

City Council Agenda



SEPTEMBER 27, 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

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: Breast Cancer Awareness Month, October 2016, supported by Turlock Fire Department
- B. Recognition: Million Acts of Kindness
- C. Presentation: Water Conservation Project, presented by Girl Scout Troop 1371
- D. Presentation: Medic Alert Founders Fund Program, presented by David Leslie, Medic Alert
- E. Presentation: Measure L Transportation Tax Update, presented by Kendall Flint, Flint Strategies and Mike Pitcock, Development Services Director

3. A. SPECIAL BRIEFINGS

1. CALIFORNIA STATE UNIVERSITY STANISLAUS
Noriel Mostajo, Student Government Relations Coordinator

B. STAFF UPDATES

1. Fire Department Training Grounds and Installation of Exhaust Removal Equipment
(*Pitcock/Talloni*)
2. City Landscape Irrigation Conservation Efforts and Challenges (*Van Guilder*)
3. Pet of the Month (*Animal Control*)
4. Crime Statistics (*Amirfar*)

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

C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

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 8/18/16 in the amount of \$789,031.64; Demands of 8/25/16 in the amount of \$1,312,497.87; Demands of 9/1/16 in the amount of \$99,159.08; Demands of 6/30/16 in the amount of \$1,101,154.28
- B. Motion: Accepting Minutes of Special Meeting of August 30, 2016; Minutes of Regular Meeting of September 13, 2016
- C. Motion: Approving a Subordination Agreement between Mildred R. Sweeten and the City of Turlock, in lieu of calling the lien on the property at 917 Ninth Street (APN 043-008-040), requiring the installation of frontage improvements
- D. 1. Resolution: Determining the Fiscal Impact Analysis being prepared by Economic Planning Systems, re-examining the existing Public Service Mitigation Fee (Community Facilities District #2), is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) and/or Section 15273 (Rates, Tolls, Fares, and Charges)

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2. Resolution: Re-appropriating unspent funds of \$9,609 from Fiscal Year 2015-16 to account number 110-10-112.43060_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" reserve balance to prepare a Fiscal Impact Analysis, re-examining the existing Public Service Mitigation Fee (Community Facilities District #2)
- E. Motion: Awarding RFP No. 16-355 and Contract No. 16-080 to Interstate Sales of Auburn, California, for traffic line paint, pavement markers, and miscellaneous supplies for the Parks, Recreation and Public Facilities Department, in an annual amount not to exceed \$40,000, having met all the specifications of the RFP No. 16-355 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- F. Resolution: Appropriating \$3,500 to account number 110-61-624-073.44055 "Recreation Supplies" from Fund 110 "General Fund" reserve balance to provide funds for supplies to facilitate the flag football program
- G. Resolution: Appropriating \$2,235 to account number 120-10-120.44164 "Pedretti Park Sign" from Fund 120 "Tourism" reserve balance for the production and installation of a Welcome to Turlock sign at Pedretti Park
- H. 1. Motion: Approving the purchase of two (2) 2017 ¾ Ton Regular Cab 2WD Pickup Trucks with Utility Body, one (1) 2017 F-150 Regular Cab 2WD Longbed Pickup Truck, and one (1) 2017 F-150 Regular Cab 2WD Shortbed Pickup Truck for the Municipal Services Department from Downtown Ford Sales of Sacramento, California, through the State of California Contract No. 1-16-23-20A, in an amount not to exceed \$121,768, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
2. Resolution: Re-appropriating \$29,997 in unexpended 2015-16 funds to account number 506-00-000-223.51020 "Water Enterprise - Equipment Replacement" for the purchase of two (2) 2017 ¾ Ton Regular Cab 2WD Pickup Trucks with Utility Body from Downtown Ford Sales of Sacramento, California
- I. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Geoanalytical Laboratories for laboratory analysis services, increasing the compensation to an annual amount of \$137,000 during the term of the existing contract
- J. 1. Resolution: Approving modifications to the job classification for the position of Executive Administrative Assistant/Deputy City Clerk, effective October 1, 2016
2. Resolution: Approving a second amendment to the salary schedule of the existing Confidential Schedule of Benefit Plans and Policies, adopted by Resolution No. 2014-166 on October 14, 2014, and amended by Resolution No. 2016-157 on June 28, 2016, to update the schedule to include the modified Executive Administrative Assistant/Deputy City Clerk job classification and salary range and the addition of Office Assistant I/II job classifications and salary ranges
- K. 1. Resolution: Approving modifications to the job description for the position of Senior Lab Analyst, effective September 27, 2016
2. Resolution: Approving modifications to the job description for the position of Lab Analyst I/II, effective September 27, 2016
3. Resolution: Approving modifications to the job description for the position of Environmental Compliance Inspector, effective September 27, 2016
4. Resolution: Approving modifications to the job description for the position of Office Assistant I, effective September 27, 2016
5. Resolution: Approving modifications to the job description for the position of Office Assistant II, effective September 27, 2016
6. Resolution: Approving modifications to the job description for the position of Public Safety Communications Supervisor, effective September 27, 2016

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- L. Resolution: Accepting the filing of the 2016 Local Agency Biennial Notice indicating no amendments are required to the Conflict of Interest Code for the Successor Agency to the Turlock Redevelopment Agency

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 entitled Garbage, Rubbish, and Organic Refuse to reflect correct fees/charges for property related solid waste services adopted by the City Council on October 27, 2015, as a result of a Proposition 218 process, as introduced at the September 13, 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 approve the Fiscal Year 2015-2016 Draft Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorize submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorize the Mayor, City Manager or designee to execute related necessary documents. (Ramos)

Recommended Action:

Motion: Approving the Fiscal Year 2015-2016 Draft Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorizing the Mayor, City Manager or designee to execute related necessary documents

8. SCHEDULED MATTERS

- A. Request to state the Turlock City Council's opposition to the Draft Substitute Environmental Document (SED) released by the State Water Resources Control Board in support of updating the Bay-Delta Water Quality Control Plan. (Cooke)

Recommended Action:

Resolution: Stating the Turlock City Council's opposition to the Draft Substitute Environmental Document (SED) released by the State Water Resources Control Board in support of updating the Bay-Delta Water Quality Control Plan

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- B. Request to determine City Project No. 15-57 "Broadway Parking Lot Reconstruction" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines; award bid and approve an Agreement, in the amount of \$334,941.30 (Fund 305), with MHK Construction, Inc. of Denair, California, for City Project No. 15-57 "Broadway Parking Lot Reconstruction"; re-appropriate \$297,900 to account number 305-40-442.51307 "129 S. Broadway Parking Lot" to be funded from unexpended Fiscal Year 2015-16 Fund 305 "Capital Facility Fees" and appropriating \$111,800 to account number 305-40-422.51307 "129 S. Broadway Parking Lot" to be funded from Fund 305 "Capital Facility Fee" reserves for City Project No. 15-57 "Broadway Parking Lot Reconstruction" to complete the necessary funding required for this project. (*Bray*)

Recommended Action:

Resolution: Determining City Project No. 15-57 "Broadway Parking Lot Reconstruction" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement, in the amount of \$334,941.30 (Fund 305), with MHK Construction, Inc. of Denair, California, for City Project No. 15-57 "Broadway Parking Lot Reconstruction"

Resolution: Re-appropriating \$297,900 to account number 305-40-442.51307 "129 S. Broadway Parking Lot" to be funded from unexpended Fiscal Year 2015-16 Fund 305 "Capital Facility Fees" and appropriating \$111,800 to account number 305-40-422.51307 "129 S. Broadway Parking Lot" to be funded from Fund 305 "Capital Facility Fee" reserves for City Project No. 15-57 "Broadway Parking Lot Reconstruction" to complete the necessary funding required for this project

- C. Request to determine City Project No. 16-63 "Local Road Improvements - Slurry Seals" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines; award bid and approve an Agreement, in the amount of \$107,305.72 (Fund 217), with California Pavement Maintenance, Inc. of Sacramento, California, for City Project No. 16-63 "Local Road Improvements - Slurry Seals"; appropriate \$118,036.29 to account number 217-50-511.51270 "Construction Project" to be funded from Fund 217 "Section 2103 Gas Tax" reserves for City Project No. 16-63 "Local Road Improvements - Slurry Seals" to complete the necessary funding required for this project. (*Bray*)

Recommended Action:

Resolution: Determining City Project No. 16-63 "Local Road Improvements - Slurry Seals" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement, in the amount of \$107,305.72 (Fund 217), with California Pavement Maintenance, Inc. of Sacramento, California, for City Project No. 16-63 "Local Road Improvements - Slurry Seals"

Resolution: Appropriating \$118,036.29 to account number 217-50-511.51270 "Construction Project" to be funded from Fund 217 "Section 2103 Gas Tax" reserves for City Project No. 16-63 "Local Road Improvements – Slurry Seals" to complete the necessary funding required for this project

- D. Request to reaffirm Resolution No. 2016-199 to determine the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue, for Turlock High School to host the Turlock High School Homecoming Parade, 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; rescind Resolution No. 2016-200 and adopt a new Resolution to authorize the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue for pedestrian safety, for Turlock High School to host the Turlock High School Homecoming Parade, on Friday, October 28, 2016 from 3:00 p.m. to 4:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Van Guilder*)

Recommended Action:

Resolution: Reaffirming Resolution No. 2016-199 determining the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue, for Turlock High School to host the Turlock High School Homecoming Parade, 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

Resolution: Rescinding Resolution No. 2016-200 and adopting a new Resolution authorizing the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue for pedestrian safety, for Turlock High School to host the Turlock High School Homecoming Parade, on Friday, October 28, 2016 from 3:00 p.m. to 4:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

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

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019 and will be brought back to the City Council no earlier than November 8, 2016, unless otherwise specified by the Mayor or a majority of the Council.

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)

13. ADJOURNMENT