

City Council Agenda



JANUARY 22, 2019

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



****and via teleconference:**

The Westin Washington, D.C. City Center

Business Center

1400 M Street NW

Washington, DC 20005

Telephone No. 202-429-1700

Mayor
Amy Bublak

Council Members
Nicole Larson **Andrew Nosrati**
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. Proclamation: Employee of the Year 2018, Facilities Maintenance Assistant Maggie Gonzalez
- B. Appointment: CDBG Grant Selection Committee (Community Members)
- C. Appointment: CDBG Grant Selection Committee (Council Representatives)
- D. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

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 12/20/18 in the amount of \$6,617,702.82; Weekly Demands of 1/3/19 in the amount of \$847,968.32; Monthly Demands of 8/31/18 in the amount of \$7,034,703.76
- B. Motion: Accepting Minutes of the Regular Meeting of December 11, 2018; Minutes of the Special Meeting of December 12, 2018
- C.
 - 1. Motion: Approving Contract Change Order No. 2 (Final), in the amount of \$11,675.73, for City Project No. 15-65 "Monte Vista Widening Between East of Colorado Avenue and Berkeley Avenue," bringing the contract total to \$646,135.74
 - 2. Motion: Accepting improvements for City Project No. 15-65 "Monte Vista Widening Between East of Colorado Avenue and Berkeley Avenue" and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting improvements and authorizing the City Engineer to file a Notice of Completion for the "Lander Crossings" Subdivision, Project No. 0856
- E. Resolution: Adopting a Resolution of vacation pursuant to Division 9, Part 3, Chapters 2 and 4 of the Streets and Highways Code, to summarily vacate a storm drainage easement for the Northview Meadows No. 2 subdivision
- F. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Bay Area Coating Consultants, Inc. for Water Storage Tank Inspection Services, modifying the scope of work to include an annual inspection of the Fulkerth tank and increasing the annual contract amount by \$1,600 for a total annual compensation of \$4,800
- G. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement and commitments necessary to administer the 2018 FY Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs in the amount of \$28,310, and appropriating said funds to account number 266-20-255-341.35720 "Revenue" and account number

266-20-255-341.51107_006 "JAG Expenses 2018-DJ-BX-0114" in Fund 266 "Police Services Grants"

- H. Motion: Rejecting Claim for Damages filed by Margaret Tosti

6. FINAL READINGS:

A. ***Recommended Action:***

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)] as introduced at the January 9, 2019 City Council meeting

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

B. ***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 as introduced at the January 9, 2019 City Council meeting

7. PUBLIC HEARINGS: None

8. SCHEDULED MATTERS:

- A. Request to determine the closure of Johnson Road, between East Canal Drive and Charles Place, for the Turlock American Little League to host the 2019 Little League Opening Ceremonies, 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 2019 Little League Opening Ceremonies hosted by the Turlock American Little League, authorizing the associated closure of Johnson Road, between East Canal Drive and Charles Place for pedestrian safety, on Saturday, March 2, 2019 from 7:30 a.m. to 12:00 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 Johnson Road, between East Canal Drive and Charles Place, for the Turlock American Little League to host the 2019 Little League Opening Ceremonies, 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 2019 Little League Opening Ceremonies hosted by the Turlock American Little League, authorizing the associated closure of Johnson Road, between East Canal Drive and Charles Place for pedestrian safety, on Saturday, March 2, 2019 from 7:30 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to determine the closure of sections of Broadway [between West Olive Avenue and North Front Street], for the Salvation Army to host the 2019 Kettle Dash, 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 2019 Kettle Dash hosted by the Salvation Army, authorizing the associated closure of sections of Broadway [between West Olive Avenue and North Front Street] for pedestrian safety, on Saturday, March 16, 2019 at specified times, and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Traini*)

Recommended Action:

Resolution: Determining the closure of sections of Broadway [between West Olive Avenue and North Front Street], for the Salvation Army to host the 2019 Kettle Dash, 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 2019 Kettle Dash hosted by the Salvation Army, authorizing the associated closure of sections of Broadway [between West Olive Avenue and North Front Street] for pedestrian safety, on Saturday, March 16, 2019 at specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- 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

- D. Request to authorize the continued engagement of the law firm of Atkinson, Andelson, Loya, Ruud & Romo to act as lead negotiator for the City of Turlock as related to the FY2019/20 labor negotiations with all six of the collective bargaining units recognized by the City of Turlock AND appropriate \$60,000 to account number 110-10-109.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves in the FY2018/19 Amended Budget for legal services related to the FY2019/20 labor negotiations with Turlock Firefighters Local #2434, Turlock Associated Police Officers, Turlock City Employees Association, Turlock Management Association – Public Safety, Confidential Employee Group, and Unrepresented Management Group (*Jacobs-Hunter*)

Recommended Action:

Motion: Authorizing the continued engagement of the law firm of Atkinson, Andelson, Loya, Ruud & Romo to act as lead negotiator for the City of Turlock as related to the FY2019/20 labor negotiations with all six of the collective bargaining units recognized by the City of Turlock

Resolution: Appropriating \$60,000 to account number 110-10-109.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves in the FY2018/19 Amended Budget for legal services related to the FY2019/20 labor negotiations with Turlock Firefighters Local #2434, Turlock Associated Police Officers, Turlock City Employees Association, Turlock Management Association – Public Safety, Confidential Employee Group, and Unrepresented Management Group

- E. Request to approve the Exclusive Negotiating Agreement between the City of Turlock and the Housing Authority of Stanislaus County AND authorize the City Manager to enter into and sign development agreements and related documents relative to the award of the California Department of Housing and Community Development "No Place Like Home Program" funding for the development of the two sites in Turlock, in order to effectuate the development of 513 North Palm and 1143 Park Street for Permanent Supportive Housing (*Pitt*)

Recommended Action:

Motion: Approving the Exclusive Negotiating Agreement between the City of Turlock and the Housing Authority of Stanislaus County

Resolution: Authorizing the City Manager to enter into and sign development agreements and related documents relative to the award of the California Department of Housing and Community Development "No Place Like Home Program" funding for the development of the two sites in Turlock, in order to effectuate the development of 513 North Palm and 1143 Park Street for Permanent Supportive Housing

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
2. Development Services Department
3. Fire Department
 - a. Public Safety Briefing (*Talloni*)
4. Municipal Services Department
5. Parks, Recreation and Public Facilities
6. Police Department
 - a. Public Safety Briefing (*Amirfar*)
 - b. City Parks Dusk Closure Report (*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 February 26, 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: (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 Amy Bublak
Unrepresented Employee: City Attorney

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT