

City Council Agenda



SEPTEMBER 26, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

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

Interim City Manager
Robert A. Talloni
City Clerk
Jennifer Land
City Attorney
Phaedra A. Norton

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: Breast Cancer Awareness Month, October 2017, accepted by Fire Captain Frank Saldivar
- B. Resolution: Supporting the extension of a 1/8 cent sales tax to fund the Stanislaus County Library, presented by Assistant to the City Manager for Economic Development and Housing Maryn Pitt
- C. Resolution: Supporting the resolution "Not In Our Community" opposing any acts of discrimination, presented by Councilmember DeHart
- D. Appointment: Stanislaus Regional Water Authority, Director
- E. Appointment: West Turlock Subbasin Groundwater Sustainability Agency, Alternate Member
- F. Appointment: City/County Liaison Committee, Member

3. **A. SPECIAL BRIEFINGS:** None

B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services Department
3. Development Services Department
 - a. Measure L Planning (*Pitcock*)
4. Fire Department
 - a. Public Safety Briefing (*Carlson*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department
 - a. Pet of the Month (*Jackson*)
 - b. Public Safety Briefing (*Amirfar*)
 - c. Traffic Task Force (*Amirfar/Pitcock*)

C. PUBLIC PARTICIPATION

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.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed 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 08/17/17 in the amount of \$472,759.94; Monthly Demands of 05/31/17 in the amount of \$1,947,176.93
- B. Motion: Approving Amendment No. 1 to an Agreement with CTC, Inc. of Fort Worth, Texas, for engineering consulting services for railroad preemption for City Project No. 14-28, "Intersection Improvements at Golden State Blvd. and Fulkerth Rd", extending the term of the agreement to February 28, 2018

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- C. Motion: Accepting improvements for City Project No. 17-25 “Column Replacement at Covered Storage Building at Corporation Yard” and authorizing the City Engineer to file a Notice of Completion
- D. Resolution: Approving the list of projects to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017” and incorporating the list of projects to appropriate revenues and expenditures in the Fiscal Year 2017-18 Budget
- E. Resolution: Authorizing the Purchasing Officer to dispose of transit fleet vehicles destroyed in a February 2017 bus fire as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j)
- F. 1. Motion: Awarding Request for Proposal (RFP) No. 17-513 and approving an Agreement with Holt of California for planned maintenance services (Kohler Emergency Generator) at the City of Turlock Public Safety Facility, in an annual amount not to exceed \$9,357
2. Resolution: Appropriating \$1,300 to account number 110-20-200.43125_025 “Maintenance Generator Repair and Maintenance” from Fund 110 “General Fund” unallocated reserves for planned maintenance services (Kohler Emergency Generator) at the Public Safety Facility
- G. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors between June and August 2017 in the amount of \$27 in account number 270-61-635-399.37200_000 “Donations General” to fund a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- H. Motion: Approving a Master Sales Agreement with Itron, Inc. for water fixed network Automatic Meter Reading (AMR) maintenance and software support and the purchase of components for a period of twelve (12) months, in an annual amount of \$180,000, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(2)
- I. 1. Motion: Awarding Request for Proposal (RFP) No. 17-500 and approving a Custom Software Support Agreement with Packet Fusion for an Interactive Voice Response (I.V.R.) platform and a mass text (SMS) and voice messaging notification system that integrates with the City of Turlock’s current utility customer billing system, in an initial amount not to exceed \$67,880 with annual support fees of \$12,200, to be funded by Fund 410 Water Quality and Fund 420 Water Enterprise
2. Resolution: Appropriating \$40,000 to account number 410-51-534.51183 “Phone System Interactive Voice Response” from Fiscal Year 2018/19 account number 410-51-534.51183 “Phone System Interactive Voice Response” and transferring \$6,100 to account number 410-51-530.44010_010 “Computer Software Maintenance-IVR” and \$6,100 to account number 420-52-550.44010_010 “Computer Software Maintenance-IVR” from account number 410-51-534.51183 “Phone System Interactive Voice Response” for annual maintenance software support
- J. Motion: Approving Amendment No. 1 to the Maintenance Agreement between the City of Turlock and HSQ Technology for maintenance service of the Telemetry software/hardware, increasing the compensation to an annual amount of \$22,992 to include parts
- K. Resolution: Authorizing the Mayor or City Manager to apply for and accept grant funds administered by the San Joaquin Valley Air Pollution Control District for activities that are consistent with the City of Turlock 2015-2019 Mayor and City Council Policy Goals and Implementation Plan

