

City Council Agenda



JULY 14, 2015

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
Roy W. Wasden
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 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: Parks and Recreation Month, July 2015, accepted by Allison Van Guilder and Erik Schulze
- B. Appointment: Community Grant Ad Hoc Sub Committee

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

B. STAFF UPDATES

1. Capital Projects and Building Activity (*Pitcock*)
2. Water Conservation Update (*Cooke*)
3. Website Design Update (*Amirfar/Grossman*)

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 EX PARTE COMMUNICATIONS**

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable
 - a. State for the public record the nature of the communication; and
 - b. With whom the ex parte communication was made; and
 - c. A brief statement as to the substance of the communication.

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 6/4/15 in the amount of \$1,063,957.29; Demands of 6/11/15 in the amount of \$833,014.60; Demands of 6/18/15 in the amount of \$1,213,169.30
- B. *Motion*: Accepting Minutes of Regular Meeting of June 23, 2015; Minutes of Special Meeting of June 23, 2015
- C.
 1. *Motion*: Accepting notification of Contract Change Order No. 3 (Final) in the amount of \$24,640.08 (Fund 305) for City Project No. 13-49, "Dianne Drive Realignment," bringing the contract total to \$876,815.14
 2. *Motion*: Accepting improvements for City Project No. 13-49, "Dianne Drive Realignment," and authorizing the City Engineer to file a Notice of Completion
- D. *Motion*: Approving Amendment No. 1 to the agreement with the Shalleck Collaborative, Inc., for City Project No. 14-26A, "RFP Council Chamber Improvements"
- E.
 1. *Motion*: Making the determination that City Project No.14-67, "Slurry Seals 2015," is exempt from the provisions of CEQA in accordance with Section 15301

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2. Motion: Awarding bid and approving an agreement in the amount of \$560,007 (Fund 246) with Sierra Nevada Construction, of Sparks, Nevada, for City Project No. 14-67, "Slurry Seals 2015"
- F. 1. Motion: Approving a reimbursement agreement between HCC Properties LTD (Hilmar Cheese) and the City of Turlock in an amount not to exceed \$424,905 for construction of water line improvements identified in the Turlock Regional Industrial Park Master Plan and storm line improvements identified in the Storm Water Master Plan
2. Resolution: Appropriating \$163,483 to account number 308-40-458.43272 "Reimburse Developers" from the Turlock Regional Industrial Park Water Reserve and \$261,423 to account number 411-51-536.43272 "Reimburse Developers" from the Storm Water Master Plan Reserve for reimbursement of water line and storm line improvements constructed by HCC Properties LTD (Hilmar Cheese) as identified in the Turlock Regional Industrial Master Plan and Storm Water Master Plan
- G. Resolution: Authorizing the closure of Bonita Avenue, between East Main Street and East Olive Avenue, for a Day Camp event hosted by Jessica's House, on Thursday, July 23, 2015, from 8:00 a.m. to 3:30 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions
- H. Motion: Affirming the City Manager's action of having signed and submitted a Notice of Termination (NOT) for the Turlock Municipal Airport's Industrial Storm Water General Permit (Industrial General Permit)
- I. Motion: Requesting to postpone the Proposition 218 Public Hearing date scheduled for July 28, 2015 for the consideration of increasing solid waste user fees
- J. Motion: Approving a Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc., for the preparation of a Hydrogeological and Water Quality Assessment Study for the City of Turlock, in an amount not to exceed \$145,937, from Fund 420-52-530.43320 "Special Services/Projects"
- K. Resolution: Affirming the City Manager's action of having signed and submitted a letter of authorization to 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) for Fiscal Year 2015/16 and authorizing the Mayor or the City Manager to sign all future letters of support
- L. 1. Motion: Approving the service agreement with Clark Pest Control for pigeon and bird control abatement, cleanup, removal and prevention services for the City of Turlock Corporation Yard, for a period of twelve (12) months, in an amount not to exceed \$47,039
2. Resolution: Appropriating \$47,000 to Fund 420-52-550.43150 "Pest Control" and Fund 410-51-531.43150 "Pest Control" to be funded by the reserve balances from Fund 420 Water Enterprise and Fund 410 Water Quality Control for pigeon and bird control abatement, cleanup, removal and prevention services
- M. Motion: Approving the contract between the City of Turlock and Kid Time Fitness to offer youth gymnastic classes
- N. Motion: Approving an agreement with New World Systems to modify the standard Purchase Order form to create a second page for terms and conditions
- O. Resolution: Supporting the designation of Highway 132 as the John Muir Highway
- P. Motion: Rejecting Claim for Damages filed by Robeyna Davidoff
- Q. Motion: Rejecting Claim for Damages filed by Robin Manzano
- R. Motion: Rejecting Claim for Damages filed by Jasmin Simpson

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- S. Resolution: Evidencing the City of Turlock's intent to provide 2,000 acre-feet per year of Recycled Water (also known as "baseline water") to the Turlock Irrigation District subject to the terms and conditions of a Water Sales Agreement acceptable to Turlock Irrigation District and the Stanislaus Regional Water Authority

6. FINAL READINGS

A. **Recommended Action:**

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2010-01 (Morgan Ranch Master Plan)] as introduced at the June 23, 2015 meeting

B. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 4, regarding Officers and Employees, Article 2, Section 07, Paragraph (n) to recognize the authority of the Mayor to execute certain documents and to expand the authority of the City Manager to execute certain documents as introduced at the June 23, 2015 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 for approval establishing a lien for payment for repair cost of certain maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches that are out of repair. (*Van Guilder*)

Recommended Action:

Resolution: Assessing properties for sidewalk repair costs and establishing a lien for payment

- B. Request to confirm diagrams, assessments and reports and levying assessments for Fiscal Year 2015-16 for all Lighting, Landscaping and Street Maintenance Benefit areas within the City of Turlock. (*Pitcock*)

Recommended Action:

Resolution: Confirming diagrams, assessments and reports and levying assessments for Fiscal Year 2015-16 for all Lighting, Landscaping and Street Maintenance Benefit areas within the City of Turlock

8. SCHEDULED MATTERS

- A. Request to rescind City Contract No. 14-082 with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Turlock's urban services buses and remit a portion of the sales revenue to the City in form of transit fares and approve City Contract No. 15-077 with Stott Outdoor Advertising of Chico, California, for said service. *(Pitcock)*

Recommended Action:

Motion: Rescinding City Contract No. 14-082 with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Turlock's urban services buses and remit a portion of the sales revenue to the City in form of transit fares

Motion: Approving City Contract No. 15-077 with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Turlock's urban services buses and remit a portion of the sales revenue to the City in form of transit fares

- B. Request to authorize the relocation of the War Memorial Cannon to Central Park

Recommended Action:

Resolution: Authorizing the relocation of the War Memorial Cannon to Central Park

- C. Request to approve funding of two (2) police service dogs and associated costs, not to exceed \$104,000 for the first year of operation, with an ongoing annual cost of \$28,000 for each additional year of operation which will be absorbed into future general fund budgets, and appropriating said first year funds to expenditure account numbers in Fund 116. *(Jackson)*

Recommended Action:

Resolution: Approving funding of two (2) police service dogs and associated costs, not to exceed \$104,000 for the first year of operation, with an ongoing annual cost of \$28,000 for each additional year of operation which will be absorbed into future general fund budgets, and appropriating said first year funds to expenditure account numbers in Fund 116, which is a special revenue fund utilizing Prop 172 funds as detailed in Exhibit A

- D. Request to authorize an exception to the 180-day wait period pursuant to California Government Code Sections 7522.56 and 21224 and the interim appointment of retired City employee Betty Gonzalez to assist with the City of Turlock Purchasing function. *(Jacobs-Hunter)*

Recommended Action:

Resolution: Authorizing an exception to the 180-day wait period pursuant to California Government Code Sections 7522.56 and 21224 and the interim appointment of retired City employee Betty Gonzalez to assist with the City of Turlock Purchasing function

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- E. Request to authorize approval to enter into a contract with Hiscox Insurance Company to maintain insurance coverage for Employment Practices Liability Insurance for Fiscal Year 2015-16 for an annual premium of \$59,991. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Authorizing approval to enter into a contract with Hiscox Insurance Company to maintain insurance coverage for Employment Practices Liability Insurance for Fiscal Year 2015-16 for an annual premium of \$59,991

- F. Request to authorize approval to enter into a contract with Safety National Casualty Company to maintain insurance coverages for Workers' Compensation Insurance for Fiscal Year 2015-16 for an annual premium of \$94,518. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Authorizing approval to enter into a contract with Safety National Casualty Company to maintain insurance coverages for Workers' Compensation Insurance for Fiscal Year 2015-16 for an annual premium of \$94,518

- G. Request to authorize approval to enter into a contract with Symetra Life Insurance Company for Excess Loss Insurance related to medical and prescription coverage for Fiscal Year 2015-16 for an annual premium of \$2,279,433. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Authorizing approval to enter into a contract with Symetra Life Insurance Company for Excess Loss Insurance related to medical and prescription coverage for Fiscal Year 2015-16 for an annual premium of \$2,279,433

- H. Request to authorize approval to enter into a contract with Travelers Property Casualty Insurance Company to maintain insurance coverage for Property Programs for Fiscal Year 2015-16 for an annual premium of \$193,750. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Authorizing approval to enter into a contract with Travelers Property Casualty Insurance Company to maintain insurance coverage for Property Programs for Fiscal Year 2015-16 for an annual premium of \$193,750

- I. Request to authorize the issuance of Community Facilities District No. 1 (Monte Vista Corridor) Special Tax Refunding Bonds, Series 2015 and the execution and delivery of certain related documents and taking certain related actions. (*Lorenzi*)

Recommended Action:

Resolution: Authorizing the issuance of Community Facilities District No. 1 (Monte Vista Corridor) Special Tax Refunding Bonds, Series 2015 and the execution and delivery of certain related documents and taking certain related actions

- J. Request to adopt Tax-Advantaged Bonds Post-Issuance Compliance Procedures.
(Lorenzi)

Recommended Action:

Resolution: Adopting Tax-Advantaged Bonds Post-Issuance Compliance Procedures

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. 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.

11. CLOSED SESSION:

- A. Conference with Legal Counsel – Pending Litigation, Cal. Gov't Code §54956.9(d)(4) “For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.”

Potential Cases: (1 case)

12. ADJOURNMENT