

# City Council Agenda



MAY 23, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



\*\*and via teleconference:  
Hampton Inn & Suites Hemet  
3700 West Florida Avenue  
Hemet, CA 92545  
Telephone No. (951) 929-7373

Mayor  
Gary Soiseth

Council Members

Matthew Jacob

Amy Bublak

William DeHart, Jr.

Gil Esquer

Vice Mayor

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](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.

1. **A. CALL TO ORDER**

**B. SALUTE TO THE FLAG**

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

- A. Proclamation: Public Works Week, May 21-27, 2017, accepted by Municipal Services, Parks, Recreation and Public Facilities, and Development Services
- B. Proclamation: Disability Awareness Month, June 2017, accepted by Society for Disabilities Carolyn Teixeira Gomes
- C. Recognition: Turlock High School Navy JROTC, accepted by Turlock High School NJROTC Carlos Montanez

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- D. Presentation: Turlock Downtown Property Owners Association Annual Report, presented by Turlock Downtown Property Owners Association Molly Amant
  - E. Presentation: Rethink Their Drink Ad Campaign, presented by Ceres Partnership Lourdes Perez and PH Advocates Kanat Tibet

3. **A. SPECIAL BRIEFINGS:** None

**B. STAFF UPDATES**

- 1. Pet of the Month (*Animal Control*)
- 2. Public Safety Briefing (*Amirfar/Talloni*)

**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 Demands of 4/13/17 in the amount of \$659,088.97; Demands of 4/20/17 in the amount of \$566,371.80
- B. Motion: Accepting Minutes of Special Meeting of May 5, 2017; Minutes of Special Meeting of May 8, 2017
- C. Motion: Accepting improvements for City Project No. 15-88 "PSF Water Damage Repair" and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting improvements for City Project No.16-64 "Rube Boesch Center Fence Installation" and authorizing the City Engineer to file a Notice of Completion
- E. Resolution: Approving a Transportation Development Act (TDA) claim for funding of transit capital and operations expenses for Fiscal Year 2017-18 and authorizing the Mayor or City Manager to sign and submit the subject claim to the Stanislaus Council of Governments (StanCOG)
- F. Resolution: Initiating proceedings for filing of the Annual Report for Fiscal Year 2017-18 for all Landscaping and Lighting Assessment Districts (Exhibit A) and all Street Maintenance Benefit Assessment Areas (Exhibit B) in the City of Turlock and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to each lot of each development

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- G. Resolution: Initiating Proceedings for the formation of The Classics subdivision (Development Project No. 16-78) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- H. Resolution: Accepting the Turlock Downtown Property Owners Association 2016-2017 Annual Report to be filed with the City Clerk in accordance with California Streets and Highways Code Section 36650
- I. Motion: Approving an Agreement between the City of Turlock and Borges & Mahoney, Inc. for annual chlorine system preventative maintenance at the Regional Water Quality Control Facility, in an annual amount of \$40,000, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Sections 2-7-08(b)(2) and 2-7-08(b)(3)
- J. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Pace Supply for pipe and pipe fittings, increasing the compensation to an annual amount of \$55,000 during the term of the existing contract
- K. 1. Resolution: Rescinding Resolution No. 2017-071 and adopting a new Resolution approving the purchase of one (1) 2017 Ford F250 Regular Cab with diamond open top service body for the Municipal Services Department from Downtown Ford Sales of Sacramento, California, through the State of California Contract No. 1-16-23-20A, in an amount not to exceed \$36,299.79, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5), and declaring the replaced vehicle as surplus  
2. Resolution: Rescinding Resolution No. 2017-072 and adopting a new Resolution appropriating \$4,525.00 to account number 506-00-000-223.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement – Water Enterprise" reserve balance for the purchase of one (1) 2017 Ford F250 Regular Cab with diamond open top service body for the Municipal Services Department from Downtown Ford Sales of Sacramento, California
- L. Resolution: Rescinding Resolution No. 2017-073 and adopting a new Resolution approving the purchase of a sewer lateral inspection system, GEN 2 Dual X-BOB, including three (3) types of cameras, six (6) wheel drive vehicle, controllers, cables, miscellaneous parts, and labor from 3T Equipment Company, Inc., in an amount not to exceed \$59,013.02, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(2)
- M. Motion: Approving an agreement between the City of Turlock and Economic & Planning Systems (EPS) to provide administrative services in connection with the annual direct assessment process for Turlock CFD No. 1 – Monte Vista Corridor (District)
- N. 1. Motion: Approving an Agreement with Supercom, Inc. for software maintenance and support services of 158 licenses, in the amount of \$1,074.40  
2. Resolution: Authorizing the Mayor or City Manager to initiate annual renewals with Supercom, Inc. and to purchase additional licenses as needed at a prorated cost not to exceed \$8.00 per license, for a period of four (4) years
- O. Motion: Rejecting Claims for Damages filed by Joe R. and Mary P. Renteria
- P. Motion: Rejecting Claims for Damages filed by Jill Christine Tosti
- Q. Motion: Rejecting Claims for Damages filed by William T. Creighton

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

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8. SCHEDULED MATTERS

- A. Request to affirm or modify the Community Events and Activities Grant Funding as submitted by the Parks, Arts, and Recreation Commission. (*Traini*)

**Recommended Action:**

Motion: Affirming or modifying the Community Events and Activities Grant Funding as submitted by the Parks, Arts, and Recreation Commission

- B. Request to determine the closure of Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and Mitchell Avenue], Mitchell Avenue [between North Center Street and East Canal Drive], Bonita Avenue [between East Canal Drive and East Main Street], Lyons Avenue [between East Main Street and Rose Street], and Eastbound East Canal Drive [between Olive Avenue and Geer Road], for the Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, 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 AND approve a Special Event Permit Application for the Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, authorize the associated closure of Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and Mitchell Avenue], Mitchell Avenue [between North Center Street and East Canal Drive], Bonita Avenue [between East Canal Drive and East Main Street], Lyons Avenue [between East Main Street and Rose Street], and Eastbound East Canal Drive [between Olive Avenue and Geer Road] for pedestrian safety, on Sunday, June 11, 2017 at specified times, and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

**Recommended Action:**

Resolution: Determining the closure of Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and Mitchell Avenue], Mitchell Avenue [between North Center Street and East Canal Drive], Bonita Avenue [between East Canal Drive and East Main Street], Lyons Avenue [between East Main Street and Rose Street], and Eastbound East Canal Drive [between Olive Avenue and Geer Road], for the Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, 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

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- Resolution:* Approving a Special Event Permit Application for the Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, authorizing the associated closure of Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and Mitchell Avenue], Mitchell Avenue [between North Center Street and East Canal Drive], Bonita Avenue [between East Canal Drive and East Main Street], Lyons Avenue [between East Main Street and Rose Street], and Eastbound East Canal Drive [between Olive Avenue and Geer Road] for pedestrian safety, on Sunday, June 11, 2017 at specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- C. Request to determine the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the 2017 Stanislaus County Fair hosted by the Stanislaus County Fair, 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 AND approve a Special Event Permit Application for the 2017 Stanislaus County Fair hosted by the Stanislaus County Fair, authorize the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, from Friday, July 14, 2017 at 12:00 p.m. through Monday, July 24, 2017 at 12:00 a.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

**Recommended Action:**

*Resolution:* Determining the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the 2017 Stanislaus County Fair hosted by the Stanislaus County Fair, 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

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- Resolution:* Approving a Special Event Permit Application for the 2017 Stanislaus County Fair hosted by the Stanislaus County Fair, authorizing the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, from Friday, July 14, 2017 at 12:00 p.m. through Monday, July 24, 2017 at 12:00 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- D. Request to award bid and approve an Agreement in the amount of \$5,190,000 (Fund 426) with Diede Construction, Inc. of Woodbridge, California for City Project No. 12-60C "Turlock Regional Transit Center Phase 2" AND amend the 2017-18 municipal budget for City Project No. 12-60C "Turlock Regional Transit Center Phase 2" as outlined in the Resolution. (*Pitcock*)

**Recommended Action:**

*Motion:* Awarding bid and approving an Agreement in the amount of \$5,190,000 (Fund 426) with Diede Construction, Inc. of Woodbridge, California for City Project No. 12-60C "Turlock Regional Transit Center Phase 2"

*Resolution:* Amending the 2017-18 municipal budget for City Project No. 12-60C "Turlock Regional Transit Center Phase 2" as outlined in the Resolution

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- E. Request to approve Amendment No. 1 to an Agreement with Carollo Engineers of Walnut Creek, California for engineering services during construction of City Project No. 15-39B "RWQCF Denitrification," bringing the contract total to \$1,302,601. (*Pitcock*)

**Recommended Action:**

Motion: Approving Amendment No. 1 to an Agreement with Carollo Engineers of Walnut Creek, California for engineering services during construction of City Project No. 15-39B "RWQCF Denitrification," bringing the contract total to \$1,302,601

