

City Council Agenda



JANUARY 24, 2017

6:00 p.m.

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

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

City Manager
Gary R. Hampton
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. Proclamation: School Choice Week 2017, accepted by Fusion Charter Principal Susan Nisan and Student Council
- B. Appointment: Planning Commission (One Commissioner)
- C. Appointment: CDBG Grant Selection Committee (Community Members)
- D. Appointment: CDBG Grant Selection Committee (Council Representative)
- E. Presentation: Customer Service Academy, presented by Merced College Workplace Learning Resource Center Contract Training Coordinator Terry Plett

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

B. STAFF UPDATES

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Talloni*)

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. 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 Demands of 12/15/16 in the amount \$846,471.39
- B. Motion: Accepting Minutes of Special Meeting January 10, 2017, Minutes of Regular Meeting of January 10, 2017, and Minutes of Special Meeting of January 12, 2017
- C. Motion: Approving Contract Change Order No. 2, in the amount of \$11,004.91 (Fund 269), for City Project No. 15-43 "Montana Neighborhood Park," bringing the contract total to \$596,741.64
- D.
 1. Motion: Approving Contract Change Order No. 1 (Final), in the amount of \$12,301.35 (Fund 217), for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing," bringing the contract total to \$83,831.35
 2. Motion: Accepting improvements for City Project No. 16-67 "Monte Vista Avenue and Golden State Boulevard Railroad Crossing" and authorizing the City Engineer to file a Notice of Completion
 3. Resolution: Appropriating \$15,000 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
- E. Motion: Approving the Kayla Bernardi Bee Positive 5K Fun Run/Walk event utilizing the public right-of-way (sidewalks), to be held primarily at Joe Debely Stadium, hosted by the Kayla Bernardi Bee Positive Foundation, on Saturday, January 28, 2017 from 8:00 a.m. to 10:30 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event

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- F. 1. Resolution: Approving standardization of ultrasonic water meters for the City of Turlock fixed network Automated Meter Reading system, for the purchase of three-inch (3") and larger commercial and industrial Master Meter ultrasonic water meters and parts from HD Supply Waterworks Ltd., without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6)
2. Motion: Approving an Agreement with HD Supply Waterworks Ltd. for the purchase of three-inch (3") and larger commercial and industrial Master Meter ultrasonic water meters and parts, for the City of Turlock fixed network Automated Meter Reading system, in an annual amount not to exceed \$75,000
- G. Motion: Approving an Agreement between the City of Turlock and Parking Management Bureau to provide parking citation processing for the Turlock Police Department, with a set fee structure based on the number of citations issued
- H. Resolution: Rescinding Resolution No. 2015-170 and adopting a new Resolution amending the City of Turlock Anti-Drug and Alcohol Misuse Prevention Program Policy and Procedures
- I. 1. Motion: Approving an Agreement with Downey Brand Attorneys LLP for specialized legal services, in an annual amount not to exceed \$60,000, and authorizing the Mayor or City Manager of the City of Turlock to execute other agreements for specialized legal services that have been approved as to form by the City Attorney
2. Resolution: Authorizing the Mayor or City Manager to execute agreements for legal services performed by the City Attorney for other agencies
- J. Resolution: Authorizing the City Manager to appoint an Interim Administrative Services Director effective immediately and approving the agreed upon conditions of employment as detailed in Exhibit A

6. FINAL READINGS

A. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 4, Chapter 7, Article 14, Section 02 regarding altered speed limits as introduced at the January 10, 2017 meeting.

B. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 8, Chapter 1, Article 1, Section 02, Subsection (a) regarding Adoption; Title 8, Chapter 1, Article 1, Section 03, Subsection (a) regarding Finding of Necessity For Stricter Standard; Title 8, Chapter 1, Article 1, Section 04, Subsections (f), (g), (h), (i), (p), (q) and (r) regarding Amendments, Additions and Deletions to the California Building Code; Title 8, Chapter 1, Article 1, Section 05 regarding Amendments, Additions and Deletions to the California Residential Code; Title 8, Chapter 1, Article 1, Section 06 regarding Amendments, Additions and Deletions to the California Mechanical Code; Title 8, Chapter 1, Article 1, Section 07 regarding Amendments, Additions and Deletions to the California Plumbing Code; Title 8, Chapter 2, Section 02 Regarding Adoption of the Electrical Code of the City Of Turlock; Title 8, Chapter 2, Section 07 regarding Special Requirements: Residential; Title 8, Chapter 2, Section 08 regarding Special Requirements: Commercial and Industrial Buildings; Title 8, Chapter 5, Article 1, Section 02 regarding Adoption of the Plumbing Code of the City of Turlock; Title 8, Chapter 5, Article 1, Section 03 regarding Administrative Authority; Title 8, Chapter 6, Article 1, Section 02 regarding Adoption of the Mechanical Code of the City of Turlock as introduced at the January 10, 2017 meeting.

C. **Recommended Action:**

Ordinance: Adding Turlock Municipal Code Title 6, Chapter 5, Article 3, Section 04 entitled Excessive Water Use Targets and Penalties; Title 6, Chapter 5, Article 3, Section 05 entitled Appeal; and Title 6, Chapter 5, Article 3, Section 06 entitled Appeal Hearing Request as introduced at the January 10, 2017 meeting.

D. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 4, Chapter 2, creating Article 1, entitled Turlock Disaster Council, using existing Sections 01 through 08 and adding Article 2, entitled Stanislaus Disaster Council as introduced at the January 10, 2017 meeting.

E. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 5, Chapter 21, regarding Medical and Nonmedical Marijuana Regulations, creating Article 1 entitled Medical Marijuana Regulations, using existing Sections 01 through 04, creating Article 2 entitled Nonmedical Marijuana Regulations, and amending Title 3, Chapter 1, Article 1, Section 01 regarding Statement and purpose of chapter: Prohibitions as introduced at the January 10, 2017 meeting.

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 and consent to the City Manager's appointment of Nino C. Amirfar to the position of Chief of Police for the City of Turlock Police Department, effective January 24, 2017. (*Hampton*)

Recommended Action:

Resolution: Accepting and consenting to the City Manager's appointment of Nino C. Amirfar to the position of Chief of Police for the City of Turlock Police Department, effective January 24, 2017

B. Request to determine City Project No. 16-73 "City Hall Renovation" is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines AND approve the advertisement for construction bids for City Project No. 16-73 "City Hall Renovation". (*Pitcock*)

Recommended Action:

Resolution: Determining City Project No. 16-73 "City Hall Renovation" is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines

Motion: Approving the advertisement for construction bids for City Project No. 16-73 "City Hall Renovation"

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- C. Request to designate the annual California State University Stanislaus Tournament of Champions softball tournament a City Co-Sponsored event for three (3) years beginning in 2017 AND appropriate \$5,000 to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance in Fiscal Year 2016-17 to offset facility rental costs at Pedretti Park for the California State University Stanislaus Tournament of Champions softball tournament and authorize the City Manager to allocate co-sponsorship funds not to exceed \$10,000 annually for three (3) years beginning in Fiscal Year 2017-18. (*Schulze*)

Recommended Action:

Resolution: Designating the annual California State University Stanislaus Tournament of Champions softball tournament a City Co-Sponsored event for three (3) years beginning in 2017

Resolution: Appropriating \$5,000 to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance in Fiscal Year 2016-17 to offset facility rental costs at Pedretti Park for the California State University Stanislaus Tournament of Champions softball tournament and authorizing the City Manager to allocate co-sponsorship funds not to exceed \$10,000 annually for three (3) years beginning in Fiscal Year 2017-18

- D. Request to award RFP No. 16-380 and approve a Professional Services Agreement between the City of Turlock and Carollo Engineers for Professional Engineering Design and Construction Bidding Services for the Turlock portion of the North Valley Regional Recycled Water Program, in an amount not to exceed \$1,263,307 from account number 410-51-530.43340 "North Valley Regional Recycled Water Project" AND appropriate \$1,263,307 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Fund 410 Sewer Enterprise Operating Reserves to fully fund Professional Engineering Design and Construction Bidding Services for the Turlock portion of the North Valley Regional Recycled Water Program and transfer the appropriation to a separate general ledger fund once created. (*Cooke*)

Recommended Action:

Motion: Awarding RFP No. 16-380 and approving a Professional Services Agreement between the City of Turlock and Carollo Engineers for Professional Engineering Design and Construction Bidding Services for the Turlock portion of the North Valley Regional Recycled Water Program, in an amount not to exceed \$1,263,307 from account number 410-51-530.43340 "North Valley Regional Recycled Water Project"

Resolution: Appropriating \$1,263,307 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Fund 410 Sewer Enterprise Operating Reserves to fully fund Professional Engineering Design and Construction Bidding Services for the Turlock portion of the North Valley Regional Recycled Water Program and transferring the appropriation to a separate general ledger fund once created

- E. Request to award RFP No. 16-373 and approve a Professional Services Agreement with Applied Development Economics (ADE) of Walnut Creek to update the City of Turlock Economic Development Strategic Plan, in an amount not to exceed \$86,750 AND appropriate \$86,750 to account number 120-10-120.43288 "Economic Development Strategic Plan" from Fund 120 Transient Occupancy Tax unallocated reserves to fund an update to the City of Turlock Economic Development Strategic Plan. (*Pitt*)

Recommended Action:

Motion: Awarding RFP No. 16-373 and approving a Professional Services Agreement with Applied Development Economics (ADE) of Walnut Creek to update the City of Turlock Economic Development Strategic Plan, in an amount not to exceed \$86,750

Resolution: Appropriating \$86,750 to account number 120-10-120.43288 "Economic Development Strategic Plan" from Fund 120 Transient Occupancy Tax unallocated reserves to fund an update to the City of Turlock Economic Development Strategic Plan

- F. Request to approve the proposed Succession Plan for the City of Turlock to identify and develop internal staff with the potential to fill leadership positions within the organization in a judicious manner as they become available. (*Bray*)

Recommended Action:

Resolution: Approving the proposed Succession Plan for the City of Turlock to identify and develop internal staff with the potential to fill leadership positions within the organization in a judicious manner as they become available

- G. Request to amend the City of Turlock Fiscal Year 2016-17 General and Non-General Fund Budgets. (*Hampton*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2016-17 General and Non-General Fund Budgets

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 February 28, 2017, 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