

City Council Agenda



DECEMBER 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

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. Proclamation: Make-A-Wish Recipient Koran Rudd
- B. Proclamation: Pitman High School Band – National Invitational Band and Orchestra Festival, March 25, 2016

3. A. SPECIAL BRIEFINGS

- 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Maggie White, Student Government Relations Coordinator

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Traffic Calming Report Update (*Pitcock*)
4. Business Incentive Program Update (*Pitt*)
5. Water Conservation and Education Update (*Reynolds*)

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 10/29/15 in the amount of \$191,061.40; Demands of 11/6/15 in the amount of \$936,127.25; Demands of 11/12/15 in the amount of \$2,278,317.86
- B. Motion: Accepting Minutes of Special Meeting of November 3, 2015; Minutes of Regular Meeting of November 10, 2015
- C.
 1. Motion: Making the determination that City Project No.14-24, "Storm Drain Repairs on Countryside Drive," is exempt from the provisions of CEQA in accordance with Section 15301(d)
 2. Motion: Awarding bid and approving an agreement in the amount of \$238,800 (Fund 413) with Breneman, Inc., of Walnut Creek, California, for City Project No. 14-24, "Storm Drain Repairs on Countryside Drive"
- D.
 1. Motion: Making the determination that City Project No. 15-39, "Clarifier No. 5," 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 \$377,701 (Fund 413) for City Project No. 15-39, "Clarifier No. 5"
- E.
 1. Resolution: Appropriating \$87,000 to account number 410-51-534.51180 "Crane Avenue Sewer Line Replacement" to be funded from unappropriated reserves in Fund 410 "Water Quality Control (WQC)" for City Project No. 15-56, "Crane Avenue Sewer Line Replacement," to complete the necessary funding required for this project
 2. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$10,060.94 (Fund 410) for City Project No. 15-56, "Crane Avenue Sewer Line Replacement," bringing the contract total to \$59,625.17

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3. Motion: Accepting improvements for City Project No. 15-56, "Crane Avenue Sewer Line Replacement," and authorizing the City Engineer to file a Notice of Completion
- F. Resolution: Adopting the 2016 City of Turlock Standard Specifications and Drawings in accordance with Turlock Municipal Code Section 7-2-201, "Construction Standards"
- G. 1. Resolution: Appropriating \$125,000 to account number 305-40-442.51306 "Carnegie Storm Drain" from unappropriated reserves in Fund 305, Division 442 "CFF – Admin Projects" for City Project No. 15-53, "Carnegie Storm Drain"
2. Resolution: Appropriating \$340,000 to account number 305-40-442.51307 "129 S. Broadway Parking Lot" from unappropriated reserves in Fund 305, Division 442 "CFF – Admin Projects" for City Project No. 15-57, "129 S. Broadway Parking Lot"
- H. Resolution: Approving an amendment to the Fiscal Year 2015-16 Budget to appropriate \$13,195 to account number 110-10-112.43060_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" reserve balance to re-examine the existing Public Service Mitigation Fee (Community Facilities District #2)
- I. Motion: Approving the proposed cost sharing proposal for the preparation of the update to the Northwest Triangle Specific Plan and directing staff to begin the master plan update process
- J. 1. Motion: Approving an agreement in the amount of \$69,410 (Fund 305) with TJKM Transportation Consultants for the development of a Downtown Parking Plan
2. Resolution: Appropriating \$76,351 to account number 305-40-442.43055_006 "Consultant-Downtown Parking Plan" to be funded from unappropriated reserves in Fund 305, Division 442 "CFF - Admin Projects"
- K. Motion: Approving the purchase of two (2) 2016 ¾ Ton Standard Cab 2WD Pickup Trucks with Utility Body and Whelen Light Bar Liberty Series for Municipal Services Department from Towne Ford Sales of Redwood City, California, in an amount not to exceed \$65,293
- L. Resolution: Approving an Industrial Hauler Business License for Modesto Garbage Co., Inc., in accordance with Section 6-3-209 of the Turlock Municipal Code
- M. Motion: Approving a renewed agreement between State of California's Franchise Tax Board Interagency Intercept Collections (IIC) program and the City of Turlock Finance Department, and authorizing the Mayor, City Manager, or his/her designee, to sign the agreement and all future renewal agreements
- N. Resolution: Appropriating \$42,399 to account number 410-51-534.51184 "Municipal Services Office Remodel," \$21,199 to account number 420-52-551.48001_245 "Transfers Out-Municipal Services Office Remodel," and \$21,199 to account number 410-51-534.38001_245 "Transfers In-Municipal Services Office Remodel" from Fund 410 "Water Quality Control-Capital Repair/Replacement" and Fund 420 "Water Enterprise-Capital Repair/Replacement" reserve balances for the purchase and installation of office panel systems
- O. Resolution: Authorizing the sole source procurement of two (2) configured HP Itanium rx2800 computer servers from HSQ Technology of Hayward, California, in the amount of \$39,300, without compliance to the formal bid procedure having found that the criteria listed in Turlock Municipal Code Title 2, Chapter 7, Section 08(b)(2) have been satisfied
- P. Motion: Accepting the annual report on the adequacy of the City's sewer and water rates pursuant to the City Council's Policy Goals and Implementation Plan 2015-2019
- Q. Resolution: Approving modifications to the job description for the position of Electrical Mechanical Maintenance Supervisor, effective December 8, 2015

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- R. 1. Motion: Approving the purchase of one (1) New Holland 2 WD ROPS Tractor, Model #Workmaster 70, through the National Joint Powers Alliance (NJPA), Contract #031711-CIH, from Garton Tractor, Inc., for the Parks, Recreation & Public Facilities Department, in an amount not to exceed \$25,459
2. Resolution: Appropriating \$1,459 to account number 506-00-000-231.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Streets" reserve balance for the purchase of the New Holland 2 WD ROPS Tractor
- S. Resolution: Accepting donations received from October through December Fiscal Year 2015-16 to be deposited for a variety of Parks, Recreation & Public Facilities Department programs, scholarships, and activities
- T. Motion: Approving the purchase of rubber bark, made from tire-derived products, from International Mulch Company, Bridgeton, Missouri, in an amount not to exceed \$150,000
- U. Motion: Approving the renewal of the Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth basketball programs within the community
- V. Resolution: Appropriating \$3,000 to account number 110-61-622-004.43161 "Facility Rent" funded by \$3,290 in account number 110-61-622.35720 "Dance Etc. Program" additional revenue to cover facility rental costs associated with hosting youth dance classes at the Carnegie Arts Center
- W. Resolution: Appropriating \$3,000 to account number 120-10-120.44001_000 "General Supplies" from Fund 120 "Tourism" reserve balance for costs associated with coordinating community events
- X. Motion: Approving the agreement with Express Press, Inc., of Springfield, Missouri, for tee shirts for recreation programs, for a period of twelve (12) months in an amount not to exceed \$25,000
- Y. Motion: Affirming the City Manager's action of having executed the California Cad Solutions, Inc., Retainer Agreement for a twelve (12) month period, to provide continued regular updates of GIS data for the City of Turlock, at an hourly rate of \$150 or in an amount not to exceed \$18,000 in a twelve (12) month period, and allowing an agreement renewal option for a total of thirty-six (36) months
- Z. Motion: Authorizing the Chief of Police to sign the revised Memorandum of Agreement with the County of Calaveras for law enforcement services during the Butte Fire in September 2015
- AA. Motion: Approving a Memorandum of Understanding between the law enforcement agencies of Stanislaus County to develop a multi-jurisdictional traffic enforcement team that can address traffic concerns on a larger than normal scale by utilizing traffic units throughout the county to work together in an attempt to reduce traffic collision related accidents
- AB. Resolution: Re-appropriating \$8,050 in unspent funds from Fiscal Year 2014/15 to Fiscal Year 2015/16 to account number 240-00-000-213.51153 "Police Services – Weapons" for the purchase of seven (7) Colt AR-15 rifles for the Turlock Police Department
- AC. 1. Motion: Approving Amendment No. 1 to the agreement with Kemper CPA Group, LLP to perform a compliance audit of the Convention and Visitors Bureau "Tourism Fund" for the period of January 1, 2009 through May 3, 2015
2. Resolution: Appropriating \$1,895 to 512-10-152.43016 "CVB Audit" from Fund 512 "Casualty Insurance" reserve balance for additional scope work in the compliance audit of the Turlock Convention and Visitors Bureau "Tourism Fund" for the period January 1, 2009 through May 3, 2015

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- AD. Motion: Approving the amended Joint Powers Authority (JPA) Agreement for the Stanislaus Regional Water Authority (SRWA)
- AE. 1. Resolution: Authorizing reinstatement of retired Purchasing Coordinator effective January 1, 2016 to step 5 of current approved Purchasing Coordinator salary range, reinstate vacation and sick leave accruals to same level as at time of retirement, provide 40 hours of vacation and 40 hours of sick leave at reinstatement date
2. Resolution: Approving modifications to the Purchasing Coordinator job description allowing up to three (3) years of local government employment to qualify towards the 5-year required experience, effective December 8, 2015
3. Resolution: Authorizing the creation of one (1) new job classification of Purchasing Coordinator Trainee, TCEA salary range 23.6, and hiring of one (1) Purchasing Coordinator Trainee position through an in-house recruitment of full-time, part-time, and volunteer/intern staff and appropriating partial funding to salaries and benefits totaling \$12,831 to 110-10-106 "Administrative Services-Finance" from Fund 110 "General Fund" reserve balance
- AF. Resolution: Authorizing the creation of one (1) new job classification of Executive Administrative Assistant/Deputy City Clerk and the reclassification of one (1) Secretary/Deputy City Clerk in Administration to the newly created job classification, effective January 1, 2016
- AG Resolution: Approving modifications to the job description for the position of City Manager, effective December 8, 2015
- AH. Motion: Rejecting Claim for Damages filed by Gevargiz Shansoff
- AI. Motion: Rejecting Claim for Damages filed by MCI Engineering, Inc.

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 reaffirm/confirm the City Zoning Code is adopted and operates under the principles of permissive zoning; Determine the proposed amendments to Title 5 and Title 3 of the Turlock Municipal Code are exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15061(b)(3)(General Rule) and/or Section 15305 (Minor Alterations in Land Use Limitations); Amend Turlock Municipal Code Title 5, Chapter 21 to prohibit all commercial cannabis activities, prohibit cannabis deliveries within the City, prohibit all activities for which a license is required under the Medical Marijuana Regulation and Safety Act, and prohibit cultivation of cannabis for non-commercial purposes in the City of Turlock; and Amend Turlock Municipal Code Title 3, Chapter 1 regarding business licenses providing that the City shall not approve licenses or uses for a medical marijuana collective, cooperative, dispensary or any other commercial cannabis (marijuana) activity including distribution, cultivation, manufacturing, transportation, delivery, testing, or processing of medical marijuana, and the City shall not approve licenses or uses for any activity that requires a license or any other authorization or approval under the Medical Marijuana Regulation and Safety Act. (Whitmore)

Recommended Action:

Resolution: Determining that the Proposed Amendments to Title 5 and Title 3 of the Turlock Municipal Code are Exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15061(b)(3)(General Rule) and/or Section 15305 (Minor Alterations in Land Use Limitations)

Resolution: Reaffirming and confirming the City Zoning Code is adopted and operates under the principles of permissive zoning

Ordinance: Amending Turlock Municipal Code Title 5, Chapter 21 prohibiting all Commercial Cannabis Activities, prohibiting Cannabis Deliveries within the City, prohibiting all Activities for which a License is required under the Medical Marijuana Regulation and Safety Act, and prohibiting Cultivation of Cannabis for Non-Commercial Purposes in the City of Turlock

Ordinance: Amending Turlock Municipal Code Title 3, Chapter 1 regarding Business Licenses providing that the City shall not approve licenses or uses for a medical marijuana collective, cooperative, dispensary or any other commercial cannabis (marijuana) activity including distribution, cultivation, manufacturing, transportation, delivery, testing, or processing of medical marijuana, and the City shall not approve licenses or uses for any activity that requires a license or any other authorization or approval under the Medical Marijuana Regulation and Safety Act

- B. Request to amend Turlock Municipal Code Title 7, Chapter 2 regarding maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and amend Turlock Municipal Code Title 7, Chapter 7 regarding maintenance of street trees. (*Van Guilder*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 7, Chapter 2 regarding maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches

Ordinance: Amending Turlock Municipal Code Title 7, Chapter 7 regarding maintenance of street trees

8. SCHEDULED MATTERS

- A. Request to provide direction on how to respond to duplicate requests to host a Farmers Market in downtown Turlock. (*Van Guilder*)

Recommended Action:

Motion: Providing direction on how to respond to duplicate requests to host a Farmers Market in downtown Turlock

- B. Request to Rescind Resolution No. 88-130 and adopt a new Resolution revising Neighborhood Street Tree Themes and Options. (*Van Guilder*)

Recommended Action:

Resolution: Rescinding Resolution No. 88-130 and adopting a new Resolution revising Neighborhood Street Tree Themes and Options

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- C. Request to approve an agreement between the City of Turlock and Turlock Gospel Mission for a Pilot Supportive Services/Case Management program funded with Community Development Block Grant funds (CDBG) in the amount of \$36,000 under the public services program and appropriate the necessary funding. (*Pitt*)

Recommended Action:

Motion: Approving an agreement between the City of Turlock and Turlock Gospel Mission for a Pilot Supportive Services/Case Management program funded with Community Development Block Grant funds (CDBG) in the amount of \$36,000 under the public services program

Resolution: Appropriating \$36,000 to account number 255-41-485.47215_014 "Public Services Turlock Gospel Mission" from Fund 255 "CDBG" reserve balance to fund the Pilot Supportive Services/Case Management program with Turlock Gospel Mission

- D. Request to accept notification from the San Joaquin Valley Air Pollution Control District of an award of \$100,000 in grant funding under the Public Benefit Grant Program towards the purchase of five (5) Ford F-250 CNG pickup trucks powered by alternative fuel and approve the purchase and delivery of said trucks from Downtown Ford Sales of Sacramento, California, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(5) of the Turlock Municipal Code, in the amount of \$191,326. (*Pitcock*)

Recommended Action:

Motion: Accepting notification from the San Joaquin Valley Air Pollution Control District of an award of \$100,000 in grant funding under the Public Benefit Grant Program towards the purchase of five (5) Ford F-250 pickup trucks powered by alternative fuel

Resolution: Approving the purchase and delivery of five (5) 2016 Ford F-250 CNG pickup trucks from Downtown Ford Sales of Sacramento, California, 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 \$191,326 under State of California Contract No. 1-14-23-20A as part of City Project No. 14-66, "Purchase of five (5) CNG Pickup Trucks," and making appropriations as further specified

- E. Request to approve the transfer of ownership of two (2) Orion IIV CNG buses from the Merced County Transit Joint Powers Authority for transit revenue subject to concurrence of the Merced County Transit Joint Powers Authority and the approval of the Federal Transit Administration; and request to authorize the Mayor, City Manager, or his designee, to submit a request to the Federal Transit Administration (FTA) for a grantee-to-grantee transfer of ownership as specified in the associated resolution and as part of City Project No. 15-24, "Merced CNG Bus Transfer." (*Pitcock*)

Recommended Action:

Resolution: Approving the transfer of ownership of two (2) Orion IIV CNG buses from the Merced County Transit Joint Powers Authority for transit revenue service in the City of Turlock, subject to concurrence of the Merced County Transit Joint Powers Authority and the approval of the Federal Transit Administration

Motion: Authorizing the Mayor, City Manager, or his designee, to submit a request to the Federal Transit Administration (FTA) for a grantee-to-grantee transfer of ownership as specified in the associated resolution and as part of City Project No. 15-24, "Merced CNG Bus Transfer"

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- F. Request to approve the use of bus shelters for advertising purposes and direct ad revenue to be applied toward meeting the federally mandated farebox recovery ratio, authorize City staff to begin work on City Project No. 15-76, "Transit Shelter Upgrades, Various Locations" and develop the Plans, Specifications and Estimate (PS&E) for the acquisition and installation of up to twelve (12) bus shelters with integrated advertising panels for a newly adopted ad program. (*Pitcock*)

Recommended Action:

Motion: Approving the use of bus shelters for advertising purposes and directing ad revenue to be applied toward meeting the federally mandated farebox recovery ratio

Motion: Authorizing City staff to begin work on City Project No. 15-76, "Transit Shelter Upgrades, Various Locations," and develop the Plans, Specifications and Estimate (PS&E) for the acquisition and installation of up to twelve (12) bus shelters with integrated advertising panels for a newly adopted ad program

- G. Request to approve the acquisition and installation of twelve (12) Fast Fare electronic fareboxes and associated equipment on City transit buses and allow for any future purchases from SPX Genfare of Elk Grove Village, Illinois, in an amount not to exceed \$316,616, as part of City Project No. 15-81 "Electronic Transit Farebox Upgrades," without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(6) of the Turlock Municipal Code. (*Pitcock*)

Recommended Action

Resolution: Approving the acquisition and installation of twelve (12) Fast Fare electronic fareboxes and associated equipment on City transit buses and allowing for any future purchases from SPX Genfare of Elk Grove Village, Illinois, in an amount not to exceed \$316,616, as part of City Project No. 15-81 "Electronic Transit Farebox Upgrades," without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(6) of the Turlock Municipal Code

- H. Request to 1) authorize three (3) full-time firefighter positions to Department 30-300 "Fire-Operations" OR 2) request to authorize dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17. (*Jacobs-Hunter*)

Recommended Action:

Option 1

Resolution: Authorizing three (3) full-time firefighter positions to Department 30-300 "Fire-Operations"

OR

Option 2

Motion: Authorizing dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17

- I. Request to accept and consent to the City Manager's appointment of Robert A. Talloni to the position of Fire Chief of the Turlock City Fire Department effective December 14, 2015 and approving the agreed upon conditions of employment as detailed in Exhibit A. (*Hunter-Jacobs*)

Recommended Action:

Resolution: Accepting and consenting to the City Manager's appointment of Robert A. Talloni to the position of Fire Chief of the Turlock City Fire Department effective December 14, 2015 and approving the agreed upon conditions of employment as detailed in Exhibit A

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