

City Council Agenda



JUNE 23, 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

2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:**
 - A. Proclamation: Retirement of City Employee, Diana Lewis, Technical Services Manager
 - B. Appointment: Ad Hoc Subcommittee for Tree Maintenance/Sidewalk Repair Programs

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

 B. STAFF UPDATES: None

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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE.**B. 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 5/21/15 in the amount of \$1,951,247.38; Demands of 5/28/15 in the amount of \$392,233.29
- B. Motion: Accepting Minutes of Special Meeting of June 2, 2015; Minutes of Special Meeting of June 9, 2015; Minutes of Regular Meeting of June 9, 2015
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$3,500 (Fund 410) for City Project No. 13-61, "Drew Ave. Improvements Pedras Rd. to W. Tuolumne Rd.," bringing the contract total to \$303,180
- D. Motion: Approving a service agreement with Champion Industrial Contractors, Inc., of Modesto, for preventive maintenance, filter change out and repair services for HVAC units for all City owned and leased building for a period of twelve (12) months, in an amount not to exceed \$35,000
- E. Motion: Approving an agreement with Central Valley Concrete, Inc. and an agreement with George Reed, Inc., in an amount not to exceed \$15,000 and \$10,000 respectively, for the purchase and delivery of aggregates, asphaltic concrete and related materials to job sites for City projects, for a period of twelve (12) months, in accordance with the terms and conditions set forth in each agreement
- F. Motion: Approving the annual maintenance agreement with Mo-Cal Office Solutions for two (2) Kyocera multifunctional photocopiers based on a cost per copy and annual base rate for a period of thirty-six (36) months
- G. Motion: Rejecting bid submitted in response to RFP 15-324 for one (1) trailer mounted 4" portable trash pump for Turlock Regional Water Quality Control, pursuant to the Turlock Municipal Code §2-7-09(c)(4)
- H. Resolution: Appropriating \$148 to account number 269-60-614-377.44001_000 "Rotary Club Grant – Sports Complex Expenses" from Fund 269 "Parks & Public Facilities Grants" reserve balance for the purchase of replacement letters for the amphitheater at the Turlock Regional Sports Complex
- I. Resolution: Accepting donations received from April through June Fiscal Year 2014-15 to be deposited for a variety of Parks, Recreation & Public Facilities Department programs, scholarships, and activities

- J. Motion: Authorizing the City Manager or designee to execute an Online Subscription Agreement Addendum with Lexipol, to provide additional management services for police department policy maintenance and updates, inclusive of a one time “catch up fee” of \$4,319 and two (2) years of management services at \$6,948 a year, for a total amount not to exceed \$18,215
- K.
 1. Motion: Approving an agreement with New World Systems for application training on eTimesheets enhancements and a Business Process Review of payroll processing
 2. Resolution: Appropriating \$4,000 in FY 15-16 to 240-00-000-200.51005_002 “Communications Financial Software” from Fund 240 “Small Equipment Replacement-General Administration” reserve balance for application training on eTimesheets enhancements and a Business Process Review of payroll processing
- L. Resolution: Authorizing the release of unclaimed checks pursuant to California Government Code Section 50055 to the City of Turlock
- M. 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 Appropriation Limit for the City of Turlock for the 2015-16 fiscal year
- N. Resolution: Adopting a Policy pertaining to paid sick leave for temporary, part-time and seasonal employees
- O. Motion: Rejecting Claim for Damages filed by Robeyna Davidoff
- P.
 1. Resolution: Authorizing the submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Federal Aviation Administration for an Obstruction Survey of the Turlock Municipal Airport in support of the Runway 12/30 widening project
 2. Motion: Making the determination that the Obstruction Survey of the Turlock Municipal Airport in support of the Runway 12/30 widening project is exempt from the provisions of CEQA in accordance with Section 15262 Feasibility and Planning Studies

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 4, Chapter 6, Article 1 regarding Residential Permit Parking Zones as introduced at the June 9, 2015 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 find the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section (Rates, Tolls, Fares, and Charges); and amend a portion of Council Resolution No. 2008-095 and adopt a revised Supplemental Fee for Infrastructure Improvements required to implement the East Tuolumne Master Plan within the City of Turlock.
(Whitmore)

Recommended Action:

Motion: Finding the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section (Rates, Tolls, Fares, and Charges)

Resolution: Amending a portion of Council Resolution No. 2008-095 and adopting a revised Supplemental Fee for Infrastructure Improvements required to implement the East Tuolumne Master Plan within the City of Turlock

- B. Request to certify the Final EIR for the Morgan Ranch Master Plan, adopt the Morgan Ranch Master Plan, Amend the Turlock General Plan GPA 2010-01 (Morgan Ranch Master Plan)], and introduce an Ordinance amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2010-01 (Morgan Ranch Master Plan)]. (*Whitmore*)

Recommended Action:

Resolution: Certifying the Final EIR for the Morgan Ranch Master Plan

Resolution: Adopting the Morgan Ranch Master Plan

Resolution: Amending the Turlock General Plan [GPA 2010-01 (Morgan Ranch Master Plan)]

Introduce the Ordinance:

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2010-01 (Morgan Ranch Master Plan)]

- C. Request to find the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section (Rates, Tolls, Fares, and Charges) and/or Section 15183 [Projects Consistent with a Community Plan or Zoning]; establish and adopt a Development Mitigation Fee Program to pay for the Public Facilities required to implement the Morgan Ranch Master Plan within the City of Turlock; and establish and adopt a Cost Recovery Fee to pay for the cost of preparing the Morgan Ranch Master Plan. (*Whitmore*)

Recommended Action:

Motion: Finding the proposed action categorically exempt from the California Environmental Quality Act pursuant to Section 15273 of the CEQA Guidelines Section (Rates, Tolls, Fares, and Charges) and/or Section 15183 [Projects Consistent with a Community Plan or Zoning].

Resolution: Establishing and Adopting a Development Mitigation Fee Program to pay for the Public Facilities required to implement the Morgan Ranch Master Plan within the City of Turlock

Resolution: Establishing and Adopting a Cost Recovery Fee to pay for the cost of preparing the Morgan Ranch Master Plan

- D. Request to supersede and replace Council Resolution No. 2014-099 and adopt updated cost recovery percentages and the schedule of fees and charges for City services. (*Wasden*)

Recommended Action:

Resolution: Superseding and replacing Council Resolution No. 2014-099 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

- E. Request to amend Turlock Municipal Code Title 2, Chapter 4, regarding Officers and Employees, Article 2, Section 07, Paragraph (n) to recognize the authority of the Mayor to execute certain documents and to expand the authority of the City Manager to execute certain documents. (*Norton*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 4, regarding Officers and Employees, Article 2, Section 07, Paragraph (n) to recognize the authority of the Mayor to execute certain documents and to expand the authority of the City Manager to execute certain documents

8. SCHEDULED MATTERS

- A. Request to authorize the closure of various street sections within the City of Turlock on Saturday, August 8, 2015 for the Turlock Criterium bicycle race and authorize the City Manager to apply appropriate conditions and restrictions. (*Pitcock/Van Guilder*)

Recommended Action:

Resolution: Authorizing the closure of various street sections within the City of Turlock on Saturday, August 8, 2015, from 1:00 p.m. to 10:00 p.m., for the Turlock Criterium bicycle race and authorizing the City Manager to apply appropriate conditions and restrictions

- B. Request to affirm or modify the recommendation for Community Grants Funding from the Parks, Arts & Recreation Commission for the 49th Assyrian State Convention up to \$10,000; ACTRA California Chapter Team Roping Championships up to \$6,000; Assyrian Festival up to \$10,000; Bring the Ruckus Car Show 2016 up to \$5,000; 2016 Central Valley Brewfest up to \$6,000; 2016 Coors Monster Truck Spring Nationals up to \$3,500; Fields of Ice up to \$5,000; Turlock Pumpkin Patch and Corn Maze up to \$1,000; and Tournament of Champions up to \$5,000. (*Van Guilder*)

Recommended Action:

Resolution: Affirming or modifying the recommendation for Community Events and Activities Grants Funding from the Parks, Arts & Recreation Commission for the 49th Assyrian State Convention up to \$10,000; ACTRA California Chapter Team Roping Championships up to \$6,000; Assyrian Festival up to \$10,000; Bring the Ruckus Car Show 2016 up to \$5,000; 2016 Central Valley Brewfest up to \$6,000; 2016 Coors Monster Truck Spring Nationals up to \$3,500; Fields of Ice up to \$5,000; Turlock Pumpkin Patch and Corn Maze up to \$1,000; and Tournament of Champions up to \$5,000

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- C. Request to adopt a residential fee deferral program for deferral of all Turlock Unified School District, County of Stanislaus once approved by their respective legislative bodies, and City of Turlock City-wide and Master/Specific Plan Impact Fees to Occupancy or Close of Escrow; approving a standard agreement for deferral of residential development impact fees; and authorizing the City Manager to execute said agreements. (*Pitcock*)

Recommended Action:

Resolution: Adopting a residential fee deferral program for deferral of all Turlock Unified School District, County of Stanislaus once approved by their respective legislative bodies, and City of Turlock City-wide and Master/Specific Plan Impact Fees to Occupancy or Close of Escrow; approving a standard agreement for deferral of residential development impact fees; and authorizing the City Manager to execute said agreements

- D. Request to authorize renewal of the agreement with SEITY, LLC (herein referred to as SEITY) effective July 1, 2015 through June 30, 2016 to provide a Wellness Program for regular City of Turlock employees and their spouses/domestic partners at a cost not to exceed \$67,000 and appropriate necessary funding. (*Eddy*)

Recommended Action:

Motion: Authorizing renewal of the agreement with SEITY, LLC (herein referred to as SEITY) effective July 1, 2015 through June 30, 2016 to provide a Wellness Program for regular City of Turlock employees and their spouses/domestic partners at a cost not to exceed \$67,000

Resolution: Appropriating \$2,200 in FYE 2015-16 to account number 511-10-151.47073 "Wellness Program" from Fund 511 "Health Care" reserve balance for a Wellness Program for regular City of Turlock employees and their spouses/domestic partners

- E. Request to extend the City of Turlock's Military Leave Policy per Resolution No. 2008-139 for employees involuntarily called to active duty as a result of the nation's war on terrorism. (*Wasden*)

Recommended Action:

Option 1

Resolution: Rescinding Resolution No. 2008-139 and adopting a new City of Turlock Military Leave Policy for employees involuntarily called to active duty as a result of the nation's war on terrorism

Option 2

Resolution: Extending the City of Turlock's Military Leave Policy per Resolution No. 2008-139 for employees involuntarily called to active duty as a result of the nation's war on terrorism

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)(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)

12. ADJOURNMENT