

# City Council Agenda



**JUNE 14, 2016**

**6:00 p.m.**

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



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Mayor  
**Gary Soiseth**

Council Members  
**William DeHart, Jr.**     **Steven Nascimento**  
**Matthew Jacob**         **Amy Bublak**  
   Vice Mayor

City Manager  
**Gary R. Hampton**  
City Clerk  
**Kellie E. Weaver**  
City Attorney  
**Phaedra A. Norton**

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**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](http://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: National Alzheimer's and Brain Awareness Month, June 2016, accepted by the Alzheimer's Association
  - B.     Recognition: Stanislaus County Elementary Site Coordinator of the Year
  
3.     **A. SPECIAL BRIEFINGS:** None

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**B. STAFF UPDATES**

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Housing Briefing and Project Update (*Pitt*)

**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****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 5/5/16 in the amount of \$806,786.32; Demands of 5/12/16 in the amount of \$1,197,296.72; Demands of 5/19/16 in the amount of \$606,081.02
- B. Motion: Accepting Minutes of Special Meeting of May 24, 2016; Regular Meeting of May 24, 2016
- C. Motion: Approving Amendment No. 4 to the Agreement with Pires, Lipomi, and Navarro Architects, and increasing the total compensation amount by \$4,950 (Fund 426) for City Project No. 12-60B, "Turlock Regional Transit Center Phase 2 Design and Master Plan"
- D. Motion: Approving a Possession and Use Agreement between Vicente and Jackie Fuentes and the City of Turlock for City Project No. 14-28, "Intersection Improvements at Golden State Boulevard and Fulkerth Road"
- E.
  1. Resolution: Determining City Project No. 15-64, "Slurry Seals 2016," is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15301(c) (Existing Facilities) of the CEQA Guidelines
  2. Motion: Awarding bid and approving an Agreement in the amount of \$673,006 (Fund 246) with VSS International, Inc., West Sacramento, California for City Project No. 15-64, "Slurry Seals 2016"
- F.
  1. Resolution: Determining City Project No. 16-37, "Live Fire Training Facility Demolition," is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
  2. Motion: Awarding base bid and bid alternate and approving an Agreement in the amount of \$4,700 (Fund 116) with Modesto Sand and Gravel, Inc. of Modesto, California, for City Project No. 16-37, "Live Fire Training Facility Demolition"

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- G. Resolution: Approving a Transportation Development Act (TDA) claim for funding of transit capital and operations expenses for Fiscal Year 2016-17, and authorizing the Mayor or City Manager to sign and submit the subject claim to the Stanislaus Council of Governments
- H. Resolution: Initiating proceedings for filing of the Annual Report for Fiscal Year 2016-17 for all Landscaping and Lighting Assessment Districts, Exhibit A, and all Street Maintenance Benefit Assessment Areas, Exhibit B, in the City of Turlock
- I. 1. Resolution: Determining that the closure of West Monte Vista Avenue/University Way, between Crowell Road and Geer Road, for the 2016 Stars and Stripes 4th of July Celebration event, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines  
2. Resolution: Authorizing the closure of West Monte Vista Avenue/University Way, between Geer Road and Crowell Road, from 6:00 p.m. to 11:00 p.m. on Monday, July 4, 2016, for pedestrian safety as set forth in the temporary traffic control plan approved by the City Engineer, for the 2016 Stars and Stripes 4<sup>th</sup> of July Event held on the California State University, Stanislaus campus, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- J. 1. Resolution: Determining the closure of Main Street [between Canal Drive and Market Street], Broadway [between Market Street and Orchard Street], and First Street [between "A" Street and West Olive Avenue], for the 4<sup>th</sup> of July Parade, Car Show and Street Faire, hosted by the Turlock Downtown Property Owners Association, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines  
2. Resolution: Authorizing the closure of Main Street [between Canal Drive and Market Street], Broadway [between Market Street and Orchard Street], and First Street [between "A" Street and West Olive Avenue], for pedestrian safety, for the 4<sup>th</sup> of July Parade, Car Show and Street Faire, hosted by Turlock Downtown Property Owners Association, to be held on Monday, July 4, 2016, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- K. Approving a Memorandum of Understanding between Stanislaus County Office of Education, City of Turlock and Turlock Unified School District, and authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the After School Education and Safety (ASES) Program
- L. Motion: Approving Amendment No. 1 to the Agreement between the City of Turlock and the City of Ceres for contract employment of a Grade 4 Water Distribution Operator from the City of Ceres
- M. Motion: Approving an Agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Turlock High School
- N. Motion: Approving an Agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Pitman High School
- O. Resolution: Approving the revised and updated Consortium Agreement between the City of Turlock and the Stanislaus Urban County for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston Gonzales National Affordable Housing Act of 1990, designating the City of Turlock as the lead agency of the Consortium and the Stanislaus Urban County comprised of the cities of Ceres, Newman, Oakdale, Patterson, Waterford and the County of Stanislaus as sub-recipients of HOME funds for federal Fiscal Years 2016-2019
- P. 1. Motion: Rejecting the lowest bid submitted by Jorgensen & Company, Inc. of Modesto to RFP 16-326, for fire sprinklers and suppression system inspections and repairs and maintenance services for being non-responsive, pursuant to Turlock Municipal Code Section 2-7-09(c)(4)

