

City Council Agenda



APRIL 9, 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
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: National Volunteer Week, April 7-13, 2019, accepted by Human Resources Manager Sarah Eddy and Police Department Volunteer Coordinator Dara Lopes
- B. Proclamation: Animal Care and Control Appreciation Week, April 7-13, 2019, accepted by Animal Services Supervisor Glenna Jackson
- C. Proclamation: Stanislaus County National Library Week, April 7-13, 2019, accepted by Stanislaus County Library Turlock Branch Supervising Librarian Diane Bartlett
- D. Proclamation: National Telecommunicators Week, April 14-20, 2019, accepted by Public Safety Communications Supervisor Maribel Rodriguez
- E. Proclamation: Arbor Day, April 17, 2019, accepted by Parks, Recreation and Public Facilities Director Allison Van Guilder
- F. Appointments: Planning Commission
- G. Appointments: Parks, Arts and Recreation Commission

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 2/28/19 in the amount of \$989,028.70; Weekly Demands of 3/14/19 in the amount of \$509,536.56; Monthly Demands of 12/31/18 in the amount of \$2,526,666.45; Monthly Demands of 1/31/19 in the amount of \$863,276.27

B. Motion: Accepting Minutes of the Regular Meeting of March 12, 2019

C. 1. Motion: Approving Amendment No. 2 to an Agreement with AECOM for professional engineering services, increasing the annual not-to-exceed compensation amount to \$1,148,710, for additional design services

2. Resolution: Rescinding Resolution No. 2019-040 and adopting a new Resolution appropriating \$12,884 to account number 410-51-534.43359 "Professional Engineering Services" funded by a transfer from account number 410-51-534.51339 "De-watering Project" and appropriating \$169,766 to account number 420-52-551.43359 "Professional Engineering Services" funded by transfers from account number 420-52-551.51313 "Well Rehabilitation" (\$19,766), account number 420-52-551.51367 "Chlorination of Well Sites (21)" (\$50,000), and account number 420-52-551.51368 "Corp Yard Improvements" (\$100,000) for professional engineering design services for Capital Improvement Projects as detailed in Exhibit A2 to the Resolution

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 approve the Fiscal Year 2019-2020 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorize submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), approve funding for the Public Service Grant Program, and authorize the City Manager or designee to execute all related and necessary documents (*Pitt*)

Recommended Action:

Resolution: Approving the Fiscal Year 2019-2020 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), approving funding for the Public Service Grant Program, and authorizing the City Manager or designee to execute all related and necessary documents

- B. Request to make no change in the cap on the number of beds that may be permitted under the nondiscretionary permit process within the SB 2 emergency shelter overlay district (*Quintero*)

Recommended Action:

Motion: Making no change in the cap on the number of beds that may be permitted under the nondiscretionary permit process within the SB 2 emergency shelter overlay district

8. SCHEDULED MATTERS:

Scheduled Matters Item 8A has been agendized as part of the Special Meeting (scheduled at 5:00 p.m. on this date) as well as this Regular Meeting to allow for continued discussion if necessary.

- A. Request to adopt a revised list of projects for Fiscal Year 2018-19 funded by SB 1 "The Road Repair and Accounting Act of 2017" AND amend the City of Turlock Fiscal Year 2018-19 SB 1 Road Maintenance and Rehab Fund 219 to accurately reflect the revised list of projects for Fiscal Year 2018-19 funded by SB 1 "The Road Repair and Accounting Act of 2017" as detailed in Attachment "A" AND adopt a list of projects for Fiscal Year 2019-20 funded by SB 1 "The Road Repair and Accounting Act of 2017" AND approve the road rehabilitation strategy that identifies all dedicated road funding sources and identifies the project selection criteria OR provide direction to staff on development of a road rehabilitation strategy that includes all dedicated funding sources for road rehabilitation

Recommended Action:

Resolution: Adopting a revised list of projects for Fiscal Year 2018-19 funded by SB 1 "The Road Repair and Accounting Act of 2017"

Resolution: Amending the City of Turlock Fiscal Year 2018-19 SB 1 Road Maintenance and Rehab Fund 219 to accurately reflect the revised list of projects for Fiscal Year

2018-19 funded by SB 1 “The Road Repair and Accounting Act of 2017” as detailed in Attachment “A”

Resolution: Adopting a list of projects for Fiscal Year 2019-20 funded by SB 1 “The Road Repair and Accounting Act of 2017”

Authorizing one of the following options:

OPTION A:

Motion: Approving the road rehabilitation strategy that identifies all dedicated road funding sources and identifies the project selection criteria

OR

OPTION B:

Motion: Providing direction to staff on development of a road rehabilitation strategy that includes all dedicated funding sources for road rehabilitation

- B. Presentation to the City Council regarding Fiscal Year 2018-19 Expenditure Controls (*Lawton*)
- C. Request to provide direction to the City Attorney related to the regulation of medicinal and adult-use cannabis (*White*)

Recommended Action:

Motion: Providing direction to the City Attorney related to the regulation of medicinal and adult-use cannabis

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. Economic Development (*Pitt*)
- 2. Development Services Department
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
- 3. Fire Department
- 4. Municipal Services Department
 - a. Drinking Water System Update (*Cooke*)
- 5. Parks, Recreation and Public Facilities
- 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 May 14, 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. 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 Designated Representative: City Manager Robert C. Lawton

Employee Organization: Turlock Associated Police Officers

Employee Organization: Turlock City Employee Association

Employee Organization: Turlock Firefighters Association-Local 2434

Employee Organization: Turlock Management Association-Public Safety

Unrepresented Employees: Accountant, Sr., Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Information Technology Manager, Legal Assistant, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT