

# City Council Agenda



**MARCH 13, 2018**

**6:00 p.m.**

**City of Turlock Yosemite Room**

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



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

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**

**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, February 2018 – Senior Information Technology Analyst, Luis Machado

B. Proclamation: Assyrian New Year, accepted by a Member of the Assyrian National Council of Stanislaus

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- C. Presentation: Pet of the Month, presented by Animal Services Officer Carrie Rhodes
  - D. Presentation: Carnegie Arts Center Annual Report, presented by Carnegie Arts Center Director Lisa McDermott

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

**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 2/15/18 in the amount of \$908,769.97; Weekly Demands of 2/22/18 in the amount of \$1,411,875.18
- B.
  1. Motion: Approving Contract Change Order No. 1 (Final), in the amount of \$11,370.30 (Fund 301), for City Project No. 14-40 "Curb Ramp Installation at Various Locations," bringing the contract total to \$70,890.30
  2. Motion: Accepting improvements for City Project No. 14-40 "Curb Ramp Installation at Various Locations" and authorizing the City Engineer to file a Notice of Completion
  3. Resolution: Appropriating \$9,500 to account number 301-50-520.51304 "ADA Construction Projects" from Fund 301 "Capital Improvements (ADA Improvements)" unallocated reserves for City Project No. 14-40 "Curb Ramp Installation at Various Locations" to complete the necessary funding required for this project
- C. Motion: Approving the Final Map and Subdivision Improvement Agreement with NHC Holdings, LLC, conditioned upon construction of improvements for the Monte Verde subdivision (Development Project No. 14-21), developed by Florsheim Homes
- D. Resolution: Initiating Proceedings for the formation of the Parcel Map 17-02, "Turlock Corners LLC" (Development Project No. 17-63) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- E. Resolution: Initiating Proceedings for the formation of the Parcel Map 17-03, "Scott" (Development Project No. 17-64) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development

- F. Resolution: Initiating Proceedings for the formation of the Parcel Map 17-04, "Kuo" (Development Project No. 17-65) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- G. Resolution: Initiating Proceedings for the formation of the Parcel Map 17-05, "680 D St. LLC" (Development Project No. 17-67) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- H. Motion: Authorizing the City Manager to sign a letter of support regarding California Senate Bill (SB) 903, as introduced by Senator Cannella (R-Ceres), which would allow the Stanislaus Council of Governments (StanCOG) to consider population density in establishing fare recovery standards for all transit operators in Stanislaus County and provide up to a 5% reduction to the otherwise applicable standards, with the legislation proposed to apply to FY 2017-18 transit operations
- I. Resolution: Approving modifications to the job description for the position of Maintenance Worker I/II, effective March 13, 2018
- J.
  1. Motion: Approving a Professional Services Agreement between the City of Turlock and West Yost Associates for engineering services support for the integration of surface water from the Stanislaus Regional Water Authority's (SRWA's) Regional Surface Water Supply Project (RSWSP) into the City of Turlock's local water distribution system, on an as-needed basis, in an amount not to exceed \$82,500
  2. Resolution: Appropriating \$82,500 to account number 420-52-550.43315 "Stanislaus Regional Water Authority" funded by a transfer from 420 "Water Enterprise" Operating Reserves for engineering support services
- K. Motion: Rejecting Claim for Damages filed by Nathan Bollengier

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS**

- A. Request to approve the purchase and delivery of two (2) Champion Low-Floor (LF) Transport buses for use by Turlock Transit from Creative Bus Sales, Inc., of Hayward, California, through the California Association for Coordinated Transportation (CalACT) and the Morongo Basin Transit Authority (MBTA) Purchasing Cooperative, to which the City of Turlock is a cooperative member, in an amount not to exceed \$294,343 (Fund 425), without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(5), in support of City Project No. 18-24 "Purchase of Midsize Paratransit Buses" AND authorize the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and warranty repair services from Creative Bus Sales of Hayward, California, related to transit vehicles purchased from Creative Bus Sales and contingent on availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6) AND authorize the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and warranty repair services from A-Z Bus Sales of Sacramento, California, related to transit vehicles purchased from A-Z Bus

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Sales and contingent on availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6). (*York*)

***Recommended Action:***

***Resolution:*** Approving the purchase and delivery of two (2) Champion Low-Floor (LF) Transport buses for use by Turlock Transit from Creative Bus Sales, Inc., of Hayward, California, through the California Association for Coordinated Transportation (CalACT) and the Morongo Basin Transit Authority (MBTA) Purchasing Cooperative, to which the City of Turlock is a cooperative member, in an amount not to exceed \$294,343 (Fund 425), without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(5), in support of City Project No. 18-24 "Purchase of Midsize Paratransit Buses"

***Resolution:*** Authorizing the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and warranty repair services from Creative Bus Sales of Hayward, California, related to transit vehicles purchased from Creative Bus Sales and contingent on availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6)

***Resolution:*** Authorizing the City Manager, or his/her designee, to obtain transit bus-related equipment, installation, maintenance, and warranty repair services from A-Z Bus Sales of Sacramento, California, related to transit vehicles purchased from A-Z Bus Sales and contingent on availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6)

- 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 amend the existing policies, procedures, and standards for administering the Housing Rehabilitation Program Policies and Procedures Manual by the City of Turlock for all funding sources and delegating authority to the City Manager to approve exceptions to increases in program loan and grant limits. (*Pitt*)

***Recommended Action:***

***Resolution:*** Amending the existing policies, procedures, and standards for administering the Housing Rehabilitation Program Policies and Procedures Manual by the City of Turlock for all funding sources and delegating authority to the City Manager to approve exceptions to increases in program loan and grant limits

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- D. Request to accept the report on the current condition and maintenance challenges of the Califia sculpture and provide direction to staff, if any. (*Van Guilder*)

**Recommended Action:**

**Motion:** Accepting the report on the current condition and maintenance challenges of the Califia sculpture and providing direction to staff, if any

**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. Capital Projects, Building Activity, & Transit (*Picciano*)
  - b. Measure L Planning (*Picciano*)
4. Fire Department
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 April 24, 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.

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**13. CLOSED SESSION**

*Closed Session Items 13B and 13C were heard at the February 27, 2018 City Council meeting. Upon conclusion of that meeting, it was discovered that an inadvertent clerical error had been made related to the teleconference location listed on the agenda. Out of an abundance of caution, to cure any potential issues arising from the clerical error, these Closed Session items are being presented to the Council for discussion, deliberation, and decision.*

- 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. 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.
- 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 Employee: City Attorney

**14. ADJOURNMENT**