

# City Council Agenda



**SEPTEMBER 25, 2018**

**6:00 p.m.**

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



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Mayor  
**Gary Soiseth**

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

City Manager  
**Robert C. Lawton**  
City Clerk  
**Jennifer Land**  
Interim City Attorney  
**Jose M. Sanchez**

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**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](http://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: Breast Cancer Awareness Month, October 2018, accepted by Fire Captain Frank Saldivar
  
3. **A. SPECIAL BRIEFINGS:** None

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## B. PUBLIC PARTICIPATION

Pursuant to California Government Code Section 54954.3(a), 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.

Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

### 4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

### B. 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 Weekly Demands of 8/16/18 in the amount of \$834,552.10; Accepting Monthly Demands of 5/31/18 in the amount of \$2,255,355.77
- B. Motion: Accepting Minutes of the Regular Meeting of May 8, 2018; Minutes of the Regular Meeting of May 22, 2018
- C. Motion: Accepting notification of Contract Change Order No. 1, in the amount of \$24,583.35, for City Project No. 15-65 "Monte Vista Widening Between East of Colorado Avenue and Berkeley Avenue," bringing the contract total to \$634,460.01
- D. Motion: Authorizing the issuance of Request for Proposals (RFP) No. 18-043 for unarmed private security services for perimeter and site security at the Roger K. Fall Transit Center
- E. Motion: Approving an Agreement in the amount of \$162,273 (Fund 426) with Nelson\Nygaard Consulting Associates, Inc., of San Francisco, California, for the development and delivery of a Short-Range Transit Plan (SRTP) in support of City Project No. 18-34 "Short-Range Transit Plan FY 2019-24"
- F. Resolution: Re-appropriating unspent funds from FY 2017-18 to FY 2018-19 of \$294,343 to account number 425-40-415.34091 "LTF Capital Transit" and re-appropriating \$294,343 to account number 425-40-415.51261 "Transit Bus Procurement/Inspection" for payment of two (2) Ford Champion Transport midsize buses purchased in March 2018
- G. Resolution: Declaring the Intention to Order Annexation No. 25 for the property located at 824 Angelus Street to Existing Community Facilities District No. 2 (Services Mitigation)
- H.
  1. Resolution: Determining the closure of Main Street, between Palm Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for the Turlock Downtown Property Owners Association in partnership with the City of Turlock to host the 20<sup>th</sup> Annual Festival of Lights, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines
  2. Resolution: Approving a Special Event Permit Application for the 20<sup>th</sup> Annual Festival of Lights hosted by the Turlock Downtown Property Owners Association in partnership with the City of Turlock, authorizing the associated closure of Main Street, between Palm

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- Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for pedestrian safety, on Friday, November 23, 2018 from 2:00 p.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- I. Motion: Accepting the post event reports for the Community Events and Activities Grants funding and accepting a reimbursement of partial grant funding
- J. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors in February 2018 through July 2018 in the amount of \$603 (monetary donations) in account number 270-61-635-399.37200\_000 "Donations General" to fund a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- K. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Central Valley Concrete, Inc. for the purchase and delivery of aggregate, asphaltic concrete and related materials to job sites for City projects, increasing the annual compensation from maximum of \$15,000 to a maximum of \$25,000, for a total not-to-exceed amount of \$100,000 over the 4-year term of the Agreement, if all renewal periods are exercised
- L. Resolution: Re-appropriating unspent funds of \$37,684 from Fiscal Year 2017-18 to account number 506-00-000-304.51020 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement-Fire" unallocated reserves for the purchase of a Neighborhood Services Utility Vehicle
- M. Resolution: Appropriating \$30,000 to 116-30-305.43125\_026 "Fire Station Maintenance", appropriating \$15,000 to 116-30-305.44030\_000 "Minor Equipment Miscellaneous", and appropriating \$40,000 to 116-30-305.48001\_292 "Transfers Out to Fire Training Overtime" from Fund 116 "Special Public Safety – Fire" unallocated reserves and appropriating \$40,000 to 110-30-300.38001\_292 "Transfers In Fire Training Overtime" to accept the transfer from Fund 116 and appropriating \$40,000 to 110-30-300.41100\_020 "Overtime Firefighter Academy" funded by the transfer from Fund 116
- N. Resolution: Appropriating \$5,000 to account number 240-00-000-312.44001\_156 "Supplies-Strike Team" from Fund 240 "Small Equipment Replacement-Strike Team" unallocated reserves for the purchase of strike team equipment for use during Strike Team and OES deployments
- O. Motion: Approving the Fiscal Year 2017-18 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorizing the Mayor, City Manager or designee to execute related necessary documents
- P. Motion: Approving Amendment No. 3 to an Agreement between the City of Turlock and Protech Security & Electronics, Inc. for security and fire alarm monitoring, to add the Roger K. Fall Transit Center Building to the contract, increasing the annual compensation amount from \$32,940 to \$34,940 for the duration of the contract term ending October 12, 2019, and increasing the total not-to-exceed amount of \$98,008
- Q. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and HCI Systems, Inc. for fire sprinkler and suppression system inspections, repairs, and maintenance services, to add the Roger K. Fall Transit Center to the contract, and increasing the annual compensation from \$20,000 to \$21,000 for the remaining term of the Agreement
- R. Resolution: Accepting a donation made to the City of Turlock Administrative Services Department in August 2018 in the amount of \$133.88 (non-monetary/in-kind donation) utilized in support of the State of the City Address
- S. Motion: Rejecting Claim for Damages filed by Cheryl Phillips

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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 adopt the 2018 update to the East Stanislaus Integrated Regional Water Management Plan (IRWMP). (*Martin*)

***Recommended Action:***

***Resolution:*** Adopting the 2018 update to the East Stanislaus Integrated Regional Water Management Plan (IRWMP)

8. **SCHEDULED MATTERS**

- A. Request to determine the closure of North Mitchell Avenue, between Canal Drive and the drive way north of Winton, Ireland, Strom and Green Insurance Agency, for the annual WISG Cars and Coffee Event hosted by Winton, Ireland, Strom and Green Insurance Agency, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines AND approve a Special Event Permit Application for the WISG Cars and Coffee Event hosted by Winton, Ireland, Strom and Green Insurance Agency, authorizing the associated closure of North Mitchell Ave., between Canal Drive and the drive way north of Winton, Ireland, Strom and Green Insurance Agency for pedestrian safety, on Saturday, October 20, 2018, from 6:00 a.m. to 12:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

***Recommended Action:***

***Resolution:*** Determining the closure of North Mitchell Avenue, between Canal Drive and the drive way north of Winton, Ireland, Strom and Green Insurance Agency, for the annual WISG Cars and Coffee Event hosted by Winton, Ireland, Strom and Green Insurance Agency, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

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***Resolution:*** Approving a Special Event Permit Application for the WISG Cars and Coffee Event hosted by Winton, Ireland, Strom and Green Insurance Agency, authorizing the associated closure of North Mitchell Ave., between Canal Drive and the drive way north of Winton, Ireland, Strom and Green Insurance Agency for pedestrian safety, on Saturday, October 20, 2018, from 6:00 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to approve a public art mural to be painted at Columbia Park Pool by the art department students and Professor Jacob Weigel of California State University Stanislaus as outlined in the Public Artwork Permit application and as recommended by the Parks, Arts and Recreation Commission AND appropriate \$2,500 from account number 120-10-12-130.47319 Fund 120 "Tourism" unallocated reserves designated for

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Public Art projects for future maintenance or redesign costs associated with the mural project at the Columbia Park Pool. (*Van Guilder*)

***Recommended Action:***

***Motion:*** Approving a public art mural to be painted at Columbia Park Pool by the art department students and Professor Jacob Weigel of California State University Stanislaus as outlined in the Public Artwork Permit application and as recommended by the Parks, Arts and Recreation Commission

***Resolution:*** Appropriating \$2,500 from account number 120-10-12-130.47319 Fund 120 "Tourism" unallocated reserves designated for Public Art projects for future maintenance or redesign costs associated with the mural project at the Columbia Park Pool

- C. Request to approve the renaming of the "Turlock Children's Play Park" at Donnelly Park as the "Augusta Bates Children's Play Park", and authorize the Parks, Recreation and Public Facilities Director, or his/her designee, to direct the necessary changes to the City website to read "Augusta Bates Children's Play Park" and post an updated sign at the site of the playground at the applicant's expense. (*Van Guilder*)

***Recommended Action:***

***Resolution:*** Approving the renaming of the "Turlock Children's Play Park" at Donnelly Park as the "Augusta Bates Children's Play Park", and authorizing the Parks, Recreation and Public Facilities Director, or his/her designee, to direct the necessary changes to the City website to read "Augusta Bates Children's Play Park" and post an updated sign at the site of the playground at the applicant's expense

- D. Request to approve the purchase and delivery of four (4) additional 35-foot long Compressed Natural Gas (CNG) powered low floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$2,394,265 (Fund 426), pursuant to City Contract No. 16-177 for City Project No. 18-55 "Purchase of Four Gillig 35-Foot CNG Buses 2018" AND authorize the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and repair services from Gillig LLC of Hayward, California, related to transit vehicles purchased from Gillig LLC and contingent on availability of budgeted funds (*York*)

***Recommended Action:***

***Resolution:*** Approving the purchase and delivery of four (4) additional 35-foot long Compressed Natural Gas (CNG) powered low floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$2,394,265 (Fund 426), pursuant to City Contract No. 16-177 for City Project No. 18-55 "Purchase of Four Gillig 35-Foot CNG Buses 2018"

***Resolution:*** Authorizing the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and repair services from Gillig LLC of Hayward, California, related to transit vehicles purchased from Gillig LLC and contingent on availability of budgeted funds

- E. Request to direct staff to order a change to the contract documents for City Project No. 17-30 "West Main Corridor Rehabilitation" to effectuate an opening in the median island along West Main Street at the intersection of Radio Street. (*Bray*)

***Recommended Action:***

***Motion:*** Directing staff to order a change to the contract documents for City Project No. 17-30 “West Main Corridor Rehabilitation” to effectuate an opening in the median island along West Main Street at the intersection of Radio Street

**9. STAFF UPDATES**

Staff updates are provided for informational purposes only and no action or discussion may be undertaken, except that Council may request the matter be placed on a future agenda.

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
3. Development Services Department
4. Fire Department
  - a. Public Safety Briefing (*Talloni*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department
  - a. Public Safety Briefing (*Amirfar*)

**10. CITY MANAGER COMMENTS**

City Manager Comments are provided for informational purposes only and no action or discussion may be undertaken, except that Council may request the matter be placed on a future agenda.

**11. 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.

**12. 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 November 13, 2018, unless otherwise specified by the Mayor or a majority of the Council.

**13. 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.

**14. 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: (3 cases)

**15. REPORTS FROM CLOSED SESSION**

**16. ADJOURNMENT**