- 2. Motion: Awarding RFP 16-326 and Contract No. 16-036 to HCI Systems, Inc. of Fresno, having met all specifications of RFP 16-326 and being the lowest responsive and responsible bidder, for fire sprinklers and suppression system inspections and repairs and maintenance services for all City buildings with fire protection equipment, in an annual amount not to exceed \$10,000 and \$50,000 for a period of sixty months, pursuant to Turlock Municipal Code Section 2-7-9(c)(2)
- Q. 1. Motion: Rejecting the single proposal submitted in response to RFP 16-350, for completion of a Citywide Total Compensation Study, pursuant to Turlock Municipal Code §2-7-09(c)(4)
- 2. Motion: Authorizing issuance of RFP 16-366 with revised timeline and scope of work, for completion of a Citywide Total Compensation Study
- R. Motion: Rejecting Claim for Damages filed by Jennifer L. West
- S. Motion: Rejecting Claim for Damages filed by Randy Allen Beavers
- T. Motion: Rejecting Claim for Damages filed by Sam Bebleh

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 City Project No. 14-75, "Short Range Transit Plan," is exempt from the provisions of the California Environmental Quality Act (CEQA); adopt a Short Range Transit Plan for Fiscal Years 2016-21, and approve renaming the City of Turlock's transit agency from "Turlock Transit Lines" to "Turlock Transit" and inclusion of a new logo, vision and design for buses, brochures and publications.

Request to determine adoption of a revised transit fare structure is exempt from the provisions of the California Environmental Quality Act (CEQA); rescind Resolution No. 2011-045, Passenger Fare Rates for the Turlock Transit System, and establish a revised passenger fare structure, effective July 1, 2016.

Request to determine the 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); implement the recommended changes to fixed-route transit schedules and routes as specified within the completed Short Range Transit Plan; and authorize future alterations as necessary to achieve operational and financial goals. (*York*)

***Recommended Action:***

Resolution: Determining City Project No. 14-75, "Short Range Transit Plan," is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines

Resolution: Adopting a Short Range Transit Plan for Fiscal Years 2016-21, to serve as a strategic planning document for transit-related capital purchases, operations and service evaluations, as required by the Federal Transit Administration and as part of City Project No. 14-75, "Short Range Transit Plan"

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Resolution: Approving the renaming of the City of Turlock's transit agency from "Turlock Transit Lines" to "Turlock Transit" with a new logo, vision and design for buses, brochures and publications, as part of a comprehensive marketing and re-branding effort

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Resolution: Determining adoption of a revised transit fare structure is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15273 (Rates, Tolls, Fares and Charges) of the CEQA Guidelines

