

City Council Agenda



FEBRUARY 12, 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

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, January 2019, Sr. Public Works Construction Inspector Jim Gillenwater
- B. Appointments: Appointing members of the Council and staff to the following Boards, Commissions, and Committees:
- City/County Liaison Committee
 - City of Turlock Economic Development Work Group
 - City of Turlock/Turlock Unified School District/California State University Stanislaus Joint Meeting
 - East Stanislaus Regional Water Management Partnership (Management Group)
 - San Joaquin Valley Air Pollution Control District Valley-Wide Special City Selection Committee

- Stanislaus Council of Governments (Executive Committee)
- Stanislaus County Economic Development Action Committee
- Stanislaus County Hazardous Waste Management Advisory Committee
- Stanislaus County Local Task Force on Solid Waste
- Stanislaus Regional Water Authority
- Turlock Public Library Partnership
- West Turlock Subbasin Groundwater Sustainability Agency

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. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

B. 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 1/17/19 in the amount of \$3,454,705.96
- B. Motion: Accepting Minutes of the Regular Meeting of January 8, 2019; Minutes of the Regular Meeting of January 22, 2019
- C. Resolution: Appropriating \$46,316 to account number 505-50-525.41001 "Full Time Salaries" and associated benefit accounts from Fund 425 Transit-Dial-A-Ride (\$23,158) and Fund 426 Transit-Fixed Route (\$23,158) as detailed in Attachment A for the additional Fleet Maintenance Mechanic I/II position approved by the City Council on November 27, 2018
- D. Resolution: Approving the purchase and delivery of three (3) replacement marked police BMW motorcycles from Herwaldt Motorsports, Fresno, California, through a competitive bid process, in a total amount not to exceed \$85,060 from account number 506-00-000-213.51020 "Police Equipment Replacement", with compliance to the formal bid process in accordance with Turlock Municipal Code Section 2-7-09(c) and declaring two (2) vehicles surplus once replaced and one (1) to remain as an expansion
- E. Resolution: Re-appropriating unspent funds in the amount of \$8,248 from Fiscal Year 2017-18 to account number 266-20-255.41100_013 "Overtime OTS Step Grant" from Fund 266 "OTS Step Grant" unallocated reserves

- F. 1. Motion: Authorizing the City Manager to continue engaging in specialized legal services performed by Van Dermeyden Maddux Law Corporation regarding human resources/personnel matters in excess of the authority provided in Turlock Municipal Code Section 2-7-08(e)
- 2. Resolution: Appropriating \$75,000 from Fund 512 Self Insurance – Liability, unallocated reserves to account number 512-10-152.43191 “Claims Expense” for specialized legal services pertaining to human resources/personnel matters
- G. Motion: Rejecting Claim for Damages filed by Yesenia Beckes
- H. Motion: Rejecting Claim for Damages filed by Saul Trujillo
- I. Motion: Rejecting Claim for Damages filed by Jerome Handley

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS:**

- A. Request to appropriate \$1,026,320 to account number 420-52-551.51388 “Well 8 GAC System Rehabilitation” to be funded from Fund 420 “Water” unallocated reserves for City Project No. 18-59 “Well 8 GAC System Rehabilitation and Site Work” AND award bid and approve an agreement in the amount of \$896,650 with BWD General Engineering Contractors of Lincoln, California for construction of City Project No. 18-59 “Well 8 GAC System Rehabilitation and Site Work” AND award RFP No. 18-054 and approve a Professional Services Agreement between the City of Turlock and Carbon Activated Corporation for the purchase and installation of granular activated carbon at Well 8 for a period of twelve (12) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$79,552, for a total not-to-exceed amount of \$318,208 over the 4-year term of the Agreement, if all renewal periods are exercised (*Bray*)

Recommended Action:

Resolution: Appropriating \$1,026,320 to account number 420-52-551.51388 “Well 8 GAC System Rehabilitation” to be funded from Fund 420 “Water” unallocated reserves for City Project No. 18-59 “Well 8 GAC System Rehabilitation and Site Work”

Motion: Awarding bid and approving an agreement in the amount of \$896,650 with BWD General Engineering Contractors of Lincoln, California for construction of City Project No. 18-59 “Well 8 GAC System Rehabilitation and Site Work”

Motion: Awarding RFP No. 18-054 and approving a Professional Services Agreement between the City of Turlock and Carbon Activated Corporation for the purchase and installation of granular activated carbon at Well 8 for a period of twelve (12) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$79,552, for a total not-to-exceed amount of \$318,208 over the 4-year term of the Agreement, if all renewal periods are exercised

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
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
3. Fire Department
4. Municipal Services Department
 - a. Drinking Water Resources (*Cooke*)
5. Parks, Recreation and Public Facilities
 - a. Armory Update (*Van Guilder*)
6. 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 March 26, 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:

- A. Threat to Public Services or Facilities, Cal. Gov't Code §54957(a)
"This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities."
Consultation with: Chief of Police Ninus C. Amirfar
- B. 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)
- C. 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
- D. 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
- E. Public Employee Performance Evaluation, 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

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT