

City Council Agenda



OCTOBER 10, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:

Morgantown Marriott at Waterfront Place

2 Waterfront Place

Morgantown, WV 26501

Phone: 304-296-1700

Mayor
Gary Soiseth

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

Interim City Manager
Robert A. Talloni
City Clerk
Jennifer Land
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. *Recognition:* Employee of the Month - September 2017, Senior Accountant Julie Burke
- B. *Proclamation:* National Childhood Cancer Awareness Month - September 2017
- C. *Proclamation:* The Bicentennial Birthday of Baha'u'llah - October 22, 2017, accepted by Spiritual Assembly of the Baha'is of Turlock Ken and Mary Allen

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- D. Proclamation: "Movember" Men's Health Movement - November 2017, supported by Turlock Associated Police Officers
 - E. Recognition: Turlock Express, accepted by Turlock Express Owner Jay Fiorini and Head Coach Art Pulido
 - F. Presentation: Valley Vision Stanislaus - Regional Transportation Plan/Sustainable Communities Strategies, presented by Regional Government Services Kendall Flint
 - G. Appointment: Vice Mayor

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

B. 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 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 08/24/17 in the amount of \$451,922.78; Weekly Demands of 08/31/17 in the amount of \$1,140,745.63; and Weekly Demands of 09/07/17 in the amount of \$611,216.91
- B. Motion: Accepting Minutes of Regular Meeting of September 12, 2017
- C. Motion: Accepting notification of Contract Change Order No. 1, in the amount of \$20,198.98, for City Project No. 12-60C "Turlock Regional Transit Center Phase 2," bringing the contract total to \$5,210,198.98
- D.
 - 1. Motion: Approving Contract Change Order No. 4 (Final), in the amount of \$44,836.98 (Fund 420), for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue," bringing the contract total to \$755,864.63
 - 2. Motion: Accepting improvements for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue" and authorizing the City Engineer to file a Notice of Completion
 - 3. Resolution: Appropriating \$13,000 to account number 420-52-551.51303 "Palm & Mitchell-Replace Steel with C-900" to be funded from Fund 420 "Water Enterprise" Unallocated Reserves for City Project No.14-29 "Water Line Replacement on Palm Street and Mitchell Avenue" to complete the necessary funding required for this project

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- E. 1. Resolution: Determining City Project No. 14-40 "Curb Ramp Installation at Various Locations" 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 \$59,520 (Fund 301) with United Pavement Maintenance Inc., of Hughson, California for City Project No. 14-40 "Curb Ramp Installation at Various Locations"
3. Resolution: Appropriating \$14,463 to account number 301-50-520.51304 "ADA Construction Projects" to be funded via a transfer from Fund 217 "Gas Tax Section 2103" unallocated reserves for City Project No. 14-40 "Curb Ramp Installation at Various Locations" to complete the necessary funding required for this project
- F. 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the amount of \$11,197.79 (Fund 305), for City Project No. 15-57 "Broadway Parking Lot Reconstruction," bringing the contract total to \$346,139.09
2. Motion: Accepting improvements for City Project No. 15-57 "Broadway Parking Lot Reconstruction" and authorizing the City Engineer to file a Notice of Completion
3. Resolution: Appropriating \$38,980 to account number 305-40-442.51307 "129 S. Broadway Parking Lot" to be funded from unallocated reserves in Fund 305 "Capital Facility Fees" for City Project No. 15-57 "Broadway Parking Lot Reconstruction" to complete the necessary funding required for this project
- G. Motion: Accepting improvements for City Project No. 16-37A "Fire Department Live Fire Training Facility" and authorizing the City Engineer to file a Notice of Completion
- H. Motion: Rejecting all bids submitted for City Project No. 16-75 "Turlock Municipal Airport Improvements"
- I. 1. Motion: Accepting notification of Contract Change Order No. 1 (Final), in the amount of \$36,731.60 (Fund 246), for City Project No. 17-32 "Slurry Seals 2017," bringing the contract total to \$197,557.89
2. Motion: Accepting improvements for City Project No. 17-32 "Slurry Seals 2017" and authorizing the City Engineer to file a Notice of Completion
3. Resolution: Appropriating \$34,121 to account number 246-60-600.43700 "Slurry Seals" to be funded via a transfer from Fund 217 "Gas Tax Section 2103" unallocated reserves for City Project No. 17-32 "Slurry Seals" to complete the necessary funding required for this project
- J. Resolution: Approving the list of projects to be funded with Senate Bill (SB) 1 "The Road Repair and Accounting Act of 2017" and incorporating the list of projects to appropriate revenues and expenditures into the Fiscal Year 2017-18 Budget
- K. Motion: Approving a Sales and Service Agreement between the City of Turlock and ARC Document Solutions for maintenance on one (1) large format printer identified as Oce TCS300 and one (1) large format printer and scanner identified as Oce TDS450, on a month to month basis in a total amount not to exceed \$20,000
- L. Resolution: Appropriating \$30,000 to account number 241-00-000-211.44090 "Office Equipment and Furniture" from Fund 241 "Asset Replacement Planning" unallocated reserves to purchase office equipment and modify cubicle layouts for the relocation of the Planning Division
- M. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Bureau Veritas North America, Inc. for building inspection services related to the Vista Apartment project, increasing the compensation amount by \$42,223.75 for an amount not to exceed \$234,323.75 (Fund 405) and extending the term

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- N. 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 19th 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 19th 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 Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for pedestrian safety, on Friday, November 24, 2017 from 3:00 p.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- O. 1. Resolution: Determining the closure of Main Street [between Palm Street and Lander Avenue], Main Street [between West Canal Drive and Palm Street], East Canal Drive [East bound between Main Street and Johnson Road], South Golden State Boulevard [between Olive Avenue and Crane Avenue], Broadway [between Market Street and Canal Drive], and North Soderquist Road at Fulkerth Road, for the City of Turlock to host the 39th Annual Turlock Downtown Christmas Parade, 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 39th Annual Turlock Downtown Christmas Parade hosted by the City of Turlock, authorizing the associated closure of Main Street [between Palm Street and Lander Avenue], Main Street [between West Canal Drive and Palm Street], East Canal Drive [East bound between Main Street and Johnson Road], South Golden State Boulevard [between Olive Avenue and Crane Avenue], Broadway [between Market Street and Canal Drive], and North Soderquist Road at Fulkerth Road for pedestrian safety, on Friday, December 1, 2017 during specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
3. Motion: Approving an Agreement between the City of Turlock and the 38th District Agricultural Association for the purpose of parking and turn around for the participants in the annual Christmas Parade, to be held on Friday, December 1, 2017
- P. Motion: Approving an Agreement between the City of Turlock and Shred-It USA, LLC for document destruction and purge services, offered at a free community event hosted by the City of Turlock on Saturday, October 14, 2017, in an amount not to exceed \$1,100
- Q. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and HD Supply Waterworks, Ltd. for the purchase of three-inch (3") and larger ultrasonic water meters, changing the supplier's name
- R. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Sierra Chemical Company and Thatcher Company of California, Inc. for the purchase of chlorine, changing the supplier's name
- S. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock and Modesto Junior College (MJC) Regional Fire Training Center, for the use of City of Turlock facilities to host various Public Safety and Emergency Services courses
- T. Motion: Approving a Memorandum of Understanding between the City of Turlock and the Stanislaus County Behavioral Health and Recovery Services Agency (BHRS) for the creation of a Homeless Engagement Multi-Disciplinary Team (HEMDT)

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- U. 1. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the second, third, and fourth quarters of Fiscal Year 2016-17 in the amount of \$20,176.95 (monetary donations) and \$14,095.29 (in-kind donations) utilized in support of the City's Operation Blue Santa Program, Annual Public Safety Open House, K-9 Unit, and Volunteers In Police Services
2. Resolution: Appropriating \$15,750 to account number 266-20-255-351.47157_001 "Police Donations Expenses Operation Blue Santa" to be funded by revenue received in account number 266-20-255-351.37200_003 "Donations Operation Blue Santa"
- V. Resolution: Authorizing the Mayor or City Manager to approve individual equipment maintenance agreements for newly purchased or leased copiers from Mo-Cal Office Solutions
- W. Resolution: Authorizing the release of unclaimed checks to the City of Turlock pursuant to California Government Code Sections 50050 and 50053
- X. Resolution: Rescinding Resolution No. 2015-019 and adopting a new Resolution approving a Tentative Agreement which implements a Memorandum of Understanding (MOU) between the City of Turlock and Turlock City Employees Association (TCEA), covering the period of November 1, 2017 through June 30, 2018

