

# City Council Agenda



**MARCH 27, 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**  
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. Proclamation: Vietnam Veterans Day, accepted by Wardee Bruce - American Legion Post 88 Commander, Stanislaus Military Advisory Commission District 2 Member
  
3. **A. SPECIAL BRIEFINGS:** None

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**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 3/1/18 in the amount of \$496,639.16; Accepting Monthly Demands of 8/31/17 in the amount of \$1,038, 649.29
- B. Resolution: Appropriating \$175,000 to account number 215-50-511.51270 "Construction Project" from Fund 217 "Parks, Recreation, and Public Facilities Department Street Maintenance (Section 2103 Gas Tax)" unallocated reserves for City Project No. 10-47 "Preliminary Engineering for Various Road Rehabilitation" to complete the necessary funding required for this project
- C. Resolution: Approving Amendment No. 5 to the Agreement with Pires, Lipomi, and Navarro Architects, and extending the term of the agreement to December 31, 2018 for City Project No. 12-60B "Turlock Regional Transit Center Phase 2 Design and Master Plan"
- D. Motion: Accepting notification of Contract Change Order No. 2, in the amount of \$23,065.37, for City Project No. 12-60C "Turlock Regional Transit Center Phase 2," bringing the contract total to \$5,233,257.35
- E. Motion: Accepting improvements for City Project No. 17-28 "Building Demolition at 323 Columbia Street" and authorizing the City Engineer to file a Notice of Completion
- F.
  - 1. Resolution: Approving the Engineer's Report for the Parcel Map 17-02 "Turlock Corners LLC" (Development Project No. 17-63) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
  - 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Parcel Map 17-02 "Turlock Corners LLC" (Development Project No. 17-63) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- G.
  - 1. Resolution: Approving the Engineer's Report for the Parcel Map 17-03 "Scott" (Development Project No. 17-64) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
  - 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Parcel Map 17-03 "Scott" (Development Project No. 17-64) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area

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- H. 1. Resolution: Approving the Engineer's Report for the Parcel Map 17-04 "Kuo" (Development Project No. 17-65) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area  
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Parcel Map 17-04 "Kuo" (Development Project No. 17-65) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- I. 1. Resolution: Approving the Engineer's Report for the Parcel Map 17-05 "680 D Street LLC" (Development Project No. 17-67) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area  
2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the Parcel Map 17-05 "680 D Street LLC" (Development Project No. 17-67) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
- J. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors in November 2017 through January 2018 in the amount of \$1,166 in account number 270-61-635-399.37200\_000 "Donations General" to fund a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- K. Motion: Approving an Agreement with Badger Meter, Inc. dba National Meter & Automation for the purchase of all positive displacement residential and turbine water meters for the City of Turlock fixed network Automated Meter Reading system, in an annual amount not to exceed \$154,500
- L. Motion: Approving an Easement Agreement between the City of Turlock and the City of Modesto for the North Valley Regional Recycled Water Pipeline allowing Turlock to construct a portion of its recycled water pipeline on Modesto's property known as Jennings Road and Jennings Ranch
- M. Motion: Approving an Agreement between the City of Turlock and Embassy Consulting Services LLC, to provide three (3), eight (8) hour Crisis Intervention and Behavioral Health Trainings to members of the Turlock Police Department
- N. 1. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the first and second quarters of Fiscal Year 2017-18 in the amount of \$16,408.31 (monetary donations) and \$17,226.75 (in-kind donations) utilized in support of the City's Operation Blue Santa Program, Annual Public Safety Open House, and National Night Out Program  
2. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the second quarter of Fiscal Year 2017-18 in the amount of \$405 (monetary donations) utilized in support of the City's Volunteers in Police Services  
3. Resolution: Appropriating \$8,000 to account number 266-20-255-351.47157\_001 "Police Donations Expenses Operation Blue Santa" to be funded by revenue received in account number 266-20-255-351.37200\_003 "Donations Operation Blue Santa" and appropriating \$660 to account number 266-20-255-351.47157\_005 "Police Donations Expenses National Night Out" to be funded by revenue received in account number 266-20-255-351.37200\_005 "Donations National Night Out" and appropriating \$365 to account number 266-20-255-351.47157\_006 "Police Donations Expenses Public Safety Open House" to be funded by revenue received in account number 266-20-255-351.37200\_006 "Donations Public Safety Open House"
- O. Resolution: Authorizing the Purchasing Officer to dispose of surplus supplies and/or equipment as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j) and authorizing the City Manager, or his/her designee to direct the disposal of the surplus property by any means determined to be in the best interest of the City of Turlock

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- P. Resolution: Rescinding Resolution No. 2002-173 and approving an updated City-Wide Records Retention Schedule and authorizing the City Clerk to update the Retention Schedule on as needed basis

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS**

- A. Request to appropriate \$72,214 to account number 110-30-300.41001 "Full Time Salaries" and associated benefit accounts from Fund 110 "General Fund" unallocated reserves for the addition of three (3) new firefighter positions effective April 1, 2018 and amend the two (2) year budget to reflect the new staffing additions OR appropriate \$130,000 to account number 110-30-300.41100\_001 "Overtime Standard" from Fund 110 "General Fund" unallocated reserves to cover additional overtime costs for FY 2017-18 and increase the allocation in the FY 2018-19 budget by \$130,000 OR authorize the Fire Chief to reduce minimum daily staffing levels for the remainder of FY 2017-18 in order to adhere to the adopted budget. (*Carlson*)

***Recommended Action:***

Adopting one of the following options:

**OPTION A:**

Resolution: Appropriating \$72,214 to account number 110-30-300.41001 "Full Time Salaries" and associated benefit accounts from Fund 110 "General Fund" unallocated reserves for the addition of three (3) new firefighter positions effective April 1, 2018 and amending the two (2) year budget to reflect the new staffing additions

OR

**OPTION B:**

Resolution: Appropriating \$130,000 to account number 110-30-300.41100\_001 "Overtime Standard" from Fund 110 "General Fund" unallocated reserves to cover additional overtime costs for FY 2017-18 and increasing the allocation in the FY 2018-19 budget by \$130,000

OR

**OPTION C:**

Resolution: Authorizing the Fire Chief to reduce minimum daily staffing levels for the remainder of FY 2017-18 in order to adhere to the adopted budget

- B. Request to accept the City of Turlock Fire Department 2017 Annual Report. (*Carlson*)

***Recommended Action:***

Motion: Accepting the City of Turlock Fire Department 2017 Annual Report

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- C. Request to appropriate \$802,230 to salary and benefit accounts as detailed in Attachment "A" from each respective Fund's unallocated reserves as the result of adoption of tentative agreements with Turlock Associated Police Officers (TAPO), Turlock Management Association-Public Safety (TMAPS), Turlock City Employees Association (TCEA), Turlock Management Group, and Turlock Confidential Group for the period 7/1/17-6/30/18. (*Jacobs-Hunter*)

***Recommended Action:***

***Resolution:*** Appropriating \$802,230 to salary and benefit accounts as detailed in Attachment "A" from each respective Fund's unallocated reserves as the result of adoption of tentative agreements with Turlock Associated Police Officers (TAPO), Turlock Management Association-Public Safety (TMAPS), Turlock City Employees Association (TCEA), Turlock Management Group, and Turlock Confidential Group for the period 7/1/17-6/30/18

- D. Request to authorize the City Manager and City Attorney to finalize agreements with Vernon Construction & Roofing, Inc. to repair the roofs at Fire Stations 2 and 3 and direct the City Manager to execute all documents and agreements necessary for the roof repairs in forms approved by the City Attorney, in an amount not to exceed \$7,800 AND appropriate \$7,800 to account number 110-30-300.43120\_005 "Building Maintenance Repairs" from Fund 110 "General Fund" unallocated reserves for roof repairs at Fire Stations 2 and 3. (*Jacobs-Hunter*)

***Recommended Action:***

***Motion:*** Authorizing the City Manager and City Attorney to finalize agreements with Vernon Construction & Roofing, Inc. to repair the roofs at Fire Stations 2 and 3 and directing the City Manager to execute all documents and agreements necessary for the roof repairs in forms approved by the City Attorney, in an amount not to exceed \$7,800

***Resolution:*** Appropriating \$7,800 to account number 110-30-300.43120\_005 "Building Maintenance Repairs" from Fund 110 "General Fund" unallocated reserves for roof repairs at Fire Stations 2 and 3

- E. Request to approve the forgivable loan agreement, promissory note, regulatory agreement, and deed of trust with United Samaritans Foundation in the amount not to exceed \$ 175,000 for the rehabilitation of bathrooms for City Project 219 South Broadway and authorizing the City Manager to sign all documents required to effectuate the loan and complete this project on behalf of the City of Turlock AND award bid and approve a Construction Agreement with Gomez & Sons General Contractors Inc. or the lowest responsible bidder for City Project 219 South Broadway, Turlock, California, in the amount of \$109,870 AND appropriate \$75,000 to account number 255-41-485.47210\_006 "Housing Program Services Program Public Improvements" to be funded via a transfer from account number 255-41-485.47210\_001 "Housing Program Services Program Affordable Housing Development" to complete the necessary funding required for this project. (*Pitt*)

**Recommended Action:**

**Motion:** Approving the forgivable loan agreement, promissory note, regulatory agreement, and deed of trust with United Samaritans Foundation in the amount not to exceed \$ 175,000 for the rehabilitation of bathrooms for City Project 219 South Broadway and authorizing the City Manager to sign all documents required to effectuate the loan and complete this project on behalf of the City of Turlock

**Motion:** Awarding bid and approving a Construction Agreement with Gomez & Sons General Contractors Inc. or the lowest responsible bidder for City Project 219 South Broadway, Turlock, California, in the amount of \$109,870

**Resolution:** Appropriating \$75,000 to account number 255-41-485.47210\_006 "Housing Program Services Program Public Improvements" to be funded via a transfer from account number 255-41-485.47210\_001 "Housing Program Services Program Affordable Housing Development" to complete the necessary funding required for this project

**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
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department
  - a. Public Safety Briefing

**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.

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**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 May 8, 2018, unless otherwise specified by the Mayor or a majority of the Council.

- A. Request to provide direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Bublak for future consideration of every dead tree removed that additional lighting is installed in its place to address safety concerns AND provide direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Bublak for future consideration of establishment of an ordinance regarding a four (4) week department director rotation of the Interim City Manager position. (*Talloni*)

***Recommended Action:***

*Motion:* Providing direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Bublak for future consideration of every dead tree removed that additional lighting is installed in its place to address safety concerns

*Motion:* Providing direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Bublak for future consideration of establishment of an ordinance regarding a four (4) week department director rotation of the Interim City Manager position

- B. Request to provide direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Esquer for future consideration to conduct a one-time half-day Council retreat. (*Talloni*)

***Recommended Action:***

*Motion:* Providing direction to staff to consider whether staff time and City resources should be expended on the request of Councilmember Esquer for future consideration to conduct a one-time half-day Council retreat

**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.

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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: 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 Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.
- B. 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: (2 cases)

14. **ADJOURNMENT**