

City Council Agenda



DECEMBER 12, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:

Sheraton Waikiki

2255 Kalakaua Avenue

Honolulu, HI 96815

Telephone No. 808-922-4422

Mayor
Gary Soiseth

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

Interim City Manager
Robert A. Talloni
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. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

3. A. SPECIAL BRIEFINGS

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

B. 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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE**B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS****C. 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 11/2/17 in the amount of \$254,730.09; Weekly Demands of 11/16/17 in the amount of \$2,476,899.53; Weekly Demands of 11/23/17 in the amount of \$522,173.88
- B.
 1. *Resolution*: Determining City Project No. 14-25 "East Monte Vista Avenue Rehabilitation" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
 2. *Motion*: Awarding bid and approving an Agreement in the amount of \$1,426,541 (Fund 215) with Granite Construction, of Fresno, California, for City Project No. 14-25 "East Monte Vista Avenue Rehabilitation"
 3. *Resolution*: Adjusting the budget and local match funding (Gas Tax Section 2103) appropriations for City Project No. 14-25 "East Monte Vista Avenue Rehabilitation" as delineated in the table provided to complete the necessary funding for this project
- C. *Motion*: Accepting notification of Contract Change Order No. 1 in the amount of \$3,870 for City Project No. 16-76 "Swanson Centennial Park Playground Improvements," bringing the contract total to \$264,273.50

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- D. 1. Resolution: Authorizing the sole source specification of magnetic flow meter manufactured by Siemens and Supervisory Control and Data Acquisition (SCADA) equipment and software produced by HSQ Technologies for City Project No. 17-22 "North Valley Regional Recycled Waterline Program – Turlock Component" without compliance to formal bidding procedures pursuant to Turlock Municipal Code Section 2-7-08(b)(6)
2. Motion: Approving the advertisement of construction bids for City Project No. 17-22 "North Valley Regional Recycled Waterline Program – Turlock Component"
- E. 1. Motion: Approving a Retainer Agreement with Gutierrez / Associates of Oakland, California, for architectural services, under City Project No. 17-61 "Retainer Agreement for Architectural Services," in an amount not to exceed \$150,000
2. Motion: Approving a Retainer Agreement with Pires, Lipomi & Navarro Architectural Corporation of Modesto, California, for architectural services, under City Project No. 17-61 "Retainer Agreement for Architectural Services," in an amount not to exceed \$150,000
3. Motion: Approving a Retainer Agreement with Teter, LLP. of Modesto, California, for architectural services, under City Project No. 17-61 "Retainer Agreement for Architectural Services," in an amount not to exceed \$150,000
4. Motion: Approving a Retainer Agreement with WMB Architects Inc. of Stockton, California, for architectural services, under City Project No. 17-61 "Retainer Agreement for Architectural Services," in an amount not to exceed \$150,000
- F. 1. Resolution: Approving the Engineer's Report for Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- G. Resolution: Approving an update to the City of Turlock Title VI Program as required by the Federal Transit Administration (FTA) for recipients of federal transit funding
- H. 1. Motion: Approving a Professional Services Agreement with Provost & Pritchard Consulting Group for Perchloroethylene (PCE) Monitoring, Reporting, and Grant Application Services for a period of two (2) years, in an amount not to exceed \$58,300
2. Resolution: Appropriating \$58,300 to account number 420-52-550.43504 "PCE Monitoring & Remediation" from Fund 420 "Water Enterprise" unallocated reserves for PCE Monitoring, Reporting, and Grant Application Services
- I. Motion: Awarding Request for Proposal (RFP) No. 17-532 and approving an Agreement with Crane & Hoist Services, Ltd. for hoist and crane inspections, testing, certifications, repairs, and preventative maintenance services, in an annual amount not to exceed \$8,470
- J. Motion: Approving Amendment No. 4 to an Agreement with Tyler Technologies, Inc. for the purchase of I.V.R. Interface Software and annual maintenance, increasing the total compensation by \$4,910.00
- K. 1. Motion: Approving the Gomes Lake Joint Powers Agreement (JPA) for the Operation and Maintenance (O&M) of the Gomes Lake pumps and facilities for a term of fifty (50) years and granting the City Manager the authority to sign any documents relative to the Gomes Lake JPA
2. Motion: Approving the Sub-agreement to the Gomes Lake Joint Powers Agreement (JPA) to authorize the Turlock Irrigation District (TID) to operate and maintain the Gomes Lake facilities

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- L. Motion: Approving a Professional Services Agreement with Nossaman, LLP to research and write grants for funding water and sewer infrastructure projects in the southwest portion of the Turlock Regional Industrial Park, to be funded by a third party at no cost to the City of Turlock as a result of a settlement agreement with the Regional Water Quality Control Board and directing the City Manager to send a Letter in Support of Settlement Agreement to the California Regional Water Quality Board
 - M. 1. Resolution: Approving modifications to the job description for the position of Utilities Maintenance Worker I/II, effective December 12, 2017
2. Resolution: Approving modifications to the job description for the position of Utilities Maintenance Worker, Senior, effective December 12, 2017
 - N. Resolution: Appropriating \$500 to account number 242-00-000-223.51010 "Computer" from Fund 242 "Computer Replacement-Water Enterprise" unallocated reserves for the purchase of replacement computer equipment
 - O. Resolution: Adopting the 2018 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02
 - P. Motion: Rejecting Claim for Damages filed by Georgia DeFilippo
 - Q. Motion: Rejecting Claim for Damages filed by Christina DeFilippo

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Adopting Rezone 2017-02 (Westside Industrial Specific Plan and the Northwest Triangle Specific Plan) rezoning Thirty-Two (32) Properties located within the Boundaries of the Specific Plans, and amending the Zoning Map of the City of Turlock as introduced at the November 28, 2017 City Council meeting

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 accept the results of the Proposition 218 process for the consideration of increasing water rate charges effective March 1, 2018 AND amend Turlock Municipal Code Title 6, Chapter 5, Article 5, Section 01 regarding Fees and charges to implement updated fees and charges for property related water services AND forego the January 1, 2018 increase to water fees and charges contained in Turlock Municipal Code Section 6-5-501(b)(2) and maintain the water fees and charges implemented on January 1, 2017 until a new schedule of water fees and charges takes effect on March 1, 2018. (*Reynolds*)

Recommended Action:

Motion: Accepting the results of the Proposition 218 process for the consideration of increasing water rate charges effective March 1, 2018

Note: Consideration of the below Ordinance is contingent upon approval of the above Motion.

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 5, Article 5, Section 01 regarding Fees and charges to implement updated fees and charges for property related water services

Resolution: Foregoing the January 1, 2018 increase to water fees and charges contained in Turlock Municipal Code Section 6-5-501(b)(2) and maintaining the water fees and charges implemented on January 1, 2017 until a new schedule of water fees and charges takes effect on March 1, 2018

8. SCHEDULED MATTERS

- A. Request to determine the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the Modesto Area A's to host a Swap Meet, 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 Swap Meet hosted by the Modesto Area A's, authorize the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, beginning on Thursday, January 25, 2018 at 6:00 p.m. through Saturday, January 27, 2018 at 6:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Van Guilder*)

Recommended Action:

Resolution: Determining the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the Modesto Area A's to host a Swap Meet, 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

Resolution: Approving a Special Event Permit Application for the Turlock Swap Meet hosted by the Modesto Area A's, authorizing the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, beginning on Thursday, January 25, 2018 at 6:00 p.m. through Saturday, January 27, 2018 at 6:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to appropriate \$125,000 to account number 110-30-220.47236 "Property Demolition" from Fund 110 "General Fund" unallocated reserves for the demolition and cleanup of the property located at 323 Columbia Street AND determine City Project No. 17-28 "Building Demolition at 323 Columbia Street" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15330 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances) of the CEQA Guidelines AND award bid and approve an Agreement in the amount of \$97,800 (Fund 110) with Cal Excavation and Underground Inc. of Hughson, California, for City Project No. 17-28 "Building Demolition at 323 Columbia Street", in a form approved by the City Attorney. (*Gomez/Picciano*)

Recommended Action:

Resolution: Appropriating \$125,000 to account number 110-30-220.47236 "Property Demolition" from Fund 110 "General Fund" unallocated reserves for the demolition and cleanup of the property located at 323 Columbia Street

Resolution: Determining City Project No. 17-28 "Building Demolition at 323 Columbia Street" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15330 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement in the amount of \$97,800 (Fund 110) with Cal Excavation and Underground Inc. of Hughson, California, for City Project No. 17-28 "Building Demolition at 323 Columbia Street", in a form approved by the City Attorney

- C. Request to appropriate \$125,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriate \$150,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriate \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services. (*Eddy*)

Recommended Action:

Resolution: Appropriating \$125,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriating \$150,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriating \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services

- D. Request to approve an Agreement between the City of Turlock and the Federal Aviation Administration for the transfer of \$20,000 in non-primary entitlement funds on the condition that the waived amount be made available to the Gustine Municipal Airport for an airport improvement project in fiscal year 2018 AND authorize the City Manager to execute future non-primary entitlement transfer agreements when the Turlock Municipal Airport entitlement funds are set to expire, allowing the funds to benefit other general aviation airports in our region. (*Van Guilder*)

Recommended Action:

Motion: Approving an Agreement between the City of Turlock and the Federal Aviation Administration for the transfer of \$20,000 in non-primary entitlement funds on the condition that the waived amount be made available to the Gustine Municipal Airport for an airport improvement project in fiscal year 2018

Resolution: Authorizing the City Manager to execute future non-primary entitlement transfer agreements when the Turlock Municipal Airport entitlement funds are set to expire, allowing the funds to benefit other general aviation airports in our region

9. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
 - a. Economic Development (*Pitt*)
3. Development Services Department
 - a. Capital Projects, Building Activity, & Transit (*Picciano*)
 - b. Measure L Planning (*Picciano*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department
 - a. Holiday Safety/Shopping Tips (*Amirfar*)

10. 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.

11. 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 January 23, 2018, unless otherwise specified by the Mayor or a majority of the Council.

12. 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.

13. CLOSED SESSION

- A. 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: 1101 East Monte Vista Avenue, Turlock, CA (APN No. 072-045-026)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Lorraine Cederlind
Under Negotiation: Price and terms of payment for the purchase of right of way dedication
- 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: 1113 East Monte Vista Avenue, Turlock, CA (APN No. 072-045-027)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Danielle Jacobs
Under Negotiation: Price and terms of payment for the purchase of right of way dedication
- C. 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)

14. ADJOURNMENT