

AMENDMENT NO. 1

Dated: November 6, 2015

City Council Agenda



NOVEMBER 10, 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: "Movember" Men's Health Movement, November 2015, supported by Turlock Police Department
- B. Proclamation: United States Veterans and Veterans Employed by the City of Turlock, November 11, 2015
- C. Recognition: Water Saving Hero Awards, accepted by Turlock residents Milt Trieweiler and Zella Linn
- D. Proclamation: Retirement of Turlock City Manager Roy W. Wasden

3. A. SPECIAL BRIEFINGS

1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Maggie White, Student Government Relations Coordinator
2. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Crime Prevention through Environmental Design Project by CSU Stanislaus Community Policing - Criminal Justice Class
3. **STANISLAUS COUNTY AG COMMISSION**
Asian Citrus Psyllid Report by Commissioner Milton O'Hare
4. **AD HOC SUB COMMITTEE FOR TREE MAINTENANCE/SIDEWALK REPAIR PROGRAMS**
Update presented by Councilmember DeHart

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Board, Commission, and Committee Vacancies (*Weaver*)
3. Capital Projects and Building Activity (*Pitcock*)

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. Scheduled Matter 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.

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- A. Resolution: Accepting Demands of 10/15/15 in the amount of \$1,083,754.40; Demands of 10/22/15 in the amount of \$1,371,174.07
 - B. Motion: Accepting Minutes of Special Meeting of October 27, 2015; Minutes of Regular Meeting of October 27, 2015
 - C. Motion: Approving the advertisement for construction bids for City Project No. 12-60C, "Turlock Regional Transit Center Phase 2"
 - D. Motion: Accepting the Capital Facility Fee Program report for Fiscal Year 2014/15
 - E. Resolution: Approving a Transportation Development Act (TDA) claim for Non-Transit expenses for Fiscal Year 2015-16 in the amount of \$384,251 and adjusting the Projected Local Transportation Revenue in Fund 216 to current StanCOG estimates
 - F. Resolution: Declaring the Intention to Order Annexation No. 23 to Existing Community Facilities District No. 2 (Services Mitigation)
 - G. Resolution: Finding that the City of Turlock has met the requirements of Senate Bill 5 (Flood Management)
 - H. Resolution: Approving an agreement in the amount of \$42,399 with Warden's Office of Modesto, California, for the purchase and installation of Haworth panel systems and accessories without compliance to the formal bid procedure, pursuant to City of Turlock Resolution No. 97-134, and having found that the criteria listed in Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5) have been satisfied
 - I. Resolution: Re-appropriating unexpended Fiscal Year 2014-15 funds from account number 506-00-000-213.51020 "Equipment Replacement" to Fiscal Year 2015-16 account number 506-00-000-213.51020 "Equipment Replacement," in the amount of \$167,000, to provide for the acquisition of vehicles and subsequent vehicle equipment replacement that had not been fully realized by June 30, 2015
 - J. Resolution: Appropriating \$4,692 to 242-00-000-206.51010 "Computer" from Fund 242 "Computer Replacement-City Manager" reserve balance for annual Microsoft licensing and the replacement of three (3) computer systems
 - K.
 - 1. Motion: Approving the Services Agreement between the City of Turlock and New World Systems for payroll software support
 - 2. Resolution: Appropriating \$7,600 to 240-00-000-200.51005_002 "Communications Financial Software" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance for software support in making processing changes to the New World Systems payroll module
 - L. Resolution: Approving modifications to the job description for the position of Staff Services Assistant, effective November 10, 2015, to include payroll preparation as an essential function of the position
 - M. Motion: Rejecting Claim for Damages filed by Joe Cerqueira

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 2015-02, Planned Development No. 273 (Turlock Walnut Company Expansion)]
 - Resolution: Establishing Conditions of Approval for Planned Development No. 273 (PD-273) – Turlock Walnut Company Expansion

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

8. SCHEDULED MATTERS

- A. Request to approve the amended Parks, Recreation and Public Facility Department's part-time employee wage scale for Fiscal Year 2015-16, effective January 1, 2016. (*Van Guilder*)

Recommended Action:

Resolution: Approving the amended Parks, Recreation and Public Facility Department's part-time employee wage scale for Fiscal Year 2015-16, effective January 1, 2016

- B. Request to authorize dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17. (*Jacobs-Hunter*)

Recommended Action:

Motion: Authorizing dedicated supplemental overtime, for three (3) firefighter positions, for a six (6) month time-period beginning January 1, 2016 through June 30, 2016 and for Fiscal Year 2016-17

- C. Request to approve an agreement with the State of California for the temporary transfer of vehicular equipment covering the assignment of a California Office of Emergency Services (Cal OES), Type I Fire Engine, to the City of Turlock Fire Department. (*Jackson*)

Recommended Action:

Resolution: Approving an agreement with the State of California for the temporary transfer of vehicular equipment covering the assignment of a California Office of Emergency Services (Cal OES), Type I Fire Engine, to the City of Turlock Fire Department

- D. Request to authorize the creation of a five (5) member review panel for City Manager recruitment and appoint the Mayor and interim City Manager as co-chairs of the panel. (*Jacobs-Hunter*)

Recommended Action:

Motion: Authorizing the creation of a five (5) member review panel for City Manager recruitment and appointing the Mayor and interim City Manager as co-chairs of the panel

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- E. Request to appropriate an additional \$400,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2014-15 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue. (*Wasden/Jacobs-Hunter*)

Recommended Action:

Resolution: Appropriating an additional \$400,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2014-15 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue

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

Public Employee Appointment, 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: Interim City Manager

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: Interim City Manager

12. ADJOURNMENT