

City Council Agenda



DECEMBER 11, 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.

5:00 p.m. – 6:00 p.m. – Reception honoring incoming and outgoing Mayor and Council Members

1. **A. CALL TO ORDER**
 - B. SALUTE TO THE FLAG**
 - C. RECOGNITION OF OUTGOING MAYOR GARY SOISETH, COUNCILMEMBER WILLIAM DEHART, JR., AND COUNCILMEMBER MATTHEW JACOB**

2. **ELECTION RESULTS**
 - A. Resolution: Reciting the facts of the General Municipal Election held in said City of Turlock on the 6th day of November, 2018, declaring the results thereof and such other matters as are provided by law
 - B. Oath of Office for Mayor
 - C. Oath of Office for Council Members
 - D. Special Oath administered by the Honorable Ruben A. Villalobos
 - E. New Council Seated

3. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:

- A. Proclamation: Retirement of City Employee, Lorraine Knoepfle, Legal Assistant to the City Attorney
- B. Recognition: Employee of the Month, November 2018 – Executive Administrative Assistant, Municipal Services Allison Martin

4. 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.

5. 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****6. 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 11/15/18 in the amount of \$3,323,033.56; Weekly Demands of 11/22/18 in the amount of \$1,870,212.14
- B. Motion: Accepting Minutes of the Regular Meeting of October 9, 2018; Minutes of the Special Meeting of October 18, 2018; Minutes of the Regular Meeting of October 23, 2018
- C. Motion: Rejecting all bids submitted for City Project No. 16-59 "Intersection Improvements at West Main Street and West Avenue"
- D. Motion: Approving Amendment No. 1 to an Agreement with H. T. Harvey & Associates of Los Gatos, California in the amount of \$55,067 for biological monitoring during construction of City Project No. 17-22 "North Valley Regional Recycled Water Program – Turlock Component," bringing the contract total to \$321,598
- E. Motion: Approving an Agreement between the City of Turlock and Turlock Community Theatre, Inc. for the purpose of utilizing the Turlock Community Theatre for recreation dance classes on Wednesday and Thursday evenings and the end of session recital, from January 9, 2019 to March 29, 2019, and one recital for a total of \$3,387
- F. Motion: Awarding RFB No. 18-050 and approving an Agreement with Univar USA Inc. for Sodium Bisulfite for the Turlock Regional Water Quality Control Facility for a period of twenty-four (24) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$226,859, for a total not-to-exceed

amount of \$1,134,295, over the 5-year term of the Agreement, if all renewal periods are exercised

- G. **Resolution:** Approving modifications to the job description for the position of Utilities Manager, effective December 11, 2018
- H. **Resolution:** Appropriating \$3,380 to account number 240-00-000-203.44010_011 “Computer- Broadcast Pix Software Maintenance” and \$4,000 to account number 240-00-000-203.51005_001 “Communications Equipment Funded by PEG Fees” from Fund 240-00-000-203 “Cable Franchise PEG Fees” unallocated reserves in the fiscal year 2018/2019 amended budget for annual software maintenance for the Broadcast Pix Software live video production system and to purchase equipment that will provide a backup system of public meetings
- I. **Resolution:** Authorizing the City Manager to utilize a joint purchasing plan for vehicle purchases through the State of California Contract No. 1-18-23-10, A through H; No. 1-18-23-20, A through I; and No. 1-18-23-23, A through H, for the contract term May 1, 2018 – April 30, 2020 without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- J.
 1. **Resolution:** Rescinding Resolution No. 2016-294 and adopting a new Resolution approving the use of facsimile signatures on specific accounts with Westamerica Bank
 2. **Resolution:** Rescinding Resolution No. 2018-206 and adopting a new Resolution designating the authorized signatures for the City of Turlock bank accounts with Westamerica Bank
- K.
 1. **Motion:** Approving Amendment No. 4 to an Agreement with North Star Destination Strategies of Nashville Tennessee to develop marketing and branding strategies (including tourism) for the City of Turlock extending the term
 2. **Resolution:** Re-appropriating unspent funds from Fiscal Year 2017-18 in the amount of \$22,880.50 to account number 120-10-120.43289 “Marketing and Branding Strategy” and appropriate funds in the amount of \$22,118.00 to account number 120-10-120.43290 “Tourism Strategy” to be funded from Fund 120 “Tourism” unallocated reserves to fund Marketing, Branding and Tourism Strategies
- L. **Resolution:** Adopting the 2019 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02

7. FINAL READINGS:

- A. **Recommended Action:**
Ordinance: Adopting an 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 as introduced at the November 27, 2018 City Council meeting. (*Jacobs-Hunter*)

8. 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 adopt 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) (*Jacobs-Hunter*)

Recommended Action:

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)

- B. Request to amend Turlock Municipal Code Title 2, Chapter 4, Article 2, Section 07(c) regarding powers and duties of the City Manager (*Bublak/Lawton*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 4, Article 2, Section 07(c) regarding powers and duties of the City Manager

9. SCHEDULED MATTERS:

- A. Request to determine City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines AND appropriate \$259,400 to account number 215-40-420.51210 “Federal Street Projects” with appropriations of \$259,400 to account number 215-40-420.38001_227 “Transfer In Hawkeye & Denair Intersection Improvements” and \$259,400 to account number 218-40-426.48001_227 “Transfers Out Hawkeye & Denair Intersection Improvements” from Fund 218 “Measure L” unallocated reserves to provide local matching funding for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” AND award bid and approve an Agreement in the amount of \$474,000 (Fund 215) with Pacific Excavation Inc. of Elk Grove, California, for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” (*Bray*)

Recommended Action:

Resolution: Determining City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines

Resolution: Appropriating \$259,400 to account number 215-40-420.51210 “Federal Street Projects” with appropriations of \$259,400 to account number 215-40-420.38001_227 “Transfer In Hawkeye & Denair Intersection Improvements” and \$259,400 to account number 218-40-426.48001_227 “Transfers Out Hawkeye & Denair Intersection Improvements” from Fund 218 “Measure L” unallocated reserves to provide local matching funding for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue”

Motion: Awarding bid and approving an Agreement in the amount of \$474,000 (Fund 215) with Pacific Excavation Inc. of Elk Grove, California, for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue”

- B. Request to award RFP No. 18-039 and approve a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc. (Carollo) for Program Management Services for the Design, Engineering Services During Construction, and Construction Management Services for the City of Turlock Surface Water Distribution System Improvements in an amount not to exceed \$479,086, in a form approved by the Interim City Attorney (*Cooke/Reynolds*)

Recommended Action:

Motion: Awarding RFP No. 18-039 and approving a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc. (Carollo) for Program Management Services for the Design, Engineering Services During Construction, and Construction Management Services for the City of Turlock Surface Water Distribution System Improvements in an amount not to exceed \$479,086, in a form approved by the Interim City Attorney

- C. Request to declare a shelter crisis pursuant to Chapter 48, Statutes of 2018 and Government Code Section 8698.2 (*Pitt*)

Recommended Action:

Resolution: Declaring a shelter crisis pursuant to Chapter 48, Statutes of 2018 and Government Code Section 8698.2

- D. Request to authorize the issuance of a Request for Proposals (RFP) to provide affordable housing opportunities for the sale and master lease of two (2) city owned properties (*Pitt*)

Recommended Action:

Motion: Authorizing the issuance of a Request for Proposals (RFP) to provide affordable housing opportunities for the sale and master lease of two (2) city owned properties

- E. Request to repeal the action of having granted authority to the Mayor or City Manager of the City of Turlock to execute agreements for specialized legal services that have been approved as to form by the City Attorney (*Bublak/Lawton*)

Recommended Action:

Motion: Repealing the action of having granted authority to the Mayor or City Manager of the City of Turlock to execute agreements for specialized legal services that have been approved as to form by the City Attorney

- F. Request to provide direction to staff to prepare and bring back a Resolution to fill the Council vacancy for District 4 through nomination and appointment by the City Council OR provide direction to staff regarding an application process to fill the Council vacancy for District 4 through appointment by the City Council OR provide direction to staff to prepare and bring back a Resolution calling a Special Election to fill the Council vacancy for District 4 (*Lawton*)

Recommended Action:

OPTION 1 – Nomination and Appointment

Motion: Providing direction to staff to prepare and bring back a Resolution to fill the Council vacancy for District 4 through nomination and appointment by the City Council

OR

OPTION 2 – Application Process and Appointment

Motion: Providing direction to staff regarding an application process to fill the Council vacancy for District 4 through appointment by the City Council

OR

OPTION 3 – Special Election

Motion: Providing direction to staff to prepare and bring back a Resolution calling a Special Election to fill the Council vacancy for District 4

10. 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
 - a. Business License Tax (*Jacobs-Hunter/Pitt*)
2. Development Services Department
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
3. Fire Department
4. Municipal Services Department
5. Parks, Recreation and Public Facilities
6. Police Department

11. CITY MANAGER COMMENTS

12. 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.

13. 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 22, 2019, unless otherwise specified by the Mayor or a majority of the Council.

14. 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.

15. 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: (1 case)
- B. 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
- 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 Negotiator: Mayor Amy Bublak
Unrepresented Employee: City Attorney

16. REPORTS FROM CLOSED SESSION

17. ADJOURNMENT