

# City Council Agenda



**FEBRUARY 27, 2018**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**156 S. Broadway, Turlock, California**



\*\*and via teleconference:  
W Hotel Washington DC  
515 15<sup>th</sup> Street NW  
Washington, DC 20004  
Telephone No. 202-661-2400

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Mayor  
**Gary Soiseth**

Council Members

**William DeHart, Jr.**

**Amy Bublak**

**Matthew Jacob**

**Gil Esquer**

Vice Mayor

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. Proclamation and Recognitions: Go Green Week, March 12 - March 16, 2018

B. Appointment: Ad Hoc Committee – Campaign Disclosure Requirements and Campaign Statement Filing

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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 2/1/18 in the amount of \$799,514.28; Weekly Demands of 2/8/18 in the amount of \$664,797.96
- B. Motion: Accepting Minutes of the Regular Meeting of January 9, 2018; Minutes of the Special Meeting of January 23, 2018
- C. Motion: Approving Amendment No. 2 to an Agreement with CTC, Inc. of Fort Worth, Texas, for engineering consulting services for railroad preemption for City Project No. 14-28 "Intersection Improvements at Golden State Blvd. and Fulkerth Rd" and increasing the total compensation in the amount of \$1,000
- D. Resolution: Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for City Project No. 16-60 "Linwood Avenue ATP Improvements" based upon the evidence and analysis contained in the Initial Study and finding revisions have been made to the Project to avoid or mitigate potential new or significant effects to a point where clearly no significant effects would occur pursuant to Public Resources Code Sections 21080(c)(2) and California Environmental Quality Act Section 15168(c)(1)
- E. Resolution: Amending the Fiscal Year 2017-18 Municipal Budget and appropriating \$11,400 to account number 217-50-511.44001\_136 "Supplies Signs" from Fund 217 "Parks, Recreation, and Public Facilities Department Street Maintenance (Gas Tax)" unappropriated reserves for the purchase of signs, delineators, and other traffic control devices
- F.
  1. Resolution: Determining the purchase and installation of electronic farebox equipment in support of transit service, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines
  2. Resolution: Approving future sole source procurements from SPX Genfare of Elk Grove Village, Illinois, for farebox related equipment, materials, and supplies, without compliance to bidding requirements in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code, contingent on availability of budgeted funds

- G. Motion: Approving an Agreement with Condor Earth to update the California Accidental Release Prevention Risk Management Program (CalARP/RMP) for the City of Turlock Regional Water Quality Control Facility (TRWQCF), in an amount not to exceed \$24,900
- H. Motion: Approving Amendment No. 1 to a Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc. for On-Call Hydrogeological Engineering Services to modify the scope of work to include additional services for well rehabilitation, test holes, and monitoring wells as needed
- I. Resolution: Appropriating \$50,000 to account number 217-50-511.47322 “Street Light & Traffic Signal Repairs & Maintenance” funded by a transfer from Fund 217 “Streets – Gas Tax” unallocated reserves for the purchase of traffic signal parts
- J. Resolution: Approving the purchase and delivery of six (6) replacement marked Police vehicles, one (1) replacement CSO vehicle, one (1) replacement VIPS vehicle, one (1) replacement Cadet vehicle, one (1) replacement Animal Control vehicle caged, two (2) replacement Admin vehicles, and one (1) replacement Detective vehicle from Downtown Ford Sales, Sacramento, California, through the State of California Contract No. 1-16-23-10A, 1-16-23-20A, and 1-16-23-23A in a total amount not to exceed \$564,280.00 and approving the purchase and delivery of one (1) replacement Detective vehicle from Elk Grove Auto Group in Elk Grove, California, through the State of California Contract No. 1-16-23-10B, in a total amount not to exceed \$38,760.00, 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 replaced vehicles surplus once replaced
- K. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock and the Stanislaus County Behavioral Health and Recovery Services Agency (BHRS) for the creation of a Homeless Engagement Multi-Disciplinary Team (HEMDT)
- L. Motion: Approving a Memorandum of Understanding (MOU) and Vehicle Use Agreement between the City of Turlock and the Federal Bureau of Investigations Stockton/Modesto Safe Street Task Force to delineate responsibilities, formalize relationships, and maximize inter-agency cooperation
- M. Resolution: Approving modifications to the job description for the position of City Clerk, effective February 27, 2018
- N. Motion: Rejecting Claim for Damages filed by John Eisavi

**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.

*Public Hearing Item 7A was continued from the February 13, 2018 City Council meeting.*

- A. Request to order the improvements and formation of the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) 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 Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128. (*Picciano*)

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**Recommended Action:**

**Resolution:** Ordering the improvements and formation of the Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) 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 Parcel Map 16-04 Chevron/Mirage (Development Project No. 16-69) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128

**8. SCHEDULED MATTERS**

- A. Request to approve Contract Change Order No. 1 in the amount of \$9,775 for City Project No. 17-28 "Building Demolition at 323 Columbia Street," bringing the contract total to \$107,575. (*Picciano*)

**Recommended Action:**

**Motion:** Approving Contract Change Order No. 1 in the amount of \$9,775 for City Project No. 17-28 "Building Demolition at 323 Columbia Street," bringing the contract total to \$107,575

- B. Request to accept a grant from Game Time as part of the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative, in the amount of \$30,874.50 for the Summerfaire Park playground replacement project and authorizing the Mayor or City Manager to execute all documents associated with the grant funds. (*Van Guilder*)

**Recommended Action:**

**Resolution:** Accepting a grant from Game Time as part of the 2017 California Parks & Recreation Society State-Wide Healthy Play Training and Funding Initiative, in the amount of \$30,874.50 for the Summerfaire Park playground replacement project and authorizing the Mayor or City Manager to execute all documents associated with the grant funds

- C. Request to determine the closure of Johnson Road, between the Julien Elementary School parking lot and Charles Place, for the Turlock American Little League to host the 2018 Little League Opening Ceremonies, 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 AND approve a Special Event Permit Application for the 2018 Little League Opening Ceremonies hosted by the Turlock American Little League, authorize the associated closure of Johnson Road, between the Julien Elementary School parking lot and Charles Place for pedestrian safety, on Saturday, March 3, 2018 from 7:30 a.m. to 11:00 a.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure. (*Traini*)

**Recommended Action:**

**Resolution:** Determining the closure of Johnson Road, between the Julien Elementary School parking lot and Charles Place, for the Turlock American Little League to host the 2018 Little League Opening Ceremonies, 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:** Approving a Special Event Permit Application for the 2018 Little League Opening Ceremonies hosted by the Turlock American Little League, authorizing the associated closure of Johnson Road, between the Julien Elementary School parking lot and Charles Place for pedestrian safety, on Saturday, March 3, 2018 from 7:30 a.m. to 11:00 a.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- D. Request to determine the closure of North First Street [between West Main Street and "A" Street], West Main Street [between the Union Pacific Railroad Tracks and Market Street], and North Broadway [between West Main Street and North Front Street], for the Assyrian American Civic Club of Turlock to host the Assyrian New Year Parade, 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 AND approve a Special Event Permit Application for the Assyrian New Year Parade hosted by the Assyrian American Civic Club of Turlock, authorize the associated closure of North First Street [between West Main Street and "A" Street], West Main Street [between the Union Pacific Railroad Tracks and Market Street], and North Broadway [between West Main Street and North Front Street] for pedestrian safety, on Saturday, March 24, 2018 from 8:00 a.m. to 12:00 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 North First Street [between West Main Street and "A" Street], West Main Street [between the Union Pacific Railroad Tracks and Market Street], and North Broadway [between West Main Street and North Front Street], for the Assyrian American Civic Club of Turlock to host the Assyrian New Year Parade, 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:** Approving a Special Event Permit Application for the Assyrian New Year Parade hosted by the Assyrian American Civic Club of Turlock, authorizing the associated closure of North First Street [between West Main Street and "A" Street], West Main Street [between the Union Pacific Railroad Tracks and Market Street], and North Broadway [between West Main Street and North Front Street] for pedestrian safety, on Saturday, March 24, 2018 from 8:00 a.m. to 12:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

**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 (*Carlson*)

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

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- B. Public Employee Performance Evaluation, 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 of a public employee.*  
Title: City Attorney
- 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 Negotiator: Mayor Gary Soiseth  
Unrepresented Employees: City Attorney
- D. 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. ADJOURNMENT**