

# City Council Agenda



**JANUARY 8, 2019**

**6:00 p.m.**

**City of Turlock Yosemite Room**

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



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Mayor  
**Amy Bublak**

Council Members  
**Gil Esquer**  
**Andrew Nosrati**

**Nicole Larson**

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**

**2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS:**

- A. Recognition: Employee of the Month, December 2018 –Shipping and Receiving Inventory Specialist Janice Virgo
- B. Appointment: Vice Mayor
- C. Appointment: City/County Disaster Council
- D. Appointment: City/County Liaison Committee
- E. Appointment: Stanislaus Regional Water Authority

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

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**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 11/29/18 in the amount of \$606,743.39; Weekly Demands of 12/6/18 in the amount of \$501,580.81; Weekly Demands of 12/13/18 in the amount of \$492,199.26
- B. Motion: Accepting Minutes of the Regular Meeting of November 13, 2018; Minutes of the Regular Meeting of November 27, 2018
- C. Motion: Approving Amendment No. 7 to the Agreement with Pires, Lipomi, and Navarro Architects, and increasing the total compensation amount by \$2,800 (Fund 426) for City Project No. 12-60B "Turlock Regional Transit Center Phase 2 Design and Master Plan"
- D. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$72,880.54 (Fund 426) for City Project No. 12-60C "Turlock Regional Transit Center Phase 2", bringing the contract total to \$5,277,016.45
- E.
  - 1. Resolution: Determining City Project No. 17-46 "Sewer Lift Station #49 Pump Replacement" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
  - 2. Resolution: Appropriating \$237,460 to account number 410-51-534.51323 "Sewer #49-Replace Pumps & Controls" to be funded from Fund 410 Water Quality Control unallocated reserves to provide necessary funding for City Project No. 17-46 "Sewer Lift Station #49 Pump Replacement"
  - 3. Motion: Awarding bid and approving an Agreement in the amount of \$163,548.27 (Fund 410) with Amerine Systems, Inc., of Oakdale, California, for City Project No. 17-46 "Sewer Lift Station #49 Pump Replacement"
- F. Motion: Approving the Memorandum of Understanding between Stanislaus County, Department of Environmental Resources and the City of Turlock regarding Onsite Wastewater Treatment Systems
- G. Resolution: Re-appropriating unspent funds of \$32,003 from Fiscal Year 2017-18 in the amounts of \$10,703 to account number 266-20-255-362.41100\_001 "Overtime Standard," \$924 to account number 266-20-255-362.42007 "Worker's Comp Insurance," \$154 to account number 266-20-255-362.42010 "Medicare Tax" and \$20,222 to account

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- number 266-20-255-362.47095\_000 "Training General" from Fund 266 "Police Services Grant - Realignment" unallocated reserves
- H. Resolution: Approving modifications to the job description for the position of Police Officer I/II, effective January 8, 2019
- I. Resolution: Appropriating \$151,725 to account number 512-10-152.47075\_003 "Premiums Liability" from Fund 512 "Casualty Insurance-Self Insurance-Liability" unallocated reserves for a retrospective adjustment from the Central San Joaquin Valley Risk Management Authority
- J. 1. Motion: Approving an Agreement between Tyler Technologies and the City of Turlock authorizing the City Manager to execute any and all necessary documents relative to a one (1) year Maintenance and Support Agreement with automatic one (1) year renewals unless terminated in writing by either party  
2. Resolution: Appropriating \$3,374 to account number 110-20-200.43125\_013 "New World Software Maintenance", \$3,377 to account number 110-30-300.43125\_013 "New World Software Maintenance", \$2,202 to account number 410-51-530.43125\_013 "New World Software Maintenance", and \$2,195 to account number 420-52-550.43125\_013 "New World Software Maintenance" from each Fund's respective unallocated reserves for New World software maintenance and support for the period February 1, 2019 through January 31, 2020
- K. Motion: Rejecting Claim for Damages filed by Valerie Burciaga
- L. Motion: Rejecting Claim for Damages filed by Robert Bakus

## 6. FINAL READINGS:

- A. **Recommended Action:**  
Ordinance: Amending Turlock Municipal Code Title 2, Chapter 4, Article 2, Section 07(c) regarding powers and duties of the City Manager as introduced at the December 11, 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 order the improvements and formation of the Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirm the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2018-2019 for the Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128 (*Bray*)

**Recommended Action:**

Resolution: Ordering the improvements and formation of the Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2018-2019 for the Parcel Map 18-02 "Castle" (Development Project No. 18-47) Landscaping and Lighting

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Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

- B. Request to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Prime Shine Car Wash project (Rezone 2018-02 and Minor Discretionary Permit 2018-08) AND amend the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2018-02 (Prime Shine Car Wash)] AND establish conditions of approval for Minor Discretionary Permit 2018-08 (Prime Shine Car Wash) (*Werner*)

***Recommended Action:***

***Resolution:*** Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Prime Shine Car Wash project (Rezone 2018-02 and Minor Discretionary Permit 2018-08)

***Introduce the Ordinance:***

***Ordinance:*** Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2018-02 (Prime Shine Car Wash)]

***To be considered at the January 22, 2019 City Council Meeting:***

***Resolution:*** Establishing conditions of approval for Minor Discretionary Permit 2018-08 (Prime Shine Car Wash)

- C. Request to amend Turlock Municipal Code Title 4, Chapter 3, Article 1, Article 2, Article 3, and Article 4, to adopt the 2016 California Fire Code with specific modifications based upon local conditions (*Gomez*)

***Recommended Action:***

***Ordinance:*** Amending Turlock Municipal Code Title 4, Chapter 3, Article 1, Article 2, Article 3, and Article 4, to adopt the 2016 California Fire Code with specific modifications based upon local conditions

**8. SCHEDULED MATTERS:**

- A. Request to determine the closure of North Soderquist Road, between Fulkerth Road and West Canal Drive, for Modesto Area A's to host a Swap Meet, 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 Swap Meet hosted by the Modesto Area A's, authorize the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, beginning on Thursday, January 24, 2019 at 7:00 p.m. through Saturday, January 26, 2019 at 7:00 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 North Soderquist Road, between Fulkerth Road and West Canal Drive, for Modesto Area A's to host a Swap Meet, 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

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**Resolution:** Approving a Special Event Permit Application for the Turlock Swap Meet hosted by the Modesto Area A's, authorizing the associated closure of North Soderquist Road, between Fulkerth Road and West Canal Drive for pedestrian safety, beginning on Thursday, January 24, 2019 at 7:00 p.m. through Saturday, January 26, 2019 at 7:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to re-appropriate unspent funds of \$12,510,273 from fiscal year 2017-18 to fiscal year 2018-19 from each respective fund and appropriate an additional \$626,000 to account number 413-51-539.51027\_001 "Clarifier #5 & MC Upgrade" from Fund 413 unallocated reserves for City Project No. 15-39 "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" AND approve Contract Change Order No. 1 in the amount of \$750,168.73 with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification," bringing the contract total to \$18,818,168.73 AND approve Amendment No. 3 with Kleinfelder, Inc. of Modesto, California in the amount of \$60,000 (Fund 413) for materials testing and inspection services for City Project No. 15-39E "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification," bringing the contract total amount to \$178,500 (*Bray*)

***Recommended Action:***

**Resolution:** Re-appropriating unspent funds of \$12,510,273 from fiscal year 2017-18 to fiscal year 2018-19 from each respective fund and appropriating an additional \$626,000 to account number 413-51-539.51027\_001 "Clarifier #5 & MC Upgrade" from Fund 413 unallocated reserves for City Project No. 15-39 "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification"

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**Motion:** Approving Contract Change Order No. 1 in the amount of \$750,168.73 with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification," bringing the contract total to \$18,818,168.73

**Motion:** Approving Amendment No. 3 with Kleinfelder, Inc. of Modesto, California in the amount of \$60,000 (Fund 413) for materials testing and inspection services for City Project No. 15-39E "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification," bringing the contract total amount to \$178,500

- C. Request to approve a Professional Services Agreement template for Disposal of Liquid Waste at the Turlock Regional Water Quality Control Facility and authorize staff to enter into such agreements for future users (*Cooke/Huff*)

***Recommended Action:***

**Motion:** Approving a Professional Services Agreement template for Disposal of Liquid Waste at the Turlock Regional Water Quality Control Facility and authorizing staff to enter into such agreements for future users

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- D. Request to receive applications for the Council vacancy for District 4 and provide direction to staff regarding the interview and selection process for filling the vacancy (*Lawton*)

**Recommended Action:**

Motion: Receiving applications for the Council vacancy for District 4 and providing direction to staff regarding the interview and selection process for filling the vacancy

**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
  - a. Economic Development Update (*Pitt*)
  - b. Marketing and Branding (*Pitt*)
  - c. Board, Commission, and Committee Vacancy Update (*Land*)
2. Development Services Department
3. Fire Department
4. Municipal Services Department
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 February 13, 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:** None

**15. REPORTS FROM CLOSED SESSION**

**16. ADJOURNMENT**