

# City Council Agenda



**FEBRUARY 13, 2018**

**6:00 p.m.**

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



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Mayor  
**Gary Soiseth**

Council Members  
**William DeHart, Jr.**  
**Matthew Jacob**  
Vice Mayor  
**Amy Bublak**  
**Gil Esquer**

Interim City Manager  
**Robert A. Talloni**  
City Clerk  
**Jennifer Land**  
City Attorney  
**Phaedra A. Norton**

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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, January 2018 – City Clerk Jennifer Land
- B. Recognition: City of Turlock Police Department Employee Awards
- C. Proclamation: Black History Month – February 2018, accepted by NAACP Branch President Gladys Williams
- D. Appointment: Planning Commission – One Commissioner
- E. Appointment: Ad Hoc Committee – Implementing the final accepted report prepared by Meyers Nave related to the lease and activities at the Chamber Building and the Chamber's past and current obligations to the City of Turlock including the repayment agreement and the City's Centennial Celebration
- F. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

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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**

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 12/21/17 in the amount of \$2,786,455.70; Weekly Demands of 1/4/18 in the amount of \$876,325.53; Weekly Demands of 1/11/18 in the amount of \$1,379,065.99; Weekly Demands of 1/18/18 in the amount of 870,394.91; Monthly Demands of 7/31/17 in the amount of \$5,056,362.51;
- B. Motion: Accepting Minutes of the Regular Meeting of December 12, 2017; Minutes of the Special Meeting of January 8, 2018
- C. Motion: Accepting the post event reports for the Community Events and Activities Grants funding as set forth in "Exhibit A"
- D. Motion: Approving an Agreement with Condor Earth to update the California Accidental Release Prevention Risk Management Program (CalARP/RMP) for the City of Turlock Regional Water Quality Control Facility (TRWQCF), in an amount not to exceed \$24,900
- E. 1. Motion: Approving the Gomes Lake Joint Powers Agreement (JPA) for the Operation and Maintenance (O&M) of the Gomes Lake pumps and facilities for a term of fifty (50) years and granting the City Manager the authority to sign any documents relative to the Gomes Lake JPA  
2. Motion: Approving the Sub-agreement to the Gomes Lake Joint Powers Agreement (JPA) to authorize the Turlock Irrigation District (TID) to operate and maintain the Gomes Lake facilities
- F. Resolution: Authorizing the overhire of one (1) Laboratory Analyst in the City of Turlock Municipal Services Department due to the anticipated retirement of the incumbent on March 15, 2018
- G. Motion: Approving Amendment No. 2 to an Agreement with North Star Destination Strategies of Nashville Tennessee to develop marketing and branding strategies (including tourism) for the City of Turlock, extending the term of the agreement with no increase in cost
- H. Motion: Approving an Agreement between the City of Turlock and Turlock City Tow for vehicle tow services for City owned vehicles, in a total amount not to exceed \$16,000 for a period of twelve (12) months

- I. Motion: Approving an Agreement between the City of Turlock and Madruga Brothers Enterprises, Inc., DBA Fast Track Car Wash to provide express car wash services for City owned vehicles, in a total amount not to exceed \$12,000 for a period of twelve (12) months
- J. Resolution: Appropriating \$2,000 to account number 110-10-104.43152 "Contract-Elections" from Fund 110 "General Fund" unallocated reserves for election supplies and services and reducing the Fiscal Year 2018-19 budget by \$2,000
- K.
  1. Resolution: Determining City Project No. 18-26 "Taylor Road Irrigation Pipeline Replacement" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines
  2. Motion: Approving a Letter Agreement in the estimated amount of \$12,000 (Fund 217), with Turlock Irrigation District of Turlock, California, for City Project No. 18-26 "Taylor Road Irrigation Pipeline Replacement"
  3. Resolution: Appropriating \$19,000 to account number 217-50-511.51270 "Construction Project" from Fund 217 Section 2103 "Parks, Recreation, and Public Facilities Department Street Maintenance (Section 2103 Gas Tax)" unallocated reserves for City Project No. 18-26 "Taylor Road Irrigation Pipeline Replacement" to complete the necessary funding required for this project
- L. Motion: Rejecting Claim for Damages filed by Gerardo Carranza

**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 Order the improvements and formation of the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) 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 2017-2018 for the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128 (*Picciano*)

**Recommended Action:**

Resolution: Ordering the improvements and formation of the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) 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 2017-2018 for the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

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**8. SCHEDULED MATTERS**

- A. Request to determine the closure of sections of Broadway, between West Olive Avenue and North Front Street, for the Salvation Army to host the 2018 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 2018 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 17, 2018 at specified times, and authorizing 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 2018 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 2018 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 17, 2018 at specified times, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to issue a 2018 Sidewalk Sale Annual Permit to the Turlock Downtown Property Owners Association (TDPOA) to be used at their discretion for businesses operating within the PBID. (*Van Guilder*)

***Recommended Action:***

***Motion:*** Issuing a 2018 Sidewalk Sale Annual Permit to the Turlock Downtown Property Owners Association (TDPOA) to be used at their discretion for businesses operating within the PBID

- C. Request to approve the Raw Water Pump Station Phase 1 Project Construction Funding Agreement to fund the City's portion of Phase 1 of the Raw Water Pump Station Project for the Stanislaus Regional Water Authority Regional Surface Water Supply Project, and grant the City Manager the authority to sign any documents relative to the Raw Water Pump Station Phase 1 Project Construction Funding Agreement. (*Cooke*)

***Recommended Action:***

***Motion:*** Approving the Raw Water Pump Station Phase 1 Project Construction Funding Agreement to fund the City's portion of Phase 1 of the Raw Water Pump Station Project for the Stanislaus Regional Water Authority Regional Surface Water Supply Project, and granting the City Manager the authority to sign any documents relative to the Raw Water Pump Station Phase 1 Project Construction Funding Agreement

- D. Request to direct the mailer insert supporting the "Not In Our Community" Resolution to be included in the March 2018 utility bill. (*Talloni*)

***Recommended Action:***

***Resolution:*** Directing the mailer insert supporting the "Not In Our Community" Resolution to be included in the March 2018 utility bill

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- E. Request to authorize the City Manager to offer an employment signing bonus program for Lateral Police Officers and Lateral Public Safety Dispatchers in the amount of \$16,000 per lateral (upon successful employment, the lateral will receive the first \$11,000 bonus and on the fifth year anniversary of employment, the lateral will receive the remaining \$5,000 bonus) and authorize the City Manager to execute an employment signing bonus agreement approved as to form by the City Attorney. (*Amirfar*)

***Recommended Action:***

***Resolution:*** Authorizing the City Manager to offer an employment signing bonus program for Lateral Police Officers and Lateral Public Safety Dispatchers in the amount of \$16,000 per lateral (upon successful employment, the lateral will receive the first \$11,000 bonus and on the fifth year anniversary of employment, the lateral will receive the remaining \$5,000 bonus) and authorizing the City Manager to execute an employment signing bonus agreement approved as to form by the City Attorney

- F. Request to authorize the Chief of Police to engage in an overhire recruitment strategy of no more than two (2) sworn and two (2) non-sworn positions to fill anticipated vacancies within the Police Department. (*Amirfar*)

***Recommended Action:***

***Resolution:*** Authorizing the Chief of Police to engage in an overhire recruitment strategy of no more than two (2) sworn and two (2) non-sworn positions to fill anticipated vacancies within the Police Department

**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
  - a. Economic Development (*Pitt*)
3. Development Services Department
  - a. Capital Projects, Building Activity, & Transit (*Picciano*)
  - b. Measure L Planning (*Picciano*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
  - a. Community Pass Recreation Software Implementation (*Van Guilder*)
7. Police Department

**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 March 13, 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 Negotiator: Mayor Gary Soiseth  
Unrepresented Employee: City Manager

**B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8**

*"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."*

Property: Third and D Street, Turlock, California (NW portion of APN No. 043-049-055-000)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Jim and Julie Vieira  
Under Negotiation: Price and terms of payment for the purchase

**C. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8**

*"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."*

Property: Third and D Street, Turlock, California (NW portion of APN No. 043-049-055-000)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: JenJill Packaging, Inc.  
Under Negotiation: Price and terms of payment for the purchase

D. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)

*"For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally."*

Name of Case: Eddie Sanchez v. City of Turlock, and Does 1-30

Case No. 2028449

**14. ADJOURNMENT**