

# City Council Agenda



**DECEMBER 10, 2019**

**6:00 p.m.**

**City of Turlock Yosemite Room**

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

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Mayor  
**Amy Bublak**

Council Members

**Nicole Larson**

**Andrew Nosrati**

**Gil Esquer**

**Becky Arellano**

Vice Mayor

Interim City Manager

**Michael I. Cooke**

City Clerk

**Jennifer Land**

City Attorney

**Douglas L. White**

**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. Members of the public will be allowed three (3) minutes for comments.

**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.

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  - A. **CALL TO ORDER**
  - B. **SALUTE TO THE FLAG**
  - C. **ROLL CALL**
  - D. **DECLARATION OF CONFLICTS**

1. **CLOSED SESSION:**

*The Closed Session items for this meeting have been agenda'd and will be heard toward the latter part of the meeting.*

2. **APPROVAL OF AGENDA AS POSTED OR AMENDED**

This is the time for the City Council to remove items from the agenda or to change the order of the agenda. Matters may be taken up out of order of the established agenda by a four-fifths vote of the City Council.

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**3. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS, AND BRIEFINGS:**

- A. Recognition: Employee of the Month, November 2019, Maintenance Worker, Sr. Hans Visser

**4. 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 three (3) 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.

**5. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE****6. 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 10/24/19 in the amount of \$1,524,787.04; Weekly Demands of 10/31/19 in the amount of \$1,583,871.75; Weekly Demands of 11/7/19 in the amount of \$3,940,115.65; Weekly Demands of 11/14/19 in the amount of \$401,860.52
- B. Motion: Accepting Minutes of the Special Meeting of October 22, 2019; Minutes of the Regular Meeting of October 22, 2019
- C. 1. Motion: Accepting improvements for City Project No. 12-60C "Turlock Regional Transit Center Phase 2" and authorizing the City Engineer to file a Notice of Completion  
2. Resolution: Re-appropriating unexpended 2018-19 funds in the amount of \$104,295 to account number 426-40-415.51260 "Transit Hub" to be funded by a combination of Federal Transportation Funds, Prop 1B funds, and Local Transportation Funds (LTF) to properly account for the remaining costs associated with City Project No. 12-60C "Turlock Regional Transit Center Phase 2"
- D. Resolution: Approving a Memorandum of Understanding (MOU) with Stanislaus County for City Project No. 14-79 "Golden State Blvd/Golf Road & Berkeley Ave Intersection Project" for the design and right of way phases of the project
- E. Motion: Accepting improvements for City Project No. 16-57 "Intersection Improvements at Hawkeye Avenue and N. Denair Avenue" and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving Contract Change Order No. 3 in the amount of \$61,489.19 (Fund 416) with Ranger Pipelines of San Francisco, California for City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component," bringing the contract total to \$28,136,371.41
- G. Motion: Approving Contract Change Order No. 9, in the amount of \$42,704.92, for City Project No. 17-30 "West Main Corridor Rehabilitation," bringing the contract total to \$8,026,732.85

