

City Council Agenda



MARCH 26, 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
City Attorney
Douglas L. White

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. Proclamation: Vietnam Veterans Day, March 29, 2019, accepted by Veterans of Foreign Wars Commander Lyle Ducheneaux

B. Proclamation: Turlock Fruit Company 101st Year Centennial Anniversary, accepted by Don "Honeydew" Smith, Steve Smith, and Alec Smith

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 2/14/19 in the amount of \$2,216,324.46; Weekly Demands of 2/21/19 in the amount of \$3,742,415.18; Weekly Demands of 3/7/19 in the amount of \$257,342.14; Monthly Demands of 9/30/18 in the amount of \$2,209,948.42; Monthly Demands of 10/31/18 in the amount of \$1,487,809.46; Monthly Demands of 11/30/18 in the amount of \$1,934,804.75
- B. Motion: Accepting Minutes of the Special Meeting of February 26, 2019; Minutes of the Special Meeting of February 28, 2019
- C. Motion: Approving Amendment No. 2 to an Agreement with H. T. Harvey & Associates of Los Gatos, California in the amount of \$77,053 for biological monitoring during construction of City Project No. 17-22D "North Valley Regional Recycled Water Program – Turlock Component" bringing the contract total to \$398,651
- D. Motion: Approving Amendment No. 4 to an Agreement with Carollo Engineers of Walnut Creek, California for professional design services for City Project No. 17-22 "North Valley Regional Recycled Water Program – Turlock Component" to extend the term through June 30, 2019
- E.
 1. Motion: Accepting notification of Change Order No. 1 (Final) in the amount of \$537.07, bringing the contract total to \$20,962.11 for City Project No. 18-33 "Transit Center Antenna and Radio Installation"
 2. Motion: Accepting improvements for City Project No. 18-33 "Transit Center Antenna and Radio Installation" and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving a Lien Agreement in the amount of \$541,091.19 for deferred payment of Development Impact fees between the City of Turlock and Ten Pin Fun Center, LLC, 3700 Countryside Drive, Turlock CA 95382
- G. Resolution: Adopting a Resolution of vacation pursuant to Division 9, Part 3, Chapters 2 and 4 of the Streets and Highways Code, to summarily vacate a portion of a storm drainage easement for the Lander Crossing subdivision

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- H. Resolution: Adopting a Resolution of vacation pursuant to Division 9, Part 3, Chapters 2 and 4 of the Streets and Highways Code, to summarily vacate a storm drainage easement over a portion of 3700 Countryside Drive, APN: 087-026-016
- I. Resolution: Authorizing the execution of the Certifications and Assurances and Authorized Agent Forms for the Low Carbon Transit Operations Program (LCTOP) for the following projects: Free Fare Program (\$55,080 of Section 99313 funds and \$696 of Section 99314 funds)
- J. Motion: Issuing a 2019 Sidewalk Sale Annual Permit to the Turlock Downtown Property Owners Association (TDPOA) to be used at their discretion for businesses operating within the Public Benefit Improvement District (PBID)
- K. 1. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement and commitments necessary to administer a grant from Modesto Junior College Regional Fire Training Center in the amount of \$12,500, appropriating said funds to account number 265-30-310-304.37238 "Modesto Junior College Grant", 265-30-310-304.48001_296 "Transfers Out Fire Ventilation Prop", and 305-40-443.38001_296 "Transfers In Fire Ventilation Prop" for the design, construction, and to assist in the funding of a new ventilation training prop, and appropriating \$59,019 to account number 305-40-443.51028_004 "Fire Capital Ventilation Training Prop" funded by the grant with the balance coming from Fund 305 "Capital Facility Fees-Fire" unallocated reserves for the ventilation training prop
2. Motion: Approving an Agreement with Fire Vent, LLC for the materials and construction costs for the fire ventilation prop in a total amount not to exceed \$56,819 for a period of 12 months
3. Motion: Approving an Agreement with Tom Peters Construction Inc. for the assembly and installation of a ventilation prop for the Turlock Fire Department in a total amount not to exceed \$2,200 for a period of 12 months
- L. Resolution: Appropriating \$18,327 to account number 266-20-255-351.47157_001 "Police Donations Expenses Operation Blue Santa" to be funded by revenue received in account number 266-20-255-351.37200_003 "Donations Operation Blue Santa"
- M. Motion: Approving a Professional Services Retainer Agreement with MGT of America, Inc. for the preparation and filing of 2019-20, 2020-21, and 2021-22 SB 90 – State Mandated Cost Reimbursement claims in an amount not to exceed \$27,600
- N. Resolution: Rescinding Resolution No. 2018-329 and adopting a new Resolution approving the use of facsimile signatures on specific accounts with Westamerica Bank
- O. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Ray Morgan Company for printer maintenance and management system, to increase the total compensation amount from \$108,300.90 to \$188,300.90, to cover monthly printer maintenance and management, for the duration of the contract term ending October 12, 2019 and for an additional one-year term if the renewal period is exercised
- P. Motion: Approving Amendment No. 4 to an Agreement between the City of Turlock and Protech Security & Electronics, Inc. for security and fire alarm monitoring, to increase the annual compensation amount from \$34,940 to \$49,940, to cover monthly monitoring costs and unforeseen repairs, for the duration of the contract term ending October 12, 2019 and increasing the total not-to-exceed amount to \$113,008
- Q. 1. Motion: Rejecting all bids submitted in response to Request for Proposal (RFP) No. 18-044 "Laser Printing and Mailing Services of Utility Billing, Business License Renewals and Delinquent Notices"
2. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Pre-Sort of Stockton, Inc. for Laser Printing and Mailing Services of Utility Billing, Business License Renewals, and Delinquent Notices for the Municipal Services Department, Finance Division, to: (1) extend the term of the Agreement for a further six (6) months until September 30, 2019; and (2) to increase the compensation of the

