

City Council Special Meeting Agenda



NOVEMBER 15, 2016

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:
Courtyard Morgantown
460 Courtyard Street
Morgantown, WV 26501
Telephone No. (304) 599-1080

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. ***Recognition:*** Certificate of Recognition to Darrell Hollingsworth for Life Saving Efforts – Fire Chief Robert Talloni

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- B. Recognition: Strike Team Personnel – Turlock Fire Battalion Chief Bill Becker, Turlock Fire Captains Larry Mouw, Shaun Walker, Kevin Forsythe, David Bickle, and Kain Packwood, Turlock Fire Engineers Tony Nascimento, Kevin Tidwell, Nathan Benner, and Eric Boyd, and Turlock Firefighters Dale Melden, Dan Timko, Kyle Frenzel, Dan Nenni, Steven Kramer, and Justin Rossiter

3. **A. SPECIAL BRIEFINGS**

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

B. STAFF UPDATES

1. Board, Commission, and Committee Vacancies (*Land*)

C. PUBLIC PARTICIPATION - LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting, including Consent Calendar items, before or during consideration of that item. 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.

4. **A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

B. 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 10/13/16 in the amount of \$1,235,762.21; Demands of 10/20/16 in the amount of \$555,781.94
- B. Motion: Accepting Minutes of Regular Meeting of November 8, 2016
- C. 1. Motion: Approving Contract Change Order No. 1 for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive," in the amount of \$62,518.04, bringing the contract total to \$301,318.04
2. Resolution: Re-Appropriating \$282,300 to account number 413-51-536.51162 "Countryside Storm Drain Line" to be funded from Fund 413 "Water Quality Control Capital Expansion" reserves for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive" to complete the necessary funding required for this project
- D. 1. Resolution: Determining City Project No. 14-28 "Intersection Improvements at Golden State Boulevard and Fulkerth Road" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15183 (Projects Consistent with a Community Plan or Zoning) and 15302 (Replacement or Reconstruction) of the CEQA Guidelines
2. Motion: Approving the advertisement for construction bids for City Project No. 14-28 "Intersection Improvements at Golden State Boulevard and Fulkerth Road"

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- E. Motion: Approving Contract Change Order No. 2, in the amount of \$6,141.83, for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue," bringing the contract total to \$701,271.70
 - F.
 - 1. Motion: Approving Contract Change Order No. 2 (Final), in the amount of \$8,623.05 (Fund 228), for City Project No. 15-28 "Brandon Koch Memorial Skatepark," bringing the contract total to \$269,393.05
 - 2. Resolution: Re-Appropriating \$34,475 to account number 228-60-608.51178 "Neighborhood Parks – Skate Park Relocation" to be funded from Fund 228 "Park Development Tax-Community Parks" reserves for City Project No. 15-28 "Brandon Koch Memorial Skatepark" to complete the necessary funding required for this project
 - G.
 - 1. Motion: Approving the annual City of Turlock Turkey Trot Fun Run event utilizing the public right-of-way (sidewalks) at Donnelly Park, hosted by the City of Turlock, on Saturday, November 19, 2016 from 9:00 a.m. to 11:00 a.m.
 - 2. Resolution: Authorizing the City Manager to approve any future Special Event Permit for the annual City of Turlock Turkey Trot Fun Run hosted by the City of Turlock, held on the Saturday before Thanksgiving at specified times
 - H.
 - 1. Resolution: Approving standardization of all positive displacement residential and turbine meters for the City of Turlock fixed network Automated Meter Reading system, for the purchase of residential, commercial, and industrial water meters from Badger Meter and National Meter & Automation, Inc., without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6)
 - 2. Motion: Approving an Agreement with Badger Meter and National Meter & Automation, Inc. for the purchase of all positive displacement residential and turbine meters, for the City of Turlock fixed network Automated Meter Reading system, in an annual amount not to exceed \$150,000
 - I. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Clark Pest Control for additional vegetation management services, increasing the compensation to an annual amount of \$50,112 during the term of the existing contract
 - J. Motion: Approving a Right of Entry and Access Agreement between the City of Turlock and Eastside Water District for the Mustang Creek Managed Aquifer Recharge Demonstration Project at the Turlock Municipal Airport
 - K. Motion: Approving one (1) Maintenance Agreement with Mo-Cal Office Solutions (as an authorized Kyocera company) for copier maintenance based on a per copy cost and an annual base rate for a period of five (5) years, for the Parks, Recreation and Public Facilities Department

6. 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.

7. SCHEDULED MATTERS

- A. Request to approve the revised City of Turlock Public Art Policy and Guidelines. (Schulze)

Recommended Action:

Motion: Approving the revised City of Turlock Public Art Policy and Guidelines

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- B. Request to appropriate \$1,150,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2015-16 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Appropriating \$1,150,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2015-16 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue

- C. Request to determine City Project No. 16-38 "Fire Station Exhaust Removal System" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines; award bid and approve an Agreement, in the amount of \$192,167.26 (Fund 240), with Air Exchange, Inc. of Fairfield, California, for City Project No. 16-38 "Fire Station Exhaust Removal System." (*Bray*)

Recommended Action:

Resolution: Determining City Project No. 16-38 "Fire Station Exhaust Removal System" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement, in the amount of \$192,167.26 (Fund 240), with Air Exchange, Inc. of Fairfield, California, for City Project No. 16-38 "Fire Station Exhaust Removal System"

8. 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.

9. 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 January 24, 2017, unless otherwise specified by the Mayor or a majority of the Council.

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 – 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

12. ADJOURNMENT

The foregoing meeting is hereby called by Mayor Gary Soiseth at the above mentioned date and time pursuant to California Government Code §54956.



GARY SOISETH, Mayor