

City Council Agenda



SEPTEMBER 8, 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.

Moment of Reflection: **In recognition of efforts of the City of Turlock Fire Department Strike Team Personnel**

1. **A. CALL TO ORDER**

B. SALUTE TO THE FLAG

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

- A. Recognition: Turlock Fire Captain Kain Packwood and Turlock Fire Battalion Chief Bill Becker
- B. Recognition: Key to the City, His Grace Bishop Mar Awa Royel, Assyrian Church of the East
- C. Proclamation: Breast Cancer Awareness Month, October 2015, supported by Turlock Fire Department
- D. Proclamation: Retirement of City Employee – Fire Chief Tim Lohman
- E. Proclamation: CSU Stanislaus Warriors Golf, 2015 California Collegiate Athletic Association Tournament Champions
- F. Proclamation: The International Rescue Committee

3. A. SPECIAL BRIEFINGS:

1. Ad Hoc Sub Committee for Tree Maintenance/Sidewalk Repair Programs
(*Councilmember DeHart*)
2. Internet Presence Committee (*Councilmember Jacob*)

B. STAFF UPDATES

1. Capital Projects and Building Activity (*Pitcock*)
2. Water Conservation Update (*Cooke*)

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. 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 7/23/15 in the amount of \$594,698.03; Demands of 7/30/15 in the amount of \$1,670,778.89; Demands of 8/6/15 in the amount of \$476,759.07; Demands of 8/13/15 in the amount of 1,033,842.40
- B. Motion: Accepting Minutes of Special Joint City Council/Planning Commission Meeting of August 11, 2015; Minutes of Regular Meeting of August 11, 2015
- C.
 1. Motion: Accepting staff report on the response to the Stanislaus County Civil Grand Jury Case #15-02C: Stanislaus County Public Transit System
 2. Motion: Accepting staff report on the response to the Stanislaus County Civil Grand Jury Case #15-30GJ: Local Effects of Prison Realignment and California Assembly Bill 109
- D. Motion: Awarding bid and approving an agreement in the amount of \$182,355.11 (Fund 306) with MHK Construction Inc., of Denair, California, for City Project No. 11-43, "North Tegner Road and Taylor Road Intersection Improvements"
- E.
 1. Motion: Approving Contract Change Order No. 2 (Final) in the decreased amount of \$54,347.23 (Fund 215) for City Project No. 12-35, "Various Road Rehabilitation," bringing the contract total to \$802,952.07
 2. Motion: Accepting improvements for City Project No. 12-35, "Various Road Rehabilitation," and authorizing the City Engineer to file a Notice of Completion
- F.
 1. Motion: Approving Contract Change Order No. 1 (Final) in the decreased amount of \$3,029.50 (Fund 217) for City Project No. 12-53, "Crowell Road Pedestrian Improvements," bringing the contract total to \$56,984.61

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2. Motion: Accepting improvements for City Project No. 12-53, "Crowell Road Pedestrian Improvements," and authorizing the City Engineer to file a Notice of Completion
- G. 1. Motion: Approving Contract Change Order No. 2 (Final) in the decreased amount of \$14,278.80 (Fund 410) for City Project No. 13-61, "Drew Ave. Improvements Pedras Rd. to W. Tuolumne Rd.," bringing the contract total to \$288,901.20
2. Motion: Accepting improvements for City Project No. 13-61, "Drew Ave. Improvements Pedras Rd. to W. Tuolumne Rd.," and authorizing the City Engineer to file a Notice of Completion
- H. 1. Motion: Approving an agreement for engineering consulting services for railroad preemption in the amount of \$22,000 (Fund 215) with CTC, Inc., of Fort Worth, Texas, for City Project No. 14-28, "Intersection Improvements at Golden State Blvd. and Fulkerth Rd."
2. Resolution: Appropriating \$12,000 in Gas Tax Section 2103 monies to account number 217-50-511.48001_224 "Transfer Out to Fund 215 for Project 14-28" and account number 215-40-420.38001_224 "Transfer in from Fund 217 for Project 14-28" for City Project No. 14-28, "Intersection Improvements at Golden State Blvd. and Fulkerth Rd."
- I. Motion: Approving a professional services agreement with Nelson\Nygaard Consulting Associates, Inc., of San Francisco, California, in an amount not to exceed \$99,950 for City Project No. 14-75, "RFP for Short-Range Transit Plan"
- J. Motion: Approving Contract Change Order No. 1 in the amount of \$2,500 (Fund 410) for City Project No. 15-23, "Hedstrom Road Storm Drain Improvements," bringing the contract total to \$79,543
- K. 1. Motion: Making the determination that City Project No.15-28, "Brandon Koch Memorial Skatepark," is exempt from the provisions of CEQA in accordance with Section 15303
2. Motion: Awarding base bid, alternate 1 and alternate 2, and approving an agreement in the amount of \$259,000 (Fund 228) with California Landscape and Design, of Upland, California, for City Project No.15-28, "Brandon Koch Memorial Skatepark"
3. Resolution: Appropriating \$109,400 to account number 228-60-608.51178 "Neighborhood Parks – Skate Park Relocation" from Fund 228 "Park Development Tax-Community Parks" reserve balance to complete the necessary funding for this project
- L. Motion: Accepting improvements for City Project No. 15-32, "Public Safety Facility Bollards Repair and Miscellaneous Improvements," and authorizing the City Engineer to file a Notice of Completion
- M. 1. Motion: Making the determination that City Project No. 15-58, "Pedestrian Striping Upgrades, Various Locations," is exempt from the provisions of CEQA in accordance with 14 CCR §15301(c), "Repair or Maintenance of Existing Highways and Streets"
2. Motion: Awarding bid and approving an agreement in the amount of \$96,250 (Fund 216) with Chrisp Company, Inc., of Fremont, California, for City Project No. 15-58, "Pedestrian Striping Upgrades, Various Locations"
3. Resolution: Appropriating \$60,000 to account number 216-40-421.51221 "LTF Non-motorized Projects" to be funded using \$10,000 from Fund 216 "Non-Motorized" unappropriated reserves and \$50,000 from Fund 217 "Gas Tax Section 2103" unappropriated reserves for City Project No. 15-58, "Pedestrian Striping Upgrades, Various Locations," to complete the necessary funding required for the project
- N. 1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$55,683.07 (Fund 215) for City Project No. 0763, "Intersection Improvements at Monte Vista and Colorado," bringing the contract total to \$601,321.60

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2. Motion: Accepting improvements for City Project No. 0763, "Intersection Improvements at Monte Vista and Colorado," and authorizing the City Engineer to file a Notice of Completion
- O. Motion: Approving an Interdepartmental Agreement between the Housing Program Services Division and the Engineering Division to provide design, construction management and inspection services for the capital improvement projects/sidewalk projects for the term of the Consolidated Plan from July 1, 2015 through June 30, 2017
- P. Motion: Approving the reclassification of a vacant Senior Secretary position to Staff Services Assistant position for the Municipal Services Department, Administrative Division
- Q. Motion: Authorizing the Mayor, City Manager or his designee to enter into a Memorandum of Understanding with the Turlock Groundwater Basin Association for the purposes of coordinating activities for compliance with the Sustainable Groundwater Management Act
- R. Motion: Approving Amendment No. 2 to Keyes Community Services District Agreement between the City of Turlock and the Keyes Community Services District for the sellback of 0.1029 mgd of wastewater flow capacity and the purchase of an additional 430 lbs/day of BOD and 927 lbs/day of TSS disposal capacity
- S. Motion: Approving Amendment No. 2 to the Professional Services Agreement between the City of Turlock and Larry Walker Associates for the preparation of a Mixing Zone Field Study for the Turlock Harding Drain By-Pass Pipeline as required by the City's NPDES Discharge Permit, to extend the term of the contract for an additional nine (9) months
- T. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services for the preparation of a Water Fund Cash Flow Evaluation in an amount not to exceed \$14,880 (Non-General Fund 420-52-550.43320 "Special Services/Projects")
- U. Motion: Approving a maintenance agreement between the City of Turlock and HSQ Technology for maintenance service of the Telemetry software/hardware, in an annual amount not to exceed \$16,992, and a maximum amount of \$33,984, for a period of twenty-four (24) months
- V. Motion: Approving a service agreement with Jorgensen Company, Inc., of Modesto, California, for portable fire extinguisher inspections & services, for a period of twelve (12) months, in an amount not to exceed \$15,428
- W. Motion: Approving a service agreement with Lucas Business Systems, Inc., of Modesto, California, for a printer maintenance and management program, for a period of twelve (12) months, in an amount not to exceed \$33,460
- X. Resolution: Rescinding Resolution No. 2013-165 and approving an increase in the backfill permit fee maximum to \$160.50 per project, for projects involving curbs, gutters, sidewalks, driveways and ramps, in order to help property owners reduce the financial burden associated with these repairs
- Y. Motion: Approving a service agreement with James R Gibson, Dba JC Enterprises of Modesto, California, for awning cleaning services, in an amount not to exceed \$3,000, for the period beginning September 9, 2015 and ending September 8, 2016
- Z. Resolution: Approving a new job description for the position of Public Facilities Maintenance Team Leader, effective September 9, 2015
- AA. Resolution: Re-appropriating unspent funds of \$5,860 from Fiscal Year 2014-15, to account number 110-20-200.47363 "Technology" from Fund 110 "General Fund" reserve balance for the purchase of Microsoft Surface Pro 3s for command staff use

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- AB. Resolution: Re-appropriating unspent funds of \$164,516 from Fiscal Year 2014-15 to account number 112-10-116.44117 "Phone System," funded by a transfer from 110-10-112.48001_122 "Transfers Out to Fund 112 for Capital Purchases" from Fund 110 "General Fund" reserve balance, for the completion of the new phone system
- AC. 1. Motion: Authorizing the Mayor, City Manager or designee to execute the CLEARs Subscription Agreement/Renewal with West Publishing Corporation for 36 months to provide continued access for Police Department personnel (up to 75 users) additional investigative resources for data base searches in an amount not to exceed \$6,294.84
2. Resolution: Appropriating \$600 to account number 110-20-200.43215 "Cal ID Program" from Fund 110 "General Fund" reserve balance for investigative resources for data base searches
- AD. Resolution: Approving a Memorandum of Understanding between the Turlock Police Department and the Stanislaus County Auto Theft Task Force and authorizing the Mayor, City Manager or designee to sign the agreement
- AE. Resolution: Appropriating in Fiscal Year 2014-15 \$58,585 to account number 242-00-000-214.51015_009 "Computer Equipment Replacement-Network Public Safety/Server" funded by receipt of proceeds in account number 110-20-200.35441 "Lease Proceeds from LTD-IBM Server" of \$57,500 and the appropriation of \$57,500 to account number 110-20-200.48001_241 "Transfer to Fund 242-Lease IBM Server" and \$1,085 from Fund 242 "Computer Replacement-Public Safety Network" reserve balance to record the lease/purchase of a replacement IBM Server
- AF. Resolution: Authorizing the release of unclaimed checks pursuant to California Government Code Section 50050 and 50053 to the City of Turlock
- AG. Motion: Rejecting Claim for Damages filed by Surinder P. Singh
- AH. Motion: Rejecting Claim for Damages filed by Alpha Woody
- AI. 1. Motion: Approving an agreement between the City of Turlock and the Stanislaus Regional Water Authority ("SRWA") for interim legal services and authorizing the Mayor or City Manager to execute said agreement
2. Motion: Approving the appointment of Jennifer Land, Executive Assistant to the City Manager/City Clerk Trainee, to the position of SRWA Interim Board Secretary

6. FINAL READINGS: None

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 a Water Transfer Agreement between the City of Turlock and Del Puerto Water District for up to 13,000 acre-feet of transfer water annually and adopt a Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act. (Cooke)

Recommended Action:

Resolution: Approving a Water Transfer Agreement between the City of Turlock and Del Puerto Water District for up to 13,000 acre-feet of transfer water annually and adopting a Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act

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- B. Request to amend the General Plan and rezone three parcels, totaling approximately 9.7 acres, from Community Commercial to High Density Residential to allow for the construction of a 180-unit, 600-bed student housing complex, referred to as The Vista student housing project. The properties are located at 900 W. Monte Vista Ave, 3000 Crowell Road, and 1010 W. Monte Vista Ave (Stanislaus County APNs 071-006-021; 071-073-007 & 009). The purpose of the project is to build a student housing community where the individual bedrooms will be leased solely to California State University, Stanislaus, students and all of the community amenities will be available for the exclusive use of the student residents and their guests. A Planned Development application is also included in this request that would allow for the construction of the 180 units. (*Whitmore*)

Recommended Action:

Resolution: Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for The Vista Student Housing Project

Resolution: Adopting General Plan Amendment 2015-03 (The Vista Student Housing)

Introduction of the Ordinance:

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2015-01- Planned Development 272 (The Vista Student Housing)]

To be acted upon at the September 22, 2015, City Council Meeting:

Resolution: Establishing Conditions of Approval for Planned Development No. 272 (PD-272) [Rezone 2015-01, The Vista Student Housing – Scheme 2]

8. SCHEDULED MATTERS

- A. Request to approve an agreement between California State University, Stanislaus and the City of Turlock to offer college students internships and service learning experience. (*Jacobs-Hunter*)

Recommended Action:

Motion: Approving an agreement between California State University, Stanislaus and the City of Turlock to offer college students internships and service learning experience

- B. Request to affirm or modify the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission as set forth in “Exhibit A” and direct staff to initiate another funding cycle to award the remaining Community Events and Activities grant funds of \$5,750. (*Van Guilder*)

Recommended Action:

Resolution: Affirming or modifying the Community Events and Activities Grants Funding as submitted by the Parks, Arts and Recreation Commission as set forth in “Exhibit A”

Motion: Directing staff to initiate another funding cycle to award the remaining Community Events and Activities grant funds of \$5,750

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- C. Request to approve the purchase of six (6) replacement marked black and white police vehicles for Turlock Police Department from Price Ford of Turlock, Turlock, California, with all emergency equipment and aftermarket installation provided by LEHR Auto Electric & Emergency Equipment of Sacramento, California, from account number 506-00-000-213.51020 "Equipment Replacement" in an amount not to exceed \$47,500 per vehicle or \$285,000 total cost. (*Reid*)

Recommended Action:

Resolution: Approving the purchase of six (6) replacement marked black and white police vehicles for Turlock Police Department from Price Ford of Turlock, Turlock, California, with all emergency equipment and aftermarket installation provided by LEHR Auto Electric & Emergency Equipment of Sacramento, California, from account number 506-00-000-213.51020 "Equipment Replacement," in an amount not to exceed \$47,500 per vehicle or \$285,000 total cost

- D. Request to accept AB109 Realignment Funds in the amount of \$71,424.87 and appropriate said funds to the proper revenue 266-20-255-360.35720 "Realignment funds-Revenue" and expenditure account 266-20255-360.44030_000 "Minor Equipment Miscellaneous." (*Amirfar*)

Recommended Action:

Resolution: Accepting AB109 Realignment Funds in the amount of \$71,424.87 and appropriating said funds to the proper revenue 266-20-255-360.35720 "Realignment funds-Revenue" and expenditure account 266-20255-360.44030_000 "Minor Equipment Miscellaneous"

- E. Request to approve the purchase of one (1) Rosenbauer Fire Engine through the Houston-Galveston Area Council, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in an amount not to exceed \$600,000 and appropriate the necessary funding to complete the purchase. (*Jackson/Harcksen*)

Recommended Action:

Motion: Approving the purchase of one (1) Rosenbauer Fire Engine through the Houston-Galveston Area Council, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in an amount not to exceed \$600,000

Resolution: Appropriating \$50,000 to account number 506-00-000-304.51020 "Fire Services Equipment Replacement" funded by a transfer from account number 116-30-300.48001_090 "Transfers Out for Vehicles & Equipment Replacement" from Fund 116 "Special Public Safety-Fire" reserve balance for the purchase of a fire engine

- F. Request to approve modifications to the Fire Chief job description effective September 8, 2015 and authorize the creation of a five (5) member review panel for Fire Chief recruitment and appointing the Mayor and City Manager as co-chairs of the panel. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Approving modifications to the Fire Chief job description effective September 8, 2015

Motion: Authorizing the creation of a five (5) member review panel for Fire Chief recruitment and appointing the Mayor and City Manager as co-chairs of the panel

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

12. ADJOURNMENT