

# City Council Agenda



**MARCH 12, 2019**

**6:00 p.m.**

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



Mayor  
**Amy Bublak**

Council Members

**Nicole Larson**  
**Gil Esquer**  
Vice Mayor

**Andrew Nosrati**  
**Becky Arellano**

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](http://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 – LED BY GIRL SCOUT TROOP 1731**

**2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:**

- A. Recognition: Employee of the Month, February 2019, Staff Services Technician Joanne Foster
- B. Proclamation: Go Green Week, March 11-15, 2019, accepted by Municipal Services Director Michael Cooke
- C. Presentation: Go Green Week, presented by Municipal Services Staff Services Assistant Nicole Mann
- D. Appointment: Central San Joaquin Valley Risk Management Authority, Board of Directors (Alternate Member)

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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 1/10/19 in the amount of \$595,496.11; Weekly Demands of 1/24/19 in the amount of \$1,147,701.11; Weekly Demands of 1/31/19 in the amount of \$951,179.74
- B. **Motion:** Accepting Minutes of the Special Meeting of January 10, 2019; Minutes of the Special Meeting of February 1, 2019
- C. **Motion:** Accepting improvements and authorizing the City Engineer to file a Notice of Completion for "Monte Verde" Subdivision, Development Project No. 14-21
- D. **Motion:** Accepting notification of Contract Change Order No. 1 in the amount of \$39,283.75 with Granite Construction, of Fresno, California, for City Project No. 14-25 "East Monte Vista Avenue Rehabilitation," bringing the contract total to \$1,465,824.75
- E.
  - 1. **Resolution:** Appropriating \$67,830 to account numbers 216-40-422.48001\_295 "Transfers out Fd215 P1658 Christoffersen Bike" and 215-40-420.38001\_295 "Transfers in Fd215 P1658 Christoffersen Bike" to be funded from Fund 216 "Non-motorized LTF" unallocated reserves to provide local match funding for City Project No. 16-58 "Christoffersen Parkway Bike Improvements"
  - 2. **Motion:** Awarding bid and approving an Agreement in the amount of \$396,829.25 (Fund 215) with Chrisp Company, of Stockton, California, for City Project No. 16-58 "Christoffersen Parkway Bike Improvements"
- F.
  - 1. **Resolution:** Determining City Project No. 16-59 "Intersection Improvements at West Main Street and West Avenue" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
  - 2. **Motion:** Awarding bid and approving an Agreement in the amount of \$342,452 (Fund 215) with Tim Paxin's Pacific Excavation, Inc., of Elk Grove, California, for City Project No. 16-59 "Intersection Improvements at West Main Street and West Avenue"

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- G. Motion: Approving Contract Change Order No. 3, in the amount of \$76,341.48, for City Project No. 17-30 "West Main Corridor Rehabilitation," bringing the contract total to \$7,628,533.44
- H. 1. Motion: Authorizing issuance of a Request for Proposals (RFP) for a transit advertising consultant to administer an advertising program upon Turlock Transit buses and bus shelters, as well as other transit-related equipment or facilities in the future, for a term not to exceed four (4) years  
2. Motion: Authorizing the City Manager, or his designee, to issue a written notice of voluntary termination to Stott Outdoor Advertising regarding City Contract No. 15-077 with a new effective termination date of June 30, 2019
- I. 1. Motion: Approving an Intelligent Transportation Systems (ITS) strategy for improvements to Turlock Transit services comprised of both short-term and long-term solutions  
2. Resolution: Approving a three (3) year Agreement with Swiftly, Inc., of San Francisco, California, in an amount not to exceed \$99,800 (Fund 426) for Automatic Vehicle Location (AVL) hardware and data services, real-time passenger information services, and web-based analytics on the Swiftly platform, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6), and authorizing the City Manager to execute the Agreement  
3. Resolution: Authorizing future sole source procurements of hardware, software, modules, or services from Swiftly, Inc., of San Francisco, California, if needed due to changes with the City's transit fleet or transit services during the term of the Agreement, contingent on the availability of budgeted transit funds, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6), and authorizing the City Manager, or his designee, to execute all documents associated with such procurements
- J. 1. Motion: Approving an Agreement with Token Transit, Inc., of San Francisco, California, for mobile ticketing software and support services for Turlock Transit for an initial term of one (1) year from the future date of deployment, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6), and authorizing the City Manager to execute the Agreement  
2. Motion: Approving an Addendum to the Agreement with Token Transit, Inc., of San Francisco, California, for the use of Bluetooth beacon hardware in the electronic validation of mobile fares, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6), and authorizing the City Manager to execute the Addendum to the Agreement  
3. Resolution: Authorizing the future sole source procurements of software and hardware for electronic validation of passes and special pass services from Token Transit, Inc., of San Francisco, California, contingent on the availability of budgeted transit funds, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6), and authorizing the City Manager to execute all documents associated with the procurement and implementation of hardware, software, or services
- K. 1. Motion: Approving Amendment No. 1 to an Agreement with A & A Portables, Inc. for chemical restroom rentals at Pedretti Park and other City facilities and events  
2. Resolution: Appropriating \$6,000 to account number 205-60-604.43297 "Chemical Restrooms" to be funded from Fund 110 "General Fund" unallocated reserves for chemical restroom services at Pedretti Park and other City facilities and events
- L. Motion: Approving a Memorandum of Understanding between the City of Turlock and Turlock Youth Soccer Association for use of the Turlock Regional Sports Complex to offer youth soccer programs and tournaments within the community for a period of three (3) years

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- M. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services to update and evaluate the City of Turlock's water fund cash flow in a total amount not to exceed \$16,200 (Fund 420)
- N. 1. Motion: Approving a Professional Services Agreement between the City of Turlock and Robertson-Bryan, Inc. to provide assistance amending and renewing the National Pollutant Discharge Elimination System (NPDES) for the Turlock Regional Water Quality Control Facility (RWQCF) for a period of twenty-four (24) months, in a total amount not to exceed \$219,598, including a 10% contingency  
2. Motion: Approving an Agreement between the City of Turlock and the Turlock Irrigation District (TID) for the reimbursement of certain costs associated with the NPDES permit renewal services provided by Robertson-Bryan pertaining to the discharge of recycled water into TID's Lateral 4 irrigation canal
- O. 1. Motion: Approving an Agreement between the City of Turlock and Orrick, Herrington & Sutcliffe, LLP. for professional legal services (bond counsel) related to water and wastewater capital financing issues, on an as needed basis, for a period of five (5) years in an annual amount not to exceed \$50,000 and authorizing the City Manager to sign the "Scope of Services" as necessary from time to time to implement the agreement  
2. Resolution: Appropriating \$40,000 to account number 420-52-550.43318 "Professional Services – Bonds" and \$10,000 to account number 410-51-530.43318 "Professional Services – Bonds" to implement an Agreement with Orrick, Herrington & Sutcliffe, LLP to be funded from unallocated reserves in Fund 420 and Fund 410 respectively
- P. 1. Motion: Approving Amendment No. 2 to an Agreement with AECOM for professional engineering services, increasing the annual not-to-exceed compensation amount from \$966,060 to an annual not-to-exceed compensation amount of \$1,167,023, for additional design services  
2. Resolution: Appropriating \$14,220 to account number 410-51-534.43359 "Professional Engineering Services" funded by a transfer from Fund 415 "Capital Secondary Clarifier Drive Replace" and appropriating \$186,743 to account number 420-52-551.43359 funded by transfers from Fund 420 "Well Rehabilitation", "Chlorination of Well Sites (21)" and "Corp Yard Improvements" for Capital Improvement Projects
- Q. 1. Resolution: Determining the Downtown Turlock PCE Project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15306 (Information Collection) of the CEQA Guidelines  
2. Resolution: Authorizing the City of Turlock to enter into a funding agreement with the State Water Resources Control Board for the Downtown Turlock PCE Project in a form approved by the City Attorney and authorizing and designating the Municipal Services Director as the project director for the Downtown Turlock PCE Project
- R. Resolution: Appropriating \$25,000 to account number 116-30-305.44030\_000 "Minor Equipment Miscellaneous" from Fund 116 "Special Public Safety-Fire" unallocated reserves for the purchase of personal protective equipment
- S. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock and the Modesto Junior College (MJC) Regional Fire Training Center, for the purpose of creating an "In Service Agreement" for reimbursable training hours as well as providing college units for specific fire department training hours performed by Turlock Fire Department Firefighters, for a period of five (5) years, 2019 through 2024
- T. Resolution: Authorizing an acceptance and allocation of grant funds from the San Joaquin Valley Air Pollution Control District (SJVAPCD) for a total amount of \$73,252 and appropriating said funds to the appropriate revenue and expenditure accounts in Fund 506 "Vehicle Equipment Replacement" program 213 "Police Services"

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- U. **Resolution:** Accepting donations made to the City of Turlock Police Department from various donors during the second quarter of Fiscal Year 2018-19 in the amount of \$20,061.94 (monetary donations) and \$27,071.21 (non-monetary donations) utilized in support of the Turlock Police Department's Animal Services, Blue Santa, K9, and General Donations and first quarter of Fiscal Year 2018-19 in the amount of \$820.29 (non-monetary donations) utilized in support of K9

**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 to certify the Addendum to the Mitigated Negative Declaration for the East Tuolumne Master Plan AND adopt General Plan Amendment 2018-01 (East Tuolumne Master Plan) amending the East Tuolumne Master Plan (*Quintero*)

**Recommended Action:**

**Resolution:** Certifying the Addendum to the Mitigated Negative Declaration for the East Tuolumne Master Plan

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**Resolution:** Adopting General Plan Amendment 2018-01 (East Tuolumne Master Plan) amending the East Tuolumne Master Plan

- B. Request to amend the Turlock Municipal Code Title 2, Chapter 9, Sections 03-05 regarding "Public Works Contracts" to update the increased limits of bid procedures for informal projects pursuant to modifications by the California State Controller's Office (*Bray*)

**Recommended Action:**

**Ordinance:** Amending the Turlock Municipal Code Title 2, Chapter 9, Sections 03-05 regarding "Public Works Contracts" to update the increased limits of bid procedures for informal projects pursuant to modifications by the California State Controller's Office

**8. SCHEDULED MATTERS:**

- A. Request to determine the closure of Main Street, between Palm Street and Center Street, for the Turlock Certified Farmers Market (TCFM) to host the Turlock Farmers Market, reoccurring weekly for the period of twenty-two (22) weeks, 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 AND approve a Special Event Permit Application for the Turlock Farmers Market hosted by the Turlock Certified Farmers Market (TCFM), authorizing the associated closure of Main Street, between Palm Street and Center Street, for pedestrian safety, reoccurring weekly for the period of twenty-two (22) weeks, on Saturdays from 6:00 a.m. to 2:00 p.m., beginning May 4, 2019 through September 28, 2019 and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure AND approve an Agreement

between the City of Turlock and the Turlock Certified Farmers Market (TCFM) to provide traffic control labor and equipment as approved by the City of Turlock, at the TCFM's assumption of liability and risk, reoccurring weekly for the period of twenty-two (22) weeks, on Saturdays from 6:00 a.m. to 2:00 p.m., beginning May 4, 2019 through September 28, 2019 AND approve the "Release, Waiver of Liability, and Assumption of Risk Agreement", to be used by those individuals volunteering for the Turlock Certified Farmers Market (TCFM) to implement traffic control for the farmers market (*Van Guilder*)

**Recommended Action:**

Resolution: Determining the closure of Main Street, between Palm Street and Center Street, for the Turlock Certified Farmers Market (TCFM) to host the Turlock Farmers Market, reoccurring weekly for the period of twenty-two (22) weeks, 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

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Resolution: Approving a Special Event Permit Application for the Turlock Farmers Market hosted by the Turlock Certified Farmers Market (TCFM), authorizing the associated closure of Main Street, between Palm Street and Center Street, for pedestrian safety, reoccurring weekly for the period of twenty-two (22) weeks, on Saturdays from 6:00 a.m. to 2:00 p.m., beginning May 4, 2019 through September 28, 2019 and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

Resolution: Approving an Agreement between the City of Turlock and the Turlock Certified Farmers Market (TCFM) to provide traffic control labor and equipment as approved by the City of Turlock, at the TCFM's assumption of liability and risk, reoccurring weekly for the period of twenty-two (22) weeks, on Saturdays from 6:00 a.m. to 2:00 p.m., beginning May 4, 2019 through September 28, 2019

Resolution: Approving the "Release, Waiver of Liability, and Assumption of Risk Agreement", to be used by those individuals volunteering for the Turlock Certified Farmers Market (TCFM) to implement traffic control for the farmers market

- B. Request to affirm the authorization of the City of Turlock Housing Program Services Division to use Community Development Block Grant (CDBG) funds to further affordable housing opportunities through the purchase, resale or granting of residential real property to eligible organizations and households and authorize the City Manager to sign all necessary documents AND affirm the authorization of the City of Turlock acting as the lead agency of the Turlock/Stanislaus County Home Consortium to use reallocated HOME funds to further affordable housing opportunities through the purchase, resale or granting of residential real property to eligible organizations and households and authorizes the City Manager to sign all necessary documents (*Pitt*)

**Recommended Action:**

Resolution: Affirming the authorization of the City of Turlock Housing Program Services Division to use Community Development Block Grant (CDBG) funds to further affordable housing opportunities through the purchase, resale or granting of residential real property to eligible organizations and households and authorize the City Manager to sign all necessary documents

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**Resolution:** Affirming the authorization of the City of Turlock acting as the lead agency of the Turlock/Stanislaus County Home Consortium to use reallocated HOME funds to further affordable housing opportunities through the purchase, resale or granting of residential real property to eligible organizations and households and authorizes the City Manager to sign all necessary documents

- C. Request to appoint the law firm of Churchwell White LLP as Contract City Attorney for the City of Turlock and approve an Agreement for Attorney Services setting the terms and conditions for Contract City Attorney Services AND appropriate \$85,000 to account number 110-10-308-43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves for Contract City Attorney services to be performed by Churchwell White LLP for the remainder of FY 2018/19 AND appropriate \$75,000 to account number 110-10-308-43009 "Interim City Attorney Services" from various accounts within Fund 110 Division 108 "General Fund – City Attorney" and appropriate \$50,000 to account number 110-10-308-43009 "Interim City Attorney Services" from Fund 110 "General Fund" unallocated reserves for Interim City Attorney services performed by Meyers Nave (*Lawton*)

***Recommended Action:***

**Resolution:** Appointing the law firm of Churchwell White LLP as Contract City Attorney for the City of Turlock and approving an Agreement for Attorney Services setting the terms and conditions for Contract City Attorney Services

**Resolution:** Appropriating \$85,000 to account number 110-10-308-43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves for Contract City Attorney services to be performed by Churchwell White LLP for the remainder of FY 2018/19

**Resolution:** Appropriating \$75,000 to account number 110-10-308-43009 "Interim City Attorney Services" from various accounts within Fund 110 Division 108 "General Fund – City Attorney" and appropriating \$50,000 to account number 110-10-308-43009 "Interim City Attorney Services" from Fund 110 "General Fund" unallocated reserves for Interim City Attorney services performed by Meyers Nave

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

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**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 April 23, 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**