

City Council Agenda



JULY 26, 2016

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**Mayor
Gary Soiseth**

**City Manager
Gary R. Hampton
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton**

Council Members

**William DeHart, Jr. Steven Nascimento
Matthew Jacob Amy Bublak
 Vice Mayor**

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. Proclamation: National Night Out, August 2, 2016, accepted by Turlock Police Lieutenant Joey Mercado
 - B. Recognition: Million Acts of Kindness
 - C. Presentation: Focus on Prevention Update, presented by Stanislaus County Community Development and Empowerment Manager Ruben Imperial and Supervisor Vito Chiesa

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

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Police Department Briefing on Crime (*Jackson*)
3. Pet of the Month (*Animal Control*)

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 6/23/16 in the amount of \$452,773.28; Demands of 6/30/16 in the amount of \$1,602,890.23; Demands of 4/30/16 in the amount of \$640,813.86
- B. Motion: Accepting Minutes of Regular Meeting of July 12, 2016
- C.
 1. Motion: Approving Contract Change Order No. 1 (Final), in the amount of \$3,589.25 (Fund 240), for City Project No. 14-26B, "Council Chambers Improvements," bringing the contract total to \$501,396.25
 2. Motion: Accepting improvements for City Project No. 14-26B, "Council Chambers Improvements," and authorizing the City Engineer to file a Notice of Completion
- D.
 1. Motion: Approving Contract Change Order No. 1 (Final), in the amount of \$629.60 (Fund 205), for City Project No. 15-82, "Turlock Regional Sports Complex Fence Replacement," bringing the contract total to \$9,463.98
 2. Motion: Accepting improvements for City Project No. 15-82, "Turlock Regional Sports Complex Fence Replacement," and authorizing the City Engineer to file a Notice of Completion
- E. Resolution: Accepting an in-kind donation from Lancaster Painting to paint the Police Activities League and Marty Yerby buildings located at Columbia Park as part of the "Love Turlock" event
- F.
 1. Resolution: Adopting a resolution that incorporates the amendments to Turlock Municipal Code Title 7, Chapter 2 regarding maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches as approved by the City Council on January 12, 2016 and directing staff to record said resolution with the County Clerk's office
 2. Resolution: Adopting a resolution that incorporates the amendments to Turlock Municipal Code Title 7, Chapter 7 regarding maintenance of street trees as approved by the City Council on January 12, 2016 and directing staff to record said resolution with the County Clerk's office

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- G. Resolution: Accepting the Turlock Downtown Property Owners Association 2015-2016 Annual Report to be filed with the City Clerk in accordance with California Streets and Highways Code Section 36650
- H. Motion: Approving Amendment No. 2 to the Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc., extending the term of the contract through December 31, 2016, for additional work for the Rehabilitation/Modification Services of Well 32
- I. Motion: Awarding RFP 16-356 and Contract No. 16-082 to CalChem of Modesto, for the purchase of Aluminum Chlorohydrate for the Turlock Regional Water Quality Control Facility, in an annual amount not to exceed \$300,000 and \$600,000 for a period of twenty-four (24) months, having met all the specifications of RFP 16-356 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- J. Motion: Awarding RFP 16-357 and Contract No. 16-079 to Financial Credit Network, Inc. of Visalia, for collection agency services in an annual amount not to exceed \$10,000 and \$20,000 for a period of twenty-four (24) months, having met all the specifications of RFP 16-357 pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- K. 1. Motion: Approving a Policy Manual Subscription Agreement with Lexipol, LLC to provide for the implementation and maintenance of a Fire Policy Manual, without compliance to bidding requirements in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code, for an initial period of 12 months, with a total cost not to exceed \$13,078
2. Resolution: Appropriating \$13,078 to 110-30-300.43246 "Policy Manual," \$13,078 to 110-30-300.38001_260 "Transfer In Policy Manual" and \$13,078 to 116-30-305.48001_260 "Transfer Out Policy Manual" for a transfer from Fund 116 "Special Public Safety-Fire" reserve balance for the purchase and maintenance of an online Policy Manual Subscription Agreement with Lexipol, LLC
- L. Motion: Approving an Operational Agreement between the City of Turlock and the Haven Women's Center of Stanislaus to coordinate and provide services to sexual assault and domestic violence victims in the City of Turlock
- M. 1. Motion: Approving the Lease Agreement for nine (9) new Kyocera multifunctional copiers (MFP) for various City offices through the Association of Education of Purchasing Agencies (AEP) Contract No. AEP009.D from US Bank Equipment Finance as the lessor, for a period of sixty (60) months, in the total amount of \$85,020 with a monthly cost of \$1,417, without compliance to the formal bid procedure in accordance with Turlock Municipal Code § 2-7-08(b)(5)
2. Motion: Approving nine (9) Maintenance Agreements with Mo-Cal Office Solutions, as an authorized Kyocera company, based on a per copy cost of \$0.0085 for black & white and \$0.05 for color
- N. Motion: Awarding RFP 16-352 and Contract No. 16-352 to Applied Pest Management, Inc. of Vallejo, for pest control services for all City owned/leased buildings, in an annual amount not to exceed \$10,000 and \$30,000 for a period of thirty six (36) months, having met all the specifications of RFP 16-352 pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- O. Motion: Authorizing issuance of Request for Proposal (RFP) 16-370 for printer maintenance and management system for all LaserJet printers throughout City departments
- P. Motion: Approving a Professional Services Retainer Agreement with MGT of America, Inc. for the preparation and filing of 2016-17 SB90 - State Mandated Cost Reimbursement claims (based on 2015-16 actual costs) in an amount not to exceed \$9,200

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- Q. Motion: Designating Councilmember Bill DeHart as the voting delegate and Councilmember Matthew Jacob as the alternate voting delegate at the League of California Cities' Annual Business meeting on Friday, October 7, 2016, in Long Beach, California

6. **FINAL READINGS:** None

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 confirm Diagrams, Assessments, the Engineer's Report, and the Levying and Collection of Assessments as originally proposed for Fiscal Year 2016-17 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock pursuant to Resolution No. 97-128; approve an Agreement between the County of Stanislaus Auditor-Controller's Office and the City of Turlock to provide administrative services related to the placement of Direct Assessments on the Property Tax Roll for all direct assessment tax codes set forth in the agreement for the City of Turlock and to distribute the taxes collected to the City.
(Pitcock)

Recommended Action:

Resolution: Confirming Diagrams, Assessments, the Engineer's Report, and the Levying and Collection of Assessments as originally proposed for Fiscal Year 2016-17 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock pursuant to Resolution No. 97-128

Motion: Approving an Agreement between the County of Stanislaus Auditor-Controller's Office and the City of Turlock to provide administrative services related to the placement of Direct Assessments on the Property Tax Roll for all direct assessment tax codes set forth in the agreement for the City of Turlock and to distribute the taxes collected to the City

8. **SCHEDULED MATTERS**

- A. Request to authorize approval of the Assyrian Fest 5K Walk/Run event utilizing the public right-of-way (sidewalks), hosted by the Holy Apostolic Catholic Assyrian Church of the East, on Saturday, August 27, 2016 from 7:00 a.m. to 10:00 a.m., and authorize the City Manager to apply appropriate conditions and restrictions on the event. (Traini)

Recommended Action:

Motion: Authorizing approval of the Assyrian Fest 5K Walk/Run event utilizing the public right-of-way (sidewalks), hosted by the Holy Apostolic Catholic Assyrian Church of the East, on Saturday, August 27, 2016 from 7:00 a.m. to 10:00 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the event

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 – 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