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Resolution: Rescinding Resolution No. 2011-045, Passenger Fare Rates for the Turlock Transit System, effective March 1, 2011, and establishing a revised passenger fare structure, effective July 1, 2016, and containing a revision to the City's Public Services Transit Pass Program

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Resolution: Determining the 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

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Motion: Implementing the recommended changes to fixed-route transit schedules and routes as specified within the completed Short Range Transit Plan, effective January 1, 2017, and authorizing future alterations as necessary to achieve operational and financial goals as defined within the Short Range Transit Plan

- B. Request to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street and authorizing the City Manager or his/her designee to execute all documents necessary to vacate that section of roadway following completion of all improvements, as specified in the conditions of approval as modified by the City Council, **OR** deny the petition submitted by the Sacred Heart Church to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street. (*Pitcock*)

**Recommended Action:**

*OPTION 1*

Resolution: Vacating that section of Cooper Avenue right-of-way between Rose Street and Oak Street and authorizing the City Manager or his/her designee to execute all documents necessary to vacate that section of roadway following completion of all improvements, as specified in the conditions of approval as modified by the City Council

*OPTION 2*

Motion: Denying the petition submitted by the Sacred Heart Church to vacate that section of Cooper Avenue right-of-way between Rose Street and Oak Street

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- C. Request to rescind Resolution No. 2011-112 and adopt the 2015 Urban Water Management Plan update including the method for determining urban water use targets as required by the Water Conservation Act of 2009. (Cooke)

***Recommended Action:***

***Resolution:*** Rescinding Resolution No. 2011-112 and adopting the 2015 Urban Water Management Plan update including the method for determining urban water use targets as required by the Water Conservation Act of 2009

**8. SCHEDULED MATTERS**

- A. Request to approve the Transportation Expenditure Plan and request the Stanislaus County Board of Supervisors place a Retail Transaction and Use Tax Measure on the November 8, 2016 General Election ballot (Pitcock)

***Recommended Action:***

***Resolution:*** Approving the Transportation Expenditure Plan and requesting the Stanislaus County Board of Supervisors place a Retail Transaction and Use Tax Measure on the November 8, 2016 General Election ballot

- B. Request to determine the closure of North Denair Avenue, between East Olive Avenue and Mitchell Avenue, for Embellish Salon to host its 5<sup>th</sup> Anniversary Open House Street Faire event on July 9, 2016, from 12:00 p.m. to 7:30 p.m., is exempt from the provisions of the California Environmental Quality Act (CEQA); authorize the requested street closure for pedestrian safety purposes; and authorize the City Manager to apply appropriate conditions and restrictions. (Traini)

***Recommended Action:***

***Resolution:*** Determining the closure of North Denair Avenue, between East Olive Avenue and Mitchell Avenue, for Embellish Salon to host its 5<sup>th</sup> Anniversary Open House Street Faire event, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

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***Resolution:*** Authorizing the closure of North Denair Avenue, between East Olive Avenue and Mitchell Avenue, for pedestrian safety, for Embellish Salon to host its 5<sup>th</sup> Anniversary Open House Street Faire event on Saturday, July 9, 2016, from 12:00 p.m. to 7:30 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- C. Request to approve the Vietnam War Commemoration Commemorative Partner Statement of Understanding to participate in the United States of America Vietnam War Commemoration Commemorative Partner Program, and demonstrate our community thankfulness to those who served in the Vietnam War. (Van Guilder/Traini)

**Recommended Action:**

Motion: Approving the Vietnam War Commemoration Commemorative Partner Statement of Understanding, to participate in the United States of America Vietnam War Commemoration Commemorative Partner Program, and demonstrate our community thankfulness to those who served in the Vietnam War

- D. Request to authorize the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the State of California Department of Housing and Community Development for the Affordable Housing and Sustainable Communities Program. (Pitt)

**Recommended Action:**

Resolution: Authorizing the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the State of California Department of Housing and Community Development for the Affordable Housing and Sustainable Communities Program

**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**

**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 – 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

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- B. 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)

- C. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b)(1)  
“Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.”

Title: City Attorney

### 13. ADJOURNMENT