

City Council Agenda



JANUARY 23, 2018

6:00 p.m.

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



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

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 Year – 2017, Senior Accountant Julie Burke
- B. Appointment: Vice Mayor
- C. Appointment: Planning Commission – Two Commissioners
- D. Appointment: Parks, Arts and Recreation Commission – Four Commissioners
- E. Appointment: CDBG Grant Selection Committee (Community Members)
- F. Appointment: CDBG Grant Selection Committee (Council Representative)

3. **A. SPECIAL BRIEFINGS:** None

B. PUBLIC PARTICIPATION

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.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed 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 12/14/17 in the amount of \$1,017,014.32
- B. Motion: Accepting Minutes of the Special Meeting of December 12, 2017
- C. Motion: Approving Amendment No. 2 to an Agreement with Carollo Engineers for City Project No. 17-22 "North Valley Regional Recycled Water Pipeline," to extend the term through May 31, 2018
- D.
 1. Resolution: Approving the purchase of one (1) John Deere TX – California (Model Year 18) from Deere & Company for the Parks, Recreation and Public Facilities Department through the National Joint Powers Alliance Contract Grounds Maintenance Equipment, Attachments, Accessories 062117-DAC (PG NB), in the amount not to exceed \$9,600 without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
 2. Resolution: Appropriating \$9,600 to account number 506-00-000-372.51020 "Equipment Replacement" from Fund 506 unallocated reserves, for the purchase of one (1) John Deere TX – California (Model Year 18)
- E. Motion: Approving an Amendment to the Maintenance Agreement between the City of Turlock and HSQ Technology for maintenance service of the Telemetry software/hardware, increasing the compensation to an annual amount of \$46,992.00 to include parts
- F. Motion: Correcting the not to exceed compensation amount for the recently approved purchase of ten (10) PocketCitation handheld ticket writer devices by the City of Turlock Police Department to accurately reflect the sales tax
- G. Motion: Approving a Lease Agreement for nine (9) new Kyocera multifunctional copiers for various City offices through the Association of Education of Purchasing Agencies (AEPA) Contract No. IFB 017-B from US Bank Equipment Finance as the lessor, for a period of sixty-three (63) months, in the total amount of \$60,000 with a monthly cost of \$928.61, without compliance to the formal bid procedure in accordance with the Turlock Municipal Code 2-7-08(b)(5)

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- H.
 - 1. Motion: Approving an Agreement between the City of Turlock and Central Sanitary Supply, to purchase Janitorial Paper and Cleaning Supplies, in a total amount not to exceed \$20,000, for a period of twelve (12) months
 - 2. Motion: Approving an Agreement between the City of Turlock and Randik Paper Company, to purchase Janitorial Paper and Cleaning Supplies, in a total amount not to exceed \$15,000, for a period of twelve (12) months
 - I. Motion: Approving an Agreement with Alta Language Services to conduct language testing for City employees, in an annual amount not to exceed \$1,000
 - J.
 - 1. Resolution: Approving modifications to the job description for the position of Emergency Services Dispatcher I/II, effective January 23, 2018
 - 2. Resolution: Approving modifications to the job description for the position of Emergency Services Dispatcher Trainee, effective January 23, 2018
 - K. Resolution: Approving modifications to the job description for the position of Planning Manager, effective January 23, 2018
 - L. Resolution: Authorizing the Mayor or City Manager to approve individual agreements, subscriptions, print renewals, invoices, orders, or other documentation for the preservation and maintenance of the City Attorney's law library
 - M. Motion: Authorizing the Mayor to redirect \$4,500 from the Turlock Mayor's Award for Public Policy Research (Mayor's Award) balance, to fund the facilitator fee of Dr. Lynn Murphy, for the Roundtable Discussion on Inclusion and Diversity, co-hosted by Mayor Gary Soiseth, City of Turlock and President Ellen Junn, California State University Stanislaus scheduled for February 9, 2018

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 Monte Verde subdivision (Development Project No. 14-21) 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 Monte Verde subdivision (Development Project No. 14-21) 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 Monte Verde subdivision (Development Project No. 14-21) 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 Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

- B. Request to order the improvements and formation of the Fairbanks Ranch subdivision (Development Project No. 14-73) 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 Fairbanks Ranch subdivision (Development Project No. 14-73) 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 Fairbanks Ranch subdivision (Development Project No. 14-73) 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 Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

- C. Request to order the improvements and formation of the Les Chateaux subdivision (Development Project No. 14-76) 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 Les Chateaux subdivision (Development Project No. 14-76) 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 Les Chateaux subdivision (Development Project No. 14-76) 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 Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

- D. Request to establish a policy that the City of Turlock shall not provide written approval for any commercial cannabis applications referred to the City of Turlock by Stanislaus County. (*Quintero*)

Recommended Action:

Resolution: Establishing a policy that the City of Turlock shall not provide written approval for any commercial cannabis applications referred to the City of Turlock by Stanislaus County

8. **SCHEDULED MATTERS**

- A. Request to accept the 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. (*Quint*)

Recommended Action:

Motion: Accepting the 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

- B. Request to appropriate \$214,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriate \$71,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriate \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services. (*Eddy*)

Recommended Action:

Resolution: Appropriating \$214,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriating \$71,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriating \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services

- C. Request to appoint the Planning Division's Senior Planner to the position of Interim Planning Manager, utilizing savings from the vacancy of the Deputy Director of Development Services/Panning, effective February 1, 2018 (*Eddy*)

Recommended Action:

Resolution: Appointing the Planning Division's Senior Planner to the position of Interim Planning Manager, utilizing savings from the vacancy of the Deputy Director of Development Services/Panning, effective February 1, 2018

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. Turlock Transit Community Shuttle Pilot Program (*York*)
4. Fire Department
 - a. Public Safety Briefing (*Carlson*)

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5. Municipal Services Department
 - a. Groundwater Supply Update (Cooke)
 6. Parks, Recreation and Public Facilities
 7. Police Department
 - a. Public Safety Briefing (Amirfar)
 - b. Not in Our Community (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 February 27, 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 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

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 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)

D. 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

14. ADJOURNMENT