

# City Council Agenda



**JULY 10, 2018**

**6:00 p.m.**

**City of Turlock Yosemite Room**

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



\*\*and via teleconference:  
Marriott's Grand Chateau  
Activities Center  
75 East Harmon Avenue  
Las Vegas, NV 89109  
Phone: (702) 862-5600

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Mayor  
**Gary Soiseth**

Council Members

**William DeHart, Jr.**

**Amy Bublak**

**Matthew Jacob**

**Gil Esquer**

Vice Mayor

Interim City Manager

**Robert A. Talloni**

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, June 2018 - Electronic Instrumentation Technician Ignacio Torres
- B. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

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3. **A. SPECIAL BRIEFINGS**

**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 5/31/18 in the amount of \$1,858,874.93; Weekly Demands of 6/7/18 in the amount of \$523,166.34; Weekly Demands of 6/14/18 in the amount of \$657,682.33
- B. Motion: Accepting Minutes of the Special Meeting of April 6, 2018 and Minutes of the Special Meeting of April 10, 2018
- C. Resolution: Authorizing the sole source approval of Microbiz Security Company to provide configuration and programming services for City Project No. 12-60D "Transit Center CCTV and Access Control" without compliance to formal bidding procedures pursuant to Turlock Municipal Code Section 2-7-08(b)(6)
- D. 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 and the end of session recital, from July 11, 2018 to September 21, 2018, in the amount of \$110 per day not to exceed twenty one (21) uses
- E. Motion: Approving an Agreement between the City of Turlock and Tom Clark (dba TC Concessions) for the purpose of providing concession services at the Pedretti Sports Complex for sporting activities
- F. Motion: Approving an Agreement with Justin Gioletti, dba Robert Gioletti and Sons, to Take Delivery of Trench Dewatering Water during the construction of the Turlock component of the North Valley Regional Recycled Water Program in the total amount not to exceed \$110,500
- G. Resolution: Accepting an allocation of funds and appropriating funds for the 2018 Animal Homelessness and Cruelty Fund (AHCF) award from the California Department of Food and Agriculture (CDFA) in the amount of \$7,500 to be appropriated into the appropriate revenue and expenditure accounts in Fund 266 "Police Grants", Program 348 "Animal Services - Spay & Neuter Grant"
- H. Motion: Rejecting Claim for Damages filed by Phyllis Simpson
- I. Motion: Rejecting Claim for Damages filed by The Struck Firm (Lindsay Lough)

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6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS**

- A. Request to determine the closure of Sandstone Street [between Mountain View Road and Tegner Road] and Tegner Road [between Sandstone Street and Golden Oak Court], for the Pitman Preview of Champions Band Review hosted by Pitman High School Band Boosters, 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 Pitman Preview of Champions Band Review hosted by Pitman High School Band Boosters, authorizing the associated closure of Sandstone Street [between Mountain View Road and Tegner Road] and Tegner Road [between Sandstone Street and Golden Oak Court] for pedestrian safety, on Saturday, September 29, 2018 from 7:00 a.m. to 1:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Van Guilder*)

**Recommended Action:**

Resolution: Determining the closure of Sandstone Street [between Mountain View Road and Tegner Road] and Tegner Road [between Sandstone Street and Golden Oak Court], for the Pitman Preview of Champions Band Review hosted by Pitman High School Band Boosters, 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 Pitman Preview of Champions Band Review hosted by Pitman High School Band Boosters, authorizing the associated closure of Sandstone Street [between Mountain View Road and Tegner Road] and Tegner Road [between Sandstone Street and Golden Oak Court] for pedestrian safety, on Saturday, September 29, 2018 from 7:00 a.m. to 1:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to rescind Resolution No. 2017-300 and adopt a new Resolution approving the Memorandum of Understanding between the City of Turlock and Turlock Management Association – Public Safety, covering the period of July 1, 2018 through June 30, 2019 AND appropriate \$222,842 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 “General Fund” unallocated reserves due to the adoption of the Memorandum of Understanding with the Turlock Management Association – Public Safety, covering the period of 7/1/18-6/30/19 (*Jacobs-Hunter*)

**Recommended Action:**

Resolution: Rescinding Resolution No. 2017-300 and adopting a new Resolution approving the Memorandum of Understanding between the City of Turlock and Turlock Management Association – Public Safety, covering the period of July 1, 2018 through June 30, 2019

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**Resolution:** Appropriating \$222,842 to fiscal year 2018/2019 salary and benefit accounts from Fund 110 “General Fund” unallocated reserves due to the adoption of the Memorandum of Understanding with the Turlock Management Association – Public Safety, covering the period of 7/1/18-6/30/19

- C. Request to direct the City Manager to impose the adopted fee for Residential Street Closure Permits for applications associated with the 2018 National Night Out event OR direct the City Manager to fully subsidize the adopted Residential Street Closure Permit fee for applications associated with the 2018 National Night Out event through an appropriation from Fund 110 “General Fund” unallocated reserves AND appropriate \$520 to account number 110-10-112.47456 “National Night Out Street Closure” from Fund 110 “General Fund” unallocated reserves to fully subsidize the cost to applicants for Residential Street Closure Permits associated with the 2018 National Night Out event. (*Bray*)

***Recommended Action:***

Authorizing one of the following options:

**Option A:**

**Motion:** Directing the City Manager to impose the adopted fee for Residential Street Closure Permits for applications associated with the 2018 National Night Out event

OR

**Option B:**

**Motion:** Directing the City Manager to fully subsidize the adopted Residential Street Closure Permit fee for applications associated with the 2018 National Night Out event through an appropriation from Fund 110 “General Fund” unallocated reserves

**Resolution:** Appropriating \$520 to account number 110-10-112.47456 “National Night Out Street Closure” from Fund 110 “General Fund” unallocated reserves to fully subsidize the cost to applicants for Residential Street Closure Permits associated with the 2018 National Night Out event

**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. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department

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**10. 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.

**11. 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 August 14, 2018, unless otherwise specified by the Mayor or a majority of the Council.

**12. 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.

**13. 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. 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: Interim City Manager Robert A. Talloni

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 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, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.

- C. 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
- D. 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 Gary Soiseth  
Unrepresented Employee: City Attorney

**14. REPORTS FROM CLOSED SESSION**

**15. ADJOURNMENT**