

AMENDMENT NO. 1

City Council Agenda

JULY 28, 2015

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
**C. MOMENT OF SILENCE FOR THE UNITED STATES HONORABLE SERVICE MEMBERS
KILLED IN THE LINE OF DUTY IN CHATTANOOGA, TN**
2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS &
PRESENTATIONS**
 - A. Proclamation: California State University Stanislaus Softball Coach Jan Scheffkowitz
 - B. Proclamation: California State University Stanislaus Golf Coach John Cook
 - C. Proclamation: ACTRA California Chapter Team Roping Championships, September 17-20, 2015

3. **A. SPECIAL BRIEFINGS**

B. STAFF UPDATES

1. Property located at 1055 Vermont Avenue Update (*Pitt*)
2. National Night Out, August 4, 2015 (*Backeroff*)
3. Water Update (*Cooke*)

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. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

B. 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 6/25/15 in the amount of \$1,012,089.57; Demands of 7/2/15 in the amount of \$845,389.97; Demands of 7/9/15 in the amount of \$1,287,811.95
- B. Motion: Accepting Minutes of Special Meeting of July 7, 2015; Minutes of Regular Meeting of July 14, 2015
- C. Motion: Approving a Master Agreement between Fairbanks Ranch and the City of Turlock for the payment of Residential Impact Fees pursuant to Government Code §66007
- D. Motion: Approving a Master Agreement between RBK Development, Inc. and Belgravia Land & Development, Inc. and the City of Turlock for the payment of Residential Impact Fees pursuant to Government Code §66007
- E. 1. Motion: Making the determination that City Project No.13-44, "Wet Utility Improvements Around Fourth Street and A Street," is exempt from the provisions of CEQA in accordance with Section 15301

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2. Motion: Awarding bid and approving an agreement in the amount of \$325,448 (Fund 413) with Rolfe Construction, of Atwater, California, for City Project No.13-44, "Wet Utility Improvements Around Fourth Street and A Street"
3. Resolution: Appropriating \$280,000 to account number 413-51-534.51161 "Alley Between A & B Street & Fourth & Fifth Street Tie into Storm," to complete the necessary budget appropriations for City Project No. 13-44, "Wet Utility Improvements Around Fourth Street and A Street" with Funds 410 "Water Quality Control and 420 "Water Enterprise" contributing monies to finance this project
- F. Resolution: Authorizing the Mayor, City Manager, or Director of Development Services/City Engineer to sign all documents, assurances, and statements in regard to any and all Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or state-funded projects for Federal Fiscal Year 2015-16
- G. Resolution: Authorizing the federal funding under FTA Section 5339 with the California Department of Transportation
- H. Resolution: Approving a standard Pavement and Concrete Life Performance Warranty Agreement and authorizing the Mayor or City Manager to execute said agreements with any qualified entities as described in TMC 7-4-207
- I. Motion: Approving an agreement between the City of Turlock and the City of Ceres for the contract employment of a Water Distribution Operator Grade 4 from the City of Ceres
- J. 1. Motion: Approving a Storm Water Operations & Maintenance Plan and Certificate of Responsibility Agreement template for development projects that are required to install storm water treatment control measures
2. Resolution: Authorizing the Mayor, City Manager, or his/her designee to sign submitted Storm Water Operations & Maintenance Plan and Certificate of Responsibility Agreements
- K. Resolution: Authorizing the acceptance of a Spay and Neuter Grant from the California Department of Agriculture, in the amount of \$7,500, to be deposited into revenue account 266-20-255-348.35069 "Animal Services - Spay & Neuter Grant"
- L. Motion: Approving an annual maintenance agreement with Mo-Cal Office Solutions for one (1) Kyocera multifunctional photocopier for a period of thirty-six (36) months, based on a cost per copy and annual base rate
- M. Resolution: Authorizing the acceptance of an allocation of funds, execution of a grant agreement and commitments necessary to administer the Selective Traffic Enforcement Program (STEP) Grant through the California Office of Traffic Safety (OTS), from October 1, 2015 to September 30, 2016, in an amount not to exceed \$69,000, and appropriating said funds into the revenue and expenditure accounts in Fund 266 "Police Grants" Program 352 "OTS Step Grant" for Fiscal Year 2015-16 and authorizing the City Manager to sign all documents required
- N. Motion: Approving an agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Turlock High School
- O. Motion: Approving an agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Pitman High School
- P. Resolution: Re-appropriating unspent funds of \$3,750 from Fiscal Year 2014-15, from account number 110-30-300.44030_015 "Minor Equipment Fire Hose Replacement," to Fiscal Year 2015-16 for the purchase of new fire hoses
- Q. Motion: Approving a Confidentiality and Non-Disclosure Agreement with Maze and Associates related to auditing PERS census data to comply with GASB 68 and authorizing the City Manager to sign
- R. Motion: Designating Councilmember Bill DeHart as the voting delegate and Councilmember Matthew Jacob as alternate voting delegate at the League of California Cities' Annual Business meeting on Friday, October 2, 2015, in San Jose, California

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- S. Motion: Authorizing the Mayor to write a letter of opposition to Assembly Bill 4757 (Quirk) and supporting the amendments proposed by the League of California Cities

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 for approval establishing a lien for payment for repair cost of certain maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches that are out of repair. (*Van Guilder*)

Recommended Action:

Resolution: Assessing properties for sidewalk repair costs and establishing a lien for payment

- B. Request to add Turlock Municipal Code Title 8, Chapter 7 regarding expedited permitting procedures for small residential rooftop solar systems. (*Picciano*)

Recommended Action:

Ordinance: Adding Turlock Municipal Code Title 8, Chapter 7 regarding expedited permitting procedures for small residential rooftop solar systems

8. **SCHEDULED MATTERS**

- A. Request to cancel the City Council meeting scheduled for Tuesday, August 25, 2015. (*Mayor Soiseth*)

Recommended Action:

Resolution: Cancelling the City Council meeting scheduled for Tuesday, August 25, 2015

- B. Request to adopt a Post-Construction Standards Plan for storm water discharges for new development and redevelopment. (*Pitcock*)

Recommended Action:

Motion: Adopting a Post-Construction Standards Plan for storm water discharges for new development and redevelopment

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- C. Request to direct staff to proceed with Option 2 and fund the design, inspection and construction of the Broadway City Hall Parking Lot utilizing Capital Facility Fees (General Government) and direct staff to prepare a Request for Proposal (RFP) for a downtown parking study and master plan utilizing Capital Facility Fees (General Government). (*Pitcock*)

Recommended Action:

Motion: Directing staff to proceed with Option 2 and fund the design, inspection and construction of the Broadway City Hall Parking Lot utilizing Capital Facility Fees (General Government)

Motion: Directing staff to prepare a Request for Proposal (RFP) for a downtown parking study and master plan utilizing Capital Facility Fees (General Government)

- D. Request to authorize staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing solid waste user fees and establishing a public hearing date of October 13, 2015. (*Cooke*)

Recommended Action:

Motion: Authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing solid waste user fees and establishing a public hearing date of October 13, 2015

- E. Request to accept the Community Grant Ad Hoc Subcommittee's recommended changes to the Community Event and Activities Grant eligibility criteria and application, and directing staff to apply the updated eligibility criteria and application to the 2015-16 Community Event and Activities Grant funding cycle. (*Van Guilder*)

Recommended Action:

Motion: Accepting the Community Grant Ad Hoc Subcommittee's recommended changes to the Community Event and Activities Grant eligibility criteria and application, and directing staff to apply the updated eligibility criteria and application to the 2015-16 Community Event and Activities Grant funding cycle

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 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
- B. *Conference with Legal Counsel – Pending Litigation*, Cal. Gov't Code §54956.9(d)(4)
"For 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