

City Council Agenda



MAY 28, 2019

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**Mayor
Amy Bublak**

Council Members

Nicole Larson

Andrew Nosrati

Gil Esquer

Becky Arellano

Vice Mayor

**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: None

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

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 4/18/19 in the amount of \$2,662,325.12; Weekly Demands of 4/25/19 in the amount of \$2,088,130.52; Weekly Demands of 5/2/19 in the amount of \$447,945.26
- B. Motion: Accepting Minutes of the Special Meeting of April 18, 2019; Minutes of the Special Meeting of April 23, 2019; Minutes of the Regular Meeting of April 23, 2019
- C. Resolution: Initiating proceedings for filing of the Annual Report for Fiscal Year 2019-20 for all Landscaping and Lighting Assessment Districts (Exhibit A) and all Street Maintenance Benefit Assessment Areas (Exhibit B) in the City of Turlock and directing the City Engineer to act as the Engineer of Work and produce an Engineer's report which details the annual costs to each lot of each development
- D. 1. Resolution: Determining acceptance of the 2018 General Plan Annual Report is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (Preliminary Review) of the CEQA Guidelines
2. Resolution: Accepting the 2018 General Plan Annual Report pursuant to California Government Code Section 65400(a)(2) to be submitted to the Governor's Office of Planning and Research and the California Department of Housing and Community Development
- E. Motion: Accepting the post event reports for the Community Events and Activities Grants funding as set forth in "Exhibit A"
- F. Resolution: Approving the purchase of one (1) Multi-Conductor TV Van for the Municipal Services Department Utility Maintenance Division from U-Rock Utility through the National Joint Powers Alliance Contract No. 022014-EVS, in an amount not to exceed \$355,843 (including a 5% contingency), without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- G. Resolution: Approving the purchase of one (1) Replacement Drive Unit and Components for a Dissolved Air Flotation Clarifier for the Municipal Services Department Water Quality Control Division from Ovivo USA, LLC, in an amount not to exceed \$118,995 (including a 5% contingency), without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(2)
- H. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services to update and evaluate the City of Turlock's water fund cash flow in a total amount not to exceed \$16,200 (Fund 420)
- I. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and California CAD Solutions, Inc., for regular updates of GIS and City Infrastructure data services, to increase the total compensation amount from \$18,000 to \$35,000, to cover GIS Services for the duration of the contract term ending July 31, 2019

6. **FINAL READINGS:**

A. ***Recommended Action:***

Ordinance: Amending the Turlock Municipal Code Title 5, Chapter 5-21, including modifications to Section 5-21-103(e), to increase the proximity of cannabis businesses to sensitive uses and Section 5-21-104(d)(4), to require the physical presence of a state licensed security personnel 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 as introduced at the May 14, 2019 City Council meeting

B. ***Recommended Action:***

Ordinance: Adding Chapter 2-12, Civility Code, of Title 2, Administration, including modifications to Sections 2-12-109 and 2-12-110, to clarify the role of the Sergeant-at-Arms, to the Turlock Municipal Code as introduced at the May 14, 2019 City Council meeting

C. ***Recommended Action:***

Appointment: Appointing three (3) Councilmembers to the Rules Committee pursuant to the adoption of the Civility Code

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 supersede and replace Resolution No. 2018-258 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq. (*Lawton*)

Recommended Action:

Resolution: Superseding and replacing Resolution No. 2018-258 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

8. **SCHEDULED MATTERS:**

- A. Request to determine the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for the 2019 Listener Appreciation Concert (LAC) hosted by KAT Country/Cumulus Radio, 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 2019 Listener Appreciation Concert (LAC) hosted by KAT Country/Cumulus Radio, authorize the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, on Saturday, June 1, 2019, 10:00 a.m. to 9:00 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 Soderquist Road, between Fulkerth Road and West Canal Drive, for the 2019 Listener Appreciation Concert (LAC) hosted by KAT Country/Cumulus Radio, 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

Resolution: Approving a Special Event Permit Application for the 2019 Listener Appreciation Concert (LAC) hosted by KAT Country/Cumulus Radio, authorizing the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, on Saturday, June 1, 2019, 10:00 a.m. to 9:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to determine the closure of eastbound Canal Drive [between Golden State Boulevard and Geer Road], Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and East Main Street], East Main Street [between North Center Street and East Canal Drive], North Rose Avenue at Lyons Avenue, for the 2019 Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, 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 2019 Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, authorize the associated closure of eastbound Canal Drive [between Golden State Boulevard and Geer Road], Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and East Main Street], East Main Street [between North Center Street and East Canal Drive], North Rose Avenue at Lyons Avenue, for pedestrian safety, on Sunday, June 16, 2019 at specified times, and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Traini*)

Recommended Action:

Resolution: Determining the closure of eastbound Canal Drive [between Golden State Boulevard and Geer Road], Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and East Main Street], East Main Street [between North Center Street and East Canal Drive], North Rose Avenue at Lyons Avenue, for the 2019 Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, 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

Resolution: Approving a Special Event Permit Application for the 2019 Turlock Pentecost Annual Parade hosted by the Turlock Pentecost Association, authorizing the associated closure of eastbound Canal Drive [between Golden State Boulevard and Geer Road], Geer Road [between Canal Drive and North Golden State Boulevard], Lincoln Avenue [between Geer Road and North Thor Street], North Thor Street [between Lincoln Avenue and Monroe Avenue], Monroe Avenue [between North Thor Street and North Center Street], North Center Street [between Monroe Avenue and East Main Street], East Main Street [between North Center Street and East Canal Drive], North Rose Avenue at Lyons Avenue, for pedestrian safety, on Sunday, June 16, 2019 at specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- C. Council will receive the City Manager's Budget Memorandum for Fiscal Year 2019-20
(*Lawton*)

Recommended Action:

This is an information item only. No formal action will be taken.

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 June 25, 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 agendaized 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