- F. Request to approve the purchase and delivery of two (2) 35-foot long Compressed Natural Gas (CNG) powered low, floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$1,187,996 (Fund 426), as authorized under City Contract No. 16-177 for City Project No. 17-26 "Purchase of Gillig Buses 2017". (*York*)

**Recommended Action:**

Resolution: Approving the purchase and delivery of two (2) 35-foot long Compressed Natural Gas (CNG) powered low, floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$1,187,996 (Fund 426), as authorized under City Contract No. 16-177 for City Project No. 17-26 "Purchase of Gillig Buses 2017"

- G. Request to authorize issuance of a Request for Proposals (RFP) for a transit operations contractor to provide fixed-route and demand-response transit services to Turlock Transit for City Project No. 16-26 "Transit Operations and Management Services". (*York*)

**Recommended Action:**

Motion: Authorizing issuance of a Request for Proposals (RFP) for a transit operations contractor to provide fixed-route and demand-response transit services to Turlock Transit for City Project No. 16-26 "Transit Operations and Management Services"

- H. Request to rescind Resolution No. 2016-208 and adopt a new Resolution approving updates to the City of Turlock Special Event Permit Application, adopted fees, and proposed policies for event applications received on or after May 24, 2017. (*Van Guilder*)

**Recommended Action:**

Resolution: Rescinding Resolution No. 2016-208 and adopting a new Resolution approving updates to the City of Turlock Special Event Permit Application, adopted fees, and proposed policies for event applications received on or after May 24, 2017

- I. Request to accept the 2017 City of Turlock Sidewalk Repair Program update, outlining efforts to maintain the safety and accessibility of the public sidewalk system AND appropriate \$5,000 to account number 217-50-510.47320\_001 "Repair Program Sidewalk" from Fund 217 "Gas Tax" unallocated reserves for the Encroachment Permit Fee Backfill program for sidewalk repairs, increasing the annual program total to \$20,000 beginning in Fiscal Year 2017-18. (*Schulze*)

**Recommended Action:**

Resolution: Accepting the 2017 City of Turlock Sidewalk Repair Program update, outlining efforts to maintain the safety and accessibility of the public sidewalk system

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Resolution: Appropriating \$5,000 to account number 217-50-510.47320\_001 "Repair Program Sidewalk" from Fund 217 "Gas Tax" unallocated reserves for the Encroachment Permit Fee Backfill program for sidewalk repairs, increasing the annual program total to \$20,000 beginning in Fiscal Year 2017-18

- J. Request to accept Phase I and Phase II of the Environmental Site Assessment of the Turlock Armory property located at 1040 Flower Street AND accept the California Military Department's (CMD) request to terminate the existing ninety-nine (99) year ground lease with the City of Turlock, leaving the site improvements on the property located at 1040 Flower Street pending the CMD's remediation of the identified lead dust but not the removal of the Chlordane impacted soil as it occurred prior to the CMD's development of the land and authorizing the Mayor or City Manager to execute all documents associated with the lease termination. (*Van Guilder*)

**Recommended Action:**

Motion: Accepting Phase I and Phase II of the Environmental Site Assessment of the Turlock Armory property located at 1040 Flower Street

Resolution: Accepting the California Military Department's (CMD) request to terminate the existing ninety-nine (99) year ground lease with the City of Turlock, leaving the site improvements on the property located at 1040 Flower Street pending the CMD's remediation of the identified lead dust but not the removal of the Chlordane impacted soil as it occurred prior to the CMD's development of the land and authorizing the Mayor or City Manager to execute all documents associated with the lease termination

- K. Request to authorize the form of and authorize the execution and delivery of an Indenture, a Master Installment Purchase Agreement, a 2017 Supplement thereto, a Bond Purchase Agreement, a Continuing Disclosure Agreement and an Official Statement relating to an installment purchase financing and approve certain actions in connection therewith. (*Lorenzi*)

**Recommended Action:**

Resolution: Authorizing the form of and authorizing the execution and delivery of an Indenture, a Master Installment Purchase Agreement, a 2017 Supplement thereto, a Bond Purchase Agreement, a Continuing Disclosure Agreement and an Official Statement relating to an installment purchase financing and approving certain actions in connection therewith

**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.

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**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 June 27, 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. 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: Beavers v. City of Turlock, et al.

Case No.: 1:16-CV-01878-LJO-BAM

B. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)

*“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”*

Potential Cases: (2 cases)

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: 401 Third Street, Turlock, CA (APN No. 043-049-055)

Agency Negotiator: Gary R. Hampton

Negotiating Parties: Vieira, Jim and Julie

Under Negotiation: Price and terms of payment

**13. ADJOURNMENT**