

City Council Agenda



SEPTEMBER 11, 2018

6:00 p.m.

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



Mayor
Gary Soiseth

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

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

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. Presentation: 9/11 Remembrance Ceremony Overview, presented by Fire Chief Robert A. Talloni
 - B. Recognition: Employee of the Month, August 2018 – Fire Captain Shaun Walker
 - C. Appointment: Planning Commission – One Commissioner
 - D. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

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 7/12/18 in the amount of \$1,378,091.01; Weekly Demands of 7/26/18 in the amount of \$4,042,811.60; Weekly Demands of 8/2/18 in the amount of \$441,067.09; Weekly Demands of 8/9/18 in the amount of \$425,791.55; Monthly Demands of 4/30/18 in the amount of \$1,691,133.59
- B. Motion: Accepting Minutes of the Regular Meeting of April 24, 2018; Minutes of the Special Meeting of April 30, 2018; Minutes of the Special Meeting of May 4, 2018
- C.
 1. Resolution: Determining City Project No. 12-60D "Transit Center CCTV and Access Control" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines
 2. Motion: Awarding bid and approving an Agreement in the amount of \$294,733 with Conti Corporation, Inc., of Sacramento, California, for City Project No. 12-60D "Transit Center CCTV and Access Control"
- D. Motion: Approving Contract Change Order No 1 (Final) in the amount of \$2,450.00 for City Project 17-55 "Fire Department Live Fire Training Paving," bringing the contract total to \$27,022.50 and authorizing the City Engineer to file a Notice of Completion
- E. Motion: Approving a Purchase and Sale Agreement with Tom C. Mote and Freda J. Mote for City Project No. 17-29 "Regional Surface Water Supply Project" in the amount of \$18,300
- F.
 1. Motion: Approving Amendment No. 1 to an Agreement with Packet Fusion Inc. for City Project No. 12-60C "Turlock Regional Transit Center Phase 2," in the amount of \$11,827.13, bringing the contract total to \$252,043.56
 2. Resolution: Appropriating \$11,828 to account number 112-10-116.44117 "Phone System" to be funded via a transfer from account number 426-40-415-238.51270 "Construction Project" to provide funding for furnishing a phone system for the Roger K. Fall Transit Center

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- G. Motion: Approving a Temporary Construction Easement Agreement with Tony J. Morris and Delfina R. Morris for City Project No. 17-22 "North Valley Regional Recycled Water Program – Turlock Component" in the amount of \$5,000
- H. Resolution: Approving the purchase and delivery of one (1) 2019 Ford Explorer from Downtown Ford Sales of Sacramento, California, to be used solely as a transit service management vehicle by City Transit staff, through the State of California Contract No. 1-18-23-23A, in an amount not to exceed \$31,440, without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(4) under City Project No. 18-45 "Purchase of Transit Management Support Vehicle"
- I. Resolution: Approving a new job classification for the position of Transit Manager and reclassifying one employee from the position of Traffic/Transportation Engineering Supervisor to the position of Transit Manager and eliminating the position of Traffic/Transportation Engineering Supervisor, effective October 1, 2018
- J. Resolution: Appropriating \$57,132 to account number 410-51-531.44001_000 "Supplies General" from Fund 410 "Water Quality Control" unallocated reserves for the Agreement between the City of Turlock and Shape, Inc. for the purchase, repair and service of Flygt brand submersible pumps and associated parts
- K. Motion: Approving Amendment No. 1 to an Agreement with Packet Fusion for the purchase of Acapela TTS Software and annual maintenance, increasing the compensation portion of the agreement from \$67,880 to \$75,526 and increasing the annual support fees from \$12,200 to \$13,550
- L. Resolution: Appropriating funds to various GIS accounts from unallocated reserves in various Funds for the Agreement between the City of Turlock and Vestra Resources, Inc. for Consultant Services for a GIS Assessment
- M. 1. Motion: Approving a Ground Lease Agreement with Lewis and Dolores Baptista for Parcel No. 044-015-008 consisting of 10 acres, at the Southwest corner of 1300 S Kilroy Avenue and 2201 W Linwood Avenue, for agricultural purposes, for a period of thirty-nine (39) months, with three one-year options to extend the term of the Agreement
2. Motion: Approving a Ground Lease Agreement with Lewis and Dolores Baptista for Parcel No. 044-010-039 consisting of 20 acres, at the Northeast corner of Kilroy Avenue and W. Linwood Avenue, for agricultural purposes, for a period of thirty-nine (39) months, with three one-year options to extend the term of the Agreement
- N. Resolution: Approving a new job description for the position of Water Quality Control Laboratory Supervisor and reclassifying one (1) employee from the position of Water Quality Control Laboratory Analyst, Sr., to the Water Quality Control Laboratory Supervisor position, effective September 16, 2018
- O. Resolution: Re-appropriating unspent funds of \$562,530 from Fiscal Year 2017-18 to account number 506-00-000-213.51010 "Equipment Replacement" from Fund 506 "Vehicle/Equipment Replacement – Police Services" unallocated reserves for the purchase of Police vehicles
- P. Resolution: Approving the purchase and delivery of four (4) replacement marked police vehicles, two (2) replacement administration vehicles, and one (1) replacement detective vehicle from Downtown Ford Sales, Sacramento, California, through the City of Sacramento Contract No. C2016-0531, and approving the purchase and delivery of two (2) replacement marked police vehicles and one (1) replacement detective vehicle from Winner Chevrolet, Sacramento, California, through the State of California Contract No.'s 1-18-23-10 and 1-18-23-23, in a total amount not to exceed \$476,380 from account number 506-00-000-213.51020 "Police Equipment Replacement", without compliance to the formal bid process in accordance with Turlock Municipal Code Section 2-7-08(b)(4) and declaring vehicles surplus once replaced
- Q. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Huntington Court Reporters and Transcription, Inc., clarifying that the annual compensation will not exceed \$60,000 annually

- R. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Clark Pest Control, clarifying that the annual compensation will not exceed \$19,000 annually
- S. Motion: Approving a Service Maintenance Agreement with Johnson Controls Inc. to provide preventive maintenance for the City of Turlock Public Safety Facility environmental controls systems, for a period of three (3) years in a total amount not to exceed \$15,000 annually, with three one-year options to extend the term of the Agreement, in a form approved by the Interim City Attorney
- T. Resolution: Re-appropriating unspent funds of \$7,800 from FY 17-18 to FY 18-19 to account number 110-30-300.43120_005 "Building Maintenance Repairs" from Fund 110 "General Fund" unallocated reserves for roof repairs at Fire Stations 2 and 3
- U. Resolution: Re-appropriating unspent funds from FY 17-18 to FY 18-19 from each respective Fund's unallocated reserves for the implementation of Executime and Mobile Inspection Software and an Engineering Replacement computer
- V. Resolution: Designating the authorized signatures for the City of Turlock Flexible Spending Account with Westamerica Bank
- W. Motion: Approving an Agreement between the City of Turlock and GovernmentJobs.com, Inc. dba NEOGOV, for receiving and processing of online employment applications, in an annual amount not to exceed \$11,534 for a period of twelve (12) months, with three one-year options to extend the term of the Agreement, in a form approved by the Interim City Attorney
- X.
 1. Motion: Approving a Software Services Renewal Agreement with Microbiz Security Company for Honeywell Pro-Watch Corporate Edition Software Licenses and Standard Software Support Agreement, covering the period of July 1, 2018 to June 30, 2019 in the annual amount of \$6,917.90
 2. Motion: Approving a Limited Maintenance Agreement with Microbiz Security Company for preventative maintenance service two times per year on the City's Honeywell Pro-Watch security equipment, covering the period of July 1, 2018 to June 30, 2019 in the annual amount of \$15,142.40, with three one-year options to extend the term of the agreement, in a form approved by the Interim City Attorney
- Y. Resolution: Rescinding Resolution No. 2016-215 and adopting an amended Conflict of Interest Code for the City of Turlock to update the list of designated employees and reporting categories for filing of the Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 5, Chapter 20, Articles 3 and 4, regarding the removal of any personal property unlawfully stored or found in a city park, any street, or any public parking lot or public area, improved or unimproved as introduced at the August 14, 2018 City Council meeting.

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. 2017-227 and adopt 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.

Recommended Action:

Resolution: Superseding and replacing Resolution No. 2017-227 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 City Project No. 13-65 “Intersection Improvements at N. Olive Avenue and Wayside Drive” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15183 (Projects Consistent with a Community Plan or Zoning) and Section 15301 (Existing Facilities) of the CEQA Guidelines AND appropriate \$560,000 to account numbers 215-40-420.38001_230 “Transfers In From Fund 305 Wayside/Olive Signal 1365” and 305-40-440.48001_230 “Transfers Out To Fund 215 Wayside/Olive Signal 1365” to be funded from Fund 305 “Capital Facility Fees-Roadways” unallocated reserves to provide local match funding for City Project No. 13-65 “Intersection Improvements at N. Olive Avenue and Wayside Drive.” AND award bid and approving an Agreement in the amount of \$697,295 (Fund 215) with George Reed, Inc., of Modesto, California, for City Project No. 13-65 “Intersection Improvements at North Olive Avenue and Wayside Drive”. (*Bray*)

Recommended Action:

Resolution: Determining City Project No. 13-65 “Intersection Improvements at N. Olive Avenue and Wayside Drive” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15183 (Projects Consistent with a Community Plan or Zoning) and Section 15301 (Existing Facilities) of the CEQA Guidelines

Resolution: Appropriating \$560,000 to account numbers 215-40-420.38001_230 “Transfers In From Fund 305 Wayside/Olive Signal 1365” and 305-40-440.48001_230 “Transfers Out To Fund 215 Wayside/Olive Signal 1365” to be funded from Fund 305 “Capital Facility Fees-Roadways” unallocated reserves to provide local match funding for City Project No. 13-65 “Intersection Improvements at N. Olive Avenue and Wayside Drive.”

Motion: Awarding bid and approving an Agreement in the amount of \$697,295 (Fund 215) with George Reed, Inc., of Modesto, California, for City Project No. 13-65 “Intersection Improvements at North Olive Avenue and Wayside Drive”

- B. Request to approve the formation of the City of Turlock & Stanislaus State University Joint Task Force on Diversity and Inclusion. (*Lawton*)

Recommended Action:

Motion: Approving the formation of the City of Turlock & Stanislaus State University Joint Task Force on Diversity and Inclusion

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
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
4. Fire Department
5. Municipal Services Department
 - a. Municipal Services Department Update (*Cooke*)
6. Parks, Recreation and Public Facilities
7. Police Department

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 October 23, 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. 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 Attorney
- B. 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 Negotiator: Mayor Gary Soiseth
Unrepresented Employee: City Attorney

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT