

AMENDMENT NO. 1

Dated: April 20, 2018

City Council Agenda



APRIL 24, 2018

6:00 p.m.

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California



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

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. Recognition: Employee of the Month, March 2018 - Executive Administrative Assistant Public Safety Mary Sousa
 - B. Proclamation: Water Awareness Month, May 2018 and Drinking Water Week, May 6-12, 2018, accepted by Municipal Services Director Michael Cooke

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. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

B. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

C. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable:
 - a. State for the public record the nature of the communication; and
 - b. With whom the ex parte communication was made; and
 - c. A brief statement as to the substance of the communication.

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 3/22/18 in the amount of \$901,362.12;
- B. Motion: Accepting Minutes of the Regular Meeting of February 27, 2018
- C. Motion: Approving the Final Map and Subdivision Improvement Agreement with NHC Holdings, LLC, conditioned upon construction of improvements for the Monte Verde subdivision (Development Project No. 14-21), developed by Florsheim Homes
- D. Motion: Accepting the improvements and authorizing the City Engineer to file a Notice of Completion for "The Classics" Subdivision, Project No. 16-78
- E. Resolution: Rescinding Resolution No. 2017-306 and adopting amendments to the 2017-18 Municipal Budget, as specified in the resolution, to make the required appropriations in support of City Project No. 17-56 "Purchase of Five (5) Alternative Fuel Vehicles"
- F. Resolution: Initiating Proceedings for the formation of the Parcel Map 18-01 "Nazmi" (Development Project No. 18-23) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- G. Resolution: Amending the Fiscal Year 2017-18 Municipal Budget and appropriating \$15,000 to account number 307-40-460.43756 "Fee Nexus Study" from Fund 307 "North East Turlock Master Plan" unallocated reserves for City Project No. 18-32 "NETMP Fee Nexus Study Update"

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- H. Resolution: Adopting a revised Disadvantaged Business Enterprise (DBE) Program for the City of Turlock's transit services, in accordance with Federal Transit Administration (FTA) regulations, to reflect a change in the DBE Liaison Officer
- I. 1. Resolution: Determining the closure of South Broadway, between "A" Street and Market Street, for an event in association with Public Works Week 2018 hosted by the City of Turlock, 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
2. Resolution: Approving a Special Event Permit Application for an event in association with Public Works Week 2018 hosted by the City of Turlock, authorizing the associated closure of South Broadway, between "A" Street and Market Street for pedestrian safety, on Tuesday, May 22, 2018 from 4:00 p.m. to 7:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- J. 1. Resolution: Approving the purchase of a new Caterpillar Model DP55N1 12,000 lb. Capacity Tier 4 Final Compliant Diesel Pneumatic Tire Lift Truck from Holt of California, in an amount not to exceed \$66,507, for the Municipal Services Department (Fleet Maintenance Division) without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
2. Resolution: Appropriating \$42,226 to account number 506-00-000-223.51020 "Equipment Replacement" funded by transfers from the Fund 506 "Vehicle/Equipment Replacement" unallocated reserves for WQC, Parks, Rec & Public Facilities, Streets, Storm, and Landscape Assessments for the purchase of one (1) Caterpillar Model DP55N1 12,000 lb. capacity Tier 4 Final Compliant Diesel Pneumatic Tire Lift Truck for the Municipal Services Department from Holt of California
- K. Motion: Approving an Agreement between the City of Turlock and Linko Technology Inc. for the LinkoFOG and POM Portal software for pretreatment/FOG/Hauled waste programs, in an annual amount not to exceed \$5,345
- L. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Websoft Developers, Inc. for a Mobile Work Order Management Software System to modify the scope of work to include additional services for backflow and CCTV integration and increasing the total compensation by \$23,000
- M. 1. Motion: Approving an Agreement between the City of Turlock and TMC Shooting Range Specialists to conduct lead remediation services and remove and replace plywood baffling for the Police Firearms range
2. Resolution: Appropriating \$30,200 to account number 240-00-000.213.44030_054 "Minor Equipment PSF Repairs & Improvements" from Fund 240 "Small Equipment Replacement-Police Services" unallocated reserves
- N. Resolution: Rescinding Resolution No. 2017-018 and adopting the amended City of Turlock Anti-Drug and Alcohol Misuse Prevention Program Policy and Procedures
- O. Motion: Rejecting Claim for Damages filed by Deanna Stroup

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 to receive, consider, and confirm the account, report, and assessment list together with the expense and administrative charges for abatement costs proposed to be assessed against the property located at 323 Columbia Street and establishing a lien for payment. (*Gomez*)

Recommended Action:

Resolution: Receiving, considering, and confirming the account, report, and assessment list together with the expense and administrative charges for abatement costs proposed to be assessed against the property located at 323 Columbia Street and establishing a lien for payment

8. SCHEDULED MATTERS:

- A. Request to amend the City of Turlock Fiscal Year 2017/2018 and 2018/2019 General Fund Budget, funding augmentation requests as approved by the City Council with General Fund unallocated reserves. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2017/2018 and 2018/2019 General Fund Budget, funding augmentation requests as approved by the City Council with General Fund unallocated reserves

- B. Request to approve the renaming of the Turlock Regional Transit Center at 1418 North Golden State Boulevard in Turlock, California, and establish the Roger K. Fall Transit Center, in recognition of the many years of honorable public service of former City employee Roger Fall and his many contributions to transit in the community AND authorize the City Engineer, or his designee, to direct for the necessary minor changes to the design and construction of City Project No. 12-60C, "Turlock Regional Transit Center, Phase 2" to implement the specified changes to the building name sign, dedication plaque, site monument signs, and related items contingent on maintaining satisfactory project progress and the availability of budgeted transit funds. (*York*)

Recommended Action:

Resolution: Approving the renaming of the Turlock Regional Transit Center at 1418 North Golden State Boulevard in Turlock, California, and establishing the Roger K. Fall Transit Center, in recognition of the many years of honorable public service of former City employee Roger Fall and his many contributions to transit in the community

Motion: Authorizing the City Engineer, or his designee, to direct for the necessary minor changes to the design and construction of City Project No. 12-60C, "Turlock Regional Transit Center, Phase 2" to implement the specified changes to the building name sign, dedication plaque, site monument signs, and related items contingent on maintaining satisfactory project progress and the availability of budgeted transit funds

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- C. Request to affirm or modify the Community Events and Activities Grant Funding as submitted by the Parks, Arts, and Recreation Commission. (*Traini*)

Recommended Action:

Resolution: Affirming or modifying the Community Events and Activities Grant Funding as submitted by the Parks, Arts, and Recreation Commission

- D. Request to adopt a list of projects for Fiscal Year 2018-19 funded by SB 1 “The Road Repair and Accounting Act of 2017”. (*Picciano*)

Recommended Action:

Resolution: Adopting a list of projects for Fiscal Year 2018-19 funded by SB 1 “The Road Repair and Accounting Act of 2017”

- E. Request to appropriate \$240,000 to account number 110-10-108.43009 “Interim City Attorney Services” from Fund 110 “General Fund” unallocated reserves for Interim City Attorney services. (*Talloni*)

Recommended Action:

Resolution: Appropriating \$240,000 to account number 110-10-108.43009 “Interim City Attorney Services” from Fund 110 “General Fund” unallocated reserves for Interim City Attorney services

- F. Request to appropriate an additional \$17,500 to account number 120-10-120.47365 “Fireworks Event” from Fund 120 Tourism unallocated reserves to offset costs at the 2018 4th of July Fireworks Event held at California State University Stanislaus (CSUS), and authorize the City Manager to allocate co-sponsorship funds in the total amount of \$22,500 for the purchase of the fireworks OR direct staff not to increase the City of Turlock’s co-sponsorship funding level of \$5,000 appropriated from Fund 120 Tourism unallocated reserves for the 2018 4th of July Fireworks Event held at California State University Stanislaus resulting in the cancellation of the event. (*Soiseth/Junn*)

Recommended Action:

Adopting one of the following options to address the funding level for the 4th of July Fireworks Event:

Option A:

Resolution: Appropriating an additional \$17,500 to account number 120-10-120.47365 “Fireworks Event” from Fund 120 Tourism unallocated reserves to offset costs at the 2018 4th of July Fireworks Event held at California State University Stanislaus (CSUS), and authorizing the City Manager to allocate co-sponsorship funds in the total amount of \$22,500 for the purchase of the fireworks

OR

Option B:

Motion: Directing staff not to increase the City of Turlock’s co-sponsorship funding level of \$5,000 appropriated from Fund 120 Tourism unallocated reserves for the 2018 4th of July Fireworks Event held at California State University Stanislaus resulting in the cancellation of the 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
4. Fire Department
 - a. Public Safety Briefing (*Carlson*)
5. Municipal Services Department
 - a. Water Resources Update (*Cooke*)
6. Parks, Recreation and Public Facilities
7. Police Department
 - a. Public Safety Briefing (*Amirfar*)

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 June 12, 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 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: 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 Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.
- 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 Manager
- 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: Interim City Attorney Jose M. Sanchez
Unrepresented Employee: City Manager

14. **REPORTS FROM CLOSED SESSION**

15. **ADJOURNMENT**