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- L. 1. Resolution: Approving modifications to the job description for the position of Water Quality Control Supervisor, effective September 26, 2017
 - 2. Resolution: Approving modifications to the job description for the position of Utilities Supervisor, effective September 26, 2017
 - 3. Resolution: Approving modifications to the job description for the position of Utilities Supervisor, Assistant, effective September 26, 2017
 - 4. Resolution: Approving modifications to the job description for the position of Electrical/Mechanical Maintenance Supervisor, Assistant, effective September 26, 2017
 - M. Resolution: Appropriating \$65,000 to account number 116-30-305.44030_000 "Minor Equipment Miscellaneous" from Fund 116 "Special Public Safety – Fire" unallocated reserves for the purchase of safety, rescue, and alerting equipment
 - N. Resolution: Appropriating \$25,000 to account number 110-30-300.41100_007 "Overtime Department Business" funded by increased revenue in the amount of \$25,000 in account number 110-30-300.35100 "Fire Fees-Prevention" for overtime costs associated with staffing an apprentice to the Fire Marshal in the City of Turlock Fire Department, Fire Prevention Division
 - O. Motion: Approving revisions to the City of Turlock Injury and Illness Prevention Program
 - P. Motion: Approving revisions to the City of Turlock Safety Program
 - Q. Resolution: Approving modifications to the job description for the position of Firefighter, effective September 26, 2017
 - R. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and HCI Systems, Inc. for fire sprinkler and suppression system inspections, repairs, and maintenance services, increasing the compensation to an annual amount of \$20,000
 - S. Resolution: Authorizing the Purchasing Officer to dispose of surplus supplies and/or equipment as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j)
 - T. Motion: Rejecting Claim for Damages filed by David Benson
 - U. Motion: Rejecting Claim for Damages filed by Trey West

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 2016-2017 Draft Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorize submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorize the Mayor, City Manager, or designee to execute related necessary documents. (*Pitt*)

Recommended Action:

Motion: Approving the Fiscal Year 2016-2017 Draft Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorizing the Mayor, City Manager, or designee to execute related necessary documents

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- B. Request to determine amendments to Turlock Municipal Code Title 6, Chapter 4, adding a definition of lot or parcel, clarifying when the City may furnish sewer service, clarifying ownership of sewer lines, clarifying responsibilities for maintenance of sewer lines, modifying requirements for connecting to sewer service inside and outside the City limit, and modifying requirements for extending sewer mains outside the City limit and amendments to Turlock Municipal Code Title 6, Chapter 5, modifying definition of water main, modifying requirements for connecting to the City's water system inside and outside the City limit, clarifying when the City may furnish water, clarifying requirements for installation of water meters, clarifying ownership of water lines, clarifying maintenance of water lines, and modifying requirements for extending water mains outside the City limit are Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines AND amend Turlock Municipal Code Title 6, Chapter 4, adding a definition of lot or parcel, clarifying when the City may furnish sewer service, clarifying ownership of sewer lines, clarifying responsibilities for maintenance of sewer lines, modifying requirements for connecting to sewer service inside and outside the City limit, and modifying requirements for extending sewer mains outside the City limit and amend Turlock Municipal Code Title 6, Chapter 5, modifying definition of water main, modifying requirements for connecting to the City's water system inside and outside the City limit, clarifying when the City may furnish water, clarifying requirements for installation of water meters, clarifying ownership of water lines, clarifying maintenance of water lines, and modifying requirements for extending water mains outside the City limit. (*Pitcock/Cooke*)

Recommended Action:

Resolution: Determining amendments to Turlock Municipal Code Title 6, Chapter 4, adding a definition of lot or parcel, clarifying when the City may furnish sewer service, clarifying ownership of sewer lines, clarifying responsibilities for maintenance of sewer lines, modifying requirements for connecting to sewer service inside and outside the City limit, and modifying requirements for extending sewer mains outside the City limit and amendments to Turlock Municipal Code Title 6, Chapter 5, modifying definition of water main, modifying requirements for connecting to the City's water system inside and outside the City limit, clarifying when the City may furnish water, clarifying requirements for installation of water meters, clarifying ownership of water lines, clarifying maintenance of water lines, and modifying requirements for extending water mains outside the City limit are Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 4, adding a definition of lot or parcel, clarifying when the City may furnish sewer service, clarifying ownership of sewer lines, clarifying responsibilities for maintenance of sewer lines, modifying requirements for connecting to sewer service inside and outside the City limit, and modifying requirements for extending sewer mains outside the City limit and amending Turlock Municipal Code Title 6, Chapter 5, modifying definition of water main, modifying requirements for connecting to the City's water system inside and outside the City limit, clarifying when the City may furnish water, clarifying requirements for installation of water meters, clarifying ownership of water lines, clarifying maintenance of water lines, and modifying requirements for extending water mains outside the City limit

8. SCHEDULED MATTERS

- A. Request to determine the closure of Oak Street (between Cooper Avenue and Lyons Avenue) and Lyons Avenue (between North Rose Street and Oak Street), for Sacred Heart Catholic Church to host the Feast of Our Lady of Fatima Celebration Procession, 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 the Special Event Permit Application for the Feast of Our Lady of Fatima Celebration Procession hosted by Sacred Heart Catholic Church, authorize the associated closure of Oak Street (between Cooper Avenue and Lyons Avenue) and Lyons Avenue (between North Rose Street and Oak Street) for pedestrian safety, on Sunday, October 1, 2017 from 7:15 p.m. through 8:30 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 Oak Street (between Cooper Avenue and Lyons Avenue) and Lyons Avenue (between North Rose Street and Oak Street), for Sacred Heart Catholic Church to host the Feast of Our Lady of Fatima Celebration Procession, 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 the Special Event Permit Application for the Feast of Our Lady of Fatima Celebration Procession hosted by Sacred Heart Catholic Church, authorizing the associated closure of Oak Street (between Cooper Avenue and Lyons Avenue) and Lyons Avenue (between North Rose Street and Oak Street) for pedestrian safety, on Sunday, October 1, 2017 from 7:15 p.m. through 8:30 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to authorize the rental of the Chamber of Commerce facility located at 115 South Golden State Boulevard by the Turlock Downtown Property Owners Association and other organizations. (*Van Guilder*)

Recommended Action:

Resolution: Authorizing the rental of the Chamber of Commerce facility located at 115 South Golden State Boulevard by the Turlock Downtown Property Owners Association and other organizations

- C. Request to approve Amendment No. 4 to the Revocable License Agreement between the City of Turlock and Golden State Farmers' Market Association (GSFMA) for the operation, management and marketing of a certified farmers market located on City of Turlock property, amending the Time of Operation to allow GSFMA to host seasonal events in Central Park on the following dates: November 4, 2017, December 9, 2017, February 3, 2018, March 3, 2018 and April 7, 2018, between 10:00 a.m. and 1:00 p.m., with set up to begin at 9:00 a.m. and teardown from 1:00 p.m. to 2:00 p.m. (*Van Guilder*)

Recommended Action:

Motion: Approving Amendment No. 4 to the Revocable License Agreement between the City of Turlock and Golden State Farmers' Market Association (GSFMA) for the operation, management and marketing of a certified farmers market located on City of Turlock property, amending the Time of Operation to allow GSFMA to host seasonal events in Central Park on the following dates: November 4, 2017, December 9, 2017, February 3, 2018, March 3, 2018 and April 7, 2018, between 10:00 a.m. and 1:00 p.m., with set up to begin at 9:00 a.m. and teardown from 1:00 p.m. to 2:00 p.m.

- D. Request to approve an Agreement between the City of Turlock and Storer Transit Systems of Modesto, California, for management and operation of fixed-route and paratransit (Dial-a-Ride) services for the City of Turlock, operating as Turlock Transit, for a base term of forty-three (43) months and six (6) days, with compensation based on a combination of a fixed monthly fee and a variable revenue hourly fee as specified in the Agreement AND amend the 2017-18 and 2018-19 Municipal Budgets as outlined in the resolution to reflect increased revenues and expenses associated with the selection of a new contracted transit operator. (York)

Recommended Action:

Motion: Approving an Agreement between the City of Turlock and Storer Transit Systems of Modesto, California, for management and operation of fixed-route and paratransit (Dial-a-Ride) services for the City of Turlock, operating as Turlock Transit, for a base term of forty-three (43) months and six (6) days, with compensation based on a combination of a fixed monthly fee and a variable revenue hourly fee as specified in the Agreement

Resolution: Amending the 2017-18 and 2018-19 Municipal Budgets as outlined in the resolution to reflect increased revenues and expenses associated with the selection of a new contracted transit operator

- E. Request to approve the purchase and delivery of two (2) 35-foot long Compressed Natural Gas (CNG) powered low floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$1,187,996 (Fund 426), as authorized under City Contract No. 16-177 for City Project No. 17-52 "Purchase of Gillig Buses September 2017" AND amend the 2017-18 Municipal Budget (Fund 426) as outlined in the resolution to reflect increased FTA Section 5307 grant revenues and increased expenses associated with the purchase of two (2) buses from Gillig LLC of Hayward, California. (York)

Recommended Action:

Resolution: Approving the purchase and delivery of two (2) 35-foot long Compressed Natural Gas (CNG) powered low floor transit buses from Gillig LLC of Hayward, California, in an amount not to exceed \$1,187,996 (Fund 426), as authorized under City Contract No. 16-177 for City Project No. 17-52 "Purchase of Gillig Buses September 2017"

Resolution: Amending the 2017-18 Municipal Budget (Fund 426) as outlined in the resolution to reflect increased FTA Section 5307 grant revenues and increased expenses associated with the purchase of two (2) buses from Gillig LLC of Hayward, California

- F. Request to accept the 2017 Water Rate Study that establishes the water rates necessary for Turlock to make improvements to its drinking water system, including the development of a surface water supply AND authorize staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates necessary to make improvements to the drinking water system and for the construction of the Turlock portion of the Stanislaus Regional Water Authority's (SRWA) Regional Surface Water Supply Project, and establishing a public hearing date of December 12, 2017. (Cooke)

Recommended Action:

Motion: Accepting the 2017 Water Rate Study that establishes the water rates necessary for Turlock to make improvements to its drinking water system, including the development of a surface water supply

Motion: Authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates necessary to make improvements to the drinking water system and for the construction of the Turlock portion of the Stanislaus Regional Water Authority's (SRWA) Regional Surface Water Supply Project, and establishing a public hearing date of December 12, 2017

9. 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.

10. 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 November 14, 2017, unless otherwise specified by the Mayor or a majority of the Council.

11. 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.

12. CLOSED SESSION

- A. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)
 "For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally."
 Name of Case: County of Stanislaus v. City of Modesto, City of Turlock; Modesto Garbage Co., Inc.; and Does 1 through 100, inclusive

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- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 1600 Auto Mall Drive, Turlock, CA (APN No. 088-010-048)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Bains Property Investments, LLC.
Under Negotiation: Price and terms of payment for the purchase
- Property: 2450 Fulkerth Road, Turlock, CA (APN No. 089-019-023)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Pradeep & Kokila Khatri
Under Negotiation: Price and terms of payment for the purchase
- Property: 2400 Fulkerth Road, Turlock, CA (APN No. 089-019-022)
2500 Fulkerth Road, Turlock, CA (APN No. 089-019-021)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Julia Paul, et al
Under Negotiation: Price and terms of payment for the purchase
- 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 Designated Representative: Interim City Manager Robert A. Talloni
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: 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/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.

13. ADJOURNMENT