

# City Council Agenda



**NOVEMBER 13, 2018**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**156 S. Broadway, Turlock, California**



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Mayor  
**Gary Soiseth**

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

City Manager  
**Robert C. Lawton**  
City Clerk  
**Jennifer Land**  
Interim City Attorney  
**Jose M. Sanchez**

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**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](http://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**
  - C. MOMENT OF REFLECTION HONORING THE LIFE AND SERVICE OF SENIOR MAINTENANCE WORKER GUY TRUJILLO**
  
2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**
  - A. **Recognition:** Employee of the Month, October 2018, Evidence and Property Specialist II Deanna Shaw
  - B. **Proclamation:** Law Enforcement Records and Support Personnel Day, November 6, 2018, accepted by Senior Records Technicians Cheryl Perrien and Kelly Hines
  - C. **Presentation:** 2017-18 Active Military Banner Retirement, presented by Parks, Arts and Recreation Director Allison Van Guilder
  - D. **Presentation:** Pet of the Month, presented by Animal Services Supervisor Glenna Jackson
  - E. **Proclamation:** Retirement of Stanislaus County Office of Education Superintendent of Schools Tom Changnon

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3. **A. SPECIAL BRIEFINGS**

1. State of Education in Stanislaus County, presented by Stanislaus County Office of Education Superintendent of Schools Tom Changnon

**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 10/4/18 in the amount of \$1,402,921.24; Weekly Demands of 10/11/18 in the amount of \$679,184.99; Weekly Demands of 10/18/18 in the amount of \$1,448,493.82
- B. Motion: Accepting Minutes of the Special Meeting of August 14, 2018; Minutes of the Regular Meeting of August 14, 2018; Minutes of the Special Meeting of August 22, 2018; Minutes of the Special Meeting of September 5, 2018
- C. Motion: Accepting improvements for City Project No. 18-27 "Christoffersen Parkway Median Fence Installation" and authorizing the City Engineer to file a Notice of Completion
- D. Resolution: Approving the amended and restated Joint Powers Agreement (JPA) between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, and the County of Stanislaus establishing the Stanislaus Council of Governments (StanCOG) and the amended and restated Bylaws to designate a Public Transportation Provider representative and authorizing the Mayor to execute related documents on behalf of the City of Turlock
- E. Resolution: Initiating Proceedings for the formation of Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- F. Resolution: Approving the purchase and delivery of one (1) 2019 Ford F-250 truck from Downtown Ford Sales of Sacramento, California, to be used solely as a non-revenue, transit maintenance support vehicle by City maintenance staff assigned to the Roger K. Fall Transit Center, through the State of California Contract No. 1-18-23-20A, in an amount not to exceed \$39,242, without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(4)

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- G. 1. Resolution: Determining the connection of the existing property at 895 North Mitchell Avenue, 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 Sanitary Sewer Connection Affecting Real Property located at 895 North Mitchell Avenue, Turlock, California (Stanislaus County Assessor's Parcel Number 042-024-014) 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 895 North Mitchell Avenue, Turlock, California, (Stanislaus County APN 042-024-014) 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
- H. Motion: Approving Amendment No. 1 to an Agreement with West Coast Arborists, Inc. for tree trimming and maintenance services for the City of Turlock, adjusting the annual compensation for year three (3) from \$25,000 to \$39,000
- I. Resolution: Appropriating \$13,146 to account number 110-61-620.44010\_009 "Computer Rec Mgmt Software Maintenance" to be funded from Fund 110 "General Fund" unallocated reserves for the recreation management software Community Pass annual subscription fees
- J. Resolution: Approving the purchase of one (1) Vac-Con Model V350/850 Combination Sewer and Storm Drain Cleaner for the Municipal Services Department from Atlantic Machinery, Inc. through the National Joint Powers Alliance Contract No. 122017-AMI, in the amount not to exceed \$451,736, including a 5% contingency, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(4)
- K. Motion: Approving Amendment No. 2 to an Agreement with Crane & Hoist Services, Ltd. for additional hoist and crane services, increasing the annual not-to-exceed amount from \$10,750 to \$17,950
- L. Motion: Approving Amendment No. 1 to an Agreement with CNC Environmental, LLC for granular activated adsorption system, to increase the contract amount and changing the compensation from a total amount not to exceed \$50,000 over three (3) years, with three (3) optional additional one-year renewal terms, to an annual amount not to exceed \$15,000
- M. Resolution: Ratifying the form of and the execution and delivery of a Construction Installment Sale Agreement and Grant with the State Water Resources Control Board for the North Valley Regional Recycled Water Program and approving certain actions in connection therewith
- N. Resolution: Approving modifications to the job description for the position of Fire Engineer, effective November 13, 2018
- O. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the first quarter of Fiscal Year 2018-19 in the amount of \$1,808.00 (monetary donations) and \$2,535.50 (non-monetary donations) utilized in support of the Turlock Police Department's Blue Santa, National Night Out, VIPs, and Animal Services
- P. Motion: Approving Amendment No. 1 to an Agreement with United Samaritans Foundation dated June 26, 2018 (Contract #2019-007), changing budgeted line item

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- amounts without increasing overall funding, in a form approved by the Interim City Attorney
- Q. Motion: Rejecting Claim for Damages filed by Alma Ayala
  - R. Motion: Rejecting Claim for Damages filed by Edward F. Cicero
  - S. Motion: Rejecting Claim for Damages filed by Crystal Cozine
  - T. Motion: Rejecting Claim for Damages filed by Jose Licea

**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 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 25 to existing Community Facilities District Number 2 (Services Mitigation) AND declare the results of Mailed-Ballot Election respecting Proposed Annexation Number 25 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 25 to existing Community Facilities District Number 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 25 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

**8. SCHEDULED MATTERS**

- A. Request to approve an Agreement with CrimeTek Security Services of Turlock, California, for unarmed, private security services at the Roger K. Fall Transit Center in an annual not-to-exceed amount of \$158,976 and a total not-to-exceed amount of \$417,312 (Fund 426) beginning November 13, 2018 and terminating June 30, 2021. (*Medeiros*)

**Recommended Action:**

Motion: Approving an Agreement with CrimeTek Security Services of Turlock, California, for unarmed, private security services at the Roger K. Fall Transit Center in an annual not-to-exceed amount of \$158,976 and a total not-to-exceed amount of \$417,312 (Fund 426) beginning November 13, 2018 and terminating June 30, 2021

- B. Request to accept a grant from Game Time as part of the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative in the amount of \$23,274 for the Rotary Park playground replacement project AND approve the purchase of the Rotary Park playground equipment and engineered wood fiber from the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative in the amount of \$45,165.49, through the State of North Carolina County of Mecklenburg competitively bid contract, for the Rotary Park playground replacement project, in compliance with Turlock Municipal Code 2-7-08(b)(4) (*Vargas*)

**Recommended Action:**

Resolution: Accepting a grant from Game Time as part of the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative in the amount of \$23,274 for the Rotary Park playground replacement project

Resolution: Approving the purchase of the Rotary Park playground equipment and engineered wood fiber from the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative in the amount of \$45,165.49, through the State of North Carolina County of Mecklenburg competitively bid contract, for the Rotary Park playground replacement project, in compliance with Turlock Municipal Code 2-7-08(b)(4)

- C. Request to authorize staff to proceed with a call for public art, giving the original artist first right of refusal, to replace the live water feature aspect of the Califia statue with a ceramic tile cover that would continue the theme of the statue at an estimated cost of \$15,000 - \$20,000 using only Non-General Fund revenue, grants or private donations to fund the project AND authorize the water be turned off to avoid water damage and minimize maintenance. (*Van Guilder*)

**Recommended Action:**

Motion: Authorizing staff to proceed with a call for public art, giving the original artist first right of refusal, to replace the live water feature aspect of the Califia statue with a ceramic tile cover that would continue the theme of the statue at an estimated cost of \$15,000 - \$20,000 using only Non-General Fund revenue, grants or private donations to fund the project

Motion: Authorizing the water be turned off to avoid water damage and minimize maintenance

**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
  - a. Board, Commission, Committee Vacancy Update (*Land*)
3. Development Services Department
  - a. Building Activity, Capital Projects, Transit, and Measure L (*Quintero*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. 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 January 8, 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 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**