

City Council Agenda



MAY 14, 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. Recognition: Employee of the Month, March 2019, Maintenance Worker II Yofri Villa
- B. Recognition: Employee of the Month, April 2019, Administrative Analyst Alison Arias
- C. Proclamation: National Police Week, May 12-18, 2019, accepted by Chief of Police Ninus C. Amirfar
- D. Proclamation: Public Works Week, May 19-25, 2019, accepted by Municipal Services Director Michael Cooke, Parks, Recreation and Public Facilities Director Allison Van Guilder, and Interim Development Services Director Nathan Bray
- E. Appointment: Parks, Arts and Recreation Commission
- F. Presentation: Career Technical Education Work Experience Program, presented by Parks, Recreation and Public Facilities Director Allison Van Guilder

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 4/4/19 in the amount of \$343,207.90; Weekly Demands of 4/11/19 in the amount of \$879,034.48
- B. Motion: Accepting Minutes of the Special Meeting of April 9, 2019; Minutes of the Regular Meeting of April 9, 2019
- C. Motion: Approving an Agreement with ARWS, Inc., of Pleasant Hill, California in the amount of \$108,170 for right-of-way and property appraisal services, for City Project 16-60 "Linwood Avenue ATP Improvements" in a form approved by the City Attorney
- D. Motion: Approving Contract Change Order No. 4, in the amount of \$117,387.92, for City Project No. 17-30 "West Main Corridor Rehabilitation" bringing the contract total to \$7,745,921.36
- E.
 - 1. Resolution: Approving the Engineer's Report for the Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- F.
 - 1. Resolution: Approving the Engineer's Report for the Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area

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- G. 1. Resolution: Approving the Engineer's Report for the "Superstore" (Development Project No. 19-25) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the "Superstore" (Development Project No. 19-25) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- H. Resolution: Approving three (3) Transportation Development Act (TDA) transit claims for Local Transportation Funds (LTF) funding and State Transit Assistance (STA) funding with the Stanislaus Council of Governments (StanCOG) for eligible operating and capital expenses associated with the Roger K. Fall Transit Center, the Turlock-Denair Amtrak Station, and general Turlock Transit services for Fiscal Year 2019-20 and authorizing the City Manager to sign and submit the subject claims
- I. 1. Motion: Approving an Agreement for transit technical assistance and support services with Transit Capital Support Services, LLC., of Atlanta, Georgia in an annual amount not to exceed \$76,560 for the three (3) year term of the Agreement
2. Motion: Authorizing the City Manager, or his designee, to issue a written notice of voluntary termination to Transit Capital Support Services, LLC., of Atlanta, Georgia, regarding City Contract No. 15-124 with a new effective termination date of June 30, 2019
- J. Motion: Approving a Transit Funding Agreement for enhanced transit service during the 2019 Stanislaus County Fair with the Friends of the Stanislaus County Fair Foundation, a California Nonprofit Public Benefit Corporation, of Turlock, California, in an amount not to exceed \$5,000 for the term of the Agreement
- K. Resolution: Approving the purchase of two (2) Grounds Master 3280D mowers for the Parks, Recreation and Public Facilities Department from Turf Star Western Inc., in an amount not to exceed \$26,696.34 per mower from account numbers 506-00-000-234.51020 (Assessments) and 506-00-000-372.51020 (Pedretti), through a sole source procurement process pursuant to Turlock Municipal Code Section 2-7-08(b)(2), and declaring the replaced equipment surplus
- L. Motion: Awarding RFB No. 19-017 and approving an Agreement with All Valley Spray Service for Weed Control Services at various City properties 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 \$30,744, for a total not-to-exceed amount of \$153,720, over the 5-year term of the Agreement, if all renewal periods are exercised
- M. Resolution: Approving an Industrial Hauler Business License for No Limit Hauling & Demolition within the City of Turlock in accordance with Section 6-3-209 of the Turlock Municipal Code
- N. Resolution: Appointing the Stanislaus County Public Health Officer as the City of Turlock's Public Health Officer pursuant to Health and Safety Code Section 101460
- O. Motion: Approving Amendment No. 5 to an Agreement between the City of Turlock and Champion Industrial Contractors, Inc. for preventive maintenance, filter change out, and repair services for HVAC units, to increase the annual compensation amount from \$80,000 to \$89,794, to cover the repair of the top and bottom condenser coil at the Public Safety Facility, for the duration of the contract term ending June 20, 2019 and increasing the total not-to-exceed amount to \$230,000
- P. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Applied Pest Management, Inc. for pest control services for City owned buildings, to increase the annual compensation amount from \$10,000 to \$11,800, to add the Roger K. Fall Transit Center and additional unforeseen costs, for the duration of the contract term ending July 31, 2019 and increasing the total not-to-exceed amount to \$70,800 over the 6-year term of the Agreement, if all renewal periods are exercised

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- Q. Resolution: Delegating to the incumbent of the position of City Manager the authority to determine the eligibility of employees for industrial disability retirement with CalPERS

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 introduce an Ordinance for first reading amending the Turlock Municipal Code Title 5, Chapter 5-21 and Chapter 5-14, Section 5-14-01; and Title 3, Chapter 3-1, Section 3-1-101, to establish a commercial cannabis pilot program and make necessary changes to the Turlock Municipal Code (*White*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading amending the Turlock Municipal Code Title 5, Chapter 5-21 and Chapter 5-14, Section 5-14-01; and Title 3, Chapter 3-1, Section 3-1-101, to establish a commercial cannabis pilot program and make necessary changes to the Turlock Municipal Code

- B. Request to introduce an Ordinance for first reading adding Chapter 2-12, Civility Code, of Title 2, Administration to the Turlock Municipal Code (*White*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading adding Chapter 2-12, Civility Code, of Title 2, Administration to the Turlock Municipal Code

- C. Request to adopt a Resolution approving a City Officials' Handbook (the "Handbook") establishing rules, procedures, and guidelines for City Officials in conducting City-related business (*White*)

Recommended Action:

Resolution: Adopting a Resolution approving a City Officials' Handbook (the "Handbook") establishing rules, procedures, and guidelines for City Officials in conducting City-related business

8. **SCHEDULED MATTERS:**

- A. Request to approve the road rehabilitation strategy that establishes funding limits for maintenance, safety, and project components AND provide direction to staff on the development of project list alternatives for Fiscal Years 2019-20 to 2023-24 to utilize the available funding for the project component of the road rehabilitation strategy (*Bray*)

Recommended Action:

Motion: Approving the road rehabilitation strategy that establishes funding limits for maintenance, safety, and project components

Motion: Providing direction to staff on the development of project list alternatives for Fiscal Years 2019-20 to 2023-24 to utilize the available funding for the project component of the road rehabilitation strategy

- B. Update to the City Council regarding the outdoor emergency shelter adjacent to the Turlock Gospel Mission, 2019 Stanislaus County Point-In-Time Count Survey Results, and the Plan to Address Homelessness in Stanislaus County (*Pitt*)

Recommended Action:

This is an information item only. No formal action will be taken.

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. Municipal Services Department 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 June 11, 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:

Closed Session Items 14A and 14B have been agendaized 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. 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 Employees 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.

- 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 Case: (1 case)

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT