

# City Council Agenda



DECEMBER 13, 2016

6:00 p.m.

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



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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**

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**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](http://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.

**5:00 p.m. – 6:00 p.m. – Reception honoring incoming and outgoing Councilmembers, City Treasurer, and City Clerk**

1.     **A. CALL TO ORDER**

**B. SALUTE TO THE FLAG**

**C. RECOGNITION OF OUTGOING COUNCILMEMBER STEVEN NASCIMENTO**

2.     **ELECTION RESULTS**

       A.     Oath of Office for City Clerk

       B.     Resolution: Reciting the facts of the General Municipal Election held in said City of Turlock on the 8th day of November, 2016, declaring the results thereof and such other matters as are provided by law

       C.     Oath of Office for City Councilmembers

       D.     Oath of Office for City Treasurer

       E.     Special Oath administered by the Honorable Ruben A. Villalobos

       F.     New Council Seated

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**3. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**

- A. Proclamation: Retirement of City Employee, Kellie Weaver, Executive Assistant to the City Manager/City Clerk
- B. Appointment: Vice Mayor
- C. Appointment: San Joaquin Valley Air Pollution Control District Valley-Wide Special City Selection Committee – Member and Alternate Member
- D. Appointment: Stanislaus Council of Governments (StanCOG) – Alternate Member
- E. Appointment: Turlock Public Library Partnership – Council Representative
- F. Presentation: Turlock Firefighters Local 2434 Breast Cancer Awareness Update

**4. A. SPECIAL BRIEFINGS: None**

**B. STAFF UPDATES**

- 1. Policy Goals and Implementation Plan (*Executive Staff*)
- 2. Capital Projects and Building Activity (*Pitcock*)
- 3. Pet of the Month (*Animal Control*)
- 4. Public Safety Briefing (*Amirfar/Tallon*)

**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.

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

**B. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS**

**6. 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 10/27/16 in the amount of \$1,052,979.01; Demands of 11/03/16 in the amount of \$232,282.85; Demands of 08/31/16 in the amount of \$1,496,888.76
- B. Motion: Accepting Minutes of Special Meeting of November 15, 2016
- C. 1. Motion: Approving Contract Change Order No. 2 (Final) for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive," in the decreased amount of \$28,800, bringing the contract total to \$272,518.04

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2. Motion: Accepting improvements for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive" and authorizing the City Engineer to file a Notice of Completion
- D. 1. Resolution: Determining City Project No. 15-51 "Street Tree Replacement" 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. Motion: Awarding bid and approving an Agreement, in the amount of \$77,792 (Fund 246), with Landology, Inc. of Lincoln, California, for City Project No. 15-51 "Street Tree Replacement"
3. Resolution: Appropriating \$98,850 to account number 246-60-600.44001\_263 "Supplies Street Tree Replacement" to be funded from Fund 246 "Landscape Assessment" reserves for City Project No. 15-51 "Street Tree Replacement" to complete the necessary funding required for this project
- E. 1. Resolution: Determining City Project No. 16-37A "Fire Department Live Fire Training Facility" 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
2. Motion: Awarding bid and approving an Agreement, in the amount of \$188,000 (Fund 305), with Richard Townsend Construction of Oakdale, California, for City Project No. 16-37A "Fire Department Live Fire Training Facility"
3. Resolution: Appropriating \$215,500 to account number 305-40-443.51270 "Construction Project" to be funded using \$179,000 of unappropriated reserves in Fund 305 "CFF-Fire" and \$36,500 from Fund 116 "Special Public Safety – Fire"; and appropriating \$36,500 in Fund 116 "Special Public Safety – Fire" and transferring these monies to Fund 305 "CFF – Fire" for City Project No. 16-37A "Fire Department Live Fire Training Facility" to complete the necessary funding required for this project
- F. Motion: Approving the purchase and delivery of one (1) 2017 Ford Transit T-150 passenger vehicle for use in the administration and management of transit services from Downtown Ford Sales in Sacramento, California, under a leveraged procurement agreement through the State of California (Contract No. 1-16-23-23), in the amount of \$36,741.97 (Fund 426), without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(5)
- G. Motion: Approving an Agreement between the City of Turlock and Turlock Community Theatre, Inc. for the purpose of utilizing the Turlock Community Theatre for recreation dance classes and the end of session recital
- H. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors between June and November 2016 in the amount of \$1,362.64 (monetary donations) and \$1,200 (in-kind donations), to be utilized to fund a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- I. Resolution: Authorizing submission of applications for all Department of Resources Recycling and Recovery (CalRecycle) grants for which the City of Turlock is eligible to receive and delegating signing authority to the Mayor, City Manager, or his/her designee of grant documentation for a period of five (5) years
- J. 1. Motion: Approving a Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc. for On-Call Hydrogeological Engineering Services, in an amount not to exceed \$422,250 from account number 420-52-550.43320 "Special Services/Projects"
2. Resolution: Appropriating \$422,250 to account number 420-52-530.43320 "Special Services/Projects" from Fund 420 Water Enterprise Operating Reserves to fully fund On-Call Hydrogeological Engineering Services

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- K. 1. Resolution: Rescinding Resolution No. 2005-174 and adopting a new Resolution approving standardization of submersible pumps for the City of Turlock Water Quality Control Facility, for the purchase, repair and service of Flygt submersible pumps and associated parts from Shape, Inc., without compliance to the formal bid procedure pursuant to Turlock Municipal Code Sections 2-7-08(b)(3) and 2-7-08(b)(6)  
2. Motion: Approving an Agreement with Shape, Inc. for the purchase, repair and service of Flygt brand submersible pumps and associated parts, in an annual amount not to exceed \$25,000
- L. Motion: Approving an Agreement with Santos Machining for metal fabrication services for the City of Turlock Municipal Services Department for a period of twelve (12) months, in an annual amount not to exceed \$10,000
- M. Motion: Approving a Joint Powers Authority Agreement establishing the West Turlock Sub-basin Groundwater Sustainability Agency
- N. Motion: Authorizing staff to participate in negotiations establishing the East Turlock Sub-basin Groundwater Sustainability Agency and confirming the City of Turlock's preference to participate as an associate member
- O. Resolution: Appropriating \$34,000 to account number 266-20-255-360.44030\_000 "Minor Equipment Miscellaneous" and \$11,000 to account number 266-20-255-360.47095\_000 "Training General" from Fund 266 "Police Services Grants – Realignment Funds" reserve balance for additional training and technology related to crime analytics and high tech investigations
- P. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the third and fourth quarters of Fiscal Year 2015-16 and the first quarter of Fiscal Year 2016-17 in the amount of \$3,846 (monetary donations) and \$2,695 (in-kind donations), to be utilized in support of the City's Crime Prevention Unit and Public Safety Open House
- Q. Motion: Approving an Equipment Exchange Amendment No. 1 to Lease Agreement No. 2106559 from US Bank Equipment Finance for the exchange of one (1) Kyocera TaskAlpha Copier for the Development Services Department (Engineering Division)
- R. Motion: Approving an Addendum to an Agreement between the City of Turlock and MuniServices, LLC (formerly MBIA MuniServices Company), adding insurance requirements for City Contract No. 16-155
- S. Resolution: Rescinding Resolution No. 2016-071 and adopting a new Resolution approving the use of facsimile signatures on specific accounts at Westamerica Bank
- T. Resolution: Rescinding Resolution No. 2016-072 and adopting a new Resolution designating the authorized signatures for the City of Turlock bank accounts with Westamerica Bank
- U. Resolution: Adopting the 2017 City Council Meeting Schedule in accordance with Turlock Municipal Code Section 2-1-02
- V. Motion: Approving a Professional Services Agreement between the City of Turlock and Robertson – Bryan, Inc. for the preparation of a Toxicity Reduction Evaluation for Ceriodaphnia dubia, in an amount not to exceed \$27,262, from account number 410-51-530.43316 "NPDES Permit Studies"

**7. FINAL READINGS:** None

**8. 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.

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9. SCHEDULED MATTERS

- A. Request to determine the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines and determine the project is categorically excluded from the provisions of the National Environmental Policy Act (NEPA) pursuant to Federal Aviation Association (FAA) Order 1050.1E Chapter 3. 310 for Facility Siting, Construction and Maintenance (310e); authorize submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Federal Aviation Administration for the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project estimated at \$2,304,493; approve Amendment No. 1 to an Agreement between the City of Turlock and the Turlock Regional Aviation Association to establish a repayment plan to the General Fund in the amount of \$76,747 spread over a fifteen (15) year period in equal installments of \$5,116 per year and discontinue the expense for the City Airport Liaison's time to the Airport Enterprise Fund beginning with the 2016-17 Fiscal Year, between years four (4) and six (6) of the repayment period, Turlock Regional Aviation Association and the City of Turlock will review the term of the repayment period and make adjustments to the repayment period that are mutually agreeable to the Parties, if necessary, to ensure successful repayment of the loan by Turlock Regional Aviation Association; and appropriate \$2,304,493 to account number 401-10-125.51000 "Capital Improvements" anticipated to be funded as outlined in the Resolution to complete the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project and appropriate \$76,747 from General Fund reserves to be transferred to Fund 401 "Airport" to properly account for matching funds for this project. (*Van Guilder*)

**Recommended Action:**

Resolution: Determining the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines and determining the project is categorically excluded from the provisions of the National Environmental Policy Act (NEPA) pursuant to Federal Aviation Association (FAA) Order 1050.1E Chapter 3. 310 for Facility Siting, Construction and Maintenance (310e)

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Resolution: Authorizing submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the Federal Aviation Administration for the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project estimated at \$2,304,493

Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and the Turlock Regional Aviation Association to establish a repayment plan to the General Fund in the amount of \$76,747 spread over a fifteen (15) year period in equal installments of \$5,116 per year and discontinuing the expense for the City Airport Liaison's time to the Airport Enterprise Fund beginning with the 2016-17 Fiscal Year, between years four (4) and six (6) of the repayment period, Turlock Regional Aviation Association and the City of Turlock will review the term of the repayment period and make adjustments to the repayment period that are mutually agreeable to the Parties, if necessary, to ensure successful repayment of the loan by Turlock Regional Aviation Association

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Resolution: Appropriating \$2,304,493 to account number 401-10-125.51000 "Capital Improvements" anticipated to be funded as outlined in the Resolution to complete the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades construction project and appropriating \$76,747 from General Fund reserves to be transferred to Fund 401 "Airport" to properly account for matching funds for this project

- B. Request to reject the City of Modesto's offer to sell three (3) drinking water systems owned and operated by the City of Modesto in the Turlock area to the City of Turlock and direct the City Manager to inform the City of Modesto that the City of Turlock does not wish to purchase these water systems at this time. (Cooke)

**Recommended Action:**

Motion: Rejecting the City of Modesto's offer to sell three (3) drinking water systems owned and operated by the City of Modesto in the Turlock area to the City of Turlock and directing the City Manager to inform the City of Modesto that the City of Turlock does not wish to purchase these water systems at this time

**10. 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.

**11. 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.

**12. 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.

**13. CLOSED SESSION: None**

**14. ADJOURNMENT**