agreement by \$63,500, for a total not-to-exceed amount of \$444,500 over the four and one-half year-term of the Agreement

6. **FINAL READINGS:**

A. **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 as introduced at the March 12, 2019 City Council meeting

7. **PUBLIC HEARINGS:** None

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), authorize 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 authorize 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 accept updates recommended by the Parks, Arts, and Recreation Commission to the City of Turlock Community Events and Activities Grant Program application and scoring rubric AND delay the FY 2019/20 City of Turlock Community Events and Activities Grant Program application process pending the adoption of the FY 2019/20 budget (*Van Guilder*)

Recommended Action:

Resolution: Accepting updates recommended by the Parks, Arts and Recreation Commission to the City of Turlock Community Events and Activities Grant Program application and scoring rubric

Motion: Delaying the FY 2019/20 City of Turlock Community Events and Activities Grant Program application process pending the adoption of the FY 2019/20 budget

- C. Request to re-affirm Building Division Permit fees per the previously approved fee nexus study in accordance with Section 8-1-108 fees of the Turlock Municipal Code (*Bray*)

Recommended Action:

Motion: Re-affirm Building Division Permit fees per the previously approved fee nexus study in accordance with Section 8-1-108 fees of the Turlock Municipal Code

- D. Request to approve the Master Lease and Regulatory Agreement with United Samaritans Foundation for the property located at 207 and 209 3rd Street and 224, 226, 228, 230, 232, and 234 A Street, Turlock (Assessor Parcel Number # 043-049-049-000) (*Pitt*)

Recommended Action:

Motion: Approving the Master Lease and Regulatory Agreement with United Samaritans Foundation for the property located at 207 and 209 3rd Street and 224, 226, 228, 230, 232, and 234 A Street, Turlock (Assessor Parcel Number # 043-049-049-000)

- E. Request to amend the City of Turlock Fiscal Year 2018/2019 General Fund and Non-General Fund budgets and freezing identified vacancies for the remainder of Fiscal Year 2018/2019 as outlined in Exhibit "A" to the Resolution (*Jacobs-Hunter*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2018/2019 General Fund and Non-General Fund budgets and freezing identified vacancies for the remainder of Fiscal Year 2018/2019 as outlined in Exhibit "A" to the Resolution

- F. Presentation to City Council regarding revenue generating options (*Jacobs-Hunter*)

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
3. Fire Department
 - a. Public Safety Briefing (*Talloni*)
4. Municipal Services Department
5. Parks, Recreation and Public Facilities
6. Police Department
 - a. Public Safety Briefing (*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 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:**

- A. Liability Claims, Cal Gov't. Code §54956.95 and Cal. Gov't Code §54956.9(e)(3)
"For purposes of [Section 54956.9], "existing facts and circumstances" shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."
Claimant: Vincent Caldera
Agency Claimed Against: City of Turlock
- Claimant: Gillian Eidson
Agency Claimed Against: City of Turlock
- Claimant: Teresa Johnson
Agency Claimed Against: City of Turlock
- Claimant: Moises Lopez Abundez
Agency Claimed Against: City of Turlock
- Claimant: Stephanie Pimentel
Agency Claimed Against: City of Turlock
- Claimant: Larry Walsh
Agency Claimed Against: City of Turlock
- 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: (2)
- C. Conference with Legal Counsel – Initiation of Litigation, Cal. Gov't Code §54956.9(c)
For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.
Potential Cases: (1)

15. **REPORTS FROM CLOSED SESSION**

16. **ADJOURNMENT**