

City Council Agenda



MARCH 28, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

Council Members
Matthew Jacob
William DeHart, Jr.
Vice Mayor
Amy Bublak
Gil Esquer

City Manager
Gary R. Hampton
City Clerk
Jennifer Land
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: Key to the City, recipient Lock-N-Stitch, Inc.
- B. Presentation: Commute Connection, presented by Program Specialist Kari McNickle
- C. Appointments: Tourism Evaluation Panel – Member and Alternate Member (Council Representatives)

3. A. SPECIAL BRIEFINGS

- 1. CALIFORNIA STATE UNIVERSITY STANISLAUS**
Noriel Mostajo, Student Government Relations Coordinator
- 2. TURLOCK REGIONAL AVIATION ASSOCIATION**
Todd Smith, President

B. STAFF UPDATES

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Tallon*)
3. Fire Station Exhaust Removal System (*Tallon*)
4. Measure L Update (Pitcock)

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

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 Weekly Demands of 02/09/17 in the amount of \$742,995.55; Weekly Demands of 02/23/17 in the amount of \$956,938.23; Monthly Demands of 11/30/16 in the amount of \$1,124,016.27
- B. Motion: Accepting Minutes of the Special Meeting of March 14, 2017 and Minutes of the Regular Meeting of March 14, 2017
- C.
 1. Motion: Accepting notification of Contract Change Order No. 2 (Final), in the amount of \$170.56 (Fund 306), for City Project No. 11-43 "North Tegner Road and Taylor Road Intersection Improvements," bringing the contract total to \$191,247.71
 2. Resolution: Appropriating \$25,000 to account number 306-40-445.51270 "Construction Project" to be funded from Fund 306 "North Turlock Master Plan" unallocated reserves for City Project No. 11-43 "North Tegner Road and Taylor Road Intersection Improvements" to complete the necessary funding required for this project
 3. Motion: Accepting improvements for City Project No.11-43 "North Tegner Road and Taylor Road Intersection Improvements" and authorizing the City Engineer to file a Notice of Completion
- D.
 1. Motion: Accepting notification of Contract Change Order No. 3 (Final), in the decreased amount of \$54,750.25 (Fund 269), for City Project No. 15-43 "Montana Neighborhood Park," bringing the contract total to \$541,964.39
 2. Resolution: Appropriating \$251,168 to account number 269-60-614-381.51270 "Construction Project" to be funded from Fund 269 "Park Grants – Housing Related Parks Program" unallocated reserves for City Project No. 15-43 "Montana Neighborhood Park" to complete the necessary funding required for this project

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3. *Motion*: Accepting improvements for City Project No.15-43 "Montana Neighborhood Park" and authorizing the City Engineer to file a Notice of Completion
- E. *Motion*: Accepting improvements for City Project No. 16-72 "Blower Building No. 1 Re-roof" and authorizing the City Engineer to file a Notice of Completion
- F. *Resolution*: Adopting the summary vacation (AB 16-02) of that section of irrigation easement located on the property at 2218 West Main Street, A.P.N. 044-007-024
- G. *Resolution*: Adopting the summary vacation (AB 16-03) of that section of storm drain easement located on the property at 2300 West Main Street, A.P.N. 044-007-025
- H. *Motion*: Authorizing issuance of Request for Qualifications (RFQ) No.17-502 for contract plan review services of construction documents for conformance with the California Building Codes
- I. 1. *Resolution*: Determining acceptance of the 2016 General Plan Annual Report is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2)(Preliminary Review) of the CEQA Guidelines
2. *Resolution*: Accepting the 2016 General Plan Annual Report pursuant to California Government Code Section 65400(a)(2) to be submitted to the Governor's Office of Planning and Research and the California Department of Housing and Community Development
- J. *Motion*: Approving an Agreement with Turlock Unified School District to provide volunteer students through the On-Track program to perform janitorial services for the City of Turlock
- K. *Motion*: Approving the Turlock Chaplaincy Fun Run event utilizing the public right-of-way (bike paths, sidewalks, streets), to be held primarily at Denair Park, hosted by Turlock Chaplaincy, Inc., on Saturday, April 8, 2017 from 7:00 a.m. to 11:30 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event
- L. *Resolution*: Accepting a donation from Dona Kerkvliet Varin in the amount of \$1,037 in account number 270-61-635-399.37200_000 "Donations General" for a memorial bench to be placed at the Dog Park located at Swanson Centennial Park and appropriating \$1,037 to account number 270-61-635-399.47125 "Recreation Donation Expenses" for the purchase of the bench
- M. 1. *Resolution*: Authorizing issuance of Request for Proposal (RFP) No. 17-404 for well rehabilitation services
2. *Resolution*: Authorizing issuance of Request for Proposal (RFP) No. 17-503 for the installation of three monitoring wells and two test holes
- N. 1. *Motion*: Approving an agreement with Konica Minolta Business Solutions, U.S.A., Inc. to upgrade the Hyland OnBase Enterprise Content Management Solution to Version 16, build an OnBase test environment, perform an Electronic Content Management business process review, and provide training services
2. *Resolution*: Appropriating \$27,150 to 501-10-130.43226 "Document Imaging System" from Fund 501 "Information Technology" reserve balance for an upgrade to the City's document management system, build a test environment for the system, perform a business process review, and provide training services
- O. *Resolution*: Authorizing the Purchasing Officer to dispose of surplus supplies and/or equipment as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j)

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS**

- A. Request to adopt the City of Turlock 1,000 Flags Initiative and designate Main Street from Palm Street to Lander Avenue, Countryside Drive from Fulkerth Road to Monte Vista Avenue, and Joe Gallison Memorial Parkway along Canal Drive as flag corridors, AND adopt the City of Turlock Flag Policy to ensure flag etiquette at City facilities while promoting patriotism in the community, AND determine painting of red and blue striping on a portion of Joe Gallison Memorial Parkway between North Berkeley Avenue and North Johnson Road is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301(c) (Existing Facilities) of the CEQA Guidelines, AND authorize painting of red and blue striping on a portion of Joe Gallison Memorial Parkway between North Berkeley Avenue and North Johnson Road to honor our public safety personnel and their service to our community, AND appropriate \$5,000 to account number 269-60-614-414.44001_000 "Supplies" funded by a transfer from Fund 120 "Tourism" unallocated reserves to fund the purchase of program supplies for the 1,000 Flags Initiative and associated projects. (*Van Guilder*)

Recommended Action:

Resolution: Adopting the City of Turlock 1,000 Flags Initiative and designating Main Street from Palm Street to Lander Avenue, Countryside Drive from Fulkerth Road to Monte Vista Avenue, and Joe Gallison Memorial Parkway along Canal Drive as flag corridors

Motion: Adopting the City of Turlock Flag Policy to ensure flag etiquette at City facilities while promoting patriotism in the community

Resolution: Determining painting of red and blue striping on a portion of Joe Gallison Memorial Parkway between North Berkeley Avenue and North Johnson Road is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301(c) (Existing Facilities) of the CEQA Guidelines

Resolution: Authorizing painting of red and blue striping on a portion of Joe Gallison Memorial Parkway between North Berkeley Avenue and North Johnson Road to honor our public safety personnel and their service to our community

Resolution: Appropriating \$5,000 to account number 269-60-614-414.44001_000 "Supplies" funded by a transfer from Fund 120 "Tourism" unallocated reserves to fund the purchase of program supplies for the 1,000 Flags Initiative and associated projects

- B. Request to accept or modify the Sports & Recreation Facilities Prioritization and Feasibility Study from The Sports Management Group. (*Schulze*)

Recommended Action:

Resolution: Accepting or modifying the Sports & Recreation Facilities Prioritization and Feasibility Study from The Sports Management Group.

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- C. Request to approve Amendment No. 2 to the Revocable License Agreement between the City of Turlock and Golden State Farmers' Market Association for the operation, management and marketing of a certified farmers market located on City of Turlock property, amending the Time of Operation from Saturdays between 8:00 a.m. to 1:00 p.m. to Thursdays between 5:00 p.m. to 8:00 p.m., with setup to begin at 3:00 p.m. and teardown from 8:00 p.m. to 9:00 p.m., during the months of May through October or as otherwise authorized by the City Manager. (*Van Guilder*)

Recommended Action:

Motion: Approving Amendment No. 2 to the Revocable License Agreement between the City of Turlock and Golden State Farmers' Market Association for the operation, management and marketing of a certified farmers market located on City of Turlock property, amending the Time of Operation from Saturdays between 8:00 a.m. to 1:00 p.m. to Thursdays between 5:00 p.m. to 8:00 p.m., with setup to begin at 3:00 p.m. and teardown from 8:00 p.m. to 9:00 p.m., during the months of May through October or as otherwise authorized by the City Manager

- D. Request to authorize issuance of Request for Proposal (RFP) No. 17-500 for an Interactive Voice Response (IVR) System and related customer engagement technologies for utility account customers AND appropriate \$80,000 to 410-51-534.51183 "Phone System Interactive Voice Response" from Fund 410 "WQC-Capital Repair/Replacement" reserve balance, \$40,000 to 410-51-534.38001_244 "Transfers In Phone System IVR" and \$40,000 to 420-52-551.48001_244 "Transfers Out Phone System IVR" from Fund 420 "Water Enterprise" reserve balance for the purchase of an IVR System and related technology. (*Cooke*)

Recommended Action:

Motion: Authorizing issuance of Request for Proposal (RFP) No. 17-500 for an Interactive Voice Response (IVR) System and related customer engagement technologies for utility account customers

Resolution: Appropriating \$80,000 to 410-51-534.51183 "Phone System Interactive Voice Response" from Fund 410 "WQC-Capital Repair/Replacement" reserve balance, \$40,000 to 410-51-534.38001_244 "Transfers In Phone System IVR" and \$40,000 to 420-52-551.48001_244 "Transfers Out Phone System IVR" from Fund 420 "Water Enterprise" reserve balance for the purchase of an IVR System and related technology

- E. Request to approve Amendment No.1 to an Agreement with Applied Development Economics (ADE) authorizing ADE access to examine the City of Turlock sales and use tax data maintained by the State of California Board of Equalization. (*Pitt*)

Recommended Action:

Motion: Approving Amendment No.1 to an Agreement with Applied Development Economics (ADE) authorizing ADE access to examine the City of Turlock sales and use tax data maintained by the State of California Board of Equalization

- F. Request to approve an Agreement with Stifel, Nicolaus & Company, Incorporated to act as Underwriter/Placement Agent for proposed bond issuance to refund the outstanding 2008 Water Revenue Bonds and authorize the Mayor or City Manager to execute AND approve an Agreement with Montague DeRose and Associates, Inc. to act as Municipal Advisor for proposed bond issuance to refund the outstanding 2008 Water Revenue Bonds and authorize the Mayor or City Manager to execute. (*Lorenzi*)

Recommended Action:

Motion: Approving an Agreement with Stifel, Nicolaus & Company, Incorporated to act as Underwriter/Placement Agent for proposed bond issuance to refund the outstanding 2008 Water Revenue Bonds and authorizing the Mayor or City Manager to execute

Motion: Approving an Agreement with Montague DeRose and Associates, Inc. to act as Municipal Advisor for proposed bond issuance to refund the outstanding 2008 Water Revenue Bonds and authorizing the Mayor or City Manager to execute

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 May 9, 2017, 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. Threat to Public Services or Facilities, Cal. Gov't Code §54957(a)**

"This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities."

Consultation with: Police Chief Ninus C. Amirfar

B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."

Property: 132 South First Street, Turlock, CA (APN No. 061-016-030)

Agency Negotiator: City Manager Gary R. Hampton

Negotiating Parties: Aguilar Francisco Valencia, et al

Under Negotiation: Price and terms of payment

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- C. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 140 South First Street, Turlock, CA (APN No. 061-016-031)
Agency Negotiator: City Manager Gary R. Hampton
Negotiating Parties: City of Turlock and Ramirez Ramon Lopez, Jr.
Under Negotiation: Price and terms of payment
- D. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 142 South First Street, Turlock, CA (APN No. 061-016-032)
Agency Negotiator: City Manager Gary R. Hampton
Negotiating Parties: Ramirez Ramon Lopez, Jr.
Under Negotiation: Price and terms of payment
- E. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 144 South First Street, Turlock, CA (APN No. 061-016-033)
Agency Negotiator: City Manager Gary R. Hampton
Negotiating Parties: Reynoso Miguel R.
Under Negotiation: Price and terms of payment
- F. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 146 South First Street, Turlock, CA (APN No. 061-016-034)
Agency Negotiator: City Manager Gary R. Hampton
Negotiating Parties: Mission Linen Supply
Under Negotiation: Price and terms of payment
- G. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 1141 North Olive Avenue, Turlock, CA (APN No. 042-021-032)
Agency Negotiator: City Manager Gary R. Hampton
Negotiating Parties: Dale & Martha Lundquist
Under Negotiation: Price and terms of payment

13. ADJOURNMENT