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- H. Motion: Approving Contract Change Order No. 2 in the amount of \$30,247.53 (Fund 426), bringing the contract total to \$658,522.60 for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
- I. Motion: Approving Amendment No. 1 to an Agreement with Nelson\Nygaard Consulting Associates, Inc., of San Francisco, California, to provide a two (2) month extension for the development and delivery of a Short-Range Transit Plan (SRTP) in support of City Project No. 18-34 "Short-Range Transit Plan FY 2019-24"
- J. 1. Motion: Approving a Retainer Agreement with BSK Associates, of Livermore, CA for materials testing and inspection services for a period of twenty-four (24) months, with an option to extend the Agreement for one (1) additional two-year term, in an annual amount not to exceed \$150,000, for a total not-to-exceed amount of \$600,000, over the four-year term of the Agreement, if all renewal periods are exercised, in a form approved by the City Attorney
2. Motion: Approving a Retainer Agreement with Kleinfelder West Inc., of Stockton, CA for materials testing and inspection services for a period of twenty-four (24) months, with an option to extend the Agreement for one (1) additional two-year term, in an annual amount not to exceed \$150,000, for a total not-to-exceed amount of \$600,000, over the four-year term of the Agreement, if all renewal periods are exercised, in a form approved by the City Attorney
3. Motion: Approving a Retainer Agreement with NV5, of Nevada City, CA for materials testing and inspection services for a period of twenty-four (24) months, with an option to extend the Agreement for one (1) additional two-year term, in an annual amount not to exceed \$150,000, for a total not-to-exceed amount of \$600,000, over the four-year term of the Agreement, if all renewal periods are exercised, in a form approved by the City Attorney
4. Motion: Approving a Retainer Agreement with Wallace-Kuhl & Associates, of Sacramento, CA for materials testing and inspection services for a period of twenty-four (24) months, with an option to extend the Agreement for one (1) additional two-year term, in an annual amount not to exceed \$150,000, for a total not-to-exceed amount of \$600,000, over the four-year term of the Agreement, if all renewal periods are exercised, in a form approved by the City Attorney
- K. Motion: Approving the execution of a Lien Agreement for deferred payment of Development Impact fees in the amount of \$164,897.68 between the City of Turlock and GGD Oakdale, LLC, 2800 N Tegner Road, Turlock, CA 95382
- L. Motion: Approving the execution of a Lien Agreement for deferred payment of Development Impact fees in the amount of \$169,093.22 between the City of Turlock and W Main Street Enterprises, LLC, 2300 W Main Street, Turlock, CA 95380
- M. 1. Motion: Approving Amendment No. 1 to the Subdivision Improvement Agreement with Fairbanks Ranch 1, LLC, conditioned upon construction of improvements for the Fairbanks Ranch subdivision (Development Project No. 14-73), developed by Fairbanks Ranch 1, LLC in a form approved by the City Attorney
2. Motion: Approving the Subdivision Improvement Agreement with RBK Development Inc., conditioned upon construction of improvements for the Les Chateaux subdivision (Development Project No. 14-76), developed by RBK Development Inc. in a form approved by the City Attorney
- N. Resolution: Appropriating \$12,000.00 to account number 305-40-460.43169 from the Admin portion of fund 305 "Capital Facility Fees" Unallocated Reserves, appropriating \$1,600.00 to account number 307-40-460.43169 from the Admin portion of fund 307 "Northeast Turlock Master Plan" Unallocated Reserves, appropriating \$1,600.00 to account number 230-40-460.43169 from the Admin portion of fund 230 "Northwest Triangle Specific Plan" Unallocated Reserves, appropriating \$1,600.00 to account number 308-40-460.43169 from the Admin portion of fund 308 "Turlock Regional Industrial Park" Unallocated Reserves, appropriating \$1,600.00 to account number 411-

- 51.536.43169 from the Admin portion of fund 411 "Storm Drainage Construction" Unallocated Reserves, appropriating \$1,600.00 to account number 414-51-536.43169 from the Admin portion of Fund 414 "Sewer Line/Trunk Construction" Unallocated Reserves to pay for the preparation of an annual fee report
- O. Motion: Approving an Agreement between the City of Turlock and Turlock Community Theatre, Inc. for the purpose of utilizing the Turlock Community Theatre for recreation dance classes on Wednesday and Thursday evenings and the end of session recital, from January 8, 2020 to April 10, 2020, in the amount of \$110 per day not to exceed twenty (20) class uses and one (1) recital use not to exceed \$1,187 additionally for staffing and fees associated with the rental policy at a total of \$3,387
- P. Motion: Approving an Agreement with Condor Earth Technologies, Inc. for various environmental consulting services at the City of Turlock's Regional Water Quality Control Facility (RWQCF) (wastewater treatment plant) for three (3) years, with an option to extend the Agreement for two (2) additional one-year terms, in annual amount not to exceed \$50,000, for a total not-to-exceed amount of \$250,000, over the 5-year term of the Agreement, if all renewal periods are exercised
- Q. Motion: Awarding RFQ No. 19-038 and approving an Agreement with Craig Safety Group for Safety Management Services for the Municipal Services Department, for a period of two (2) years, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$50,000 and a total amount not to exceed \$250,000 over the 5-year term of the Agreement, if all renewal periods are exercised
- R. Resolution: Approving the purchase of one (1) Biogas Safety Selector Valve, two (2) Biogas Relief Valves with Flame Arrester, one (1) Emergency Relief Manhole Cover, and one (1) Biogas Soft Goods Kit for the Municipal Services Department from Metering Instrumentation Controls, Inc., in an amount not to exceed \$62,535 (including a 10% contingency) from Fund 410 (Water Quality Control), without compliance to formal bid procedures pursuant to Turlock Municipal Code Section 2-7-08(b)(2)
- S. Resolution: Replacing Resolution No. 2019-042 and adopting a new Resolution authorizing the City of Turlock to enter into a funding agreement with the State Water Resources Control Board for the Downtown Turlock PCE Project in a form approved by the City Attorney and authorizing and designating the Municipal Services Director as the project director for the Downtown Turlock PCE Project
- T. Resolution: Approving a revised job description for the position of Utilities Manager, modifying the required certificates, effective December 10, 2019
- U. Resolution: Adopting the 2020 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02
- V. Resolution: Accepting a monetary donation in the amount of \$1,500.00 for the development of an Economic Profile 2019 Brochure and a non-monetary donation in the amount of \$66.91 for pizza and water provided at a Community Workshop held on November 18, 2019
- W. Motion: Authorizing the Interim City Manager to continue engaging in professional services performed by Stephanie Jantzen to provide strategic communications services and approving Amendment No. 1 to an Agreement with Stephanie Jantzen, extending the term of the agreement and increasing the compensation by an additional \$25,000 for an amount not to exceed \$45,000 from Non General Fund account number 120-10-120.47367 "Economic Development Expenses"

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**7. FINAL READINGS:****A. *Recommended Action:***

Ordinance: Amending the Turlock Municipal Code Chapter 7-7 regarding Street Trees, Chapter 10-2 regarding Trees and Shrubs, and Chapter 10-3 regarding Recreation for general language clean up and updates related to current functions and services of the Parks, Recreation & Public Facilities Department as introduced at the November 12, 2019 City Council meeting (*Vargas*)

Ordinance: Amending the Turlock Municipal Code Title 3, Chapter 1, Article 8 regarding Garage Sales related to garage sales permits and for general language clean up and updates related to current functions and services of the Parks, Recreation & Public Facilities Department as introduced at the November 12, 2019 City Council meeting (*Vargas*)

Ordinance: Amending the Turlock Municipal Code Title 5, Chapter 2 regarding Regulation of Parades and Special Events related to insurance requirements, indemnification, issuance of permits, general language clean up and updates related to current functions and services of the Parks, Recreation & Public Facilities Department and other general updates to the code as introduced at the November 12, 2019 City Council meeting (*Vargas*)

Ordinance: Amending the Turlock Municipal Code Chapter 10-1, Parks, regarding general language clean up and updates related to current functions and services of the Parks, Recreation & Public Facilities Department, prohibited acts and park hours as introduced at the November 12, 2019 City Council meeting (*Vargas*)

Ordinance: Amending the Turlock Municipal Code Title 10 Parks and Recreation adding Chapter 10-4 regarding Filming Activities related to film permits and activities in the City as introduced at the November 12, 2019 City Council meeting (*Vargas*)

Ordinance: Amending the Turlock Municipal Code Title 5, Chapter 20, Section 4 regarding Property Removal for general language clean up and updates related to current functions and services of the City as introduced at the November 12, 2019 City Council meeting (*Vargas*)

**B. *Recommended Action:***

Ordinance: Amending the Turlock Municipal Code Title 2, Chapter 7, Section 08, regarding bidding requirements and Section 10, regarding approval of contract amendments by the City Manager as introduced at the November 12, 2019 City Council meeting (*White*)

**8. PUBLIC HEARINGS:**

- A. Request to amend the Turlock Municipal Code Title 8, Chapter 1, Article 1; Chapter 2, Article 1; Chapter 5, Article 1; and Chapter 6, Article 1 to adopt the 2019 California Building Standards Code with specific modifications based on local conditions (*Picciano*)

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**Recommended Action:**

Ordinance: Amending the Turlock Municipal Code Title 8, Chapter 1, Article 1; Chapter 2, Article 1; Chapter 5, Article 1; and Chapter 6, Article 1 to adopt the 2019 California Building Standards Code with specific modifications based on local conditions

- B. Request to amend the Turlock Municipal Code Title 4, Chapter 3, Article 1, Article 2, Article 3, and Article 4 to adopt the 2019 California Fire Code with specific modifications based upon local conditions (*Gomez*)

Ordinance: Amending the Turlock Municipal Code Title 4, Chapter 3, Article 1, Article 2, Article 3, and Article 4 to adopt the 2019 California Fire Code with specific modifications based upon local conditions

- C. Request to authorize staff to implement a quadrant-based utility service billing cycle for garbage, rubbish, and garden refuse, sewer service, and water service in accordance with California SB 998 Discontinuation of residential water service AND amend the Turlock Municipal Code Title 6, Chapters 3, 4, and 5, regarding payment of collection charges for garbage, rubbish, and garden refuse, sewer service, and water service to implement a quadrant-based utility service billing cycle (*Morgan*)

**Recommended Action:**

Motion: Authorizing staff to implement a quadrant-based utility service billing cycle for garbage, rubbish, and garden refuse, sewer service, and water service in accordance with California SB 998 Discontinuation of residential water service

Ordinance: Amending the Turlock Municipal Code Title 6, Chapters 3, 4, and 5, regarding payment of collection charges for garbage, rubbish, and garden refuse, sewer service, and water service to implement a quadrant-based utility service billing cycle

