

City Council Agenda



JANUARY 13, 2015

6:00 p.m.

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

Mayor
Gary Soiseth

Council Members
Amy Bublak Steven Nascimento
William DeHart, Jr. Matthew Jacob

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. Appointment: Vice Mayor
- B. Appointment: Planning Commission
- C. Appointment: Parks, Arts & Recreation Commission
- D. Appointment: The Alliance
- E. Appointment: Stanislaus County Economic Development Action Committee (EDAC) - Member
- F. Appointment: League of California Cities, Central Valley Division, Executive Committee - Member & Alternate Member
- G. Appointment: Regional Surface Water Supply Project Advisory Committee - Member & Alternate Member
- H. Appointment: City/County Disaster Council – Member & Alternate

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- I. Appointment: San Joaquin Valley Air Pollution Control District Valley-Wide Special City Selection Committee - Member & Alternate Member
 - J. Appointment: City of Turlock/Turlock Unified School District Joint Meeting Committee - Members (2) & Alternate Member
 - K. Appointment: East Stanislaus Regional Water Management Partnership (Management Group) – Member & Alternate Member
 - L. Appointment: Oversight Board to the Successor Agency to the Former Turlock Redevelopment Agency (General) - Member

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

B. STAFF UPDATES

- 1. Capital Projects and Building Activity (*Pitcock*)
- 2. Traffic Briefing (*Jackson*)
- 3. National Association of Town Watch Award Winners (*Jackson*)
- 4. Mobile App for Phones (*Jackson*)
- 5. Storm Impacts (*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, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) 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 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 11/13/14 in the amount of \$816,186.05; Demands of 11/20/14 in the amount of \$1,256,300.98; Demands of 11/27/14 in the amount of \$1,549,501.84

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- B. *Motion*: Accepting Minutes of Regular Meeting of December 9, 2014
- C. *Motion*: Approving Amendment No. 5 of Special Services Contract No. 10-824 for Economic & Planning Systems, Inc., to provide one (1) additional year of professional economic and planning consultant services for City Project No. 10-54, "Morgan Ranch Master Plan"
- D. *Motion*: Awarding an agreement in the amount of \$9,581 (Fund 305) with ASSA ABLOY, Elk Grove, California, for City Project No. 14-69, "Public Safety Facility - Door Replacement"
- E. *Motion*: Approving Amendment No. 1 to a retainer agreement with Economic & Planning Systems, Inc., (EPS) of Sacramento, CA, for economic planning and development fee services to allow for a maximum compensation of \$100,000
- F. *Motion*: Approving an agreement with Condor Earth Technologies, Inc., to provide environmental consulting services to assist with a 3-year compliance audit for the California Accidental Release Prevention (CalARP) Program for the Chlorine Facility at the City of Turlock Regional Water Quality Control Facility, in an amount not to exceed \$6,820, from Fund 410-51-530.43336 "CalARP Compliance Audit"
- G. *Resolution*: Accepting a donation from E & J Gallo Winery in the amount of \$400 for the Police Explorer Program
- H. 1. *Motion*: Affirming the City Manager's action of signing and approving the purchase order for the purchase of firearms for Turlock Police Department with LC Action Police Supply for Fiscal Year 2014/15 and Approving the amended purchase price due to a sales tax calculation error for new firearms and related equipment including the trade-in of existing firearms with LC Action Police Supply of San Jose from \$36,254 to \$38,265.18 (difference of \$2,011.18)
2. *Resolution*: Appropriating \$2,011.18 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240 "Small Equipment Replacement-Police Services" reserve balance for the purchase of new firearms and related equipment
- I. *Resolution*: Authorizing the Turlock Fire Department to apply for the Assistance to Firefighters Grant administered through the Federal Emergency Management Agency to purchase diesel exhaust removal systems for three (3) fire stations
- J. *Resolution*: Re-appropriating \$9,980 to account number 501-10-130.47095_000 "IT Training" to be funded from unappropriated reserves in Fund 501 "Information Technology"
- K. 1. *Motion*: Approving an agreement with Konica Minolta Business Solutions U.S.A., Inc. (KMBS-ECM) to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution
2. *Resolution*: Appropriating \$14,920 to account number 240-00-00-200.43226 "Document Imaging Conversion" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution and \$3,400 to account number 501-10-130.47095_000 "Training-General" from Fund 501 "Information Technology" reserve balance for system administrator training

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 for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public. (*Gomez*)

Recommended Action:

Resolution: Assessing properties for abatement costs and establishing a lien for payment

- B. Request to confirm the Benefit Assessment Report and levying assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47. (*Pitcock*)

Recommended Action:

Resolution: Confirming the Benefit Assessment Report and levying assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47

- C. **This item was continued from the November 18, 2014 City Council Meeting.**
Request to repeal and replace Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety. (*Stillo*)

Recommended Action:

Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety

8. SCHEDULED MATTERS:

- A. Request to accept a project status update on construction activities for Project 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and Project 0804B, "Turlock Public Safety Facility" and authorize the transfer of \$150,000 from Fund 305 CFF (Police) Reserve to account number 305-40-441.51270, "Construction Project."
(*Pitcock*)

Recommended Action:

Motion: Accepting a project status update on construction activities for Project 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and Project 0804B, "Turlock Public Safety Facility"

Resolution: Authorizing the transfer of \$150,000 from Fund 305 CFF (Police) Reserve to account number 305-40-441.51270, "Construction Project"

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- B. Request to authorize the approval and execution of an agreement between the City of Turlock and the California Department of Justice for data sharing through Smart Justice. (Jackson)

Recommended Action:

Motion: Authorizing the approval and execution of an agreement between the City of Turlock and the California Department of Justice for data sharing through Smart Justice

- C. Request to authorize the approval and execution of a Memorandum of Understanding between the City of Turlock Police Department, City of Ceres Police Department, City of Modesto Police Department, Stanislaus County Sheriff's Department, City of Oakdale Police Department, City of Newman Police Department, California State University – Stanislaus Police Department, and Stanislaus County Probation Department to work cooperatively to reduce alcohol related traffic collisions in Stanislaus County through the "Avoid the 12" Project # AL1520 MOU with the California Office of Traffic Safety. (Jackson)

Recommended Action:

Motion: Authorizing the approval and execution of a Memorandum of Understanding between the City of Turlock Police Department, City of Ceres Police Department, City of Modesto Police Department, Stanislaus County Sheriff's Department, City of Oakdale Police Department, City of Newman Police Department, California State University – Stanislaus Police Department, and Stanislaus County Probation Department to work cooperatively to reduce alcohol related traffic collisions in Stanislaus County through the "Avoid the 12" Project # AL1520 MOU with the California Office of Traffic Safety

- D. Request to adopt the 2015 City Council Meeting Schedule. (Wasden/Weaver)

Recommended Action:

Resolution: Adopting the 2015 City Council Meeting Schedule

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 Case(s): (4 cases)

- B. **Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)**
"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 Negotiators: Roy W. Wasden/Dave Young
Employee Organization: Turlock Associated Police Officers
- C. **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: Turlock Associated Police Officers vs. City of Turlock

12. **ADJOURNMENT**