

City Council Agenda



NOVEMBER 27, 2018

6:00 p.m.

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



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

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, October 2018, Evidence and Property Specialist II Deanna Shaw
 - B. Appointment: Stanislaus County Local Task Force on Solid Waste
 - C. Appointment: Stanislaus County Hazardous Waste Management Advisory Committee
 - D. Recognition: Central San Joaquin Valley Risk Management Authority Safety Award, received by Staff Services Technician Toni Cordell for having an active role in the City of Turlock Safety Program

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 10/25/18 in the amount of \$1,848,862.18; Weekly Demands of 11/1/18 in the amount of \$632,817.93; Weekly Demands of 11/8/18 in the amount of \$387,595.64; Monthly Demands of 7/31/18 in the amount of \$1,908,672.26
- B. Motion: Accepting Minutes of the Regular Meeting September 11, 2018; Minutes of the Regular Meeting of September 25, 2018
- C.
 1. Resolution: Approving the Engineer's Report for Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 2. Resolution: Declaring the City Council's Intention to order the formation of and to levy and collect assessments for Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- D. Resolution: Appropriating \$5,000 to account number 120-10-120.47317_009 "City Sponsored Events Stanislaus County Fair Traffic Control" to be funded from Fund 120 "Tourism" unallocated reserves for temporary traffic control services for the Stanislaus County Fair during fiscal year 2018/19
- E. Motion: Approving an Amendment No. 1 to the Agreement between the City of Turlock and Linko Technology Inc. for the LinkoHW Liquid Hauled Waste software for pretreatment/FOG/Hauled waste programs, adding a one-time software license fee of \$7,007 and increasing the professional service fee from \$2,995 to \$5,000, and increasing the annual support fees from \$5,345 to \$6,645
- F. Motion: Approving a Professional Services Agreement template for Disposal of Liquid Waste at the Turlock Regional Water Quality Control Facility and authorizing staff to enter into such agreements for future users
- G. Resolution: Approving the addition of one (1) new Fleet Maintenance Mechanic I/II position, effective November 27, 2018 and amending the Fiscal Year 2018-19 allocated positions to reflect the new staffing addition

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- H. 1. Resolution: Approving modifications to the job description for the position of Wastewater Plant Operator I/II, effective November 27, 2018, subject to the adoption of the Resolution approving the Memorandum of Understanding with the Turlock City Employees Association (TCEA), covering the period of July 1, 2018 through June 30, 2019
2. Resolution: Approving modifications to the job description for the position of Wastewater Plant Operator, Senior, effective November 27, 2018, subject to the adoption of the Resolution approving the Memorandum of Understanding with the Turlock City Employees Association (TCEA), covering the period of July 1, 2018 through June 30, 2019
- I. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement and commitments necessary to administer the 2017 FY Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs in the amount of \$27,143, and appropriating said funds to account number 266-20-255-341.35720 "Revenue" and account number 266-20-255-341.51107_006 "JAG Expenses 2017-DJ-BX-0920" in Fund 266 "Police Services Grants"
- J. Motion: Approving Amendment No. 1 between the City of Turlock and Central Sanitary Supply for janitorial paper and cleaning supplies, increasing the annual compensation from \$20,000 to \$30,000 over the remaining term of the Agreement to include three (3) optional additional one-year renewal terms
- K. Motion: Approving Amendment No. 1 to an Agreement with West America Bank, Inc. for the addition of eBox and Lockbox Image Scan Services to the current Lockbox Service
- L. Resolution: Appropriating \$30,000 to account number 110-10-109.43010_000 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves in the fiscal year 2018/2019 adopted budget for legal services related to the fiscal year 2018/2019 labor negotiations with the Turlock Associated Police Officers, Turlock City Employees Association, Turlock Management Association – Public Safety, Confidential Employee Group, and Unrepresented Management Group

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 for the City Clerk confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps) AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND call a Special, Mailed-Ballot Election respecting Proposed Annexation Number 26 to existing Community Facilities District Number 2 (Services Mitigation) AND declare the results of Mailed-Ballot Election respecting Proposed Annexation Number 26 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation (*Quintero*)

Recommended Action:

Confirmation: City Clerk confirms: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps)

Public Hearing: Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

Resolution: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 26 to existing Community Facilities District Number 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 26 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

- B. In the matter of adopting an Urgency Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City (Requires 4/5 Vote of the City Council) AND In the matter of adopting an Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City (*Jacobs-Hunter*)

Recommended Action:

(Adoption of Urgency Ordinance)

Urgency Ordinance: In the matter of adopting an Urgency Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City (Requires 4/5 Vote of the City Council)

(Waiving First Reading and Introducing Ordinance)

Ordinance: In the matter of adopting an Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City

8. SCHEDULED MATTERS

- A. Request to approve Amendment No. 1 to an Agreement with AECOM for professional engineering services, increasing the annual not-to-exceed compensation from a maximum of \$747,900 to an annual not-to-exceed compensation maximum of \$966,060 AND appropriate \$601,060 to account number 420-52-534.43359 “Professional Engineering Services” funded by a transfer from Fund 420 “Water Operations” unallocated reserves for Capital Improvement Projects (*Cooke*)

Recommended Action:

Motion: Approving Amendment No. 1 to an Agreement with AECOM for professional engineering services, increasing the annual not-to-exceed compensation from a maximum of \$747,900 to an annual not-to-exceed compensation maximum of \$966,060

Resolution: Appropriating \$601,060 to account number 420-52-534.43359 “Professional Engineering Services” funded by a transfer from Fund 420 “Water Operations” unallocated reserves for Capital Improvement Projects

- B. Request to rescind Resolution No. 2017-276 and adopt a new Resolution approving the Memorandum of Understanding (MOU) between the City of Turlock and Turlock City Employees Association (TCEA), covering the period of July 1, 2018 through June 30, 2019 AND appropriate \$171,959 of General Fund unallocated reserves and \$760,165 of Non-General Fund unallocated reserves for a total of \$932,124 to fiscal year 2018/2019 salary and benefit accounts due to the adoption of the Memorandum of Understanding with the Turlock City Employees Association, covering the period of July 1, 2018 through June 30, 2019 (*Jacobs-Hunter*)

Recommended Action:

Resolution: Rescinding Resolution No. 2017-276 and adopting a new Resolution approving the Memorandum of Understanding (MOU) between the City of Turlock and Turlock City Employees Association (TCEA), covering the period of July 1, 2018 through June 30, 2019

Resolution: Appropriating \$171,959 of General Fund unallocated reserves and \$760,165 of Non-General Fund unallocated reserves for a total of \$932,124 to fiscal year 2018/2019 salary and benefit accounts due to the adoption of the Memorandum of Understanding with the Turlock City Employees Association, covering the period of July 1, 2018 through June 30, 2019

- C. Accepting a report from the Commercial Cannabis Ad Hoc Committee (*Esquer/DeHart*)

Recommended Action:

Motion: Accepting a report from the Commercial Cannabis Ad Hoc Committee (*Esquer/DeHart*)

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
 - a. Policy Goals & Implementation Plan Closing Report (*Executive Staff*)
2. Administrative Services Department
 - a. Economic Development Strategic Plan Update (*Pitt*)
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*)
 - b. Park Closure Update (*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 January 8, 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: None

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT