

City Council Agenda



OCTOBER 13, 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. *Recognition:* Strike Team Personnel - Turlock Fire Battalion Chief Bill Becker; Turlock Fire Captains Dave Bickle and Kain Packwood; Fire Fighters Dale Melden, Nate Benner and Steven Kramer; Turlock Police Sergeant Scott Ellis and Police Officers Joe Dusel and Michael Stapler
- B. *Presentation:* Jr. Iron Chef Competition by Allison Van Guilder, Director of Parks, Recreation & Public Facilities

3. **A. SPECIAL BRIEFINGS**

1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Maggie White, Student Government Relations Coordinator

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Turkey Trot Fun Run (*Van Guilder*)
4. Sustainable Groundwater Management Act Workshop (*Cooke*)

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 9/10/15 in the amount of \$1,238,554.73; Demands of 9/17/15 in the amount of \$611,939.96
- B. Motion: Accepting Minutes of Special Joint Council/Parks, Arts & Recreation Commission Meeting of September 22, 2015; Minutes of Special Meeting of September 22, 2015; Minutes of Regular Meeting of September 22, 2015; Minutes of Special Meeting of September 24, 2015
- C.
 1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$2,240 (Fund 410) for City Project No.15-23, "Hedstrom Road Storm Drain Improvements," bringing the contract total to \$81,783
 2. Motion: Accepting improvements for City Project No. 15-23, "Hedstrom Road Storm Drain Improvements," and authorizing the City Engineer to file a Notice of Completion
 3. Resolution: Appropriating \$30,900 to account number 410-51-534.51300 "Construction Repairs/Improvements," to be funded via a transfer from Fund 410 "Water Quality Control (WQC)" reserves, for City Project No. 15-23, "Hedstrom Road Storm Drain Improvements," to complete the necessary funding required for this project
- D. Motion: Reaffirming the declaration of emergency made by the City Manager and declaring that there is a need to continue with the replacement of the HVAC facilities at the utilities shop
- E. Resolution: Extending the Adopted Fee Deferral Program for the CFF, NWTSP and WISP Impact Fees for an additional twenty-four (24) months

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- F. Resolution: Approving the purchase of reserved wastewater capacity for Hilmar Cheese Company, Inc., for the dry milk processing facility located at 3600 W. Canal Drive, pursuant to Turlock Municipal Code § 6-4-1111
- G. Motion: Approving the First Amended and Restated Joint Powers Agreement (JPA) for the North Valley Regional Recycled Water Program (NVRWP)
- H. 1. Motion: Accepting the staff report on proposed recycled water program rules and regulations
2. Resolution: Adopting the Recycled Water Program establishing the rules, regulations, standard specifications and drawings governing the use of recycled water produced and distributed by the City of Turlock
- I. Motion: Approving Amendment No. 1 to the airport consulting services agreement between the City of Turlock and Stantec Consulting Services, Inc.
- J. Motion: Authorizing the Mayor or City Manager or designee to execute the service maintenance agreement with Park Place Technologies to provide full preventive maintenance for City of Turlock server systems, in a total amount not to exceed \$2,580.48 for a twelve (12) month period
- K. Resolution: Appropriating \$10,000 to account number 240-00-000-213.44030_054 "Minor Equipment-Public Safety Facility Repairs & Improvement" from Fund 240 "Small Equipment Replacement-Police Services" reserve balance for equipment and supplies necessary for the repair and maintenance of the Public Safety Facility
- L. Motion: Approving the purchase of four (4) replacement unmarked/staff vehicles for the Turlock Police Department from the National Auto Fleet Group, through the National Joint Power Alliance (NJPA) National Automotive Contract No. 102811-NAF, pursuant to the Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5), without compliance to the formal bid procedure, in an amount not to exceed \$108,380
- M. Motion: Approving the City of Turlock's participation in a countywide investigation protocol for Commercially Sexually Exploited Children and authorizing the Police Chief to sign the agreement
- N. Resolution: Appropriating \$14,765 to account number 116-30-305.44030_000 "Minor Equipment Miscellaneous" from Fund 116 "Special Public Safety – Fire" reserve balance for the purchase of three (3) thermal imaging cameras
- O. Resolution: Affirming the City Manager's action of having signed and submitted an acceptance of an allocation of funds and the execution of a grant agreement, and appropriating funds for the Federal Fiscal Year 2015, Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Justice Programs, in the amount of \$27,668
- P. Resolution: Approving modifications to the job description for the position of Firefighter, effective October 13, 2015
- Q. Motion: Approving minor modifications to the agreement between the City of Turlock and the Stanislaus Regional Water Authority ("SRWA") for interim legal services and authorizing the Mayor or City Manager to execute said agreement

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 accept the results of the Proposition 218 process for the consideration of increasing the monthly solid waste fees/charges effective December 1, 2015 and amending the Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 titled Garbage, Rubbish, and Garden Refuse to implement updated fees/charges for property related solid waste services. *(Cooke)*

Recommended Action:

Motion: Accepting the results of the Proposition 218 process for the consideration of increasing the monthly solid waste fees/charges effective December 1, 2015

Note: Consideration of the below Ordinance is contingent upon approval of the above Motion.

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 titled Garbage, Rubbish, and Garden Refuse to implement updated fees/charges for property related solid waste services

8. SCHEDULED MATTERS: None

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 – 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: (6 cases)
- B. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally.”
Name of Case: County of Stanislaus v. City of Modesto, City of Turlock; Modesto Garbage Co., Inc.; and Does 1 through 100, inclusive

- 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
- D. Conference with Labor Negotiators, Cal. Gov't Code §54957.6
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
Agency Negotiator: Mayor Gary Soiseth
Unrepresented Employees: City Manager

12. ADJOURNMENT