

City Council Agenda



MARCH 22, 2016

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

Interim City Manager
Michael I. Cooke
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. Appointment CDBG Grant Selection Committee (Community Members)
- B. Appointment CDBG Grant Selection Committee (Council Representative(s))
- C. Proclamation: Vietnam Veterans Day, accepted by Mr. Clint Barth
- D. Proclamation: Assyrian National Council President, Mr. Youbert Valadio
- E. Presentation: South County Corridor Feasibility Study presented by, Keith Rhodes, TYLIN International

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Turlock Fire Department Breast Cancer Awareness Month (October 2015) Campaign Update (*Saldivar*)
3. Website Update (*Grossman*)
4. North Valley Regional Recycled Water Project (*Cooke*)
5. 2015 Police Annual Report (*Chief Jackson*)

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 Weekly Demands of 2/4/16 in the amount of \$250,093.72; Weekly Demands of 2/11/16 in the amount of \$1,300,440.69; Weekly Demands of 2/18/16 in the amount of \$801,804.39
- B. Motion: Accepting Minutes of Special Meeting of March 1, 2016
- C.
 1. Motion: Making the determination that City Project No. 15-39, "RWQCF Denitrification," is exempt from the provisions of CEQA in accordance with Section 15306
 2. Motion: Approving a professional services agreement with Carollo Engineers of Walnut Creek, California, for professional engineering design and bidding services, in an amount not to exceed \$488,257 (Fund 413) for City Project No. 15-39, "RWQCF Denitrification"
- D.
 1. Motion: Making the determination that City Project No. 16-31, "Fire Station No. 3 HVAC Improvements," is exempt from the provisions of CEQA in accordance with Section 15301(d) "Existing Facilities"
 2. Motion: Awarding bid and approving an agreement in the amount of \$11,793 (Fund 240) with Champion Industrial Contractors, Inc., of Modesto, California, for City Project No. 16-31, "Fire Station No. 3 HVAC Improvements"

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3. Resolution: Appropriating \$16,281 to account number 240-00-000-307.43125_026 "Construction Project" to be funded from unappropriated reserves in Fund 240 "Equipment Replacement-Fire" to account for expenses for City Project No. 16-31, "Fire Station No. 3 HVAC Improvements"
- E. 1. Resolution: Extending the adopted Fee Deferral Program for the CFF, NWTSP and WISP Impact Fees for an additional twenty-four (24) months
2. Motion: Approving a Lien Agreement for deferred payment of Capital Facility Fees between the City of Turlock and Baz Family Trust (Owner of 1851 Lander Avenue, Turlock, California 95380)
- F. Motion: Approving an agreement for the period beginning March 22, 2016 and ending October 31, 2017, with Bureau Veritas North America, Inc., for building inspection services related to the Vista Apartment project, in an amount not to exceed \$195,160 (Fund 405)
- G. 1. Motion: Approving a reimbursement agreement between Hall Equities Group and the City of Turlock in an amount not to exceed \$149,032 for construction of transportation improvements identified in the Capital Facility Fee (Transportation) Nexus Study
2. Resolution: Appropriating \$149,032 to account number 305-40-440.43272 "Reimburse Developers" to be funded from Fund 305 "Capital Facility Fee (Transportation) Reserves" for reimbursement of transportation improvements constructed by Hall Equities Group as identified in the Capital Facilities Fee (Transportation) Nexus Study
- H. Motion: Approving the Memorandum of Understanding (MOU) with the Stanislaus Business Alliance
- I. Motion: Approving an agreement with Darling Ingredients, Inc., for the sale and use of recycled water
- J. Resolution: Accepting monetary donations of \$12,198.59 and property donations valued at \$12,753 from various donors, to be utilized in support of the City's Crime Prevention Unit and Public Safety Open House
- K. Resolution: Appropriating \$6,500 to account number 110-30-220.44001_062 "Supplies Abandoned Vehicle Abatement Program" to be funded from unappropriated Abandoned Vehicle Abatement revenues, for the purchase of vehicle safety lights and a mobile radio for Abandoned Vehicle Abatement staff safety
- L. Resolution: Appropriating \$5,470 to account number 116-30-305.44030_000 "Minor Equipment Miscellaneous" to be funded from unappropriated reserves in Fund 116 "Special Public Safety – Fire" for the purchase of rescue tools, forcible entry equipment, and maintenance equipment
- M. Motion: Approving an agreement between the City of Turlock and the Stanislaus County Sheriff's Office Alternative Work Program to provide the placement of inmates within various jobs and departments throughout the City
- N. Resolution: Appropriating \$22,255 to account number 401-10-125.51000 "Capital Improvements" from Fund 401 "Airport" reserve balance to cover the required 10% match for the Fiscal Year 2014-15 "Airport Layout Plan" and the Fiscal Year 2015-16 "Airport Obstruction Survey" grant projects
- O. Motion: Approving a contract renewal between the City of Turlock and the Turlock Umpire Group to officiate adult city league softball

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- P. 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 to be used to purchase replacement letters for the amphitheater at the Turlock Regional Sports Complex
- Q. Resolution: Re-appropriating unspent funds from Fiscal Year 2014-15 of \$12,000 to account number 112-10-116.51166 "Document Imaging Scanners," \$12,000 to account number 112-10-116.38001_122 "Transfers In for Capital Purchases," \$12,000 to account number 110-10-112.48001_00122 "Transfers Out to Fund 112 for Capital Purchases," from Fund 110 "General Fund" reserve balance for the replacement of two (2) document imaging scanners
- R. Resolution: Approving the amended and restated Joint Powers Agreement establishing the Stanislaus Council of Governments and the amended and restated Bylaws
- S. Resolution: Approving an amendment to the Salary Schedule of the existing Management Schedule of Benefits and Policies adopted by Resolution No. 2014-167, dated October 14, 2014, to include all approved management salaries
- T. Motion: Rejecting Claim for Damages filed by Brian Fowlkes
- U. Motion: Rejecting Claim for Damages filed by Steven Maunakea
- V. Motion: Rejecting Claim for Damages filed by Jennifer Emshoff
- W. Motion: Rejecting Claim for Damages filed by Ayla Sellers
- X. Motion: Rejecting Claim for Damages filed by Maria Lomeli
- Y. Motion: Rejecting Claim for Damages filed by Ryan Dye
- Z. Motion: Rejecting Claim for Damages filed by Roy Gier

6. FINAL READINGS

A. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, regarding garbage, rubbish and organic refuse as introduced at the February 9, 2016 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 amend the Turlock Municipal Code Title 6, Chapter 7, Article 3, Section 01 regarding Outdoor Landscape Watering and Title 6, Chapter 7, Article 4, Section 05 regarding Water Conservation Stages. (*Martin*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 7, Article 3, Section 01 regarding Outdoor Landscape Watering and Title 6, Chapter 7, Article 4, Section 05 regarding Water Conservation Stages

8. SCHEDULED MATTERS

- A. Request to accept the post event reports for the Community Events and Activities Grants funding. (*Traini*)

Recommended Action:

Motion: Accepting the post event reports for the Community Events and Activities Grants funding

- B. Request to approve an amendment to the Tire-derived Product Grant by the Department of Resources Recycling and Recovery (CAL Recycle) to change the scope of work for the Monte Vista median rubber bark project to the Christoffersen median and approve an update to the Council Policy Goals & Implementation Plan Policy Goal #4: Municipal Infrastructure, Action Item: 21 Complete the Monte Vista Avenue median turf replacement to reflect the amendment. (*Schulze*)

Recommended Action:

Resolution: Approving an amendment to the Tire-derived Product Grant by the Department of Resources Recycling and Recovery (CAL Recycle) to change the scope of work for the Monte Vista median rubber bark project to the Christoffersen median

Resolution: Approving an update to the Council Policy Goals & Implementation Plan Policy Goal #4: Municipal Infrastructure, Action Item: 21 Complete the Monte Vista Avenue median turf replacement

- C. Request to determine that City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," is exempt from the provisions of CEQA; award bid and approve an agreement in the amount of \$260,539.70 (Fund 255) with George Reed Inc. of Modesto, California for the project; and appropriate \$351,000 to account number 217-50-511.51270 "Construction Project" to be funded from unappropriated Gas Tax Section 2103 Reserves and transfers from Fund 255 "CDBG" for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," to complete the necessary funding required for this project. (*Bray*)

Recommended Action:

Motion: Making the determination that City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," is exempt from the provisions of CEQA in accordance with Section 15303

Motion: Awarding bid and approving an agreement in the amount of \$260,539.70 (Fund 255) with George Reed Inc. of Modesto, California, for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements"

Resolution: Appropriating \$351,000 to account number 217-50-511.51270 "Construction Project" to be funded from unappropriated Gas Tax Section 2103 Reserves and transfers from Fund 255 "CDBG," for City Project No. 15-75, "Southwest Quadrant CDBG Frontage Improvements," to complete the necessary funding required for this project

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- D. Request to adopt the 2013 Storm Water Master Plan in accordance with General Plan Implementation Policy 3.3-w, "Stormwater Master Plan" and the 2013 Sewer System Master Plan with General Plan Implementation Policy 3.3r "Sanitary Sewer Master Plan."
(*Pitcock*)

Recommended Action:

Resolution: Adopting the 2013 Storm Water Master Plan in Accordance with General Plan Implementation Policy 3.3-w, "Stormwater Master Plan"

Resolution: Adopting the 2013 Sewer System Master Plan in Accordance with General Plan Implementation Policy 3.3-r, "Sanitary Sewer Master Plan"

- E. **Continued from the March 22, 2016 City Council Meeting:**
Request to approve a combined proposal and agreement between the City of Turlock, Turlock Certified Farmers Market and Golden State Farmers Market Association to operate, manage and market a certified farmers market located on City of Turlock property; OR Request to select a single proposal and awarding an agreement to operate, manage and market a certified farmers market located on City of Turlock property to either Turlock Certified Farmers Market (TCFM) or Golden State Farmers' Markets Association (GSFMA). (*Van Guilder*)

Recommended Action:

OPTION 1:

Motion: Approving a combined proposal and agreement between the City of Turlock, Turlock Certified Farmers Market and Golden State Farmers' Market Association to operate, manage and market a certified farmers market located on City of Turlock property.

OR

OPTION 2:

Motion: Selecting a single proposal and awarding an agreement to operate, manage and market a certified farmers market located on City of Turlock property to either Turlock Certified Farmers Market (TCFM) or Golden State Farmers' Markets Association (GSFMA).

9. MATTERS TOO LATE FOR AGENDA/NON-AGENDA ITEMS

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 – 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: (2 cases)

B. **Conference with Labor Negotiators, Cal. Gov’t Code §54957.6**

“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency’s designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”

Agency Negotiator: Mayor Gary Soiseth

Unrepresented Employees: City Manager

C. **Public Employee Appointment, 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 Manager

D. **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

13. **ADJOURNMENT**