

# City Council Agenda



APRIL 10, 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**  
Interim City Attorney  
**Jose M. Sanchez**

**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 Telecommunications Week, April 8-14, 2018, accepted by Dispatch Supervisor Maribel Rodriguez and Lead Dispatcher Jennifer Hagar
- B. Proclamation: Animal Care and Control Appreciation Week, April 8-14, 2018, accepted by Animal Services Supervisor Glenna Jackson
- C. Proclamation: City of Turlock Volunteers, accepted by Human Resources Manager Sarah Eddy and Police Sergeant David Shaw
- D. Proclamation: Stanislaus County National Library Week; April 8-14, 2018, accepted by Stanislaus County Library Turlock Branch Librarian Diane Bartlett
- E. Proclamation: Arbor Day – April 25, 2018, accepted by Parks, Recreation and Public Facilities Director Allison Van Guilder and Dennis Earl Elementary Principal Laura Fong
- F. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

**3. A. SPECIAL BRIEFINGS**

**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 3/8/18 in the amount of \$263,760.07; Weekly Demands of 3/15/18 in the amount of \$1,756,284.09; Monthly Demands of 9/30/17 in the amount of \$2,050,624.77
- B. Motion: Accepting Minutes of the Regular Meeting of January 23, 2018; Minutes of the Special Meeting of February 6, 2018; Minutes of the Special Meeting of February 13, 2018; and Minutes of the Regular Meeting of February 13, 2018
- C. Resolution: Authorizing the Purchasing Officer to dispose of an Orion VII 35 foot transit bus destroyed in a February 2017 bus fire as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j)
- D. Motion: Approving a Lease Agreement for one (1) new Kyocera multifunctional copier for the Payroll Department 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 (60) months, in the total amount of \$4,067 with a monthly cost of \$66.44, without compliance to the formal bid procedure in accordance with the Turlock Municipal Code 2-7-08(b)(5)
- E. Motion: Rejecting Claim for Damages filed by Robert Vasquez

**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 approve the Fiscal Year 2018-19 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorize submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), approve funding for the Public Service Grant Program, and authorize the City Manager or designee to execute all related and necessary documents. (*Pitt*)

***Recommended Action:***

***Resolution:*** Approving the Fiscal Year 2018-19 Annual Action Plan for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), approving funding for the Public Service Grant Program, and authorizing the City Manager or designee to execute all related and necessary documents.

**8. SCHEDULED MATTERS**

- A. Request to determine City Project No. 15-65 "Monte Vista Avenue Widening Between Colorado Avenue and Berkeley Avenue" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines AND award bid and approve an Agreement in the amount of \$609,876.66 (Fund 307) with Taylor Backhoe Service, Inc., of Merced, California, for City Project No. 15-65 "Monte Vista Avenue Widening Between Colorado Avenue and Berkeley Avenue" AND appropriate \$626,100 to account number 307-40-455.51270 "Construction Project" to be funded from Fund 307 for City Project No. 15-65 "Monte Vista Avenue Widening between Colorado Avenue and Berkeley Avenue" to complete the necessary funding required for the project. (*Bray*)

***Recommended Action:***

***Resolution:*** Determining City Project No. 15-65 "Monte Vista Avenue Widening Between Colorado Avenue and Berkeley Avenue" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines

---

***Motion:*** Awarding bid and approving an Agreement in the amount of \$609,876.66 (Fund 307) with Taylor Backhoe Service, Inc., of Merced, California, for City Project No. 15-65 "Monte Vista Avenue Widening Between Colorado Avenue and Berkeley Avenue"

***Resolution:*** Appropriating \$626,100 to account number 307-40-455.51270 "Construction Project" to be funded from Fund 307 for City Project No. 15-65 "Monte Vista Avenue Widening between Colorado Avenue and Berkeley Avenue" to complete the necessary funding required for the project

- B. Request to extend the Adopted Fee Deferral Program for the Capital Facility Fees, Northwest Triangle Specific Plan, and Westside Industrial Specific Plan Impact Fees for an additional twenty-four (24) months AND approve a Lien Agreement for deferred payment of Development Impact Fees between the City of Turlock and JB Petro Inc. (Owner of 2800 Fulkerth Road, Turlock CA 95382). (*Picciano*)

***Recommended Action:***

***Resolution:*** Extending the Adopted Fee Deferral Program for the Capital Facility Fees, Northwest Triangle Specific Plan, and Westside Industrial Specific Plan Impact Fees for an additional twenty-four (24) months

***Motion:*** Approving a Lien Agreement for deferred payment of Development Impact Fees between the City of Turlock and JB Petro Inc. (Owner of 2800 Fulkerth Road, Turlock CA 95382)

- C. Request to approve the purchase and delivery of six (6) replacement marked Police vehicles, two (2) replacement Admin vehicles, and one (1) replacement Detective vehicle from Downtown Ford Sales, Sacramento, California, through the City of Sacramento Contract No. C2016-0531 in a total amount not to exceed \$300,000 from account number 506-00-000-213.51020 "Police Equipment Replacement" without compliance to the formal bid process in accordance with Turlock Municipal Code Sections 2-7-08(b)(5) and 2-7-08(b)(6) and declare replaced vehicles surplus once replaced AND approve the purchase and delivery of one (1) replacement Community Service Officer (CSO) Vehicle from McAuley Ford, Patterson, California in a total amount not to exceed \$27,000 from account number 506-00-000-213.51020 "Police Equipment Replacement" without compliance to the formal bid process in accordance with Turlock Municipal Code Section 2-7-08(b)(6) and declare the replaced vehicle surplus once replaced. (*Amirfar*)

***Recommended Action:***

***Resolution:*** Approving the purchase and delivery of six (6) replacement marked Police vehicles, two (2) replacement Admin vehicles, and one (1) replacement Detective vehicle from Downtown Ford Sales, Sacramento, California, through the City of Sacramento Contract No. C2016-0531 in a total amount not to exceed \$300,000 from account number 506-00-000-213.51020 "Police Equipment Replacement" without compliance to the formal bid process in accordance with Turlock Municipal Code Sections 2-7-08(b)(5) and 2-7-08(b)(6) and declaring replaced vehicles surplus once replaced

***Resolution:*** Approving the purchase and delivery of one (1) replacement Community Service Officer (CSO) Vehicle from McAuley Ford, Patterson, California in a total amount not to exceed \$27,000 from account number 506-00-000-213.51020 "Police Equipment Replacement" without compliance to the formal bid process in accordance with Turlock Municipal Code Section 2-7-08(b)(6) and declaring the replaced vehicle surplus once replaced

**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
3. Development Services Department
  - a. Building Activity, Capital Projects, Transit, and Measure L Planning

- 
4. Fire Department
    - a. Fire Prevention Division
  5. Municipal Services Department
  6. Parks, Recreation and Public Facilities
  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 May 22, 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: 225 Third Street, Turlock, CA (APN No. 043-049-050)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Samir and Janet Esho  
Under Negotiation: Price and terms of payment for the purchase of real property
- 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: 1082 Lander Avenue, Turlock, CA (APN No. 043-003-002)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: RJ Company, LLC  
Under Negotiation: Price and terms of payment for the purchase of real property

- 
- 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: 407 South Tegner Road, Turlock, CA (APN No. 044-003-018)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Prospector, LLC  
Under Negotiation: Price and terms of payment for the purchase of real property
- D. 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: 3325 West Main Street, Turlock, CA (APN No. 089-010-006)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Robert R. Garcia  
Under Negotiation: Price and terms of payment for the purchase of real property
- E. 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: 3031 West Main Street, Turlock, CA (APN No. 089-012-008)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Ronald A. and Debbie Fisher  
Under Negotiation: Price and terms of payment for the purchase of real property
- F. 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: 3131 West Main Street, Turlock, CA (APN No. 089-012-010)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Ronald A. and Debbie Fisher  
Under Negotiation: Price and terms of payment for the purchase of real property
- G. 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: 3012 West Main Street, Turlock, CA (APN No. 044-005-001)  
Agency Negotiator: Interim City Manager Robert A. Talloni  
Negotiating Parties: Richard D. and Judith G. Mello  
Under Negotiation: Price and terms of payment for the purchase of real property

- 
- H. 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.
- I. 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)

**14. REPORTS FROM CLOSED SESSION**

**15. ADJOURNMENT**