

City Council Agenda



APRIL 23, 2019

6:00 p.m.

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



****and via teleconference:
Holiday Inn Express & Suites Williams
Business Center
1150 W. Cataract Lake Road
Williams, AZ 86046
Telephone No. 928-635-2221**

**Mayor
Amy Bublak**

Council Members

**Nicole Larson
Gil Esquer
Vice Mayor**

**Andrew Nosrati
Becky Arellano**

**City Manager
Robert C. Lawton
City Clerk
Jennifer Land
City Attorney
Douglas L. White**

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: National Get On Board Day, April 25, 2019, accepted by Transit Planner Scott Medeiros
- B. Proclamation: Water Awareness Month, May 2019 and Drinking Water Week, May 5-11, 2019, accepted by Water Quality Control Manager David Huff

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

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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE**

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

C. 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 3/21/19 in the amount of \$3,158,729.55; Weekly Demands of 3/28/19 in the amount of \$2,708,747.59; Monthly Demands of 2/28/19 in the amount of \$2,366,253.21
- B. Motion: Accepting Minutes of the Regular Meeting of March 26, 2019
- C. Motion: Approving Contract Change Order No. 2 in the amount of \$306,877.02 (Fund 413) with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" bringing the contract total to \$19,125,045.75
- D. Motion: Rejecting all bids submitted for City Project No. 16-56 "Intersection Improvements at Lander Avenue and F Street"
- E. Motion: Approving an Agreement with DF Engineering, Inc., of Modesto, California in the amount of \$122,778 for engineering and surveying services for City Project 16-60 "Linwood Avenue ATP Improvements" in a form approved by the City Attorney
- F. 1. Resolution: Determining City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
2. Motion: Awarding bid and approving an Agreement in the amount of \$618,300 (Fund 426) with Harris Builders, Inc., of Hilmar, California, for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
3. Resolution: Appropriating \$375,000 to account number 426-40-415-238.51270 "Construction Project" to be funded from account number 426-40-415.51240 "LTF Capital" for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
- G. Motion: Approving an Agreement with O'Dell Engineering of Modesto, California in the amount of \$149,871 for engineering and surveying services for City Project 17-58 "Safe Route to School Pedestrian Improvements" in a form approved by the City Attorney

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- H. Motion: Approving an Agreement with DF Engineering, Inc., of Modesto, California in the amount of \$46,480 for engineering and surveying services for City Project 17-59 "Pedestrian Intersection Improvements, Various Locations" in a form approved by the City Attorney
- I. 1. Resolution: Determining City Project No. 18-35 "Corp Yard Transit Parking Extension" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
2. Motion: Awarding bid and approving an Agreement in the amount of \$336,007.00 (Fund 426) with Machado and Sons Construction, Inc., Turlock, California for City Project No. 18-35 "Corp Yard Transit Parking Extension"
- J. Resolution: Initiating Proceedings for the formation of the "Superstore" (Development Project No. 19-25) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- K. Motion: Authorizing the City Manager, or his designee, to issue a written notice of voluntary termination to Zagster Inc. of Cambridge, Massachusetts regarding a Conditional Bike Sharing Agreement with a new effective termination date not to exceed July 31, 2019
- L. Resolution: Approving budget adjustments to the appropriate account numbers for the After School Education and Safety (ASES) program in Fund 270 "Recreation Grants and Donations"
- M. Motion: Awarding RFB No. 19-003 and approving an Agreement with Wastewater Solids Management, Inc. for Digester Cleaning for the Turlock Regional Water Quality Control Facility for a period of twelve (12) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$200,000, for a total not-to-exceed amount of \$800,000, over the 4-year term of the Agreement, if all renewal periods are exercised
- N. Motion: Awarding RFB No. 19-015 and approving an Agreement with Don Pedro Pump, Inc. for Pump Repairs at the Regional Water Quality Control Facility (RWQCF) and City Well Sites for a period of twelve (12) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$50,000, for a total not-to-exceed amount of \$200,000, over the 4-year term of the Agreement, if all renewal periods are exercised
- O. 1. Motion: Approving an agreement between the City of Turlock and the Turlock Unified School District for communication access through the City-owned radio system
2. Resolution: Accepting funds from the Turlock Unified School District in the amount of \$111,791 and appropriating said funds to revenue account number 240-00-000-352.37040_002 – "Contributions for Radio/CAD/RMS Turlock Unified School District"
- P. Motion: Approving an Agreement with the State of California, by and through the Department of California Highway Patrol, California in the amount of \$43,799.04 for traffic control services for City Project 0828 "SR99/Fulkerth Road Interchange"
- Q. Resolution: Appointing Mayor Amy Bublak as the primary representative and City Manager Robert C. Lawton as the alternate representative to the Stanislaus Homeless Alliance

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 amend the Turlock Municipal Code Title 5, Chapter 5-21 and Chapter 5-14, Section 5-14-01; and Title 3, Chapter 3-1, Section 3-1-101 to establish a commercial cannabis pilot program and make necessary changes to the Turlock Municipal Code (*Goldstein*)

Recommended Action:

Ordinance: Amending the Turlock Municipal Code Title 5, Chapter 5-21 and Chapter 5-14, Section 5-14-01; and Title 3, Chapter 3-1, Section 3-1-101 to establish a commercial cannabis pilot program and make necessary changes to the Turlock Municipal Code (***This item will be continued to the regular City Council meeting of May 14, 2019.***)

8. **SCHEDULED MATTERS:**

- A. Request to approve Amendment No. 1 to an Agreement with We Care, a nonprofit association, to add an additional \$20,000 to their 2018-2019 Community Development Block Grant Public Services Contract and authorizing the City Manager to sign all related documents (*Pitt*)

Recommended Action:

Motion: Approving Amendment No. 1 to an Agreement with We Care, a nonprofit association, to add an additional \$20,000 to their 2018-2019 Community Development Block Grant Public Services Contract and authorizing the City Manager to sign all related documents

- B. Request to appropriate \$500,000 to 120-10-120.48001_301 "Transfers Out To Fund 110 - TOT" from Fund 120 "Tourism" unallocated reserves to 110-10-000.38001_301 "Transfers In From Fund 120 TOT" for the purpose of reducing the adopted budget deficit in FY 18/19 (*Lawton*)

Recommended Action:

Resolution: Appropriating \$500,000 to 120-10-120.48001_301 "Transfers Out To Fund 110 - TOT" from Fund 120 "Tourism" unallocated reserves to 110-10-000.38001_301 "Transfers In From Fund 120 TOT" for the purpose of reducing the adopted budget deficit in FY 18/19

- C. Request to accept the City of Turlock Fire Department Annual Report (*Talloni*)

Recommended Action:

Motion: Accepting the City of Turlock Fire Department Annual Report

- D. Request to accept the City of Turlock Police Department Annual Report (*Amirfar*)

Recommended Action:

Motion: Accepting the City of Turlock Police Department Annual Report

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. Administrative Services
2. Development Services Department
3. Fire Department
 - a. Public Safety Briefing (*Talloni*)
4. Municipal Services Department
5. Parks, Recreation and Public Facilities
6. 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 May 28, 2019, 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:

Closed Session Item 14A has been agendized as part of the Special Meeting (scheduled at 5:00 p.m. on this date) as well as this Regular Meeting to allow for continued discussion if necessary.

- A. 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 Designated Representative: City Manager Robert C. Lawton
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employees Association
Employee Organization: Turlock Firefighters Association-Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: Accountant, Sr., Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Information Technology Manager, Legal Assistant, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT