

# City Council Agenda



SEPTEMBER 13, 2016

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor  
Gary Soiseth

Council Members  
William DeHart, Jr.    Steven Nascimento  
Matthew Jacob        Amy Bublak  
Vice Mayor

City Manager  
Gary R. Hampton  
City Clerk  
Kellie E. Weaver  
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](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: National Childhood Cancer Awareness Month, accepted by Josephine Houlihan, Patrick Shields, Bella Gonsalves, and Destiny Herrera
- B. Presentation: Haven Beyond the Shelter, presented by Denise Hecht, Haven Center
- C. Appointment: Temporary (Ad Hoc) Advisory Audit Committee for the 2015-16 Fiscal Year financial audit process [Two (2) members of the City Council]

3. A. SPECIAL BRIEFINGS

- 1. CALIFORNIA STATE UNIVERSITY STANISLAUS  
Noriel Mostajo, Student Government Relations Coordinator

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## B. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Capital Projects and Building Activity (*Pitcock*)

## C. 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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

## B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

## C. 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 Demands of 8/11/16 in the amount of \$458,778.81; Demands of 5/31/16 in the amount of \$1,216,802.12
- B. Motion: Accepting Minutes of Special Meeting of August 9, 2016; Regular Meeting of August 9, 2016
- C. Motion: Approving Contract Change Order No. 1, in the amount of \$3,841 (Fund 301), for City Project No. 15-52 "Senior Center Ceiling Replacement," bringing the contract total to \$42,251
- D. Motion: Approving Contract Change Order No. 1, in the amount of \$4,200 (Fund 246) for City Project No. 15-64 "Slurry Seals 2016," bringing the contract total to \$677,206
- E.
  1. Resolution: Determining City Project No. 16-64 "Rube Boesch Center Fence Installation" is exempt from the provisions of California Environmental Quality Act (CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines
  2. Resolution: Accepting a monetary donation in the amount of \$10,000 from the Turlock Lions Club for the "Rube Boesch Center Fence Installation" project in accordance with Government Code Section 37354
  3. Motion: Awarding bid and approving an agreement, in the amount of \$21,534 (Fund 301), with All Steel Fence, Inc. of Lathrop, California, for City Project No. 16-64 "Rube Boesch Center Fence Installation"
  4. Resolution: Appropriating \$28,000 to account number 301-50-520.51300 "Construction Repairs/Improvements," to be funded from Fund 301 "Capital Improvement" Reserve Balance, for City Project No. 16-64 "Rube Boesch Center Fence Installation" to complete the necessary funding required for this project

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- F. Motion: Approving a Lien Agreement between the City of Turlock and Zandy Investments, LLC (owner of 2800 Paulson Road, Turlock, California) for deferred payment of Capital Facility Fees (CFF)
- G. 1. Resolution: Determining the Certified Farmers' Market located on City property, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15323 (Normal Operations of Facilities for Public Gatherings) and Section 15304(e) (Minor Alterations to Land) of the CEQA guidelines  
2. Motion: Approving Amendment No. 1 to the Revocable License Agreement between the City of Turlock and Golden State Farmers' Market Association for the operation, management and marketing of a certified farmers market located on City of Turlock property and designating Central Park located at 115 S. Golden State Blvd. as an additional license area
- H. Resolution: Approving an update to the City of Turlock Special Event Permit application, adopted fees, and proposed policies for event applications received on or after September 14, 2016 to include a Council policy reference regarding street closures
- I. Motion: Approving the Walk for Life event utilizing the public right-of-way (sidewalks), hosted by Turlock Pregnancy and Health Center, on Saturday, October 8, 2016 from 8:00 a.m. to 2:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event
- J. Motion: Approving the Move Your Bones 5k and 10K event utilizing the public right-of-way (sidewalks), to be held primarily at Donnelly Park, hosted by Turlock Triathlon Team/Club, on Sunday, October 30, 2016 from 7:00 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event
- K. Motion: Approving the Color Run event utilizing the public right-of-way (sidewalks) at Donnelly Park, hosted by Brown Elementary School PTA, on Saturday, November 5, 2016 from 8:00 a.m. to 1:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions to the event
- L. Motion: Authorizing issuance of Request for Proposal (RFP) No. 16-374 for on-call Hydrogeological Engineering Services, in an amount not to exceed \$500,000
- M. Motion: Awarding RFP No. 16-368 and Contract No. 16-101 to Polydyne of Riceboro, Georgia, for Cationic Emulsion Polymer for the Municipal Services Department, in an annual amount not to exceed \$106,936.20, having met all the specifications of RFP No. 16-368 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- N. Motion: Awarding RFP No. 16-358 and Contract No. 16-098 to Polydyne of Riceboro, Georgia, for Anionic Emulsion Polymer for the Municipal Services Department, in an annual amount not to exceed \$19,320.84, having met all the specifications of RFP No. 16-358 and being the lowest responsive and responsible bidder pursuant to Turlock Municipal Code Section 2-7-09(c)(5)
- O. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Integrity Municipal Systems, LLC for the purchase of Deionized Water (DI) mix, increasing the compensation from \$43,200 to \$43,878.63 to include sales tax during the term of the existing contract
- P. Resolution: Approving the relinquishment of a portion of the wastewater capacity reserved for Olivewood, LLC (aka D Street Foods) for the food processing facility located at 680 D Street, pursuant to Turlock Municipal Code Section 6-4-1113

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- Q. Resolution: Approving the purchase of six (6) replacement marked police vehicles and two (2) replacement unmarked police vehicles for the Turlock Police Department and one (1) replacement Fire Marshal vehicle for the Turlock Fire Department from Country Ford Trucks, Ceres, California, with all emergency equipment and aftermarket installation provided by LEHR Auto Electric & Emergency Equipment of Sacramento, California, in an amount not to exceed \$55,000 per vehicle and a total amount not to exceed \$495,000, from account number 506-00-000-213.51020 "Police Equipment Replacement" and account number 506-00-000-304.51020 "Fire Equipment Replacement," without compliance to the formal bid process in accordance with Turlock Municipal Code Section 2-7-08(b)(6) and declaring replaced vehicles surplus once replaced
- R. Motion: Awarding RFP No. 16-360 and Contract No. 16-108 to Harris Construction Cleanup for landscape maintenance and nuisance abatement services for the Turlock Fire Department Neighborhood Services Division, in an annual amount not to exceed \$20,000 and \$60,000 for a period of thirty-six (36) months, having met all the specifications of RFP No. 16-360 pursuant to Turlock Municipal Code Section 2-7-09(c)(5)(i)
- S. Resolution: Re-appropriating unspent funds of \$22,027 from Fiscal Year 2015-16 to account number 110-30-300.44030\_027 "Minor Equipment New Recruit Safety Gear" from Fund 110 "General Fund" reserve balance for the purchase of safety clothing and equipment
- T. Resolution: Re-appropriating unspent funds of \$1,346 from Fiscal Year 2015-16 to account number 110-30-300.44030\_017 "Minor Equipment Radio Equipment" from Fund 110 "General Fund" reserve balance for the purchase of one (1) BK VHF radio
- U. Resolution: Approving modifications to the job description for the position of Fire Battalion Chief, effective September 13, 2016
- V. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Champion Industrial Contractors, Inc. for preventive maintenance, filter change out and repair services for HVAC units for City owned and leased buildings, correcting the compensation from a total amount to an annual amount of \$35,000 during the term of the existing contract
- W. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Jorgensen Company, Inc. to provide annual portable fire extinguisher inspections and services, correcting the compensation from a total amount to an annual amount of \$15,428 during the term of the existing contract
- X. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Pacific Records Management to provide document destruction services for secure off-site and on-site shredding of confidential documents and other media (i.e. compact disks, film, negative, blueprints, microfiche, tapes transparencies, ribbons, etc.) as required by the various departments in need of secure destruction of sensitive information, correcting the compensation from a total amount to an annual amount of \$5,000 during the term of the existing contract
- Y. Resolution: Authorizing the release of unclaimed checks pursuant to California Government Code Sections 50050 and 50053 to the City of Turlock
- Z. Resolution: Rescinding Resolution No. 2014-112 and adopting an amended Conflict of Interest Code for the City of Turlock and the list of "Designated Employees" and their reporting categories for filing their Conflict of Interest Statement (Form 700)

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6. FINAL READINGS

A. ***Recommended Action:***

***Ordinance:*** Amending Turlock Municipal Code Title 4, Chapter 16, Article 1, Section 02, Subsection (A) regarding Cost Recovery Enforcement Authority; Title 5, Chapter 19, Article 1, "Title" Section regarding Adult Entertainment; Title 5, Chapter 19, Article 1, Section 01 regarding Adult Entertainment Purpose; Title 5, Chapter 19, Article 1, Section 02 regarding Adult Entertainment Performer Permit; Title 5, Chapter 19, Article 1, Section 04, Subsection (C) regarding Adult Entertainment Application Denial Authority; Title 6, Chapter 1, Article 1, Section 13, Subsections (B), (C), and (D) regarding Exceptions – Fancy, Racing and Sporting Pigeons; Title 6, Chapter 5, Article 4, Section 02 regarding Connection Fees; Title 7, Chapter 2, Article 2, Section 02, Subsection (A) regarding Street Improvements and Dedications Required; Title 8, Chapter 4, Section 16, regarding Fixing Questioned House and Building Numbering; Title 9, Chapter 1, Article 1, Section 11 regarding General Provision Rules for Interpretation; Title 9, Chapter 2, Article 1, Section 02, Subsection (C) regarding Adult Entertainment Location and Site Requirements; Title 9, Chapter 2, Article 1, Section 02, Subsection (F) regarding Regulations Special Provisions for Adult Business Permit Application; Title 9, Chapter 2, Article 1, Section 03, Subsection (C) regarding Affordable Housing Density Bonus Application Procedures, Title 9, Chapter 2, Article 1, Section 08, Subsection (A) regarding Exceptions to Height Limits in Any Residential District; Title 9, Chapter 2, Article 1, Section 25, Subsection (B)(1) regarding Cargo Containers Permit Requirements and Exceptions for Temporary Use; Title 9, Chapter 2, Article 5, Section 06, Subsection (K) regarding Sign Standards for Temporary Signs; Title 9, Chapter 3, Article 2, Section 02, regarding Residential Use District Classifications; Title 9, Chapter 3, Article 2, Section 03, regarding Residential Districts Property Development Regulations; Title 9, Chapter 3, Article 4, Section 03, regarding Industrial Districts Property Development Standards; Title 9, Chapter 3, Article 5, Section 03 regarding Public and Semi-Public Districts Property Development Regulations; Title 9, Chapter 4, Article 1, Section 07, Subsection (B) regarding Downtown Overlay Regulations for Industrial Residential Development Standards; Title 9, Chapter 4, Article 1, Section 08, Subsection (B) regarding Overlay District Regulations – Office Residential Development Standards; Title 9, Chapter 4, Article 2, Section 04, Subsection (C) regarding Nondiscretionary Emergency Shelter Permit Application Standards; Title 9, Chapter 4, Article 2, Section 05 "Introductory Paragraph" regarding Nondiscretionary Emergency Shelter Permit Application; Title 9, Chapter 5, Article 1, Section 12 regarding Administration Permit Applications, Hearings, Amendments and Special Appeals; Title 9, Chapter 5, Article 3, Section 10, Subsection (D) regarding Minor Administrative and Minor Discretionary Permits Building Review; Title 9, Chapter 5, Article 3, Section 15 regarding Minor Administrative and Minor Discretionary Permit Time Limits for Development of Property and Uses; Title 9, Chapter 5, Article 3, Section 17 regarding Minor Administrative and Minor Discretionary Permit Outdoor Dining Permit Required; Title 9, Chapter 5, Article 3, Section 18 regarding Minor Administrative and Minor Discretionary Permit Authority to Issue Outdoor Dining Permits; Title 9, Chapter 5, Article 3, Section 23, Subsection (A) regarding Minor Administrative and Minor Discretionary Permit Alcoholic Beverage Restrictions; Title 9, Chapter 5, Article 4, Section 04, Subsection (A) regarding Minor Exceptions – Findings – Special Circumstances; and Title 9, Chapter 5, Article 7, Section 09, Subsection (B) and (C) regarding Rezoning and Annexation Area Wide Planning Requirements as introduced at the August 9, 2016 meeting.

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- B. Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2016-02 (City Initiated)] to change the zoning designations for the following properties: 240 West Main Street and 120 Locust Street will be rezoned from CC to TC; 333 North Thor Street and 410 & 412 Wolfe Avenue will be rezoned from CC to OR; 355, 391, 401, 409, 415 & 427 East Olive Avenue will be rezoned from OR to DCT; 352, 400, 410, 440 East Olive Avenue and 190 North Thor Street will be rezoned from OR to DC; 143 Alaska Street will be rezoned from split CC/RM to RM; 825, 839, 857, 881, 901, 923, 943 West Main Street and 117 West Avenue North will be rezoned from split CC/RM to dual CC & RM; and 801 West Main Street will be rezoned from CC to a dual CC & RM as introduced at the August 9, 2016 meeting.

## 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 amend Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 entitled Garbage, Rubbish, and Organic Refuse to reflect correct fees/charges for property related solid waste services adopted by the City Council on October 27, 2015, as a result of a Proposition 218 process. (*Reynolds*)

***Recommended Action:***

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 01 entitled Garbage, Rubbish, and Organic Refuse to reflect correct fees/charges for property related solid waste services adopted by the City Council on October 27, 2015, as a result of a Proposition 218 process

## 8. SCHEDULED MATTERS

- A. Request to authorize issuance of Request for Proposal (RFP) No. 16-340 for Parks and Recreation Management Software System for the Parks, Recreation and Public Facilities Department. (*Schulze*)

***Recommended Action:***

Motion: Authorizing issuance of Request for Proposal (RFP) No. 16-340 for Parks and Recreation Management Software System for the Parks, Recreation and Public Facilities Department

- B. Request to determine the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Jesus Vive Retreat, 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; authorize the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Jesus Vive Retreat, from 7:00 a.m. Saturday, September 17, 2016 to 6:00 p.m. Sunday, September 18, 2016, and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

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**Recommended Action:**

Resolution: Determining the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Jesus Vive Retreat, 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: Authorizing the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Jesus Vive Retreat, from 7:00 a.m. Saturday, September 17, 2016 to 6:00 p.m. Sunday, September 18, 2016, and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- C. Request to determine the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Fatima, 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; authorize the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Fatima, from Saturday, October 1, 2016 at 7:00 a.m. through Monday, October 3, 2016 at 5:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

**Recommended Action:**

Resolution: Determining the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Fatima, 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: Authorizing the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Fatima, from Saturday, October 1, 2016 at 7:00 a.m. through Monday, October 3, 2016 at 5:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- D. Request to determine the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Guadalupe, 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; authorize the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Guadalupe, on Monday, December 12, 2016 from 9:00 a.m. to 10:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

**Recommended Action:**

Resolution: Determining the closure of Cooper Avenue, between Oak Street and Rose Street, for Sacred Heart Catholic Church to host the Feast of our Lady of Guadalupe, 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: Authorizing the closure of Cooper Avenue, between Oak Street and Rose Street for pedestrian safety, for Sacred Heart Catholic Church to host the Feast of Our Lady of Guadalupe, on Monday, December 12, 2016 from 9:00 a.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- E. Request to accept an allocation of funds, authorize the execution of a Grant Agreement and the commitments necessary to administer the 2016 Selective Traffic Enforcement Program (STEP) grant through the California Office of Traffic Safety in an amount not to exceed \$110,000, and appropriate said funds in the appropriate revenue and expenditure accounts in Fund 266 "Police Grants" Program 352 "OTS Step Grant" for Fiscal Year 2016-17. (*Amirfar*)

***Recommended Action:***

Resolution: Accepting an allocation of funds, authorizing the execution of a Grant Agreement and the commitments necessary to administer the 2016 Selective Traffic Enforcement Program (STEP) grant through the California Office of Traffic Safety in an amount not to exceed \$110,000, and appropriating said funds in the appropriate revenue and expenditure accounts in Fund 266 "Police Grants" Program 352 "OTS Step Grant" for Fiscal Year 2016-17

- F. Request to accept an allocation of funds, authorize the execution of a Grant Agreement for the Fiscal Year 2015 Assistance to Firefighters Grant (AFG) with the Department of Homeland Security (DHS) in the amount of \$21,637, and amend the 2016-17 budget for Fund 265 "Fire Grants" and Fund 110 "Fire Department Operations" to account for grant and required matching funds. (*Tallonì*)

***Recommended Action:***

Resolution: Accepting an allocation of funds, authorizing the execution of a Grant Agreement for the Fiscal Year 2015 Assistance to Firefighters Grant (AFG) with the Department of Homeland Security (DHS) in the amount of \$21,637, and amending the 2016-17 budget for Fund 265 "Fire Grants" and Fund 110 "Fire Department Operations" to account for grant and required matching funds

- G. Request to authorize issuance of Request for Proposal (RFP) No.16-373 for Economic Development Services for the City of Turlock; **AND/OR** authorize issuance of Request for Proposal (RFP) No. 16-377 for Marketing and Branding Services for the City of Turlock; **AND/OR** authorize issuance of Request for Proposal (RFP) No. 16-378 for Tourism Services for the City of Turlock. (*Pitt*)

***Recommended Action:***

Motion: Authorizing issuance of Request for Proposal (RFP) No.16-373 for Economic Development Services for the City of Turlock

**AND/OR**

Motion: Authorizing issuance of Request for Proposal (RFP) No. 16-377 for Marketing and Branding Services for the City of Turlock

**AND/OR**

Motion: Authorizing issuance of Request for Proposal (RFP) No. 16-378 for Tourism Services for the City of Turlock

- H. Request to approve Amendment No. 1 to the Memorandum of Understanding between the City of Turlock and Turlock Firefighters Local #2434, covering the period of July 1, 2014 through June 30, 2019, adopted by Resolution No. 2014-168 on October 14, 2014, amending Section 17:02 to add wildland boot reimbursement for Turlock Fire Department Strike Team “red card” holders only; appropriate \$10,500 to 110-30-300.44001\_97 “Supplies Wildland Boots” from Fund 110 “General Fund” reserve balance for implementation of wildland boot reimbursement. (*Jacobs-Hunter*)

***Recommended Action:***

***Motion:*** Approving Amendment No. 1 to the Memorandum of Understanding between the City of Turlock and Turlock Firefighters Local #2434, covering the period of July 1, 2014 through June 30, 2019, adopted by Resolution No. 2014-168 on October 14, 2014, amending Section 17:02 to add wildland boot reimbursement for Turlock Fire Department Strike Team “red card” holders only

***Resolution:*** Appropriating \$10,500 to 110-30-300.44001\_97 “Supplies Wildland Boots” from Fund 110 “General Fund” reserve balance for implementation of wildland boot reimbursement

**9. 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.

**10. 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 October 25, 2016, unless otherwise specified by the Mayor or a majority of the Council.

**11. 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.

**12. 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: (1 case)

**13. ADJOURNMENT**