6. FINAL READINGS

- A. **Recommended Action:**
- Ordinance: Amending Turlock Municipal Code Title 6, Chapter 4, adding a definition of lot or parcel, clarifying when the City may furnish sewer service, clarifying ownership of sewer lines, clarifying responsibilities for maintenance of sewer lines, modifying requirements for connecting to sewer service inside and outside the City limit, and modifying requirements for extending sewer mains outside the City limit and amending Turlock Municipal Code Title 6, Chapter 5, modifying definition of water main, modifying requirements for connecting to the City's water system inside and outside the City limit, clarifying when the City may furnish water, clarifying requirements for installation of water meters, clarifying ownership of water lines, clarifying maintenance of water lines, and modifying requirements for extending water mains outside the City limit as introduced at the September 26, 2017 City Council meeting.

7. PUBLIC HEARINGS: None

8. SCHEDULED MATTERS

- A. Request to approve a Conditional Bike Sharing Agreement with Zagster, Inc. of Cambridge Massachusetts, to investigate the feasibility and if feasible, implementation of a bike share program within the City of Turlock. (*Pitcock*)

Recommended Action:

Motion: Approving a Conditional Bike Sharing Agreement with Zagster, Inc. of Cambridge Massachusetts, to investigate the feasibility and if feasible, implementation of a bike share program within the City of Turlock

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- B. Request to determine connection of the existing property at 111 South Berkeley Avenue, located outside the jurisdictional boundary of the City of Turlock, to existing City of Turlock water and sewer lines is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facility), Section 15303 (New Construction or Conversion of Small Structures), and/or Section 15304 (Minor Alterations to Land) of the CEQA Guidelines AND approve an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property located at 111 South Berkeley Avenue, Turlock, California (Stanislaus County Assessor's Parcel Number 043-027-009) establishing the conditions under which the City would provide water and sanitary sewer services to the property and authorize the City Manager to sign an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement AND authorize the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, requesting LAFCO approval for the property located at 111 South Berkeley Avenue, Turlock, California, (Stanislaus County APN 043-027-009) a property located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to connect to the City of Turlock water and sewer system. (*Quintero*)

Recommended Action:

Resolution: Determining connection of the existing property at 111 South Berkeley Avenue, located outside the jurisdictional boundary of the City of Turlock, to existing City of Turlock water and sewer lines is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facility), Section 15303 (New Construction or Conversion of Small Structures), and/or Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

Motion: Approving an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property located at 111 South Berkeley Avenue, Turlock, California (Stanislaus County Assessor's Parcel Number 043-027-009) establishing the conditions under which the City would provide water and sanitary sewer services to the property and authorizing the City Manager to sign an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement

Motion: Authorizing the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, requesting LAFCO approval for the property located at 111 South Berkeley Avenue, Turlock, California, (Stanislaus County APN 043-027-009) a property located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to connect to the City of Turlock water and sewer system

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- C. Request to accept an allocation of funds, authorize the execution of a Grant Agreement for the Fiscal Year 2017 Assistance to Firefighters Grant (AFG) with the Department of Homeland Security (DHS) in the amount of \$312,000, and amend the 2017-18 budget for Fund 265 "Fire Grants" to properly account for grant and required matching funds. (*Bickle*)

Recommended Action:

Resolution: Accepting an allocation of funds, authorizing the execution of a Grant Agreement for the Fiscal Year 2017 Assistance to Firefighters Grant (AFG) with the Department of Homeland Security (DHS) in the amount of \$312,000, and amending the 2017-18 budget for Fund 265 "Fire Grants" to properly account for grant and required matching funds

9. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
 - a. Economic Development (*Pitt*)
3. Development Services Department
 - a. Capital Projects, Building Activity, & Transit (*Pitcock*)
 - b. Measure L Planning (*Pitcock*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department
 - a. CAD Systems (*Amirfar*)
 - b. Halloween Safety Tips (*Amirfar*)

10. 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.

11. 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 14, 2017, unless otherwise specified by the Mayor or a majority of the Council.

12. 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.

13. 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: (5 cases)
- B. 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: MCI Engineering, Inc., a California corporation v. City of Turlock, a Public Entity and Does 1 to 50, inclusive, Stanislaus County Superior Court Case No. 2018743
- C. 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: Interim City Manager Robert A. Talloni
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employee Association
Employee Organization: Turlock Firefighters Association-Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: 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/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.
- D. 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: City Manager

14. ADJOURNMENT