**9. ACTION ITEMS:**

- A. Request to accept the City of Turlock's audited Financial Statements for the fiscal year ended June 30, 2018 and related reports (*Envia*)

**Recommended Action:**

Motion: Accepting the City of Turlock's audited Financial Statements for the fiscal year ended June 30, 2018 and related reports

- B. Request to authorize the Interim City Manager to enter into a Professional Services Agreement between the City of Turlock and Grassroots Laboratory to conduct public opinion research (polling) of likely voters about Turlock's quality of life and standard of public services, including voter attitudes towards various revenue measures in a total amount not to exceed \$40,000 from Non General Fund account number 120-10-120.47367 "Economic Development Expenses" in a form approved by the City Attorney (*Cooke*)

**Recommended Action:**

Motion: Authorizing the Interim City Manager to enter into a Professional Services Agreement between the City of Turlock and Grassroots Laboratory to conduct public opinion research (polling) of likely voters about Turlock's quality of life and standard of public services, including voter attitudes towards various revenue measures in a total

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amount not to exceed \$40,000 from Non General Fund account number 120-10-120.47367 "Economic Development Expenses" in a form approved by the City Attorney

- C. Request to revise the limits of project 4 (Golden State Boulevard from Geer to Canal, Hawkeye to Walnut, and Tuolumne to Monte Vista) of the previously approved 60/20/20 road funding strategy with the limits of Golden State Boulevard from Crane to Hawkeye, to the extent that funding allows AND provide direction to staff on development of an additional road project based on the availability of funding (*Bray*)

**Recommended Action:**

Motion: Revising the limits of project 4 (Golden State Boulevard from Geer to Canal, Hawkeye to Walnut, and Tuolumne to Monte Vista) of the previously approved 60/20/20 road funding strategy with the limits of Golden State Boulevard from Crane to Hawkeye, to the extent that funding allows

Motion: Providing direction to staff on development of an additional road project based on the availability of funding

- D. Request to approve a Memorandum of Understanding between the City of Turlock and the County of Stanislaus to program and expend Homeless Emergency Aid Program Grant Funds in the amount of \$585,000 AND authorize the acceptance of grant funds from the Homeless Emergency Aid Program (HEAP) in the amount of \$585,000 and appropriate \$585,000 to revenue account number 257-41-489.34145 "HEAP Funding (Homeless Emergency Aid Program)" (*Pitt*)

**Recommended Action:**

Motion: Approving a Memorandum of Understanding between the City of Turlock and the County of Stanislaus to program and expend Homeless Emergency Aid Program Grant Funds in the amount of \$585,000

Resolution: Authorizing the acceptance of grant funds from the Homeless Emergency Aid Program (HEAP) in the amount of \$585,000 and appropriating \$585,000 to revenue account number 257-41-489.34145 "HEAP Funding (Homeless Emergency Aid Program)"

- E. Request to reaffirm the declaration of emergency made by the Interim City Manager and declaring that there is a need to continue with the repair of the roadway, sewer, and storm facilities on W. Tuolumne Road between Golden State Boulevard and Tully Road (*Bray*)

**Recommended Action:**

Motion: Reaffirming the declaration of emergency made by the Interim City Manager and declaring that there is a need to continue with the repair of the roadway, sewer, and storm facilities on W. Tuolumne Road between Golden State Boulevard and Tully Road

**10. CITY MANAGER REPORTS/UPDATES**

City Manager reports/updates are provided for informational purposes only and no action or discussion may be undertaken. The City Manager may direct department heads to provide reports/updates at the City Manager's request.

A. Administrative Services

1. Board, Commission, and Committee Vacancies (*Tonarelli*)  
(a written staff update is included in the agenda packet)

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2. Business License Tax Update (*Pitt*)

B. Fire Department (*Carlson*)

1. Public Safety Briefing (*a written staff update is included in the agenda packet*)

**11. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

Requests for Council items for future consideration will be scheduled in accordance with the City of Turlock Elected and Appointed Officials' Handbook (Resolution No. 2019-094), unless otherwise specified by the Mayor or a majority of the Council.

**12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS**

Councilmembers may ask questions, provide comments, and make brief announcements on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

**13. CLOSED SESSION:**

A. Liability Claims, Cal. Gov't Code §54956.95

*"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."*

Claimant: Monica Kamara

Agency Claimed Against: City of Turlock

B. Liability Claims, Cal. Gov't Code §54956.95

*"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."*

Claimants: Rita and Jacklyn Machado

Agency Claimed Against: City of Turlock

C. Liability Claims, Cal. Gov't Code §54956.95

*"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."*

Claimant: Trevor Rice

Agency Claimed Against: City of Turlock

**14. REPORTS FROM CLOSED SESSION**

**15. ADJOURNMENT**