

City Council Agenda



JUNE 26, 2018

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

Council Members
William DeHart, Jr. **Amy Bublak**
Matthew Jacob **Gil Esquer**
Vice Mayor

Interim City Manager
Robert A. Talloni
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, May 2018 - Account Clerk I Gloria Aguilera

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 5/10/18 in the amount of \$1,552,490.70; Weekly Demands of 5/17/18 in the amount of \$2,338,472.05; Weekly Demands of 5/24/18 in the amount of \$1,876,291.87; Monthly Demands of 3/31/18 in the amount of \$1,853,360.39
- B. Motion: Accepting Minutes of the Regular Meeting of March 27, 2018
- C.
 - 1. Resolution: Determining connection of the existing property at 828 West Avenue South, located outside the jurisdictional boundary of the City of Turlock, to existing City of Turlock water and sewer lines is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facility), Section 15303 (New Construction or Conversion of Small Structures), and/or Section 15304 (Minor Alterations to Land) of the CEQA Guidelines
 - 2. Motion: Approving an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property located at 828 West Avenue South, Turlock, California (Stanislaus County Assessor's Parcel Number 050-011-017-000) establishing the conditions under which the City would provide water and sanitary sewer services to the property and authorizing the City Manager to sign an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection Affecting Real Property upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement
 - 3. Motion: Authorizing the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, requesting LAFCO approval for the property located at 828 West Avenue South, Turlock, California, (Stanislaus County APN 051-011-017-000) a property located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to connect to the City of Turlock water and sewer system
- D. Motion: Authorizing the issuance of Request for Proposals (RFP) No. 18-030 for the development and delivery of a five (5) year Short Range Transit Plan for Turlock Transit

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- covering Fiscal Years 2019-2024 in support of City Project No. 18-34 "Short Range Transit Plan FY 2019-24"
- E. Resolution: Approving the purchase and delivery of one (1) set of ST1075-2FWA Mobile Column Lifts from Stertil-Koni U.S.A., Inc. of Stevensville, Maryland, to be used for the maintenance and repair of City transit vehicles, through the National Joint Powers Alliance Contract No. 061015-SKI, in an amount not to exceed \$45,317 from the 2018-19 Municipal Budget, without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- F. 1. Resolution: Approving the Engineer's Report for Fiscal Year 2018-19 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
2. Resolution: Declaring the City Council's Intention to levy and collect assessments for Fiscal Year 2018-19 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock
- G. Resolution: Rescinding Resolution No. 2015-183 and adopting a new resolution increasing the backfill permit fee maximum from \$160.50 to \$214 per project involving curbs, gutters, sidewalks, driveways, and ramps in order to help reduce the financial burden on property owners associated with the encroachment permit
- H. 1. Resolution: Determining the closure of South Broadway, between "A" Street and Market Street, for the Mayor's State of the City Address in conjunction with the swearing-in ceremony of the new City Manager, hosted by the City of Turlock, 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
2. Resolution: Approving a Special Event Permit Application for the Mayor's State of the City Address in conjunction with the swearing-in ceremony of the new City Manager, hosted by the City of Turlock, authorizing the associated closure of South Broadway, between "A" Street and Market Street for pedestrian safety, on Thursday, July 12, 2018, from 6:30 a.m. to 10:00 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- I. 1. Motion: Approving an Agreement with Pace Supply for the purchase of pipe and pipe fittings for the Municipal Services Department Utilities Division in an annual amount not to exceed \$50,000
2. Motion: Approving an Agreement with R & B Company for the purchase of pipe and pipe fittings for the Municipal Services Department Utilities Division in an annual amount not to exceed \$50,000
- J. Motion: Awarding RFP No. 17-577 and approving an Agreement with Vestra Resources, Inc. having met all specifications of RFP 17-577 and being the lowest responsive and responsible bidder for consultant services for a Geographical Information System (GIS) assessment, in an amount not to exceed \$39,760
- K. Resolution: Appropriating funds to various accounts from each respective Fund's unallocated reserves for the Agreement between the City of Turlock and Websoft Developers, Inc. for subscription fees for the Mobile Work Order Management Software System
- L. Resolution: Determining City Project No. 18-202 "Restoration of Granular Activated Carbon (GAC) System at Well No. 8" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) and/or Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
- M. Motion: Approving Amendment No. 1 to an Agreement with Packet Fusion for the purchase of Acapela TTS Software and annual maintenance, increasing the total compensation to \$8,750

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- N. Motion: Approving an Agreement between the City of Turlock and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn officers, dispatchers, and community service officers of the Turlock Police Department at no cost to the covered employee, for the period of July 1, 2018, through June 30, 2019, in a form approved by the Interim City Attorney
- O. Motion: Approving an Agreement between the City of Turlock and the 38th District Agricultural Association authorizing City Staff to conduct training on non-City owned property
- P. Resolution: Re-appropriating unspent funds of \$6,855 from Fiscal Year 2016-17 to account number 266-20-255-341.51107_004 "JAG Expenses 2015-DJ-BX-0528" from Fund 266 "Police Services Grant-JAG" unallocated reserves for the purchase of plate carriers
- Q. Resolution: Approving an Agreement with Maze & Associates Accountancy Corporation for professional audit services for the fiscal year 2017-18 audit in an amount not to exceed \$80,380 for the first year with the option to extend the contract for four (4) additional one-year terms and amending the 2018-19 City Budget to properly account for this contract
- R. Resolution: Making certain findings and determinations in compliance with Section XIII.B of the California Constitution and Section 7910 of the California Government Code and setting the Fiscal Year 2018-19 Appropriation Limit for the City of Turlock
- S. Resolution: Appropriating \$45,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves in the fiscal year 2017/2018 adopted budget for legal services related to the fiscal year 2018/2019 labor negotiations with the Turlock Associated Police Officers, Turlock City Employee Association, Turlock Management Association – Public Safety, Confidential Employee Group, and Unrepresented Management Group
- T. Motion: Approving Amendment No. 3 to an Agreement with North Star Destination Strategies of Nashville Tennessee to develop marketing and branding strategies (including tourism) for the City of Turlock, extending the term of the agreement with no increase in cost
- U. Resolution: Approving the sale of a parcel of real property located at the northern portion of 401 Third Street, Turlock, CA (APN #043-049-055) to Hackler Rentals, LLC for the purpose of disposing of the surplus portion of the parcel and authorizing the Mayor or City Manager to execute all necessary documents in connection with the sale

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 6, Chapters 3, 4, and 5 regarding Payment of Collection Charges for Garbage, Rubbish, and Organic Refuse, Sewer Service, and Water Service as introduced at the June 12, 2018 City Council Meeting.
- B. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 2, Chapter 7, Section 04 regarding Purchasing Officer: Powers and Duties; Section 06 regarding Purchase Orders; Section 08 regarding Bidding Requirements; and Section 09 regarding Purchases: Procedures as introduced at the June 12, 2018 City Council Meeting.

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 for the City Clerk to confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot, and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND call a Special, Mailed-Ballot Election respecting Proposed Annexation Number 24 to existing Community Facilities District Number 2 (Services Mitigation) AND declare the results of Mailed-Ballot Election respecting Proposed Annexation Number 24 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation. (*Quintero*)

Recommended Action:

Confirmation: City Clerk confirms: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot, and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps)

Public Hearing: Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

Resolution: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 24 to existing Community Facilities District Number 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 24 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

8. SCHEDULED MATTERS

- A. Request to determine the closure of Main Street, between Palm Street and Center Street, for the Turlock Farmers Market hosted by the Turlock Certified Farmers Market (TCFM), 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, occurring on Saturday, July 14, 2018 from 5:00 a.m. to 2:00 p.m. and Saturday, July 21, 2018 from 5:00 a.m. to 2:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

Recommended Action:

Resolution: Determining the closure of Main Street, between Palm Street and Center Street, for the Turlock Farmers Market hosted by the Turlock Certified Farmers Market (TCFM), 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

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, occurring on Saturday, July 14, 2018 from 5:00 a.m. to 2:00 p.m. and Saturday, July 21, 2018 from 5:00 a.m. to 2:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to determine City Project No. 18-28 "2018 SB-1 Road Maintenance and Rehabilitation Slurry Seal" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines AND award bid and approve an Agreement in the amount of \$207,000.00 (Fund 219) with VSS International, Inc., of West Sacramento, California, for City Project No. 18-28 "2018 SB-1 Road Maintenance and Rehabilitation Slurry Seal". (*Quintero*)

Recommended Action:

Resolution: Determining City Project No. 18-28 "2018 SB-1 Road Maintenance and Rehabilitation Slurry Seal" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines

Motion: Awarding bid and approving an Agreement in the amount of \$207,000.00 (Fund 219) with VSS International, Inc., of West Sacramento, California, for City Project No. 18-28 "2018 SB-1 Road Maintenance and Rehabilitation Slurry Seal"

- C. Request to appropriate \$3,200 to account number 120-10-120-130.47319 from Fund 120 "Tourism" unallocated reserves designated for Public Art Projects to hire Eco2Clean Dry Ice Blasting, LLC to remove the calcium build up on Califia with the understanding that the dry ice blasting process may need to be repeated in the future OR direct maintenance staff to continue treating the water with chlorine for health purposes and allow Califia to patina naturally. (*Van Guilder*)

Recommended Action:

Authorizing one of the following options:

Option A

Resolution: Appropriating \$3,200 to account number 120-10-120-130.47319 from Fund 120 "Tourism" unallocated reserves designated for Public Art Projects to hire Eco2Clean Dry Ice Blasting, LLC to remove the calcium build up on Califia with the understanding that the dry ice blasting process may need to be repeated in the future

OR

Option B

Motion: Directing maintenance staff to continue treating the water with chlorine for health purposes and allow Califia to patina naturally

- D. Request to approve the seven (7) Annual Funding Agreements between the City of Turlock and each of the HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for FY 2018-2019 in the amount of \$1,382,383. (*Pitt*)

Recommended Action:

Motion: Approving the seven (7) Annual Funding Agreements between the City of Turlock and each of the HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for FY 2018-2019 in the amount of \$1,382,383

- E. Request to approve the public services grant agreements with seven (7) nonprofit agencies for fiscal year 2018-2019 funded with Community Development Block Grant Program (CDBG) funds, and authorize City Manager or designee to execute all related and necessary documents. (*Pitt*)

Recommended Action:

Motion: Approving the public services grant agreements with seven (7) nonprofit agencies for fiscal year 2018-2019 funded with Community Development Block Grant Program (CDBG) funds, and authorizing City Manager or designee to execute all related and necessary documents

- F. Request to appropriate \$418,910 to Fiscal Year 2018/2019 salary and benefit accounts from each respective Fund's unallocated reserves as the result of adoption of tentative agreements with Turlock Associated Police Officers (TAPO), Turlock Management Association-Public Safety (TMAPS), Turlock City Employees Association (TCEA), Turlock Management Group, and Turlock Confidential Group for the period 7/1/17-6/30/18. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Appropriating \$418,910 to Fiscal Year 2018/2019 salary and benefit accounts from each respective Fund's unallocated reserves as the result of adoption of tentative agreements with Turlock Associated Police Officers (TAPO), Turlock Management Association-Public Safety (TMAPS), Turlock City Employees Association (TCEA), Turlock Management Group, and Turlock Confidential Group for the period 7/1/17-6/30/18

- G. Request to rescind Resolution No. 2015-062 and adopt a new Resolution approving the Memorandum of Understanding (MOU) between the City of Turlock and the Turlock Associated Police Officers, covering the period of July 1, 2018 through June 30, 2019 AND appropriate \$856,609 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 "General Fund" unallocated reserves due to the adoption of the Memorandum of Understanding with the Turlock Associated Police Officers (TAPO) covering the period of 7/1/18-6/30/19. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Rescinding Resolution No. 2015-062 and adopting a new Resolution approving the Memorandum of Understanding (MOU) between the City of Turlock and the Turlock Associated Police Officers, covering the period of July 1, 2018 through June 30, 2019

Resolution: Appropriating \$856,609 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 "General Fund" unallocated reserves due to the adoption of the Memorandum of Understanding with the Turlock Associated Police Officers (TAPO) covering the period of 7/1/18-6/30/19

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- H. Request to rescind Resolution No. 2016-148 and adopt a Resolution Establishing Amended and Restated Voluntary Campaign Contribution Regulations, Additional Voluntary Requirements for Disclosures and Campaign Statement Filings, and Adopt a Voluntary Code of Fair Campaign Practices. (*Sanchez*)

Recommended Action:

Resolution: Rescinding Resolution No. 2016-148 and Adopting a Resolution Establishing Amended and Restated Voluntary Campaign Contribution Regulations, Additional Voluntary Requirements for Disclosures and Campaign Statement Filings, and Adopting a Voluntary Code of Fair Campaign Practices

- I. Request to approve a New Building and Ground Lease between the City of Turlock and the Turlock Chamber Foundation for the Building Located at 114 S. Golden State Blvd. (*Sanchez*)

Recommended Action:

Motion: Approving a New Building and Ground Lease between the City of Turlock and the Turlock Chamber Foundation for the Building Located at 114 S. Golden State Blvd.

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. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
3. Development Services Department
4. Fire Department
 - a. Public Safety Briefing (*Carlson*)
5. Municipal Services Department
 - a. Municipal Services Department Update (*Cooke*)
6. Parks, Recreation and Public Facilities
7. Police Department
 - a. Public Safety Briefing (*Amirfar*)

10. 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.

11. 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 August 14, 2018, unless otherwise specified by the Mayor or a majority of the Council.

12. 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.

13. CLOSED SESSION

A. 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: (3 cases)

B. 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

C. 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 Gary Soiseth

Unrepresented Employee: City Attorney

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT