

City Council Agenda



JUNE 28, 2016

6:00 p.m.

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

****and via teleconference:
JW Marriott Scottsdale Camelback Inn
5402 East Lincoln Drive
Scottsdale, AZ 85253
Telephone No. (480) 948-1700**

**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**

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: Parks and Recreation Month, July 2016, accepted by Allison Van Guilder
- B. Recognition: Million Acts of Kindness

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)

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 5/26/16 in the amount of \$339,119.17; Demands of 6/2/16 in the amount of \$1,049,818.91; Demands of 3/31/16 in the amount of \$1,285,068.61
- B. Motion: Accepting Minutes of Special Meeting of June 8, 2016; Special Meeting of June 9, 2016; Special Meeting of June 14, 2016; Regular Meeting of June 14, 2016; Special Meeting of June 15, 2016; and Special Meeting of June 16, 2016
- C.
 1. Motion: Approving a Retainer Agreement with DF Engineering, Inc., of Modesto, California for engineering and surveying services, for Fiscal Years 2016-20, under City Project No. 16-40, "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
 2. Motion: Approving a Retainer Agreement with GDR Engineering, Inc., of Ceres, California for engineering and surveying services, for Fiscal Years 2016-20, under City Project No. 16-40, "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
 3. Motion: Approving a Retainer Agreement with Hawkins and Associates Engineering, Inc., of Modesto, California for engineering and surveying services, for Fiscal Years 2016-20, under City Project No. 16-40, "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
- D. Motion: Approving a Retainer Agreement with Economic & Planning Systems, Inc., of Oakland, California for economic planning and development fee services, for Fiscal Years 2016-20, for City Project No. 16-42, "Retainer Agreement for Economic Planning and Development Fee Services," in an amount not to exceed \$80,000
- E.
 1. Motion: Approving a Retainer Agreement with ECORP Consulting, Inc., of Rocklin, California for environmental study services, for Fiscal Years 2016-20, under City Project No. 16-43, "Retainer Agreement for Environmental Study Services," in an amount not to exceed \$150,000

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2. Motion: Approving a Retainer Agreement with Rincon Consultants, Inc., of Sacramento, California for environmental study services, for Fiscal Years 2016-20, under City Project No. 16-43, "Retainer Agreement for Environmental Study Services," in an amount not to exceed \$150,000
- F. 1. Motion: Approving a Retainer Agreement with Associated Right of Way Services, Inc., of Pleasant Hill, California for right-of-way and property appraisal services, for Fiscal Years 2016-19, under City Project No. 16-44, "Retainer Agreement for Right-of-Way and Property Appraisal Services," in an amount not to exceed \$150,000
2. Motion: Approving a Retainer Agreement with Bender Rosenthal, Inc., of Sacramento, California for right-of-way and property appraisal services, for Fiscal Years 2016-19, under City Project No. 16-44, "Retainer Agreement for Right-of-Way and Property Appraisal Services," in an amount not to exceed \$150,000
- G. 1. Resolution: Approving the Engineer's Report for Fiscal Year 2016-17 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
2. Resolution: Declaring the City Council's intention to levy and collect assessments for Fiscal Year 2016-17 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
- H. Resolution: Appropriating \$5,000 to 270-61-635-413.47365 "Fireworks Display" funded by the donation received from Golden State Farmers Market Association to be used for the 2016 Stars and Stripes 4th of July Celebration Fireworks Display
- I. 1. Resolution: Determining the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the Stanislaus County Fair, 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 North Soderquist Road, between Fulkerth Road and West Canal Drive, for pedestrian safety as part of the Stanislaus County Fair event beginning Friday, July 8, 2016, and ending on Sunday, July 17, 2016, with specific closure times as specified in a temporary traffic control plan approved by the City Engineer, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- J. Resolution: Accepting donations made to the Parks, Recreation and Public Facilities Department between January and May 2016; Donations received are used to fund of a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- K. Motion: Authorizing renewal of a three (3) year Memorandum of Understanding between the City of Turlock and Turlock Youth Soccer Association, for use of the Turlock Regional Sports Complex, to offer youth soccer programs and tournaments within the community
- L. Motion: Approving a Professional Services Agreement between the City of Turlock and WGR Southwest, Inc. for Support Services with the compliance with years four (4) and five (5) of the Phase II MS4 NPDES Permit, as required by the State Water Resources Control Board, in an amount not to exceed \$36,388.00 from Fund 410-51-532.47500 "NPDES Phase II MS4 Storm Compliance"
- M. Motion: Approving a Professional Services Agreement between the City of Turlock and FKC Co., Ltd. to perform an onsite mechanical screw press dewatering pilot study in an amount not to exceed \$7,000 from Non-General Fund 410-51-530-43316 "NPDES Permit Studies"
- N. Motion: Authorizing Amendment No. 2 to the Agreement between the City of Turlock and Stommel Inc., DBA Lehr Auto Electric, clarifying that the compensation will not exceed three hundred thousand dollars (\$300,000) annually under City Contract 14-032

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- O. Resolution: Making certain findings and determinations in compliance with Section XIII.B of the California Constitution and Section 7910 of the California Government Code and setting the Fiscal Year 2016-17 Appropriation Limit for the City of Turlock
 - P. Resolution: Extending the City of Turlock's Military Leave Policy per Resolution No. 2015-138 for employees involuntarily called to active duty as a result of the nation's war on terrorism and amending review of the Policy to occur concurrently with the budget adoption cycle
 - Q. Motion: Authorizing an agreement between the City of Turlock and SEITY, LLC (herein referred to as SEITY) to provide a Wellness Program for regular City of Turlock employees and their spouses/domestic partners, for the period of July 1, 2016 to July 1, 2017, in an amount not to exceed \$67,000
 - R. Motion: Authorizing renewal of a three (3) year Agreement between the City of Turlock and Keenan & Associates to administer workers' compensation claims and provide risk management services related to Workers' Compensation Program
 - S. Resolution: Authorizing an Agreement between the City of Turlock and Safety National Casualty Company to maintain insurance coverage for Excess Workers' Compensation Insurance, for Fiscal Year 2016-17, with an annual premium of \$94,649
 - T. Resolution: Authorizing an Agreement between the City of Turlock and Travelers Property Casualty Insurance Company to maintain property insurance coverage, for Fiscal Year 2016-17, with an annual premium of \$182,850
 - U. Motion: Authorizing an Agreement between the City of Turlock and Hiscox Insurance Company to maintain insurance coverage for Employment Practices Liability Insurance, for Fiscal Year 2016-17, with an annual premium of \$60,712
 - V. Motion: Authorizing renewal of the Alliant Crime Insurance Program, brokered by Alliant Insurance Services, Inc., insurer National Union Fire Insurance Company, Inc., for Fiscal Year 2016-17, with an annual premium of \$2,412
 - W.
 1. Resolution: Authorizing an Agreement between the City of Turlock and Symetra Life Insurance Company for Excess Loss Insurance related to medical and prescription coverage, for Fiscal Year 2016-17, with an annual premium of \$2,334,474
 2. Resolution: Authorizing renewal of the Agreement between the City of Turlock and Delta Dental to provide administrative services for the City's self-funded dental program, for the period of July 1, 2016 to July 1, 2018, with no change in administrative charges
 3. Resolution: Authorizing an Agreement between the City of Turlock and Unum Life Insurance Company for Long Term Disability Insurance and Life Insurance, for the period of July 1, 2016 to July 1, 2018, with an annual combined premium rate of \$166,314

6. FINAL READINGS: None

7. PUBLIC HEARINGS: None

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.

8. SCHEDULED MATTERS

- A. Request to approve a Memorandum of Understanding between the Turlock Irrigation District and the City of Turlock to allow the Turlock Irrigation District to use the City of Turlock's Dianne Drive storm drain basin and pumps for the storage of irrigation water during the 2016 irrigation season. (Cooke)

Recommended Action:

Motion: Approving a Memorandum of Understanding between the Turlock Irrigation District and the City of Turlock to allow the Turlock Irrigation District to use the City of Turlock's Dianne Drive storm drain basin and pumps for the storage of irrigation water during the 2016 irrigation season

- B. Request to direct staff to bring back for introduction and ultimate adoption Turlock Municipal Code Title, 2, Chapter 12, regarding Campaign Contributions and Disqualification initiated by Councilmember Nascimento in 2014 (Attachment 1) **OR** direct staff to bring back for introduction and ultimate adoption the proposed legislative policy [ordinance] for campaign reform that was set forth in the Notice of Intent to Circulate Initiative Petition submitted on June 8, 2016, by Brad Bates, Ron Hillberg, and Mary Jackson (Attachment 2) **OR** direct staff to bring back for introduction and ultimate adoption the proposed Turlock Campaign Reform Ordinance, submitted on June 22, 2016, (*Amendment submitted on June 23, 2016*) by Brad Bates, Ron Hillberg, and Mary Jackson working in conjunction with Councilmember Nascimento (Attachment 3_A - Original and Attachment 3_B - Amendment) **OR** establish Voluntary Campaign Contribution Regulations, additional requirements for Disclosures and Campaign Statement Filings, and adopting a Voluntary Code of Fair Campaign Practices (Attachment 4). (*Hampton/Norton*)

Recommended Action:

OPTION 1

Motion: Directing staff to bring back for introduction and ultimate adoption Turlock Municipal Code Title, 2, Chapter 12, regarding Campaign Contributions and Disqualification initiated by Councilmember Nascimento in 2014 (Attachment 1)

OR

OPTION 2

Motion: Directing staff to bring back for introduction and ultimate adoption the proposed legislative policy [ordinance] for campaign reform that was set forth in the Notice of Intent to Circulate Initiative Petition submitted on June 8, 2016, by Brad Bates, Ron Hillberg, and Mary Jackson (Attachment 2)

OR

OPTION 3

Motion: Directing staff to bring back for introduction and ultimate adoption the proposed Turlock Campaign Reform Ordinance, submitted on June 22, 2016, (*Amendment submitted on June 23, 2016*) by Brad Bates, Ron Hillberg, and Mary Jackson working in conjunction with Councilmember Nascimento (Attachment 3_A - Original and Attachment 3_B - Amendment)

OR

OPTION 4

Resolution: Establishing Voluntary Campaign Contribution Regulations, additional requirements for Disclosures and Campaign Statement Filings, and adopting a Voluntary Code of Fair Campaign Practices (Attachment 4)

SCHEDULED BREAK

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- C. Request to adopt the amended City of Turlock General Fund Budget covering Fiscal Year 2016-17; adopt the amended City of Turlock Non-General Fund Budget covering Fiscal Year 2016-17. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Adopting the amended City of Turlock General Fund Budget covering Fiscal Year 2016-17

Resolution: Adopting the amended City of Turlock Non-General Fund Budget covering Fiscal Year 2016-17

- D. Request to approve new job descriptions for the positions of Executive Administrative Assistant/City Manager's Office, City Clerk, and Human Resources Analyst, Senior, effective July 1, 2016; approve modifications to the job descriptions for the positions of Executive Administrative Assistant/Public Safety, Police Officer Trainee, and Police Officer I/II, effective July 1, 2016; approve an amendment to the salary schedule of the existing Confidential Schedule of Benefit Plans and Policies, adopted by Resolution No. 2014-166, dated October 14, 2014, to update the schedule to include all new and previously approved confidential classifications and salaries; approve an amendment to the salary schedule of the existing Management Schedule of Benefit Plans and Policies, amended by Resolution No. 2016-058, dated March 22, 2016, to update the schedule to include all new and previously approved management classifications and salaries. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Approving a new job description for the position of Executive Administrative Assistant/City Manager's Office, effective July 1, 2016

Resolution: Approving a new job description for the position of City Clerk, effective July 1, 2016

Resolution: Approving a new job description for the position of Human Resources Analyst, Senior, effective July 1, 2016

Resolution: Approving modifications to the job description for the position of Executive Administrative Assistant/Public Safety, effective July 1, 2016

Resolution: Approving modifications to the job description for the position of Police Officer Trainee, effective July 1, 2016

Resolution: Approving modifications to the job description for the position of Police Officer I/II, effective July 1, 2016

Resolution: Approving an amendment to the salary schedule of the existing Confidential Schedule of Benefit Plans and Policies, adopted by Resolution No. 2014-166, dated October 14, 2014, to update the schedule to include all new and previously approved confidential classifications and salaries

Resolution: Approving an amendment to the salary schedule of the existing Management Schedule of Benefit Plans and Policies, amended by Resolution No. 2016-058, dated March 22, 2016, to update the schedule to include all new and previously approved management classifications and salaries

- E. Request to authorize the payment of outstanding invoices to Burton's Fire, Inc. for fire apparatus service and repairs rendered in excess of the annual contracted amount and performed outside of contract coverage dates, for the period of February 3, 2016 through June 28, 2016; approve the service agreement with Burton's Fire, Inc. for fire equipment maintenance, inspection, repair and pump testing services through the State of California Department of Corrections and Rehabilitation Contract No. 5600004135 for the Turlock Fire Department, for a period of thirty-six (36) months, in an amount not to exceed \$120,000 annually, without compliance to the formal bid procedure, in accordance with Turlock Municipal Code §2-7-09(b)(5). (*Talloni*)

Recommended Action:

Resolution: Authorizing the payment of outstanding invoices to Burton's Fire, Inc. for fire apparatus service and repairs rendered in excess of the annual contracted amount and performed outside of contract coverage dates, for the period of February 3, 2016 through June 28, 2016

Motion: Approving the service agreement with Burton's Fire, Inc. for fire equipment maintenance, inspection, repair and pump testing services through the State of California Department of Corrections and Rehabilitation Contract No. 5600004135 for the Turlock Fire Department, for a period of thirty-six (36) months, in an amount not to exceed \$120,000 annually, without compliance to the formal bid procedure, in accordance with Turlock Municipal Code §2-7-09(b)(5)

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: None

13. ADJOURNMENT