

# City Council Agenda



**JULY 25, 2017**  
**6:00 p.m.**  
**City of Turlock Yosemite Room**  
**156 S. Broadway, Turlock, California**



\*\*and via teleconference:  
The Westin Nanea  
45 Kai Malina Parkway  
Lahaina, HI 96761  
Telephone No. 808-662-6300

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Mayor  
**Gary Soiseth**

Council Members  
**Matthew Jacob**  
**William DeHart, Jr.**  
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 - June 2017, Fire Captain Frank Saldivar  
B. Proclamation: National Night Out - August 1, 2017, accepted by Police Sergeant David Shaw

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

**B. STAFF UPDATES**

1. Pet of the Month (*Animal Control*)
2. Public Safety Briefing (*Amirfar/Carlson*)
3. Measure L Planning (*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 06/15/17 in the amount of \$783,133.65; Demands of 06/22/17 in the amount of \$1,234,967.51; Demands of 02/28/17 in the amount of \$1,523,787.72
- B. Motion: Accepting Minutes of Special Meeting of June 27, 2017; Minutes of Regular Meeting of June 27, 2017; Minutes of Special Meeting of July 6, 2017
- C. Motion: Approving Amendment No. 1 to an Agreement with Carollo Engineers of Walnut Creek, California, increasing the total compensation amount by \$36,498 (Fund 416) for City Project No. 17-22, "North Valley Regional Recycled Water Pipeline," bringing the contract total to \$1,184,959
- D. Motion: Reaffirming the declaration of emergency made by the City Manager and declaring there is a need to continue with the replacement of safety netting at Pedretti Park
- E. Motion: Authorizing issuance of Request for Proposal (RFP) No. 17-513 for planned maintenance services (Kohler Emergency Generator) at the City of Turlock Public Safety Facility
- F. Motion: Awarding Request for Proposal (RFP) No. 17-404 and approving an Agreement with Roadrunner Drilling & Pump Company, Inc. for Well Rehabilitation Services of Wells 28, 31, and 38 in a total amount not to exceed \$265,429 from Fund 420-52-550.43320 "Special Services/Projects"

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- G. *Motion*: Approving an Agreement between the City of Turlock and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn officers, dispatchers, and community service officers of the Turlock Police Department at no cost to the covered employee, for the period of July 1, 2017 through June 30, 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 Confirm Diagrams, Assessments, the Engineer's Report, and the Levy and Collection of Assessments as originally proposed for Fiscal Year 2017-18 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock pursuant to Resolution No. 97-128. (*Pitcock*)

**Recommended Action:**

*Resolution*: Confirming Diagrams, Assessments, the Engineer's Report, and the Levying and Collection of Assessments as originally proposed for Fiscal Year 2017-18 for all Landscaping and Lighting Assessment Districts and all Street Maintenance Benefit Assessment Areas in the City of Turlock pursuant to Resolution No. 97-128

- B. Request to add Turlock Municipal Code Title 8, Chapter 12 regarding expedited permitting procedures for electric vehicle charging stations AND adopt a checklist regarding expedited permitting procedures for electrical vehicle charging stations. (*Picciano*)

**Recommended Action:**

*Ordinance*: Adding Turlock Municipal Code Title 8, Chapter 12 regarding expedited permitting procedures for electric vehicle charging stations

*Resolution*: Adopting a checklist regarding expedited permitting procedures for electrical vehicle charging stations

8. **SCHEDULED MATTERS**

- A. Request to accept the Sports & Recreation Facilities Prioritization and Feasibility Study from The Sports Management Group. (*Schulze*)

**Recommended Action:**

*Resolution*: Accepting the Sports & Recreation Facilities Prioritization and Feasibility Study from The Sports Management Group

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- B. Request to award bid and approve an Agreement in the amount of \$18,068,000 (Fund 413) with CW Roen Construction of Danville, California, for construction of City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" AND approve an Agreement with Carollo Engineers of Walnut Creek, California in the amount of \$1,243,676 (Fund 413) for construction management services for City Project No. 15-39D "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" AND approve an Agreement with Kleinfelder, Inc. of Modesto, California in the amount of \$85,000 (Fund 413) for materials testing services for City Project No. 15-39E "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" AND appropriate \$2,020,676 as outlined in the Resolution to provide for the proper accounting for expenditures associated with City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" and approve the transfer of \$5,100,000 from Fund 410, Division 530 "WQC Operations" to complete the funding for this project. (Pitcock)

**Recommended Action:**

*Motion:* Awarding bid and approving an Agreement in the amount of \$18,068,000 (Fund 413) with CW Roen Construction of Danville, California, for construction of City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification"

*Motion:* Approving an Agreement with Carollo Engineers of Walnut Creek, California in the amount of \$1,243,676 (Fund 413) for construction management services for City Project No. 15-39D "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification"

*Motion:* Approving an Agreement with Kleinfelder, Inc. of Modesto, California in the amount of \$85,000 (Fund 413) for materials testing services for City Project No. 15-39E "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification"

*Resolution:* Appropriating \$2,020,676 as outlined in the Resolution to provide for the proper accounting for expenditures associated with City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" and approving the transfer of \$5,100,000 from Fund 410, Division 530 "WQC Operations" to complete the funding for this project

- C. Request to approve a Memorandum of Understanding (MOU) with Stanislaus Business Alliance (Opportunity Stanislaus) for Economic Development and Workforce Strategies for Fiscal Years 2017-2018 and 2018-2019. (Pitt)

**Recommended Action:**

*Motion:* Approving a Memorandum of Understanding (MOU) with Stanislaus Business Alliance (Opportunity Stanislaus) for Economic Development and Workforce Strategies for Fiscal Years 2017-2018 and 2018-2019

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**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 September 12, 2017, 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)

- 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

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- 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 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/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.

**13. ADJOURNMENT**