

# City Council Agenda



**JULY 12, 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. PRESENTATION OF COLORS BY TURLOCK FIRE DEPARTMENT HONOR GUARD**
  - C. SALUTE TO THE FLAG**
2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS: None**
3. **A. SPECIAL BRIEFINGS**
  1. Mayor's Public Policy Award Transit Project Update, presented by recipient Josephine Hazelton

## B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Joint Apprenticeship Committee Special Events Emergency Action Plan (*Packwood*)
4. Fire Department Video Presentation and Equipment Display (*Tallon*)

## 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 6/9/16 in the amount of \$1,089,639.65; Demands of 6/16/16 in the amount of \$1,004,722.88
- B. Motion: Accepting Minutes of Special Meeting of June 14, 2016; Regular Meeting of June 14, 2016
- C. Motion: Approving Contract Change Order No. 1, in the amount of \$8,722.04 (Fund 306), for City Project No. 11-43, "North Tegner Road and Taylor Road Intersection Improvements," bringing the contract total to \$191,077.15
- D.
  1. Resolution: Determining City Project No. 15-52, "Senior Center Ceiling Replacement," is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
  2. Motion: Awarding bid and approving an Agreement, in the amount of \$38,410 (Fund 301), with Bigler Construction of Turlock, California, for City Project No. 15-52, "Senior Center Ceiling Replacement"
  3. Resolution: Re-Appropriating \$46,100 to account number 301-50-520.51300 "Construction Repairs/Improvements" to be funded from Fund 301 Capital Improvement reserves, for City Project No. 15-52, "Senior Center Ceiling Replacement" to complete the necessary funding required for this project
- E. Motion: Accepting improvements for City Project No. 16-31, "Fire Station No. 3 HVAC Improvements," and authorizing the City Engineer to file a Notice of Completion

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- F. 1. Resolution: Determining the purchase and installation of electronic farebox equipment in support of transit service, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
2. Resolution: Approving a sole source procurement with SPX Genfare of Elk Grove Village, Illinois, for one Fast Fare electronic farebox, two cleaning cards and 50,000 un-encoded transfer passes, without compliance to bidding requirements in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code, in an amount not to exceed \$19,309
3. Resolution: Approving future sole source procurements from SPX Genfare of Elk Grove Village, Illinois, for farebox related equipment and supplies, without compliance to bidding requirements in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code, contingent on availability of budgeted funds, for twenty-four (24) months
- G. Resolution: Authorizing the Mayor, City Manager, or Development Services Director/City Engineer to sign all documents, applications, assurances, and statements in regard to any and all Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or any other federally-funded or state-funded projects
- H. Motion: Approving Amendment No. 2 to the Agreement between the City of Turlock and Stantec Consulting Services, Inc., of Phoenix, Arizona, for City Project No. 14-72, "RFQ for Airport Planning/Environmental and Engineering/Architectural Services Retainer Agreement"
- I. Motion: Awarding RFQ 16-344 and Contract No. 16-037 to All Commercial Fencing of Waterford, having met all the specifications of RFQ 16-344 and being the lowest responsive and responsible bidder, for fence repair and installation services for a period of twelve (12) months, in an amount not to exceed \$20,000
- J. Motion: Approving Amendment No. 1 to the Agreement between the City of Turlock and Hawk Systems for pump repair services
- K. Motion: Authorizing the submittal of a Letter of Authorization signed by the City Manager allowing the Stanislaus County Department of Environmental Resources (DER) to submit a regional application to the Department of Resources Recycling and Recovery for funding from the Used Oil Payment Program (OPP) Cycle 6
- L. Resolution: Affirming the City of Turlock's use of CalHOME funds for eligible activities in accordance with program regulations and authorizing the City Manager or his designee to execute all agreements, extensions, amendments and other documents required by the State of California Housing and Community Development (HCD) for participation in the CalHOME program
- M. Motion: Authorizing the Mayor, City Manager or designee to execute an annual maintenance agreement with Konica Minolta Business Solutions, USA, for twelve (12) months on two (2) document scanners, in an amount not to exceed \$2,292
- N. Motion: Accepting the report on the response to the Stanislaus County Civil Grand Jury Case #16-15GJ: Stanislaus County Building Study
- O. Motion: Rejecting Claims for Damages filed by Pat Weisel
- P. Motion: Rejecting Claims for Damages filed by Tele' Horn
- Q. Motion: Rejecting Claims for Damages filed by Rubenia Blandon Malone

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.

**8. SCHEDULED MATTERS**

- A. Request to approve the twenty-five (25) year review of the forty-five (45) year Franchise Agreement between the City of Turlock and Turlock Scavenger Company for the provision of refuse, garden refuse, and recyclable material collection, alley tree trimming, and street sweeping pursuant to the terms and conditions of the Franchise Agreement. (Cooke)

***Recommended Action:***

***Resolution:*** Approving the twenty-five (25) year review of the forty-five (45) year Franchise Agreement between the City of Turlock and Turlock Scavenger Company for the provision of refuse, garden refuse, and recyclable material collection, alley tree trimming, and street sweeping pursuant to the terms and conditions of the Franchise Agreement

- B. Request to provide direction to staff on how to proceed with Vice Mayor Bublak's request which was supported by Mayor Soiseth to discuss an annual allocation of a minimum amount of \$100,000 for roadway improvements. (Hampton/Pitcock)

***Recommended Action:***

***Motion:*** Providing direction to staff on how to proceed with Vice Mayor Bublak's request which was supported by Mayor Soiseth to discuss an annual allocation of a minimum amount of \$100,000 for roadway improvements

**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**

**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 – Significant Exposure to 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**