one-half of one percent transactions and use tax; request consolidation thereof with the statewide election to be held on the same date; and request the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election. (*Norton*)

Recommended Action:

OPTION 1

Ordinance #1: Amending the Turlock Municipal Code to add Title 3, Chapter 11, entitled “Local Transportation Transactions and Use Tax for Pothole Repair, Existing City Street Improvement and Maintenance, and Transit Farebox Recovery Ratio Assistance” to be administered by the State Board of Equalization and authorizing the incurrence by the City of Turlock of indebtedness payable solely from such tax, subject to approval by a vote of the people

Resolution #1 will be considered after adoption of Ordinance #1 at the June 10, 2014 City Council meeting, if Option 1 is selected by the Council.

Resolution #1: Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing a one-half of one percent “Local Transportation Transactions and Use Tax for Pothole Repair, Existing City Street Improvement and Maintenance, and Transit Farebox Recovery Ratio Assistance,” requesting consolidation thereof with the statewide election to be held on the same date and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election

OPTION 2

Ordinance #2: Amending the Turlock Municipal Code to Add Title 3, Chapter 11, Entitled “Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance” to be administered by the State Board of Equalization and authorizing the incurrence by the City of Turlock of indebtedness payable solely from such tax, subject to approval by a vote of the people

Resolution #2 will be considered after adoption of Ordinance #2 at the June 10, 2014 City Council meeting, if Option 2 is selected by the Council.

Resolution #2: Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing a one-half of one percent “Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance,” requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election

8. SCHEDULED MATTERS

- A. Request to find the proposed expansion of the ice rink, parking area and operating period, as described in Stanislaus County Staff Approval Application 2014-41 (R.A.M. Farms), consistent with the City of Turlock General Plan and requesting that the County of Stanislaus include conditions of approval and mitigation measures for Use Permit 2013-32 and four additional conditions of approval as part of its approval of County Staff Approval Application 2014-41. (*Whitmore*)

Recommended Action:

Motion: Finding the proposed expansion of the ice rink, parking area and operating period, as described in Stanislaus County Staff Approval Application 2014-41 (R.A.M. Farms), consistent with the City of Turlock General Plan

Motion: Requesting that the County of Stanislaus include the conditions of approval and mitigation measures for Use Permit 2013-32 and four additional conditions of approval, listed below, as part of its approval of County Staff Approval Application 2014-41 (R.A.M. Farms):

1. Before beginning operations each year, the applicant shall schedule an acoustic analysis to be conducted by a licensed acoustic specialist to verify that the sound from the sound systems and any other noise-generating equipment will not violate the City's Noise Ordinance. The Noise Standards and procedures shall be based on the City of Turlock Noise Ordinance in effect at the time the testing and operations take place. The recommendations made by the acoustic analyst shall be implemented prior to beginning operations each year. The applicant shall be responsible for continuous monitoring and adjustment of sound levels to meet the City's standards for single-family residential uses.
2. At the close of each operating season, the applicant shall contact the County Planning Department to schedule a final inspection of the site to ensure that all of the conditions of approval in this permit have been met.
3. The applicant shall continuously work with the County to prepare and implement a parking management plan to ensure that vehicles park in designated spaces on the property. The initial parking management plan shall be reviewed and approved by both the City of Turlock and the County of Stanislaus prior to beginning operations each year. The parking management plan shall provide for at least one parking attendant to monitor traffic during the hours of operation and redirect traffic away from the adjacent residential neighborhood within the City of Turlock and to the designated parking area on site. Parking entrances and exits shall have directional signs with night lighting. The lighting shall be directed onto the signs so as not to cause a visual impact on adjacent residences. The applicant shall work with the County and the City to address any specific parking-and/or traffic-relates issues that arise on an ongoing basis. The specific requirements of the parking management plan may change over time in response to the parking demand generated by the project and the background traffic levels in the area.

4. Before beginning operations each year, both the primary parking area (marked spaces) and the overflow parking lots shall be improved for use in accordance with the conditions of approval, the approved site plan, and as directed by the County of Stanislaus
- B. Request to receive Fiscal Year 2014-15 Non-General Fund Budget information and provide staff direction in preparation for final budget adoption at the June 10, 2014 Council Meeting. (*Wasden*)

Recommended Action:

None – Information and Direction Only

Receive Fiscal Year 2014-15 Non-General Fund Budget information and provide staff direction in preparation for final budget adoption at the June 10, 2014 Council Meeting. Staff will also be prepared to answer questions on the entire Fiscal Year 2014-15 Budget including General and Non-General fund budgets.

Note, staff has prepared a preview of the 2015-16 Non-General Fund Budget as information allowing Council to look ahead and preparing an option for adoption of a two-year Non-General Fund Budget starting in 2015-16, covering the fiscal years of 2015-16 and 2016-17.

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 – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(4)**

“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.”

Potential Cases: (1 case)

12. ADJOURNMENT