

# City Council Agenda



OCTOBER 25, 2016

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  
**Gary R. Hampton**  
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](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:* "Movember" Men's Health Movement, November 2016, supported by Turlock Police Department
  - B. *Presentation:* California State University Stanislaus 100 Citizens Program, presented by Dr. Jeffrey Bernard, Assistant Professor, Department of Kinesiology and Channing Wilson, Kinesiology Student
  
3.     **A. SPECIAL BRIEFINGS**
  1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**  
       Noriel Mostajo, Student Government Relations Coordinator

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**B. STAFF UPDATES**

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Talloni*)
3. Halloween Safety Tips (*Amirfar*)
4. Fiscal Year 2015-16 Budget Closeout and General Fund Reserve Update (*Jacobs-Hunter*)

**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 9/22/16 in the amount of \$874,325.97
- B. Motion: Accepting Minutes of Regular Meeting of October 11, 2016
- C. Motion: Approving Contract Change Order No. 1, in the amount of \$5,717.59, for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue," bringing the contract total to \$695,129.87
- D. Motion: Approving Amendment No. 2 to an Agreement with Nelson\Nygaard Consulting Associates, Inc., of San Francisco, California, for evaluation services associated with City Project No. 14-75 "Short Range Transit Plan," extending the term of agreement for an additional six (6) months
- E. Motion: Approving Contract Change Order No. 1, in the amount of \$38,271.23 (Fund 269), for City Project No. 15-43 "Montana Neighborhood Park," bringing the contract total to \$585,709.73
- F. Motion: Approving a Retainer Agreement with GWLand Associates, Inc., of Sausalito, California, for right-of-way and property appraisal services, for Fiscal Years 2016-19, under City Project No. 16-44 "Retainer Agreement for Right-of-Way and Property Appraisal Services," in an amount not to exceed \$150,000
- G. 1. Resolution: Determining the purchase and installation of telecommunication hardware and support services is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines

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2. Resolution: Approving a sole source procurement with Packet Fusion, Inc., of Pleasanton, California, for phone call recording equipment and prorated premium partner support services for Transit Operations, without compliance to bidding requirements in accordance with Section 2-7-08(b)(6) of the Turlock Municipal Code, in an amount not to exceed \$7,471
- H. Motion: Approving a Lien Agreement between the City of Turlock and Valley Milk Real Estates Holding, LLC (owner of 400 North Washington Road, Turlock, California) for deferred payment of Development Impact Fees
- I. Motion: Awarding RFP No. 16-359 and Contract No. 16-142 to Precision Emprise, Inc., Dba Precision Concrete Cutting of Sacramento, for sidewalk trip hazard removal projects for the City of Turlock, in an annual amount not to exceed \$45,000 and a total amount of \$135,000 for a period of thirty-six (36) months, having met all the specifications of RFP No. 16-359 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- J. Motion: Awarding RFP No. 16-371 and Contract No. 16-143 to A & A Portables, Inc. for rental of portable toilets to be placed at Pedretti Park and for use at special events for the City of Turlock, in an amount not to exceed \$37,596 for a period of thirty-six (36) months, having met all the specifications of RFP No. 16-371 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- K. Resolution: Re-appropriating unspent funds of \$27,000 from Fiscal Year 2015-16 to account number 506-00-000-231.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Streets" reserve balance for the purchase of one (1) New Holland 2 WD ROPS Tractor
- L. Resolution: Authorizing submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the California Department of Transportation Division of Aeronautics for the Turlock Municipal Airport Widen Runway 12/30 to 60' and Airfield Electrical Upgrades design project
- M. Resolution: Approving modifications to the job description for the position of Senior Recreation Supervisor and changing the job title to Parks, Recreation and Public Facilities Supervisor, effective October 25, 2016
- N. 1. Resolution: Determining the closure of Main Street, between Palm Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for the Festival of Lights hosted by the City of Turlock in partnership with the Turlock Downtown Property Owners 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
2. Resolution: Authorizing the closure of Main Street, between Palm Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for pedestrian safety, for the Festival of Lights hosted by the City of Turlock in partnership with the Turlock Downtown Property Owners Association, on Friday, November 25, 2016 from 1:00 p.m. to 8:00 p.m.
- O. 1. Resolution: Determining the closure of Main Street [between Palm Street and Lander Avenue], Main Street [between West Canal Drive and Palm Street], East Canal Drive [East bound between Main Street and Johnson Road], South Golden State Boulevard [between Olive Avenue and Crane Avenue], Broadway [between Market Street and Canal Drive], and North Soderquist Road at Fulkerth Road for the annual City of Turlock Christmas Parade hosted by the City of Turlock, held on the first Friday of December, 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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2. Resolution: Authorizing the closure of Main Street [between Palm Street and Lander Avenue], Main Street [between West Canal Drive and Palm Street], East Canal Drive [East bound between Main Street and Johnson Road], South Golden State Boulevard [between Olive Avenue and Crane Avenue], Broadway [between Market Street and Canal Drive], and North Soderquist Road at Fulkerth Road for pedestrian safety, for the annual City of Turlock Christmas Parade hosted by the City of Turlock, on Friday, December 2, 2016 during specified times
3. Resolution: Authorizing the City Manager to approve any future Special Event Permit and associated temporary closure of certain streets for pedestrian safety, for the annual City of Turlock Christmas Parade hosted by the City of Turlock, held on the first Friday of December at specified times, in accordance with California Vehicle Code Section 21101(e)
- P. Resolution: Appropriating \$108,750 to account number 413-51-536.47061 "Capacity Reimbursement" from Fund 413 "WQC – Capital Expansion" reserve balance for the reimbursement of the wastewater capacity relinquished by Olivewood, LLC (aka D Street Foods), as approved by the City Council on September 13, 2016
- Q. 1. Motion: Approving an Agreement between the City of Turlock and Huntington Court Reporters to provide transcription services for the Turlock Police Department, in an annual amount not to exceed \$60,000, without compliance to formal bid process in accordance with Turlock Municipal Code Section 2-7-08(b)(6)
2. Resolution: Appropriating \$15,000 to 110-20-210.43213 "Transcription Services" from Fund 110 "General Fund" reserve balance for transcription services with Huntington Court Reporters
- R. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock, the Stanislaus County District Attorney's Office, and the Department of Justice Bureau of Forensic Services outlining the procedures for proper handling of Rapid DNA Service (RADS) analysis for sexual assault cases, and authorizing the Mayor, City Manager, or designee to sign the agreement
- S. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement and the commitments necessary to administer Federal Fiscal Year 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$30,006, and appropriating said funds in the appropriate revenue and expenditure accounts in Fund 266 "Police Grants" Program 341 "JAG" for Fiscal Year 2016-17
- T. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Randik Paper Company for the purchase of janitorial paper and cleaning supplies, increasing the compensation to an annual amount of \$21,000 during the term of the existing contract
- U. Resolution: Approving the grant contract with the San Joaquin Valley Air Pollution Control District (SJVAPCD) in the amount of \$40,000 to partially fund two (2) Ford Fusion hybrid vehicles, with the grant funding \$20,000 of the \$33,877 cost per vehicle

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

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**8. SCHEDULED MATTERS**

- A. Request to accept a report on the implementation of the City's Collision Reduction Strategy. (*York*)

**Recommended Action:**

Motion: Accepting a report on the implementation of the City's Collision Reduction Strategy

- B. Request to authorize execution of a consent letter with the California Department of Transportation for the State Highway 99 Wildflower Beautification pilot project. (*Van Guilder*)

**Recommended Action:**

Resolution: Authorizing execution of a consent letter with the California Department of Transportation for the State Highway 99 Wildflower Beautification pilot project

- C. Request to accept the updated Water Rate Study and affirming the January 2017 water rate increase. (*Reynolds*)

**Recommended Action:**

Motion: Accepting the updated Water Rate Study and affirming the January 2017 water rate increase

**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 December 13, 2016, 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 – 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: (1 case)

**13. ADJOURNMENT**