

City Council Agenda



OCTOBER 23, 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

City Manager
Robert C. Lawton
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. Presentation: Columbia Park Mural Project, presented by Parks, Recreation and Public Facilities Manager Erik Schulze, California State University Stanislaus (CSUS) Professor Jacob Weigel, and CSUS Art Department Students

3. A. SPECIAL BRIEFINGS

1. City of Turlock and Stanislaus State Joint Task Force on Diversity and Inclusion, presented by City Manager Robert C. Lawton and CSUS President Ellen Junn
2. Halloween Safety, presented by Police Chief Ninus C. Amirfar

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 9/13/18 in the amount of \$809,345.05; Weekly Demands of 9/20/18 in the amount of \$1,894,800.29; Weekly Demands of 9/27/18 in the amount of \$1,728,359.16
- B. Motion: Accepting Minutes of the Special Meeting of July 10, 2018; Minutes of the Regular Meeting of July 10, 2018; Minutes of the Regular Meeting of July 24, 2018
- C. Resolution: Declaring the Intention to Order Annexation No. 26 for the property located at 305 Montana Avenue to Existing Community Facilities District No. 2 (Services Mitigation)
- D. Motion: Awarding RFB No. 18-023 and approving an Agreement with Thatcher Company of California, Inc. for Liquid Chlorine for the Turlock Regional Water Quality Control Facility for a period of twelve (12) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$353,742, for a total not-to-exceed amount of \$1,414,968, over the 4-year term of the Agreement, if all renewal periods are exercised
- E.
 - 1. Resolution: Approving the purchase of one (1) 2019 Ford F250 Regular Cab Pick Up and one (1) 2019 Ford F550 Regular Cab Pick Up for the Municipal Services Department from Downtown Ford Sales, Sacramento, California, through the State of California Contract No. 1-18-23-20A, in an amount not to exceed \$117,707 including a 5% contingency, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(4)
 - 2. Resolution: Appropriating \$117,707 to account number 506-00-000-223.51020 "Equipment Replacement" funded by a transfer from Fund 506 "Vehicle/Equipment Replacement" unallocated reserves for the purchase of one (1) 2019 Ford F250 Regular Cab Pick Up and one (1) 2019 Ford F550 Regular Cab Pick Up for the Municipal Services Department from Downtown Ford Sales, Sacramento, California

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- F. 1. Resolution: Appropriating \$25,192 to account number 242-00-000.214.51015_006 "UPS Replacement/Batteries" from Fund 242 "Computer Replacement-Public Safety Network" unallocated reserves
 - 2. Motion: Authorizing the purchase and installation of eighty (80) uninterruptable power supply (UPS) batteries for the Public Safety Center from Holt of California, utilizing the NJPA Program Contract #120617-CAT in the amount not to exceed \$25,192 without compliance to the formal bidding process
 - G. Resolution: Authorizing the City Manager to Execute an Agreement Subordinating The Lien Agreement with New Life Christian Center of Turlock for Deferred Payment of Development Impact Fees, in a form approved by the Interim City Attorney

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 2, Chapter 7, Section 08 regarding Bidding Requirements as introduced at the October 9, 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 to authorize the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2018 (Covenant Retirement Communities, Inc.) in one or more series in an aggregate principal amount not to exceed \$68,000,000 (the "Series 2018 Bonds"), of which not more than \$4,000,000 shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock, Covenant Village and Care Center, Sequoia Place and Covenant Village of Turlock Care Center) and Related Matters. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Authorizing the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2018 (Covenant Retirement Communities, Inc.) in one or more series in an aggregate principal amount not to exceed \$68,000,000 (the "Series 2018 Bonds"), of which not more than \$4,000,000 shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock, Covenant Village and Care Center, Sequoia Place and Covenant Village of Turlock Care Center) and Related Matters

8. SCHEDULED MATTERS

- A. Request to approve the surplus for the Energy Burst and Scandinavian Wooden statue for public purchase and directing proceeds into the tourism fund for future public art projects. (*Van Guilder*)

Recommended Action:

Motion: Approving the surplus for the Energy Burst and Scandinavian Wooden statue for public purchase and directing proceeds into the tourism fund for future public art projects

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
 - a. Future Activity along the Canal Bikepath (*Quintero*)
 - b. Transit Center Security (*York*)
4. Fire Department
 - a. Public Safety Briefing (*Talloni*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. 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 November 27, 2018, 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, 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 Cases: (1 case)

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT