

City Council Agenda



OCTOBER 11, 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: Manufacturing Awareness and Appreciation Month, accepted by Jennifer Carlson Shipman, Manufacturers Council of the Central Valley
 - B. Announcement: Stanislaus Council of Governments (StanCOG) Public Transit Hearings, presented by Development Services Director Mike Pitcock

3. **A. SPECIAL BRIEFINGS**
 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Noriei Mostajo, Student Government Relations Coordinator

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Halloween Safety Tips (*Amirfar*)

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 9/8/16 in the amount of \$888,472.92; Demands of 9/15/16 in the amount of \$851,293.42
- B. Motion: Accepting Minutes of Special Meeting of September 27, 2016; Minutes of Regular Meeting of September 27, 2016
- C.
 1. Motion: Accepting improvements for City Project No. 15-52 "Senior Center Ceiling Replacement" and authorizing the City Engineer to file a Notice of Completion
 2. Resolution: Appropriating \$2,000 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
- D. Motion: Approving an Agreement between the City of Turlock and the 38th District Agricultural Association for the purpose of parking and turn around for participants in the annual Christmas Parade, to be held on Friday, December 2, 2016
- E. Motion: Authorizing the issuance of Request for Proposal (RFP) No. 16-380 for professional design services for the City of Turlock Component of the North Valley Regional Recycled Water Program
- F. Motion: Authorizing staff to participate in negotiations establishing the West Turlock Sub-basin Groundwater Sustainability Agency, with the City of Turlock's preference to participate as a voting board member subject to future City Council approval of the Joint Powers Authority agreement establishing the West Turlock Sub-basin Groundwater Sustainability Agency

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- G. Motion: Awarding RFP No. 16-370 and Contract No. 16-123 to Ray Morgan Co. of Modesto, for printer maintenance and management system for all LaserJet printers throughout City departments, in an annual amount not to exceed \$36,100.33 and a total amount of \$108,300.99 for a period of thirty-six (36) months, having met all the specifications of RFP No. 16-370 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
 - H. Motion: Awarding RFP No. 16-374 and Contract No. 16-127 to Protech Security & Electronics, Inc. of Merced, for security and fire alarm monitoring services for City buildings, in an annual amount not to exceed \$8,376 and a total amount of \$25,128 for a period of thirty-six (36) months, having met all the specifications of RFP No. 16-374 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
 - I. Motion: Approving five (5) Maintenance Agreements with Mo-Cal Office Solutions (as an authorized Kyocera company), for copier maintenance, based on a per copy cost and an annual base rate for a period of five (5) years
 - J. Motion: Approving an Agreement between City of Turlock and Microsoft through the reseller SoftwareONE, Inc., Enterprise Enrollment Number 56449452 Early Commitment Amendment ID M325, for digital software, for a period of three (3) years in the amount of \$51,476.67 per year and a total amount of \$154,430.01 at the end of three (3) years, beginning February 1, 2017 through January 31, 2020, and an Enrolled Affiliate true up amount of \$7,266.99 for additional computers deployed since the last billing period
 - K. Motion: Rejecting Claim for Damages filed by Stephanie Martinez
 - L. Motion: Rejecting Claim for Damages filed by Heather Lanser
 - M. Motion: Rejecting Claim for Damages filed by Edwin Steven
 - N. Motion: Rejecting Claim for Damages filed by MP Nexlevel of California

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 accept the post event reports for the Central Valley Senior Showcase, Central Valley Brewfest, Turlock Horseman's Jr. Rodeo, Tournament of Champions, 2016 Budweiser Monster Truck Spring Nationals, and 48th Assyrian State Convention funded in part by the City of Turlock through the Community Events and Activities Grant Program; accept the post event report for the Bring the Ruckus Car Show funded in part by the City of Turlock through the Community Events and Activities Grant Program, request \$1,076.64 be returned to the City of Turlock for undocumented expenses, and suspend 2016-17 funding for the Bring the Ruckus Car Show event; and re-open the 2016-17 Community Events and Activities Grant Funding cycle for reallocation of suspended 2016-17 funds. (*Schulze*)

Recommended Action:

Motion: Accepting the post event reports for the Central Valley Senior Showcase, Central Valley Brewfest, Turlock Horseman's Jr. Rodeo, Tournament of Champions, 2016 Budweiser Monster Truck Spring Nationals, and 48th Assyrian State Convention funded in part by the City of Turlock through the Community Events and Activities Grant Program

Resolution: Accepting the post event report for the Bring the Ruckus Car Show funded in part by the City of Turlock through the Community Events and Activities Grant Program, requesting \$1,076.64 be returned to the City of Turlock for undocumented expenses, and suspending 2016-17 funding for the Bring the Ruckus Car Show event

Resolution: Re-opening the 2016-17 Community Events and Activities Grant Funding cycle for reallocation of suspended 2016-17 funds

- B. Request to determine City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines; award bid and approve an Agreement, in the amount of \$71,530 (Fund 217), with George Reed, Inc. of Modesto, California, for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing"; and appropriate \$95,000 to account number 217-50-511.51270 "Construction Project" to be funded from Fund 217 "Section 2103 Gas Tax" reserves for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing" to complete the necessary funding required for this project. (Bray)

Recommended Action:

Resolution: Determining City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement, in the amount of \$71,530 (Fund 217), with George Reed, Inc. of Modesto, California, for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing"

Resolution: Appropriating \$95,000 to account number 217-50-511.51270 "Construction Project" to be funded from Fund 217 "Section 2103 Gas Tax" reserves for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing" to complete the necessary funding required for this project

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 November 15, 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)
- 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: 1101 Fulkerth Road, Turlock, CA (APN No. 071-014-004)
Agency Negotiator: Gary R. Hampton
Negotiating Parties: Vicente Fuentes and Jackie Fuentes
Under Negotiation: Price
- C. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b)(1)
"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."
Title: City Manager

13. ADJOURNMENT